City & Borough of Juneau, Alaska
155 Heritage Way Juneau, AK 99801

Plan NO.: ***AME20260002***
Plan Type: **PL - AME - Zone Change**
Work Classification: **AME - Zone Change - Commission**
Plan Status: **In Review**
Apply Date: **07/29/2026**
Expiration: **[None Listed]**

Location Address

3240 TONGASS BLVD 4A, JUNEAU, AK 99801

Parcel Number

5B2101440014

Contacts

Tyler Bradshaw, PND Engineers **Applicant**	Jay Larson, CDD Permit Center **CBJ**
9360 Glacier Hwy Ste 100 Ste 100, Juneau, AK 99801-7012	230 S Franklin St, Juneau, AK 99801
(907) 586-2093 tbradshaw@pndengineers.com	(907) 586-0770 jason.larson@juneau.org
SCOTT b JENSEN, silverbay park llc **Owner**	
, JUNEAU, AK 99803	
(907) 209-4644 lyleshf@aol.com	

Description: A Zone Change Application for Silver Bay Park, Lot 7, Parcel ID 5B2101440014 from D5 to D15.

Fees	Amount
Zone Change Fee	600.00
Public Notice Sign Deposit	100.00
Public Notice Sign Fee	50.00
Total:	**$750.00**

Payments	Amt Paid
Total Fees	**$750.00**
Credit Card	$600.00
Amount Due:	**$150.00**

Additional Information:

Note: *Only answered questions are listed below. For a full view of all application questions see Civic Access More Info Tab:*

https://cityandboroughofjuneauak-energovweb.tylerhost.net/apps/selfservice#/plan/4ad7dfb0-27ef-47c7-9c77-630475c644ea?tab=moreinfo

[No Responses Provided]

PND ENGINEERS, INC.

Silver Bay Park Rezoning Application

Silver Bay Park Subdivision
Juneau, Alaska

July 29, 2026

PND Project #252102

9360 Glacier Hwy., Suite 100 · Juneau, Alaska 99801 · Phone 907.586.2093 · Fax 907.586.2099

TABLE OF CONTENTS

1.0 **Engineer's Letter**

2.0 **Owner Authroization Letter**

3.0 **Application Narrative**

4.0 **Rezoning Plan Drawings**

5.0 **Pre-Application Conference Report**

1.0 Engineer's Letter

PND ENGINEERS, INC.

July 29, 2026 PND No. 252102

CBJ Planning Division
City and Borough of Juneau Community Development Dept.
155 Heritage Way, Juneau, AK 99801

Re: 3240 Tongass Boulevard, Rezone Application

Dear CBJ Planning Division,

Scott Jensen (Property Owner), is proposing to rezone the 9.04 acre land parcel 5B210-144-0014 (Silver Bay Park) located at the 3200 block of Tongass Blvd between Hayes Way and Marilyn Ave, from D5 to D15. On behalf of Scott Jensen, I am requesting your review and approval of the proposed rezoning application submitted herewith. With this letter I am submitting the following for your review:

1. Owner Authorization Letter
2. Application Narrative
3. Rezoning Plan Drawings
4. Pre-Application Conference Report

Plan review fees will be sent separately from Scott Jensen once the appropriate fee is determined by the department.

Please contact me if you have any questions or require further information.

Sincerely,
PND Engineers, Inc. | Juneau Office

Tyler Bradshaw, P.E. | Principal Engineer

2.0 Owner Authorization letter

July 29, 2026

PND No. 252102

CBJ Planning Division
City and Borough of Juneau Community Development Dept.
155 Heritage Way, Juneau, AK 99801

Re: 3240 Tongass Boulevard, Rezone Application, Owner Authorization Letter

Dear CBJ Planning Division,

I am proposing to rezone my property, Silver Bay Park, Lot 7, Parcel ID 5B2101440014 from D5 to D15. With this letter, I hereby authorize PND Engineers to on my behalf as agent to apply for the rezone and correspond with CBJ throughout the application and rezoning process.

Sincerely,

Scott Jensen, Owner, Silver Bay Park 11c
managing member

3.0 Application Narrative

Silver Bay Park Subdivision Rezoning Application Narrative

1. General Information

a. Owner: Scott Jensen, PO Box 33962, Juneau, AK 99803

Owner Contact: Scott Jensen, lyleshf@aol.com

b. Application Prepared by PND Engineers, Juneau, AK

Application Contact: Tyler Bradshaw, P.E., PND Engineers, 907.586.2093

c. Location: 3200 Block Tongass Boulevard, Juneau Alaska

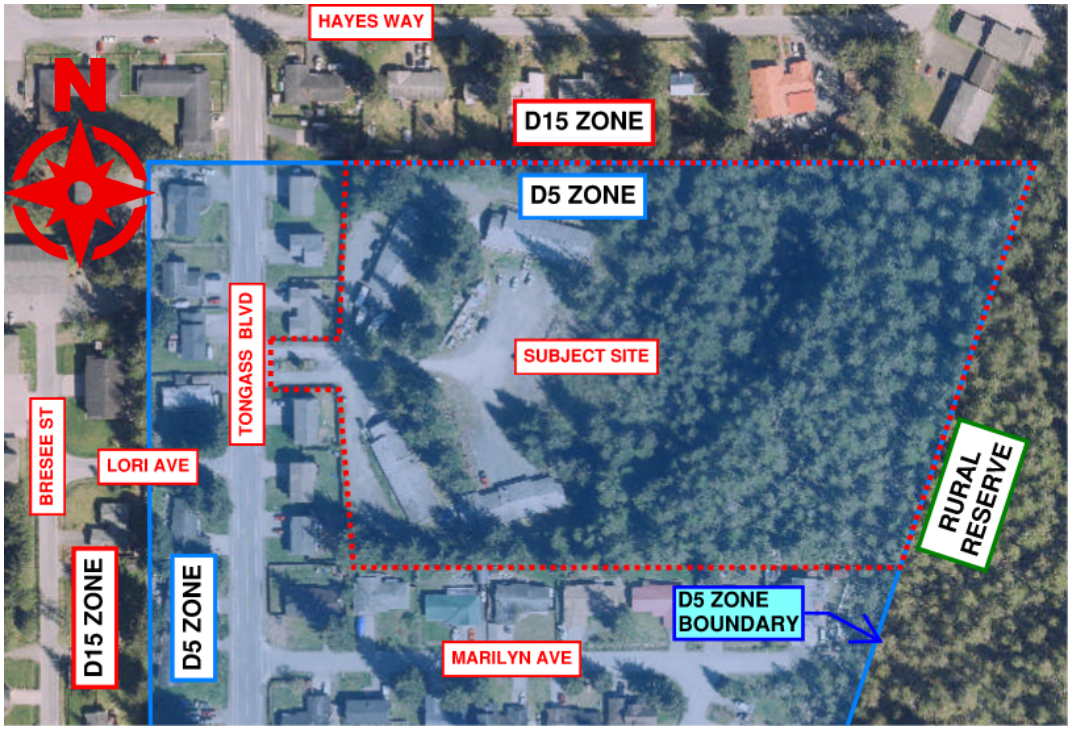
City and Borough of Juneau, State of Alaska, Juneau Recording District. Tract B Silver Bay Park Subdivision according to Plat 2004-31, located within Section 30, t. 40 s., r. 66 e., Copper River Meridian.

CBJ Parcel No. 5B2101440014

d. Zoning: Single Family/Duplex (D5)

e. Lot Size: 9.04 Acres, 393,600 Square Feet

2. Project Vicinity Map



3. Current Use of Land or Building

The 9.04-acre lot is currently partially developed with four multi-family housing units present on the western half of the lot. The eastern half of the lot is undeveloped at the foot of Thunder Mountain. Access to the lot is located at the western boundary along Tongass Blvd. 13 dwelling units exist within the four buildings on the western half of the lot.

The northern border of the lot abuts the zoning boundary between D5 and D15 zones (see project vicinity map). The western/southern borders fall under D5 zoning, and the eastern border abuts the Rural Reserve (RR). The parcel is designated for Urban Low Density Residential (ULDR) land use per the 2013 Comprehensive Plan.

4. Proposed Zone Change Narrative.

Purpose

The purpose for this request is to rezone the Silver Bay Park lot from D5 to D15. The rezoning of the Silver Bay Park lot would allow for future development of higher density residential housing within the lot.

Mr. Jensen is considering two higher density alternatives for the lot as follows. Concept plans for each option can be found in section 4 of this Application.

1) Mr. Jensen, is seeking to bid for the Coast Guard housing, developing said housing on the Silver Bay Park Lot. The lot, currently zoned as D5, would be ineligible for Coast Guard housing due to the type and density of units needed to be developed. A D15 zoned lot would be needed for developing the necessary Coast Guard housing.

2) Should the property owner be unsuccessful in the bid for the Coast Guard housing, the lot would instead be developed for additional affordable housing, which Juneau is currently in need of.

For both options, the property owner intends to develop a mix of small-lot housing and multi-family housing, including Studio, 1-bedroom, and 2-bedroom units. See attached plan drawings for rezoned lot concept layouts.

Existing PUD

Although the lot is currently D5 zoned, allowing only single-family and duplex residential development, a PUD, cases SUB2004 0004 and PDF2010 0001, allow for up to 20 multi-family dwelling units, with 13 units currently existing within four buildings. Should the lot be rezoned to D15 and based on the lot acreage, the 9.04 acre parcel could accommodate up to 135 dwelling units, including multi-family units. The housing development exceptions made as part of the PUD comply with D15 zoning requirements, rendering the PUD no longer necessary.

Additional Considerations

The eastern half of the land parcel falls within the Special Flood Hazard Area (SFHA) Zone AE, with 2 Letter of Map Amendments (LOMA) completed to remove Buildings 1 and 2 located on the lot (see attached plans) from the SFHA. A floodplain development permit or exception will be required for future residential development.

Additionally, wetlands are present on the undeveloped eastern half of the lot. PND is currently pursuing wetlands permits with the Army Core of Engineers (USACE).

Comprehensive Plan Compliance

The CBJ Comprehensive Plan identifies the Silver Bay Park lot as Urban Low Density Residential (ULDR), which is characterized as residential lands with single-family housing units and limiting housing density to 1-6 units per acre. Although the ULDR designation for the lot conflicts with the D15 rezoning request in terms of type of housing and density, outlined below are CBJ Comprehensive Plan policies that support the rezoning of the Silver Park Bay lot:

Policy 4.1 To facilitate the provision and maintenance of safe, sanitary and affordable housing for CBJ residents. The property owner aims to create additional housing, either for new Coast Guard service members moving to Juneau or alternatively, affordable housing for CBJ residents.

Policy 4.2 To Facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups. The property owner's goal for the Silver Bay Park lot is to have a variety of housing types available, including small lot and multi-family housing, for either Coast Guard service members or CBJ residents, complying with 4.2-SOP2 and SOP4.

Policy 4.6 To Facilitate and assist in the development of affordable housing. Allowing the rezoning would help to facilitate the construction of additional affordable housing for CBJ residents.

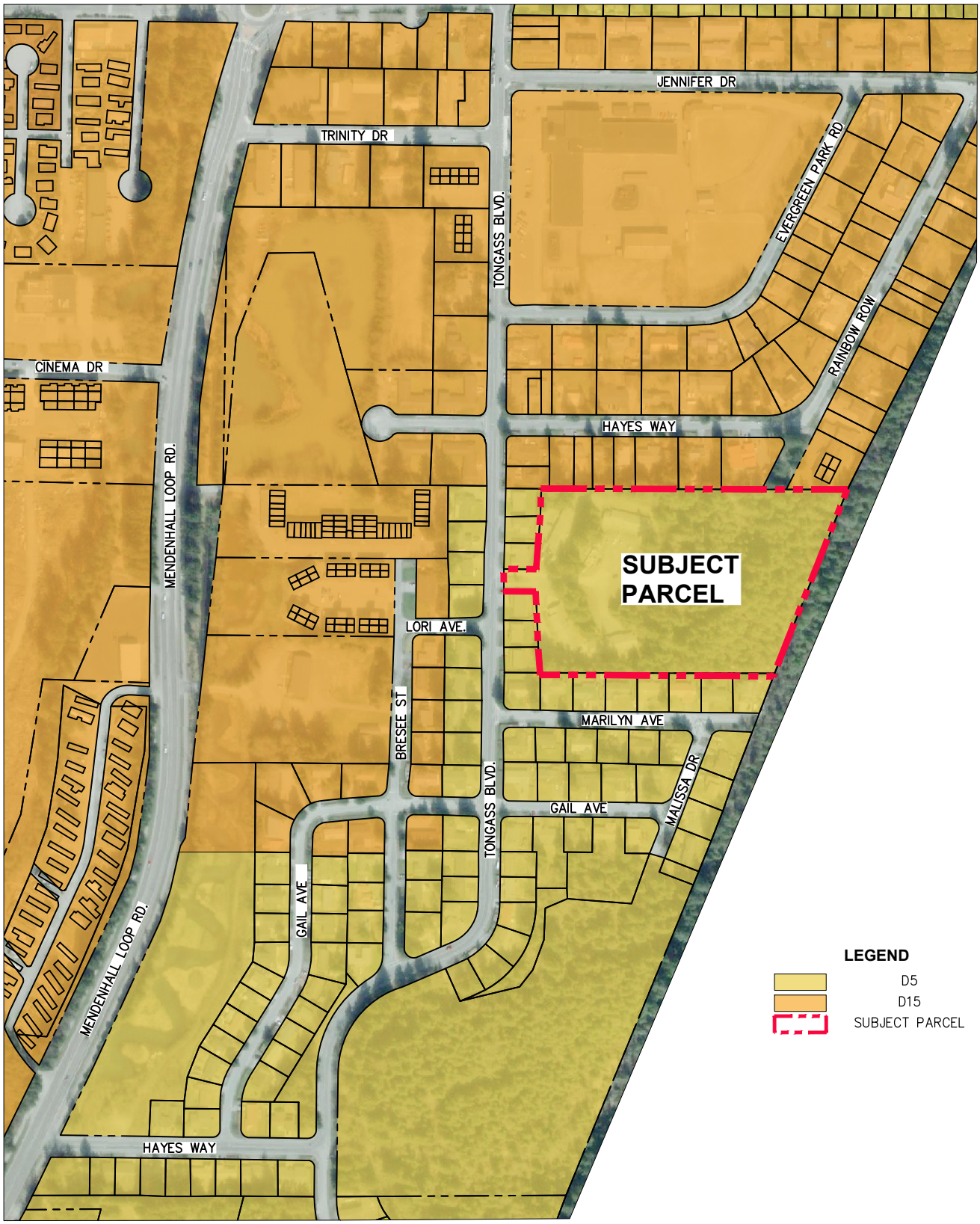
Policy 4.8 To balance the protection and preservation of the character and quality of life of existing neighborhoods within the urban service area while providing opportunities for a mixture of new housing types. The property owner aims to develop of mixture of housing options and given that the lot is located at the border between D5 and D15 zones, rezoning the lot to D15 would do little to impact the character of the existing neighborhood.

Policy 10.1 To facilitate availability of sufficient land with adequate public facilities and services for a range of housing types and densities to enable the public and private sectors to provide affordable housing opportunities for all Juneau residents. The rezoned lot would be able to provide, in the case of a successful Coast Guard housing bid, housing to public sector employees or alternatively would be providing affordable housing to Juneau residents.

Policy 10.2 To allow flexibility and a wide range of creative solutions in residential and mixed use land development within the urban service area. With the location of the lot at the border of D5 and D15, rezoning to allow for the development of additional affordable housing would be relatively simple, not impacting the zoning for any of the surrounding lots. This aligns with Implementing Action 10.2-IA2 in regard to reviewing existing multifamily zoning districts along transit corridors to increase density limits, reduce parking requirements for residential units, decrease lot sizes, and allow development of a wider range of housing types.

For the reasons stated above and many more, the rezoning of the Silver Bay Park lot complies with the CBJ Comprehensive plan.

4.0 Rezoning Plan Drawings



P N D
ENGINEERS, INC.

9360 Glacier Highway Ste 100
Juneau, Alaska 99801

Phone: 907-586-2093
www.pndengineers.com

DESIGN: ---
DRAWN: MEA
CHECKED: TCB
APPROVED: TCB

SCALE: SCALE IN FEET
0 50 100

DATE: 07/28/2026

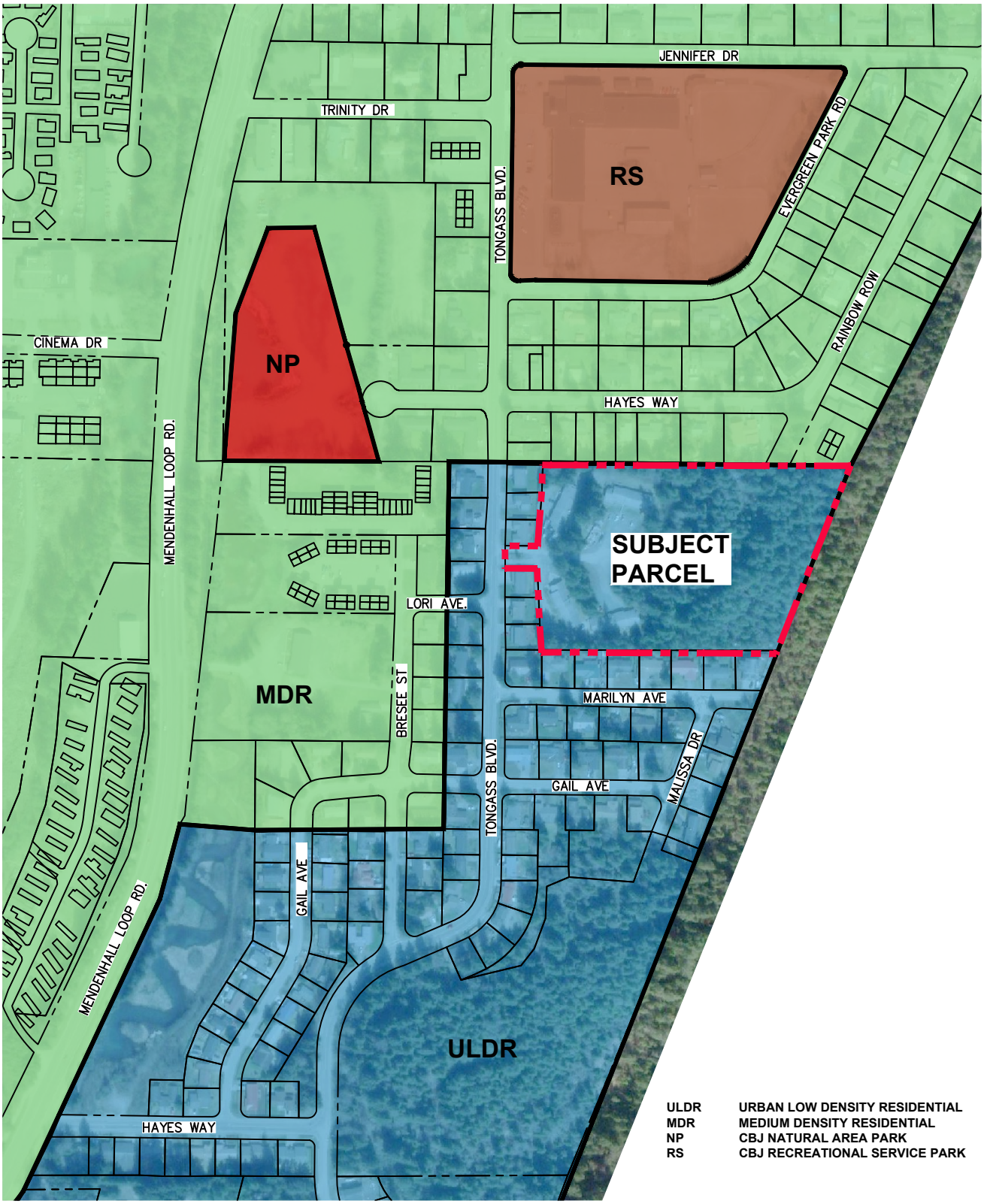
SILVER BAY PARK REZONE

SHEET TITLE:

EXISTING ZONING MAP

PND PROJECT NO.: 252102
C.A.N. NO.: AECC250

1



ULDR	URBAN LOW DENSITY RESIDENTIAL
MDR	MEDIUM DENSITY RESIDENTIAL
NP	CBJ NATURAL AREA PARK
RS	CBJ RECREATIONAL SERVICE PARK

P N D
ENGINEERS, INC.
9360 Glacier Highway Ste 100
Juneau, Alaska 99801
Phone: 907-586-2093
www.pndengineers.com

DESIGN: --- CHECKED: TCB
DRAWN: MEA APPROVED: TCB

SCALE: SCALE IN FEET
0 200 400

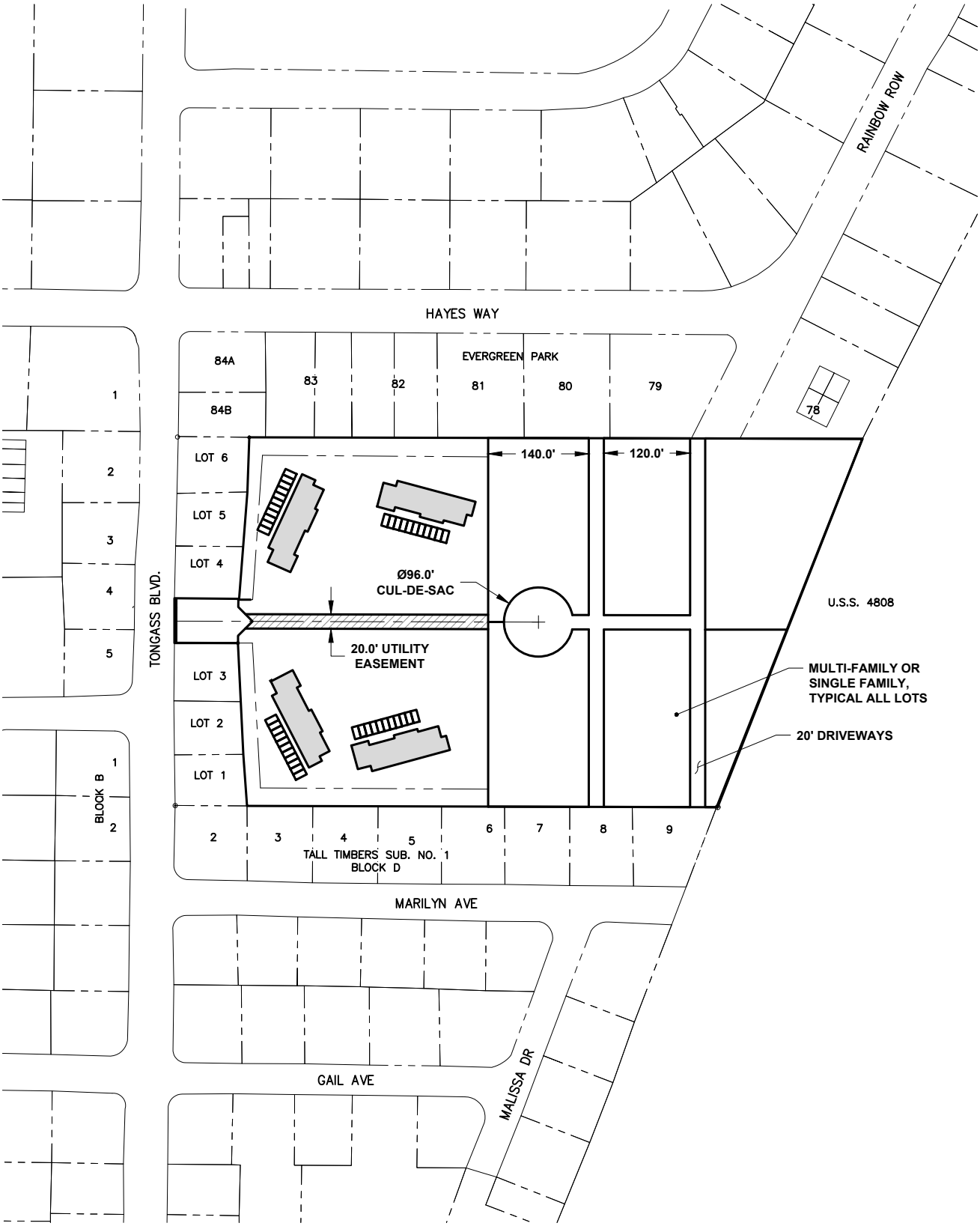
DATE: 07/28/2026

SILVER BAY PARK REZONE

SHEET TITLE:
EXISTING COMPREHENSIVE PLAN DESIGNATION

PND PROJECT NO.: 252102 C.A.N. NO.: AECC250

2



P N D
ENGINEERS, INC.
9360 Glacier Highway Ste 100
Juneau, Alaska 99801
Phone: 907-586-2093
www.pndengineers.com

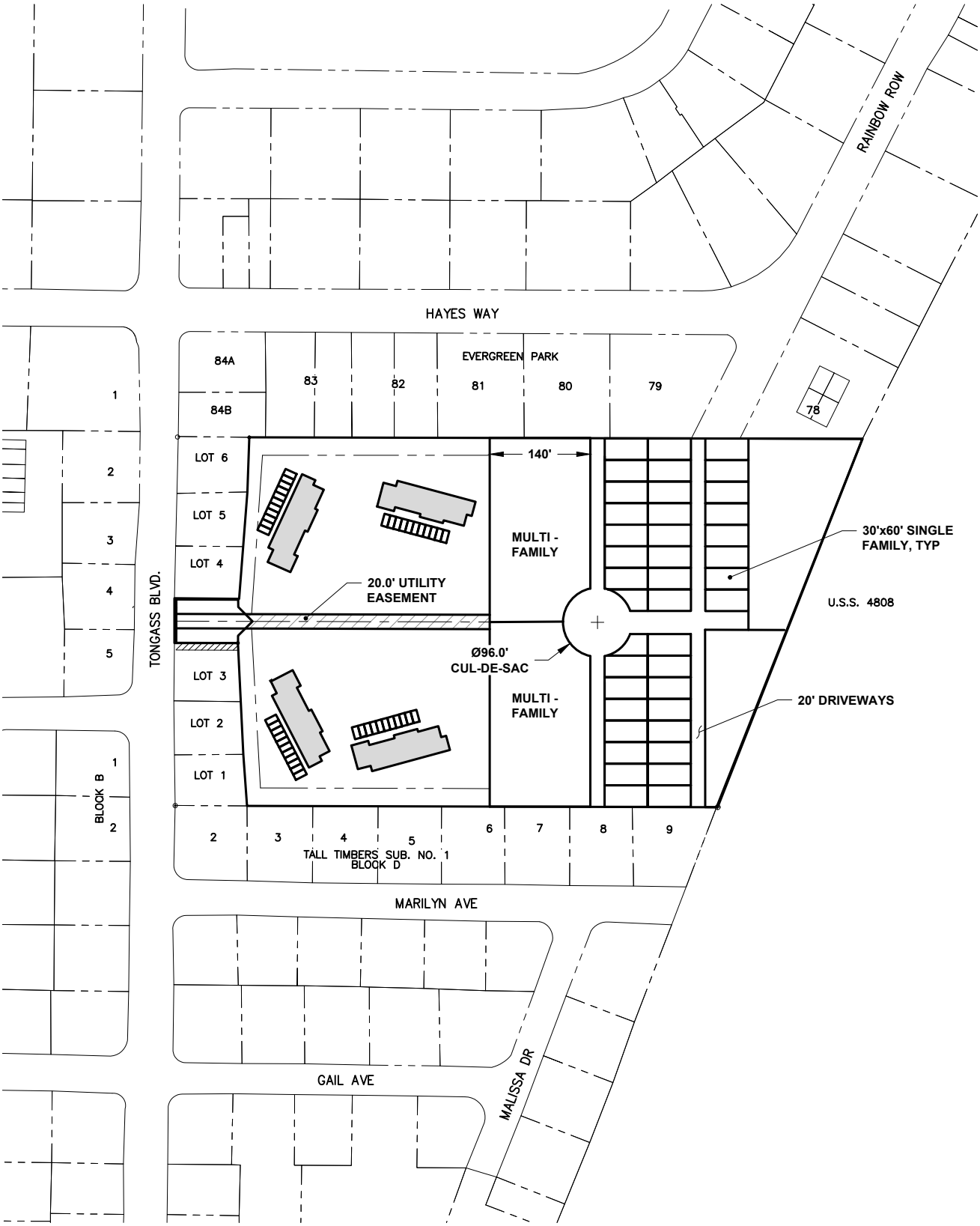
DESIGN: --- CHECKED: TCB
DRAWN: MEA APPROVED: TCB
SCALE: SCALE IN FEET 0 100 200
DATE: 07/28/2026

SILVER BAY PARK REZONE

SHEET TITLE:
CONCEPT - OPTION 1 COAST GUARD HOUSING

PND PROJECT NO.: 252102 C.A.N. NO.: AECC250

3



P N D
ENGINEERS, INC.

9360 Glacier Highway Ste 100
Juneau, Alaska 99801

Phone: 907-586-2093
www.pndengineers.com

DESIGN: --- CHECKED: TCB
DRAWN: MEA APPROVED: TCB

SCALE: SCALE IN FEET
0 100 200

DATE: 07/28/2026

SILVER BAY PARK REZONE

SHEET TITLE:
CONCEPT - OPTION 2 MIXED RESIDENTIAL

PND PROJECT NO.: 252102
C.A.N. NO.: AECC250

4

5.0 Pre-Application Conference Report

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.gov
www.juneau.org/community-development
155 Heritage Way • Juneau, AK 99801

3240 Tongass Blvd Rezone

Case Number:	PAC2026 0003
Applicant:	Scott Jensen
Property Owner:	Scott Jensen
Property Address:	3240 Tongass Blvd
Parcel Code Number:	5B2101440014
Site Size:	393,581 square feet
Zoning:	9.04 acres
Existing Land Use:	Planned Unit Development - Multifamily

Conference Date:	February 18, 2026
Report Issued:	February 23, 2026

DISCLAIMER: Pre-application conferences are conducted for the purpose of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application and are not a guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Scott Jensen	Applicant	lyleshf@aol.com
Justin Smith	Planning	justin.smith@juneau.gov
Jeff Hedges	Building	jeffrey.hedges@juneau.gov
Jenny Smith	General Engineering	jenny.smith@juneau.gov
Abby Mountcastle	Permit Center Hub	abby.mountcastle@juneau.gov
Nicolette Chappell	Admin	Nicolette.chappell@juneau.gov

CONFERENCE SUMMARY

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.
The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

What is the total number of units on the lot/total density?
The current unit count is 13 dwelling units.

The Planned Unit Development (PUD) allows for a maximum of 20 units, with five dwellings permitted within each of the four existing buildings. This represents the maximum density allowed on the lot unless the property is rezoned.

The D5 zone (the current zoning designation) does not allow multifamily dwellings in the Table of Permissible Uses and limits density to minimum lot size (7,000 square feet).

Project Overview
The applicant would like to rezone their parcel from D5 to D18 to increase density. They have attached a proposed plat but would like to keep development options open until the lot is rezoned.

Zone Change Process
The CBJ Land Use Code provides minimum restrictions for zone change requests (CBJ 49.75). This proposal conforms to these restrictions as follows:

1. The parcel exceeds the minimum lot size of 2 acres for a single lot rezone request.
2. No similar request has been made in the past year.

Application process:

- Apply for the rezone in July or January on Civic Access.
- Work with CDD on organizing a public meeting.
    - CDD would present on the regulatory details, and the applicant would be able to present based on the vision for the area.
- Modify the proposal as warranted by public comments.
- Present the proposal to the Planning Commission.
    - They will either deny the rezone or forward to the Assembly a recommendation of approval, OR a recommendation of approval with modifications.

Background
The parcel is part of a Planned Unit Development (PUD) through cases SUB2004 0004 and PDF2010 0001. This approval allowed 20 multi-family dwelling units on the lot. The PUD approval brought the density of the lot to 20 units. The current density for the parcel is not clear in CDD records.

- Building permit records are not clear as to whether or not the conversion was completed. There are some open building permits that need to be closed out. The applicant should submit information that demonstrates how many units are currently on the site.

SECTION 1 – PLANNING DIVISION

1. **Current Zoning** – Parcel is zoned D5. Surrounding zoning includes D15 (North), Rural Reserve (East), D5 (West and South). Parcel is not part of any overlay maps. A rezone must conform to the 2013

Comprehensive Plan land use maps. On Map G, the parcel is identified as Urban Low Density Residential (ULDR), which means:

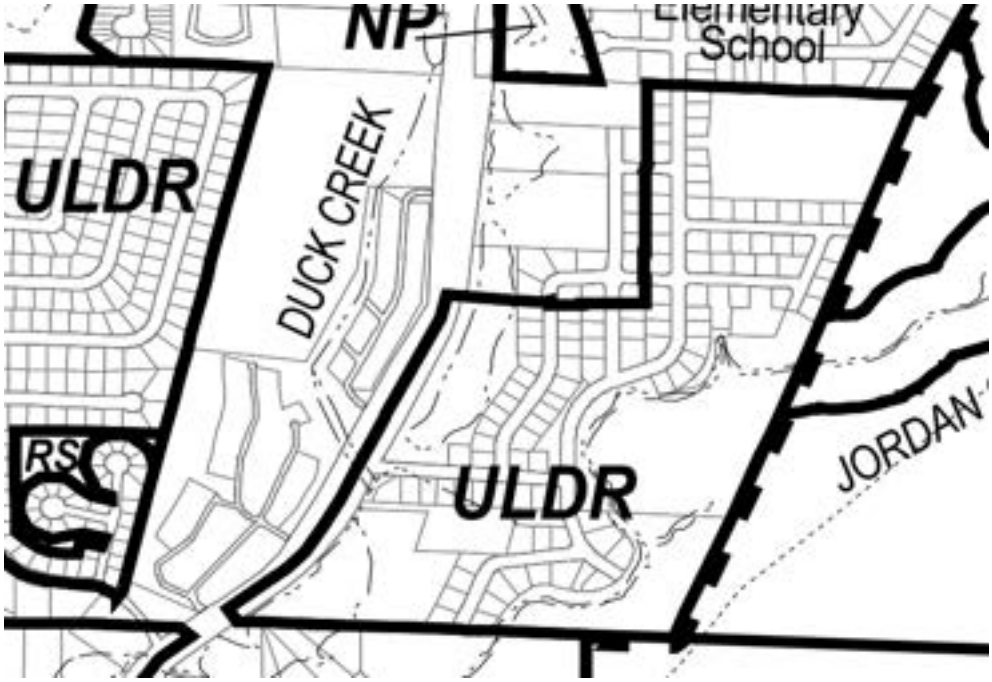
a. These lands are characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of **one to six units per acre**. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

b. CBJ 49.25.210 outlines the densities of D5, D15, and D18:

   i. The D-5, residential district, is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D-5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer. D-5 density is limited to **minimum lot size, which is 7,000 square feet.**

   ii. The D-10 and D-15, residential districts, are intended to accommodate primarily multifamily residential development at ten and **15 units per acre** respectively. These are relatively low-density multifamily districts.

   iii. The D-18, residential district, is intended to accommodate primarily multifamily development at a density of **18 dwelling units per acre**. This is a high density multifamily zoning district intended to accommodate midrise-type development.



2. **Table of Permissible Uses and Density** –

   a. D5: Single-family and duplex uses are allowed. Density is determined by minimum lot size (7,000 square feet). The 9 acre parcel if subdivided could accommodate 56 lots, not including roads or other requirements.

   b. D15: Single-family, duplex, and multi-family are allowed. Density is calculated by 15 units per acre. The 9 acre parcel could accommodate 135 dwelling units, not including roads or other requirements

   c. D18: Single-family, duplex, and multi-family are allowed. Density is calculated by 18 units per acre. The 9 acre parcel could accommodate 162 dwelling units, not including roads or other requirements.

3. **Subdivision** – The lot was subdivided in 2004. PUD covered in background section.
4. **Setbacks** – Below are the setback requirements for D5, D15, and D18.
   a. Setbacks for D5: 20' front; 20' rear; 5' side; 13' street side
   b. Setbacks for D15: 20' front; 15' rear; 5' side; 13' street side
   c. Setbacks for D18: 20' front; 10' rear; 5' side; 13' street side
5. **Height** – Height restrictions would remain unchanged.
   a. D5: 35 feet
   b. D15: 35 feet
   c. D18: 35 feet
6. **Access** – Access to the parcel is from Tongass Boulevard.
7. **Parking & Circulation** – Below are the parking requirements. Parking is required based on use.

Housing Type	**Required Spaces**
Single-family and duplex	2 per each dwelling
Multifamily units	1 per one bedroom unit 1.5 per two-bedroom unit 2.0 per three or more-bedroom unit

8. **Lot Coverage** – The maximum lot coverage for D5, D15, and D18 is 50%
9. **Vegetative Coverage** – The minimum vegetative cover for D5 is 20%. The minimum vegetative cover for D15 and D18 is 30%.
10. **Lighting** – Will be reviewed with development plans.
11. **Noise** – Area is residential. Proposed development should be in character with the neighborhood, regarding noise levels. Will be reviewed with development plans.
12. **Flood** – Parcel is within SFHA Zone AE. A floodplain development permit or exception will be required (CBJ 49.70). In 2015, two Letter of Map Amendments (LOMA) were completed to remove Buildings 1 and 2 from the SFHA. These LOMAs are included as attachments.



13. **Hazard Avalanche/Hillside Endorsement** – Not mapped in an avalanche hazard zone. Hillside endorsement requirement will be reviewed with development plans.
14. **Habitat/Wetlands** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. There are wetlands present on the east side of the lot. An Army Corps of Engineers permit may be required for fill, contact ACOE. No anadromous waterbodies are on the parcel, or within 50 feet.
15. **Plat or Covenant Restrictions** – PUD covered in background section.
16. **Traffic** – Trips are generated based on dwelling type and number of units. This will be reviewed with development plans.
17. **Nonconforming situations** – PUD covered in background section.
18. **Housing and Incentive programs** – There are multiple available programs to incentivize housing. These include, the Juneau Affordable Housing Fund, ADU Grants, and Tax Abatement; please see the housing programs handout located here.

SECTION 2 – BUILDING DIVISION

19. **Building** – No issues or concerns with the rezone at this time.
20. **Outstanding Permits** – BLD20190202 – Final inspection scheduled for 02/26/2026.

SECTION 3 – GENERAL ENGINEERING/PUBLIC WORKS DEPARTMENTS

21. **Engineering** – No comments provided.
22. **Drainage** –
23. **Utilities** – (water, power, sewer, etc.)

SECTION 4 – FIRE DEPARTMENT

24. **Fire Items/Access** – No comments provided.
25. ***Remove if not applicable.*** Suppression system plans must be submitted with the building permit application. Suppression system design cannot be deferred.

SECTION 5 – OTHER APPLICABLE AGENCY REVIEW

26. Army Corps / USF&W

SECTION 6 – LIST OF REQUIRED APPLICATIONS

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

27. Rezone application submitted on Civic Access portal.
    a. Rezone applications are only accepted in July and January.

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

28. A copy of this pre-application conference report.
29. Narrative describing:
    a. How the proposed rezone complies with the Comprehensive Plan Policies and Land Use Designation Maps.
    b. How many dwelling units are currently on the parcel
    c. Why the applicant is requesting the rezone
    d. Discussion on how the existing PUD will continue to meet code requirements, if rezoned.
30. Site plan/map of area being rezoned

FEE ESTIMATES

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Rezone application fee ($600.00)
2. Public notice sign fee ($50.00) plus refundable sign deposit ($100.00)

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/community-development.

Submit your Completed Application

You may submit your application(s) online via email to permits@juneau.gov or mail to:

City & Borough of Juneau, Permit Center Hub
155 Heritage Way
Juneau, AK 99801
Phone: (907) 586-0715
Web: www.juneau.org/community-development

ATTACHMENTS:

49.70 Article IV
49.75 Article I
Attachment A – SUB04-17
Attachment B – 2004 Plat
Attachment C – PDF10-01
Attachment D – Letter of Map Amendment (LOMA) Building 1
Attachment E – Letter of Map Amendment (LOMA) Building 2
Attachment F – AME2025 0002
Attachment G – AME2025 0003
Attachment H – AME2024 0003

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: June 10, 2004

File No.: SUB2004-00017

Scott Jensen
PO Box 33962
Juneau, AK 99803

Application For:	Final Plat for Silver Bay Park to create 6 single family lots. (Action on the Final PUD was continued).
Legal Description:	Tall Timbers Block D Lot 1 USS 1053
Parcel Code No.:	5-B21-0-144-001-0
Hearing Date:	June 8, 2004

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 3, 2004 and approved the preliminary plat to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:

1. That the applicant constructs or bonds for all required improvements prior to recording of the final plat.

2. That construction plans receive final approval from the Engineering Department before any building/right-of-way permit is issued for construction.

3. That all easements of suitable width and location as determined to be necessary by the Engineering Department be shown on the final plat.

4. That the applicant relocates those portions of the existing driveways to remove any encroachments onto the proposed new lots. A minimum of 20-foot wide driveways must be maintained throughout the development. These required improvements are subject to conditions 1 and 2.

Attachment: June 3, 2004 memorandum from Tim Maguire, Community Development to the CBJ Planning Commission regarding SUB2004-00017.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c).

Effective Date: The permit is effective upon approval by the Commission: June 8, 2004 .

Expiration Date: The permit will expire 18 months after the effective date, or December 8, 2005, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must by submitted thirty days prior to the expiration date.

Project Planner: _____
Tim Maguire, Planner

_____
Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk

_____, Deputy Clerk

June 14, 2004

cc: Paul Beck, CBJ Engineering
John Bowman, CBJ Engineering
Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: June 3, 2004

TO: Planning Commission

FROM: Tim Maguire, Principle Planner
Community Development Department

FILE NO.: SUB2004-00017

PROPOSAL: Final Plan approval for a Planned Unit Development to convert 4 exiting buildings into 5 dwelling units each and Final Plat approval creating 6 new single-family lots and one large lot which will contain the PUD.

GENERAL INFORMATION

Applicant:	Scott Jensen
Property Owner:	Scott Jensen
Legal Description:	Tall Timbers Block D Lot 1 USS 1053
Parcel Code No.:	5-B21-0-144-001-0
Site Size:	10 acres
Zoning:	D5
Utilities:	Public sewer and water
Access:	Tongass Blvd.
Existing Land Use:	Assisted Living Quarters
Surrounding Land Use:	North – Single/Duplex and Multi-Family Dwellings South - Single/Duplex Dwellings East – Wetlands/Jordan Creek West – Single/Duplex Dwellings

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION

A Planned Unit Development - Silver Bay Park - and a 6-lot residential subdivision are proposed for a 10-acre parcel located at 3250, Tongass Boulevard in the Mendenhall Valley (see Vicinity Map).

The development currently consists of four structures with 11 assisted-living units called the Silver Bay Shelter. This is a proposal to convert the existing facility into a condominium/rental development by means of the Planned Unit Development (PUD) section of the Land Use Code. The proposed conversion is to put 5 dwellings in each of the 4 existing structures for a total of 20 dwellings. No new structures are planned for the PUD at this time.

In addition, the applicant is proposing to subdivide the property known as Lot 1, Block D of Tall Timbers Subdivision and create 6 new single family lots along the western boundary of the site. These lots are proposed to be independent of the multi-family development. A greater portion of this tract, approximately 9 acres, will remain unsubdivided and is the proposed location of the PUD.

The PUD ordinance anticipates this type of configuration in the following section:

> *§49.15.670 Planned unit development design standards.*
> *(e) Perimeter buffer. There shall be a buffer of no less than 25 feet between the exterior boundary of the planned unit development and the nearest structure, road, or parking area within the development, unless the development includes a perimeter of transitional lots meeting the minimum dimensional standards in the zoning district. No building structures or parking areas may be located within the perimeter buffer.*

The applicant is proposing that these lots stand alone after they are platted and not be incorporated into the PUD.

BACKGROUND

The Planning Commission, at the April 13, 2004 regular meeting, approved the preliminary plan for the Silver Bay Planned Unit Development. The preliminary PUD plan and the preliminary plat were approved with 7 conditions (see Attachment A).

PLANNING COMMISSION ACTION

A Planned Unit Development is reviewed according to a two-step process: preliminary plan approval and final plan approval.

Planning Commission action on final plats is stipulated in Section 49.15.440(3) of the Land Use Code and reads as follows:

(3) Commission Action. The commission shall approve the final plat if the plat substantially conforms to the approved preliminary plat and all applicable conditions have been satisfactorily completed.

ANALYSIS

Staff's analysis for a Planned Unit Development would be to review the requirements for (CBJ §49.15.600) final plan approval. These requirements include completion of the conditions of preliminary plan approval and submittal of the homeowners' association agreement.

The applicant has submitted a proposed set of homeowners' association agreements, however additional review of these documents is needed. Staff is therefore recommending that action be continued on the final plan approval of the PUD. Nevertheless, the applicant has requested that this item stay on the agenda so that action can be taken on the final plat for the subdivision. Staff does not see a problem with separating out action on the PUD and the final plat approval. During the preliminary PUD and the preliminary plat review it was determined that the 6 new single-family lots being proposed would not be part of the PUD development.

The plat is a subdivision of Lot 1, Block D of Tall Timbers Subdivision into 6 new single family lots along the western boundary of the site. Each lot will meet D5 zoning standards and have access directly to Tongass Blvd. A greater portion of tract, approximately 9-acres, will remain as a large unsubdivided lot and is the location of the proposed PUD.

Only two of the 7 conditions of preliminary approval, Conditions #5 and 6, pertain to the preliminary plat approval. Condition #5 will carry over as a condition of the required subdivision improvements and Condition # 6 has been met with submittal of detailed construction plans (see Attachment C), which are being reviewed by the Engineering Department for approval.

The final plat has been reviewed and approved by the Engineering Department.

FINDINGS

The Director of Community Development makes the following findings in accordance with CBJ §49.15.440 Final Plat:

1. That the conditions of preliminary plat approval have been satisfactorily met and any outstanding issues are addressed with the conditions of final plat approval.
2. That the final plat substantially conforms to the preliminary plat.

RECOMMENDATION

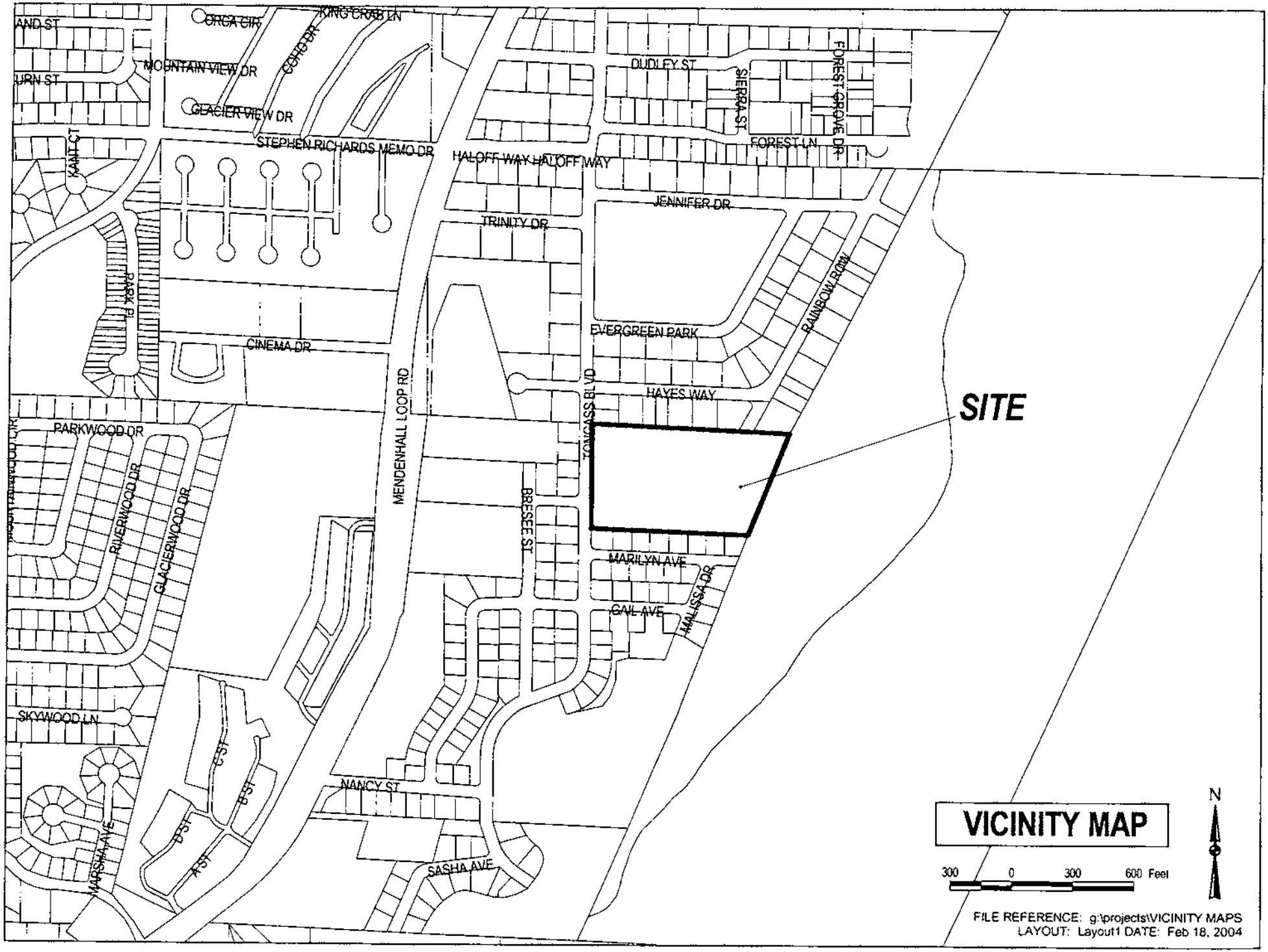
Staff recommends that the Planning Commission continue action on the final plan approval of the PUD for Silver Bay Park. We also recommend that the Planning Commission adopt the Director's analysis and findings and grant the requested final plat approval creating 6 new single-family lots and one lot, which will be the location of the PUD. We further recommend that the approval be subject to the following conditions:

1. That the applicant constructs or bonds for all required improvements prior to recording of the final plat.

2. That construction plans receive final approval from the Engineering Department before any building/right-of-way permit is issued for construction.

3. That all easements of suitable width and location as determined to be necessary by the Engineering Department be shown on the final plat.

4. That the applicant relocates those portions of the existing driveways to remove any encroachments onto the proposed new lots. A minimum of 20-foot-wide driveways must be maintained throughout the development. These required improvements are subject to conditions 1 and 2.


AND ST
URN ST
ORCA CIR
KING CRAB LN
COHO DR
MOUNTAIN VIEW DR
GLACIER VIEW DR
KAMI CT
STEPHEN RICHARDS MEMO DR
HALOFF WAY HALOFF WAY
DUDLEY ST
SIERRA ST
FOREST GROVE DR
FOREST LN
JENNIFER DR
TRINITY DR
RAINBOW ROW
EVERGREEN PARK
CINEMA DR
PARK PL
PARK PL
MENDENHALL LOOP RD
TONGASS BLVD
HAYES WAY
SITE
PARKWOOD DR
RIVERWOOD DR
GLACIERWOOD DR
BRESEE ST
MARILYN AVE
GAIL AVE
MALISSA DR
SKYWOOD LN
C ST
B ST
D ST
A ST
NANCY ST
MARSHA AVE
SASHA AVE
VICINITY MAP
N
300 0 300 600 Feet
FILE REFERENCE: g:\projects\VICINITY MAPS
LAYOUT: Layout1 DATE: Feb 18, 2004

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: April 23, 2004

File No.: SUB2004-00004

Scott Jensen
P.O. BOX 33962
Juneau, AK 99803-3962

Application For:	A Planned Unit development to convert existing group home/assisted living units into 4 multi-family units with 5 dwellings each and a proposed six lot subdivision.
Legal Description:	Tall Timbers, Block D, Lot 1
Parcel Code No.:	5-B21-0-144-001-0
Hearing Date:	April 13, 2004

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 7, 2004 and approved the preliminary plan for a Planned Unit Development to convert existing group home/assisted living units into 4 multi-family units with 5 dwellings each and a proposed six lot subdivision as described in the project description and project drawing submitted with the application and with the following conditions:

1. That the applicant, prior to final plan submittal, prepare a landscaping plan that shows the additional plantings to supplement the 25-foot buffer area.
2. That the applicant constructs sidewalks along the entrance and exit driveways at the Tongass Blvd. intersection. These improvements should be included with the other construction plans for final PUD plan approval.
3. That the applicant clearly marks all parking stalls, driveways, and emergency access routes. In addition accessible spaces shall be appropriately signed. Details shall be shown on the final plans.
4. That the applicant prepares appropriate PUD Homeowners Association documents, per *CBJ* §49. 15.640(b), for submittal with an application for final PUD plan approval.
5. That the applicant relocates the portions of the existing driveways to remove any encroachments onto the proposed new lots. A minimum 20-foot wide driveway must be maintained throughout the development.
6. That the applicant completes all the conditions listed in the memo dated April 13, 2004 from Paul Beck, Engineering Permit Specialist.
7. That the applicant completes any fencing along lots 2, 3, 4 and 5 of Tall Timber Subdivision.

ATTACHMENT A

Attachment: April 7, 2004 memorandum from Tim Maguire, Community Development to the CBJ Planning Commission regarding SUB2004-00004.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c).

Effective Date: The permit is effective upon approval by the Commission
April 13, 2004

Expiration Date: The permit will expire 18 months after the effective date, or October 13, 2005, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must by submitted thirty days prior to the expiration date.

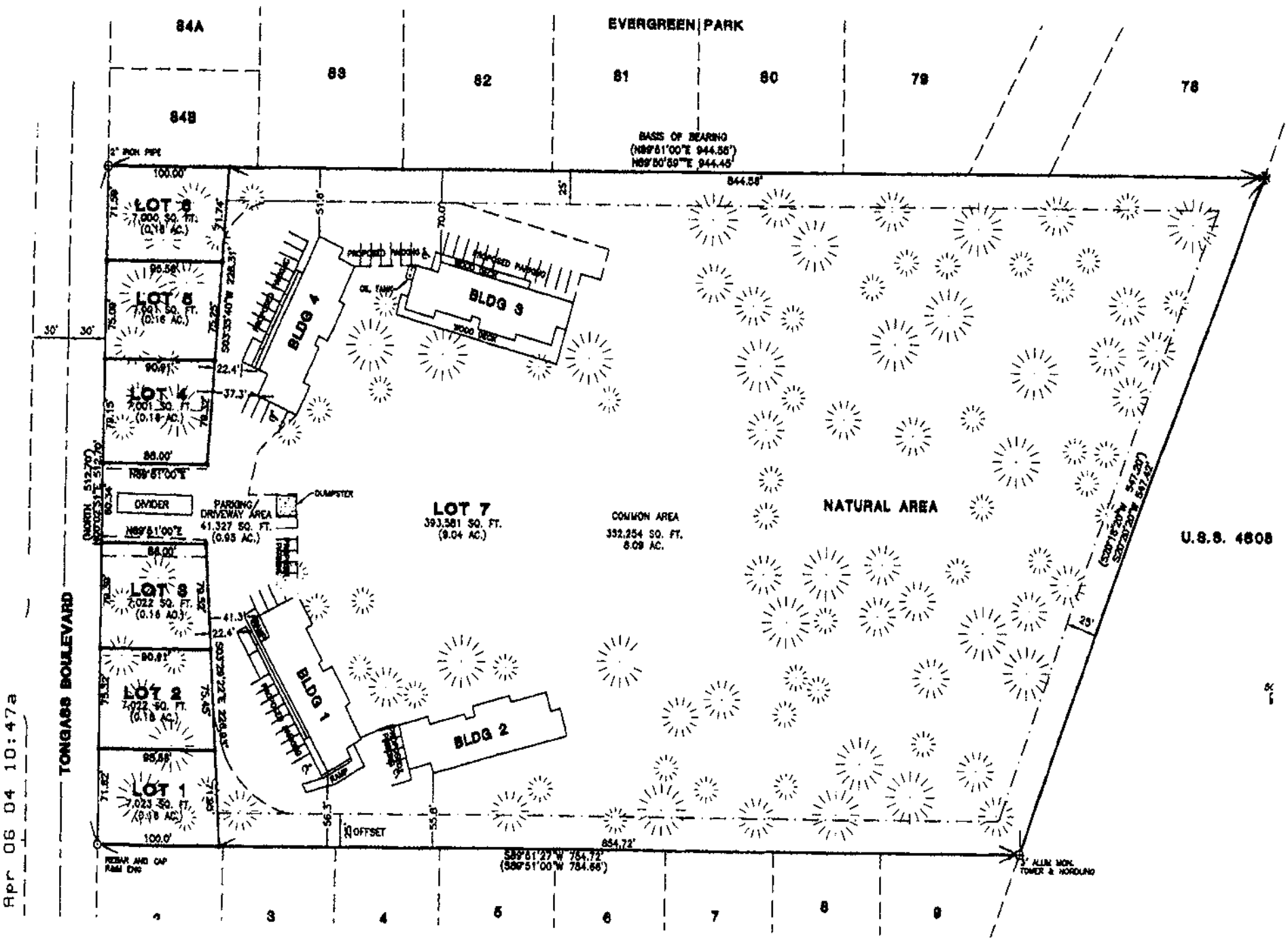
Project Planner:
Tim Maguire, Planner

for Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk
April 28, 2004

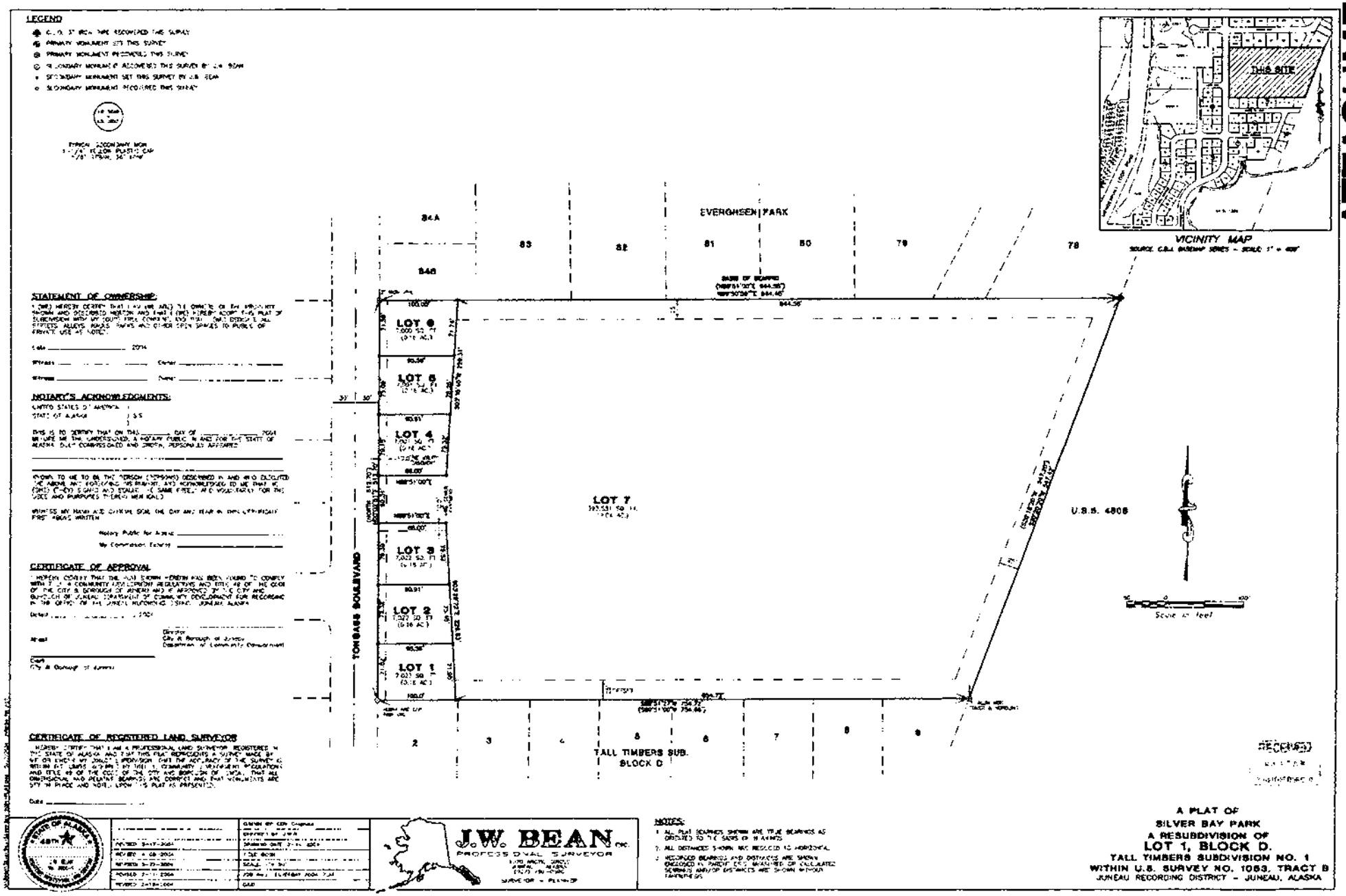
cc: Paul Beck
Murray Walsh
John Bowman
Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.

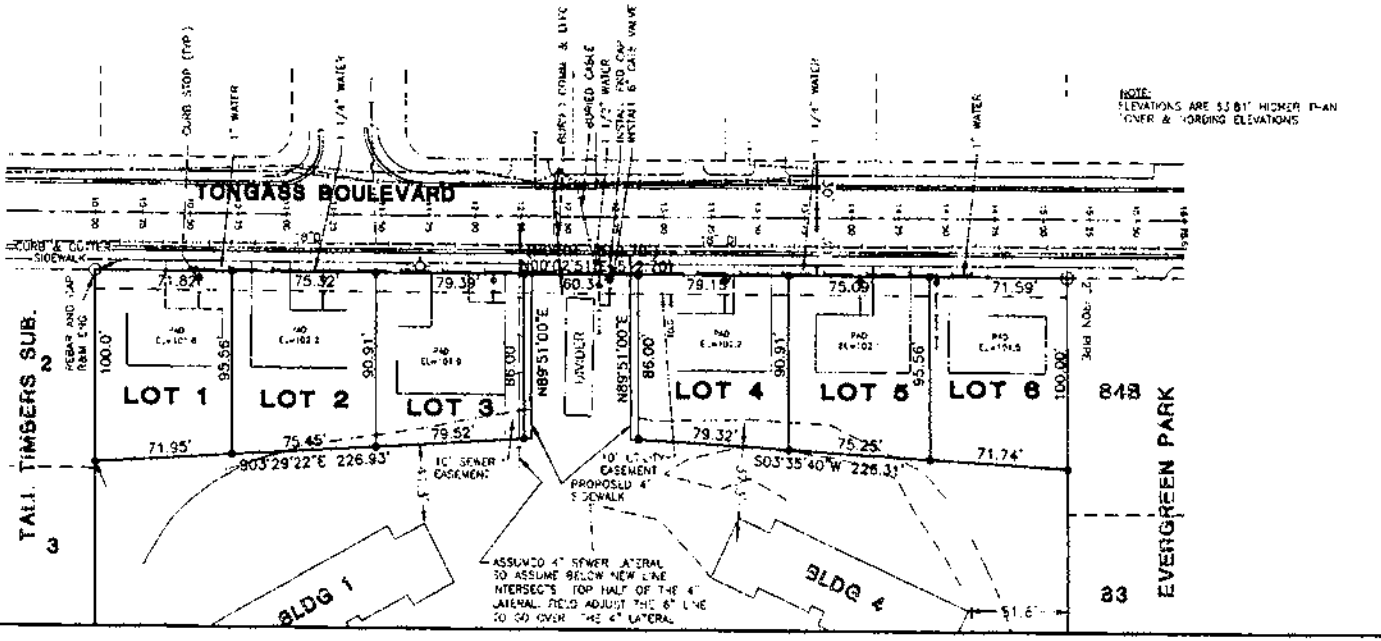


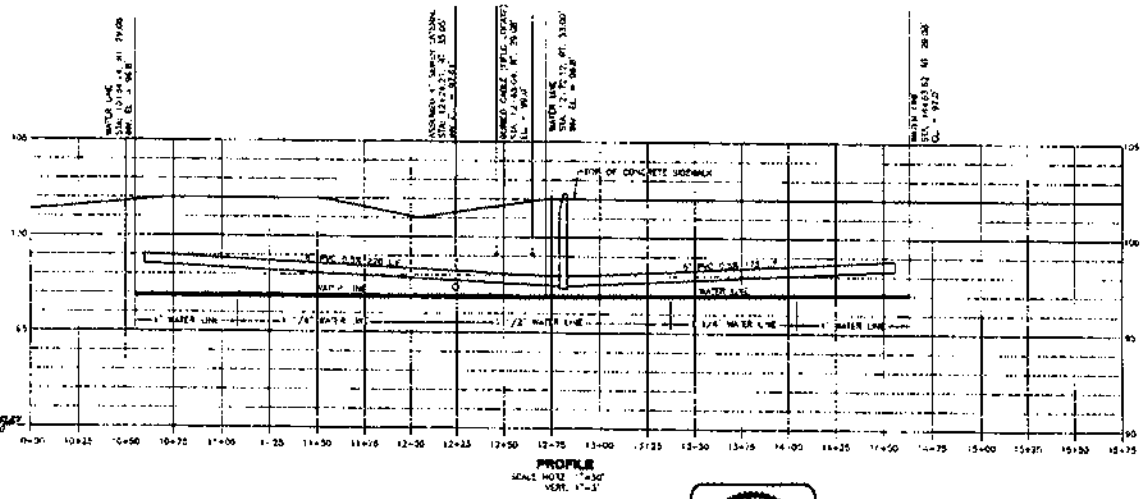
Apr 06 04 10:47a

ATTACHMENT B



ATTACHMENT C





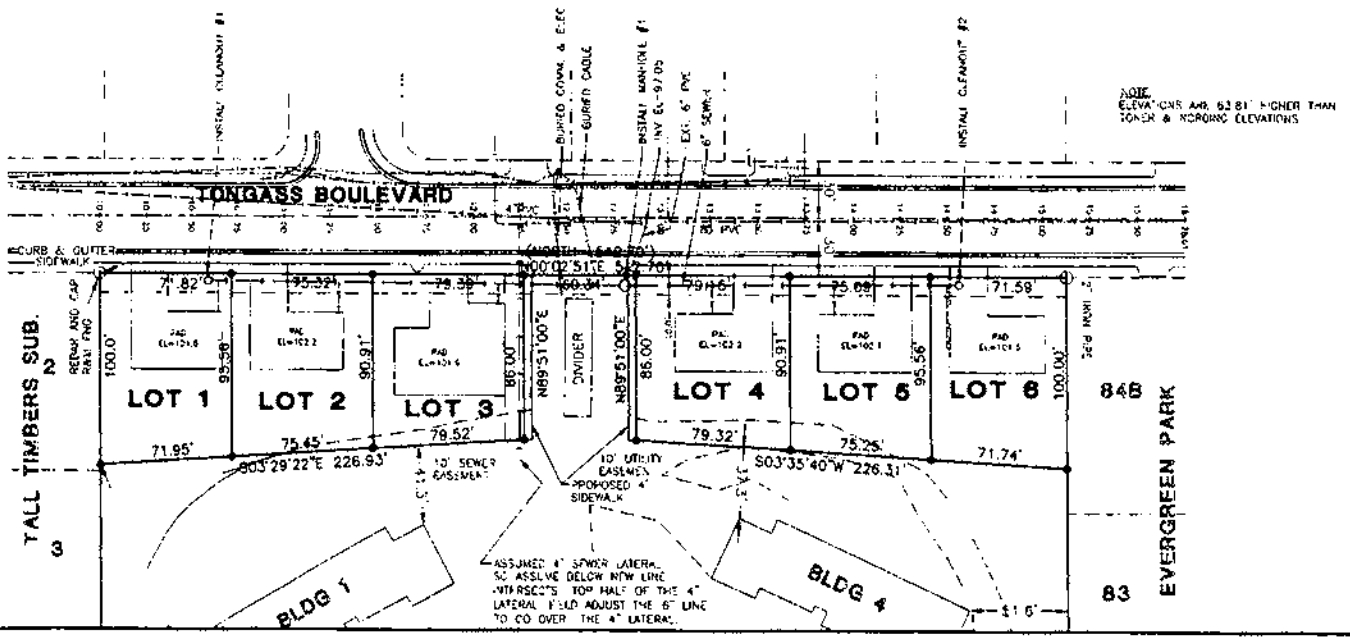
REV	DESCRIPTION	BY
	DRAWN IN AUTOCAD RELEASE 2000 BY DCM Graphics • JUNEAU, ALASKA	

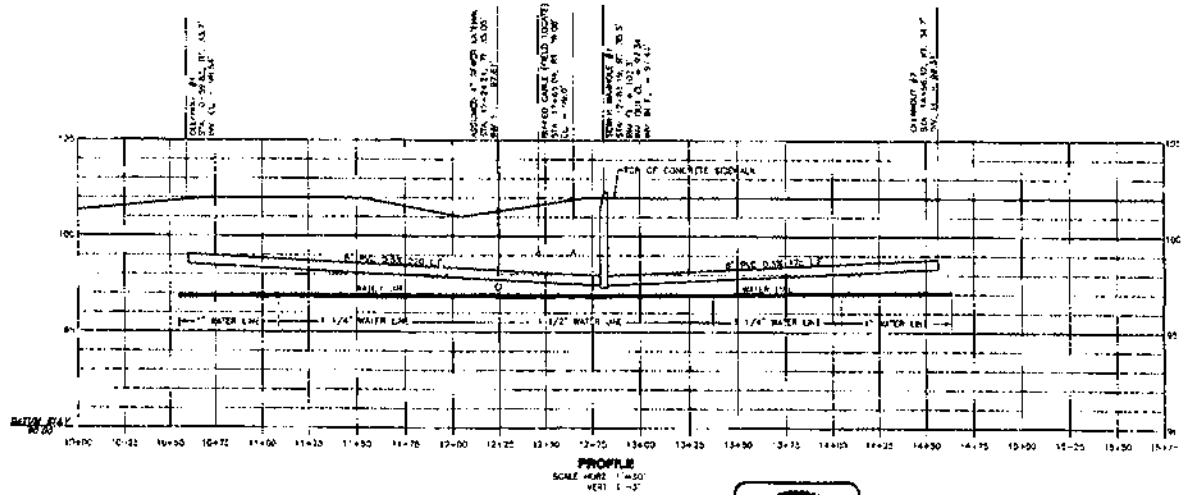
DESIGNED BY: K. HANSEN
DRAWN BY: DCM Graphics
CHECKED BY: K. HANSEN
DATE: JULY 27, 2001
REF. NO.
SCALE: AS NOTED

HANSEN ENGINEERING
JUNEAU, ALASKA

WATER SYSTEM
LOT 1, BLOCK D
TALL TIMBERS SUBDIVISION NO. 1
WITHIN U.S. SURVEY NO. 1053, TRACT B
FOR: SCOTT JENSEN

SHEET 1/3
JOB NO. 888





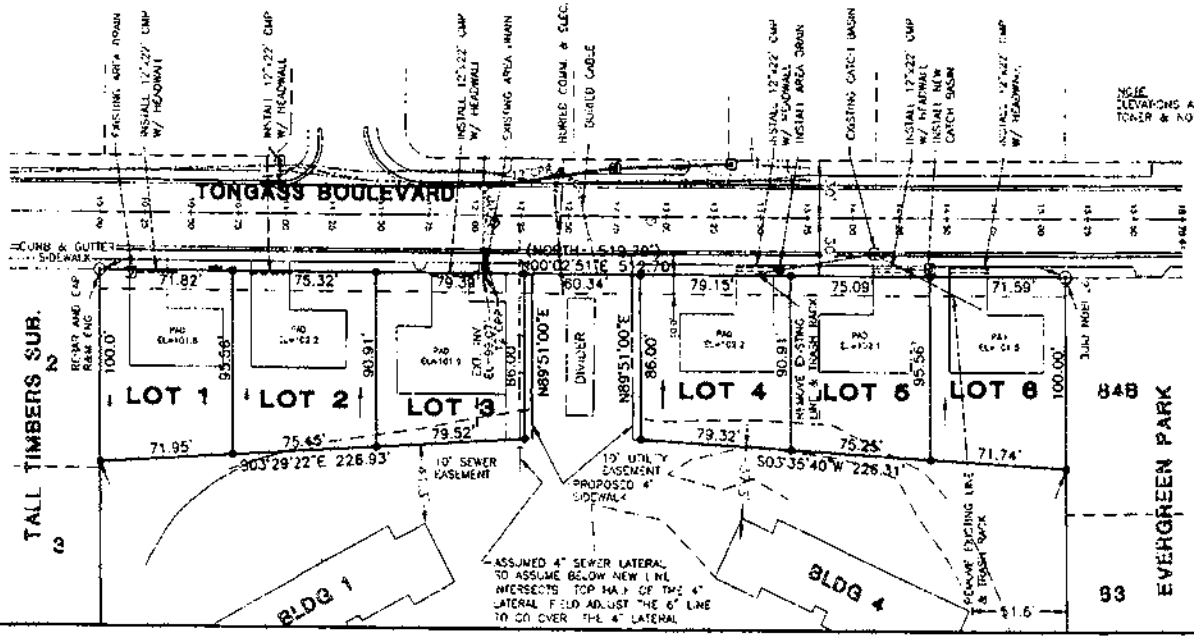
REV	DESCRIPTION	BY

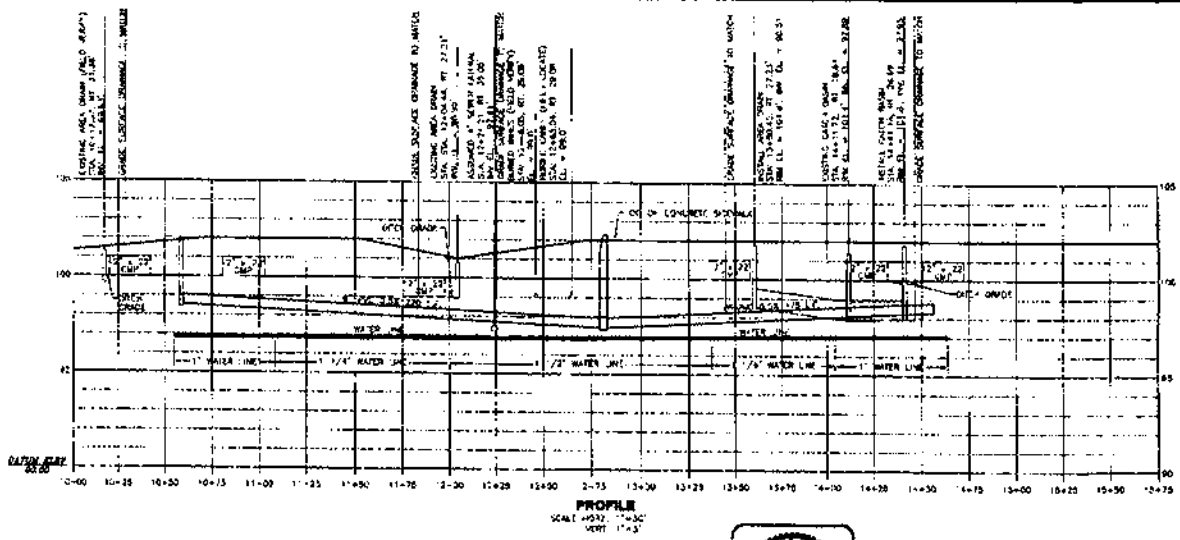
DESIGNED BY: R. HANSEN
DRAWN BY: GINA GRIGGS
CHECKED BY: R. HANSEN
DATE: MAY 27, 2009
REF NO.
SCALE: AS NOTED

HANSEN ENGINEERING
JUNEAU, ALASKA

SEWER SYSTEM
LOT 1, BLOCK D,
TALL TIMBERS SUBDIVISION NO. 1
WITHIN U.S. SURVEY NO. 1083, TRACT B
FOR: SCOTT JENSEN

SHEET 2/3
JOB NO. 656





NO.	DESCRIPTION	BY

DESIGNED BY: A. HANSEN
DRAWN BY: CAD Drafter
CHECKED BY: A. HANSEN
DATE: MAY 27, 2004
SCALE: AS NOTED

HANSEN ENGINEERING
JUNEAU, ALASKA

DRAINAGE SYSTEM
LOT 1, BLOCK D,
TALL TIMBERS SUBDIVISION NO. 1
WITHIN U.S. SURVEY NO. 1063, TRACT B
FOR: SCOTT JENSEN

SHEET 3/3

SUBDIVISION OR PLATTING APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name (15 characters)	Case Number	Hearing Date	Date Received
PRJ04-93	Silver Bay Park Pud	SUB04-17		5-17-04

LEGAL DESCRIPTION OF PROPERTY WHICH WILL BE SUBDIVIDED OR PLATTED:
Lot 1, Blk D, Tall Timbers Subd.

Number of Existing Parcels 1 Total Land Area 10 acre Resulting Lots or Parcels 7

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED
(please see submittal requirements on reverse)

MINOR SUBDIVISION
(Changing or creating 4 or fewer lots)

- ☐ Zero Lot Line (Common Wall)
- ☐ "Panhandle" Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation
- ☐ Subdivision resulting in 4 or fewer lots
- ☐ Other _____

MAJOR SUBDIVISION
(Changing or creating greater than 4 lots)

- * ☐ Preliminary Plat
- ☒ Final Plat
- * ☐ Plat Amendment
- * ☐ Planned Unit Development - Preliminary Plan Approval
- ☒ Planned Unit Development - Final Plan Approval
- ☐ Other _____

* Public Notice Sign Required

Please attach cover letter to fully explain the project if there is not adequate space on this form.

PREVIOUS USE OF LAND OR BUILDING(S): Sheep home

CURRENT BUILDING(S) OR STRUCTURES ON THE LAND: ☒ YES ☐ NO
If Yes, provide a site plan drawn to scale showing all improvements on the lot. An As-Built Survey may be required.

CURRENT USE OF LAND OR BUILDING(S):
Preliminary Plat/PUD approved under SUB2004-00004 Sheep home

PROPOSED USE OF LAND OR BUILDING(S):
PUD - Apts - 6-Lots and One remaing Lot that will have 4 Building each with 5 dwelling units.

UTILITIES AVAILABLE WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

UNIQUE CHARACTERISTICS OF LAND OR BUILDING:

REVIEW APPROVALS

	Initials	Date
Buildings		
Engineering		
Planning		

SUBDIVISION/PLATTING/PUD FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 1,040.00			
Admin. of Guarantee	$			
Public Notice Adjustment	$ 50.00			
Sign Prep. Pub. Not. Sign Lease	$ 100.00			
Total Fee	$ 1,190.00	0059		5/17/04

MINER PUBLISHING CO.

• Send white and pink sheets with carbon intact · Retain yellow sheet • Replier - Send white sheet to originator · Retain Pink sheet

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

155 South Seward Street
Juneau, Alaska 99801

MEMORANDUM

To: John Bowman Subject: Silver Bay Park

From the office of Tim Maguire CDD Date: 5/19/04

Message

Attached for your review is the final plat for Silver Bay Park and additional construction plans.

Thanks

Tim

Attachments

Please reply in areas below Signed:

Reply: The Plat needs to change the redundant 10.0' 10' Utility and 10.0' 10' Sewer Easement we will review the construction plans separately

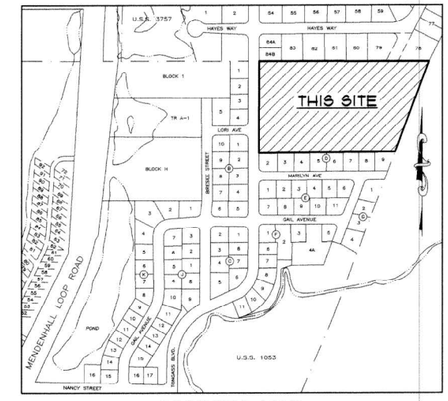
Reply Date: 5/20/04 Signed: John Bowman

LEGEND

- ✠ G.L.O. 3" IRON PIPE RECOVERED THIS SURVEY
- ◔ PRIMARY MONUMENT SET THIS SURVEY
- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
- ⊙ SECONDARY MONUMENT RECOVERED THIS SURVEY BY J.W. BEAN
- • SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
- o SECONDARY MONUMENT RECOVERED THIS SURVEY

J.W. BEAN
o
L.S. 3650

TYPICAL SECONDARY MON.
1-1/4" YELLOW PLASTIC CAP
5/8" REBAR, 36" LONG



VICINITY MAP
SOURCE: C.B.J. BASEMAP SERIES – SCALE: 1" = 400'

STATEMENT OF OWNERSHIP:

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND THAT I (WE) DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

Date June 29, 2004

Witness Naomi Hobbs Owner Scott Jensen

Witness Sean Jensen Owner

NOTARY'S ACKNOWLEDGMENTS:

UNITED STATES OF AMERICA)
STATE OF ALASKA) S.S.
)

THIS IS TO CERTIFY THAT ON THIS 29 DAY OF June, 2004 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED:

Scott Bryant Jensen

KNOWN TO ME TO BE THE PERSON (PERSONS) DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (SHE) (THEY) SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

STATE OF ALASKA
OFFICIAL SEAL
Carole Bullman
NOTARY PUBLIC
My commission expires 02/18/2008.

Notary Public for Alaska Carole Bullman

My Commission Expires 2/18/2008

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. _____, DATED _____, 2004 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

Dated: JUNE 29, 2004. 2004.

J. Mark Pusich
CHAIRMAN CITY AND BOROUGH OF JUNEAU PLANNING COMMISSION

Attest:

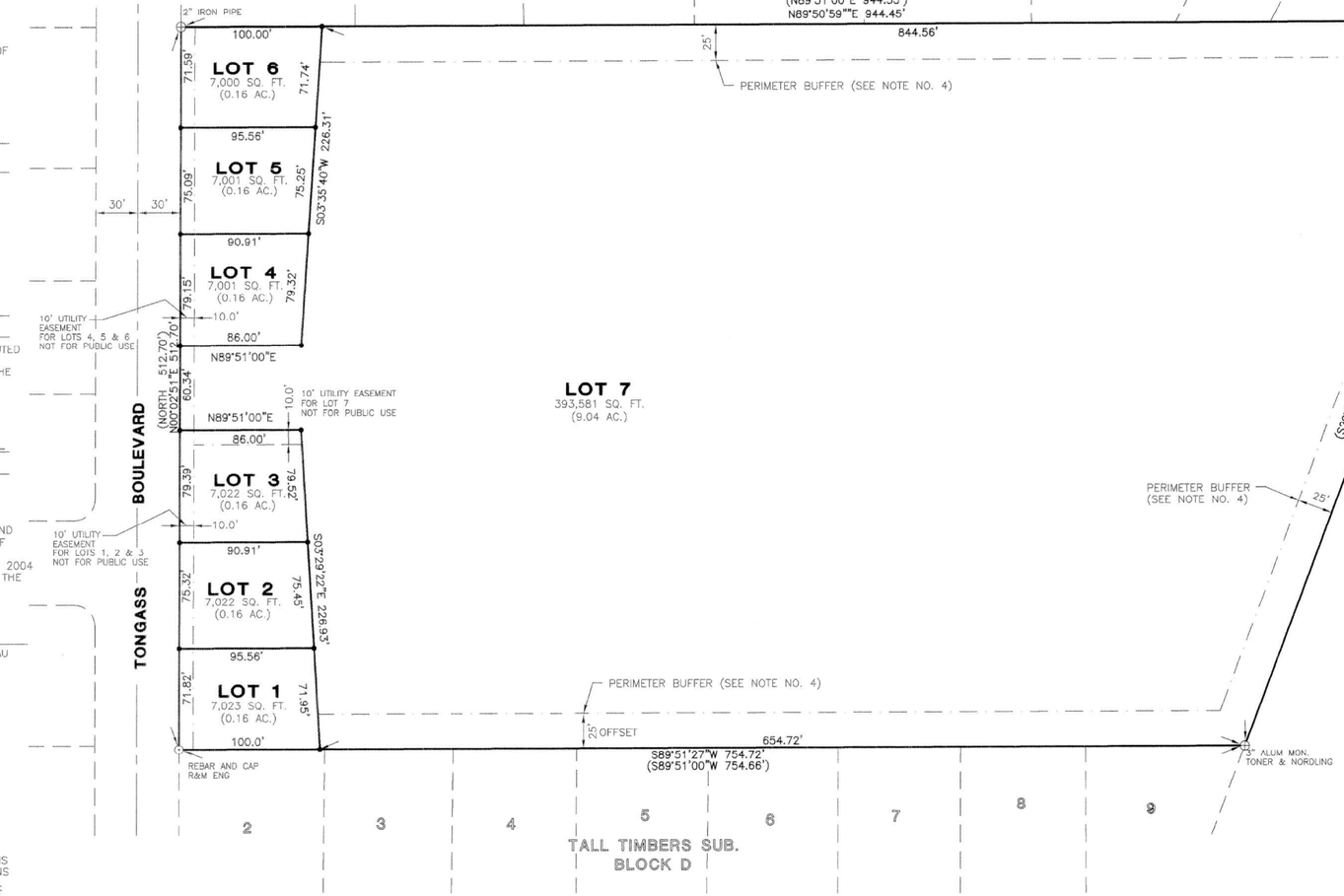
J. Mark Pusich
CLERK
CITY & BOROUGH OF JUNEAU
PLANNING COMMISSION

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4, COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

Date 6-27-04

STATE OF ALASKA
J.W. BEAN
No. 3650-S
REGISTERED PROFESSIONAL LAND SURVEYOR



50' 0 100'
Scale in feet

CBJ FILE COPY
The official recorded copy of this document is on file at the Juneau Recording District as:
Plat No. 2004-31
Recorded on: 6/30/04
CDD No:
5008 2004-00017

	DRAWN BY: GDM Graphics
	CHECKED BY: J.W.B.
	DRAWING DATE: 2-14-2004
	FIELD BOOK:
	SCALE: 1"= 50'
	JOB No.: SILVERBAY 2004-PLAT
REVISED: 6-28-2004	GRID

J.W. BEAN INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU – ALASKA
(907) 789-0590
SURVEYOR – PLANNER

NOTES:

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. RECORDED BEARINGS AND DISTANCES ARE SHOWN ENCLOSED IN PARENTHESIS. MEASURED OR CALCULATED BEARINGS AND/OR DISTANCES ARE SHOWN WITHOUT PARENTHESIS.
4. NO BUILDING, STRUCTURES OR PARKING AREAS MAY BE LOCATED WITHIN THE PERIMETER BUFFER.

A PLAT OF
TALL TIMBERS SUBDIVISION NO. 1
LOT 1, BLOCK D
INTO
SILVER BAY PARK
WITHIN U.S. SURVEY NO. 1053, TRACT B
JUNEAU RECORDING DISTRICT – JUNEAU, ALASKA

G:\Bean\Silver Bay\Silver Bay 2004-PLAT.dwg 6/28/2004 2:58:47 PM AST

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION

Date: May 12, 2010
File No.: PDF20100001

Scott Jensen
PO Box 033962
Juneau, AK 99803

Application For:	Completion of Final Plan approval for a Planned Unit Development to convert 4 existing buildings into 5 dwelling units each.
Legal Description:	Silver Bay Park Subdivision, Lot 7
Parcel Code No.:	5-B21-0-144-014-0
Hearing Date:	May 11, 2010

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 6, 2010, and approved the Final Plan Approval for the Silver Bay Park Planned Unit Development for the conversion of 4 existing buildings into 5 dwelling units each, to be conducted as described in the project description and project drawings submitted with the application dated May 17, 2004 (SUB2004-00017) and as modified by the May 6, 2010 submittal, with the following conditions:

1. Either wheel stops or parking space stripes as shown on the project site plan shall be applied to the parking and circulation area as shown on the site plan prior to the issuance of a Certificate of Occupancy.
2. CBJ-approved signage shall be posted for the accessible parking space prior to Certificate of Occupancy.

Attachments: May 6, 2010, memorandum from Daniel J. Sexton, Community Development, to the CBJ Planning Commission regarding PDF20100001

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, May 11, 2010.

Expiration Date: The permit will expire 18 months after the effective date, or August 11, 2011, if the Homeowners' Association document is not recorded with the Alaska Department of Natural Resources, Recorders Office and a copy of the document is submitted to the Community Development Department in accordance with CBJ §49.15.640(b)(4) for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: _____
Daniel Sexton, Planner
Community Development Department

_____
Maria Gladziszewski, Chair
Planning Commission

_____
Filed With City Clerk

5/12/2010
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: May 6, 2010

TO: Planning Commission

FROM: Daniel Sexton, Planner
Community Development Department

FILE NO.: PDF20100001

PROPOSAL: Completion of Final Plan approval for a Planned Unit Development to convert 4 existing buildings into 5 dwelling units each. The final Plat approval creating 6 single-family lots and one large lot which contains the PUD was approved under SUB2004-00017.

GENERAL INFORMATION

Applicant:	Scott Jensen
Property Owner:	Scott Jensen
Property Address:	3240 Tongass Blvd
Legal Description:	Silver Bay Park Lot 7
Parcel Code Number:	5-B21-0-144-014-0
Site Size:	9.04 acres
Zoning:	D-5
Utilities:	CBJ Sewer and Water
Access:	Tongass Boulevard
Existing Land Use:	Multi Family
Surrounding Land Use:	North – D15, Multifamily South – D5, Single-Family/Duplex East – D5, Single-Family/Duplex; Dwellings and Tongass Boulevard West – RR, Rural Reserve; Vacant State Land

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION

The applicant requests final plan approval for a Planned Unit Development (PUD) permit for the Silver Bay Park PUD (Attachment A). The proposed PUD will convert an 11-unit assisted living facility called the Silver Bay Shelter into 5-dwelling units in each of the 4-existing structures for a total of 20 dwellings. No new structures are planned for the PUD at this time. The plat creating the 6 single-family residential lots, and one large lot, the PUD parcel, along Tongass Boulevard was approved under SUB2004-00017.

BACKGROUND

The facility in question was originally built in the 1970's to house the Alaska Youth Village, a residence for young people and their caregivers. This facility consisted of 4 structures configured in a dormitory style. During the phased development of this facility one of the structures was permitted for use as a church (CU-50-91). In the late 1990's, new owners of the property had proposed to use the property and existing structures as a group home for the mentally and physically disabled and their caregivers. This resulted in the reconfiguration of the existing buildings into one and two bedroom apartments (11-total) to operate the facility as an assisted living group home (USE1999-00015).

Due to a lack of need for this type of use, in 2004, the property owners began the permitting process to convert the 4 existing structures into a condominium/rental unit development by means of the Planned Unit Development section of the Land Use Code. On April 13, 2004, the Planning Commission reviewed and approved the preliminary plan approval for the PUD and a 7 lot subdivision with conditions (SUB2004-00004). Then on June 8, 2004, the Planning Commission was scheduled to hear the final plan approval for the Silver Bay Park PUD and the final plat for the 7-lot Silver Bay Park Subdivision (SUB2004-00017); however, since staff had requested additional time to review the submitted homeowners' association agreement, the Planning Commission continued any action on the final plan approval for the PUD (Attachment B).

ANALYSIS

In accordance with the Land Use Code, a PUD is reviewed according to the requirements of Section 49.15.330 *Conditional Use Permits* and shall be a two-step process, per 49.15.620 *Planned Unit Development Review Process*. As stated above, the Planning Commission on April 13, 2004 reviewed and approved the preliminary plan approval with conditions for the Silver Bay Park PUD. Since action on the final plan approval had been continued at the June 8, 2004 Planning Commission hearing, all that remains is for the Planning Commission to review the Silver Bay Park PUD in accordance with Sections 49.15.330 *Conditional Use Permits* and 49.15.640 *Final Planned Unit Development Plan Approval* of the Land Use Code.

Aspects to be reviewed in accordance with Section 49.15.330 Conditional Use Permits:

Project Site – The site design for the Silver Bay Park PUD was reviewed and approved for compliance with the Land Use code under permit SUB2004-00004 as conditioned. During the review of SUB2004-00017 the applicant submitted a revised final site plan that addresses the site specific conditions of the preliminary plan approval.

Project Design – The project design for the Silver Bay Park PUD was reviewed and approved in accordance with the Land Use Code under permit SUB2004-00004 with conditions. The development designs as amended under SUB2004-00017, and with the homeowners' association agreement information submitted with this application, have been determined by the Community Development Department staff to be in conformance with the preliminary plan approval as conditioned and the Land Use Code.

Traffic – As explained within the preliminary plan approval (SUB2004-00004) the proposed development is expected to generate additional traffic, but is not expected to significantly impact the current Level of Service as ADOT has designed and constructed Tongass Blvd as a major collector.

Parking and Circulation – Condition #3 of the preliminary plan approval required:

> *3. That the applicant clearly marks all parking stalls, driveways, and emergency access routes. In addition accessible spaces shall be appropriately signed. Details shall be shown on the final plans.*

As identified on the final site plan submitted with SUB2004-0017, the applicant had designated the location and layout of parking stalls, driveways, and emergency access routes. However, during a site inspection on April 27, 2010 it was determined the required 50-parking spaces and accessible spaces had not been marked or signed appropriately. Since the intent of this condition was to layout and identify the required parking and accessible spaces, staff recommends the following conditions of the final plan approval:

1. Either wheel stops or parking space stripes as shown on the project site plan shall be applied to the parking and circulation area as shown on the site plan prior to the issuance of a Certificate of Occupancy.
2. CBJ-approved signage shall be posted for the accessible parking space prior to Certificate of Occupancy.

Noise – As conditioned in the preliminary plan approval, the applicant was required to install a fence along the adjacent property lines of Lots 2, 3, 4, and 5 of the Tall Timber Subdivision and was to submit a plan for the re-vegetation of the 25-foot buffer. To comply with these conditions the applicant constructed a fence along the adjoining property lines of Lots 1, 2, 3, 4, 5, and 6, as well as installed additional vegetation along the 25-foot buffer.

Public Health or Safety – As determined in the findings for the preliminary plan approval, SUB2004-00004, if the development complies with staff's recommended conditions, the development will not materially endanger public health and safety.

Property Value or Neighborhood Harmony – As found in the preliminary plan review and approval (SUB2004-00004), the proposed development with its 20 multi-family units is well below the maximum allowable dwellings per acre. Furthermore, this is a reuse of existing structures that have been present on the property since the 1970's. There should be not affect on property values or neighborhood harmony.

Conformity With Adopted Plans – Per the preliminary plan review and approval, the Planning Commission determined that the proposed Silver Bay Park PUD does comply with all applicable adopted plans of the City and Borough of Juneau.

49.70.900-49.70.1097 COASTAL DEVELOPMENT, HABITAT, AND WETLANDS

In accordance with the evaluation and determination made under SUB2004-00004, as conditioned, the proposed development will comply with Sections CBJ 49.70.900 through 49.70.1097 *Coastal Development and Habitat* of the Land Use Code. All wetland areas identified on this property will not be altered and will be retained as common open space.

ALASKA COASTAL MANAGEMENT PROGRAM (ACMP)

Not applicable. This project does not require a state-coordinated ACMP review.

Aspects to be reviewed in accordance with Section and 49.15.640 Final Planned Unit Development Plan Approval:

> *(a) Application. Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.*

The conditions of the preliminary plan approval as required by the Planning Commission under SUB2004-4 included:

1. *That the applicant, prior to final plan submittal, prepare a landscaping plan that shows the additional plantings to supplement the 25-foot buffer area.*
2. *That the applicant constructs sidewalks along the entrance and exit driveways at the Tongass Blvd. intersection. These improvements should be included with the other construction plans for final PUD plan approval.*
3. *That the applicant clearly marks all parking stalls, driveways, and emergency access routes. In addition accessible spaces shall be appropriately signed. Details shall be shown on the final plans.*

4. *That the applicant prepares appropriate PUD Homeowners Association documents, per CBJ §49.15.640(b), for submittal with an application for final PUD plan approval.*
5. *That the applicant relocates the portions of the existing driveways to remove any encroachments onto the proposed new lots. A minimum 20-foot wide driveway must be maintained throughout the development.*
6. *That the applicant completes all the conditions listed in the memo dated April 13, 2004 from Paul Beck, Engineering Permit Specialist.*
7. *That the applicant completes any fencing along lots 2, 3, 4 and 5 of Tall Timber Subdivision (Attachment C).*

Based on staff's evaluation of the materials submitted with SUB2004-00017 that pertain to the final plan approval, a site visit conducted by staff on April 27, 2010, and the attached e-mail (Attachment D) from Paul Beck, CBJ Engineering Associate, the applicant has complied with all the conditions as stipulated in the preliminary plan approval (SUB2004-00004), except for Condition #3 as discussed in the "Parking and Circulation" section of this report above.

(b) Homeowners' association.

(1) The articles of incorporation and bylaws of the homeowners' association, required under AS 34.08, or this chapter, shall be prepared by a lawyer licensed to practice in the state.

(2) The association documents shall specify how common facilities shall be operated and maintained. The documents shall require homeowners to pay periodic assessments for the operation, snow removal, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.

(3) If planned unit development utilities or streets are not accepted for maintenance by the City and Borough, the homeowners' association documents shall clearly indicate that a special assessment may be levied in the future for extraordinary repairs or to perform necessary work in order to connect or dedicate common facilities to the City and Borough system. If the planned unit development is phased, the association documents shall specify how the cost to build, operate, and maintain improved common open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.

(4) The homeowners' association documents shall be recorded with the approved final plat, as required by state law, or both.

On April 6, 2010, the applicant submitted a new version of the homeowners' association agreement that was developed by Brena, Bell & Clarkson, P.C. law firm. After review of this document by the CBJ Law Department and Community Development Department staff, a number of items were determined to be in error (Attachment E). The applicant addressed those concerns and submitted an amended homeowners' association agreement on May 6, 2010 (Attachment F). It should be noted that the applicant intends to rent the units for the foreseeable future, but in the advent that the applicant and/or a new property owner decides to sell any of the rental property as condos, the homeowners' association agreement will have been approved to form and ready to be established.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. We find the application contains the information necessary to conduct full review of the proposed final plan approval. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.460

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. Major subdivisions, such as Planned Unit Developments, are proper according to the Table of Permissible Uses at CBJ §49.25.300, Section 25.100 and Section49.15.610.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development has complied with the other requirements of this chapter. Public notice of this project was provided in the May 1, 2010 and May 10, 2010 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Since this item was continued from a previous meeting, June 8, 2004, a Public Notice Sign was not required to be posted on the subject parcel.

4. Will the proposed development materially endanger the public health or safety?

No. Since the applicant has met all the conditions as required following the preliminary plan approval and a homeowners' association agreement that conforms to the standards of Section 49.15.640(b), staff has determined that the proposed development will not materially endanger public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. Given that the applicant has complied with all the conditions as required under the preliminary plan approval and the structures have been in this location for decades, staff finds that the proposed development will be compatible with other development in the area and have no negative effects on property values. This development is not a major change from the existing use and is well under what is allowed under the current zoning, D-5 Single-Family Residential (5 dwellings per acre).

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. Based on the preceding staff analysis under the preliminary plan approval of SUB2004-00004 and the compliance with the conditions of that approval, it is found that the project is in conformity with the comprehensive plan and other applicable plans.

7. Will the proposed development comply with the Alaska Coastal Management Program?

Not applicable. This project does not require a state-coordinated ACMP review.

8. Does the submitted final plan substantially conform to the approved preliminary plan and all requirements of this article?

Yes. Based on the information presented above, staff finds that the applicant has submitted a final plan that substantially complies with the preliminary plan approval as conditioned under SUB2004-00004 and is in accordance with Sections 49.15.330 *Conditional Use Permits* and 49.15.640 *Final Planned Unit Development Plan Approval* of the Land Use Code.

RECOMMENDATION

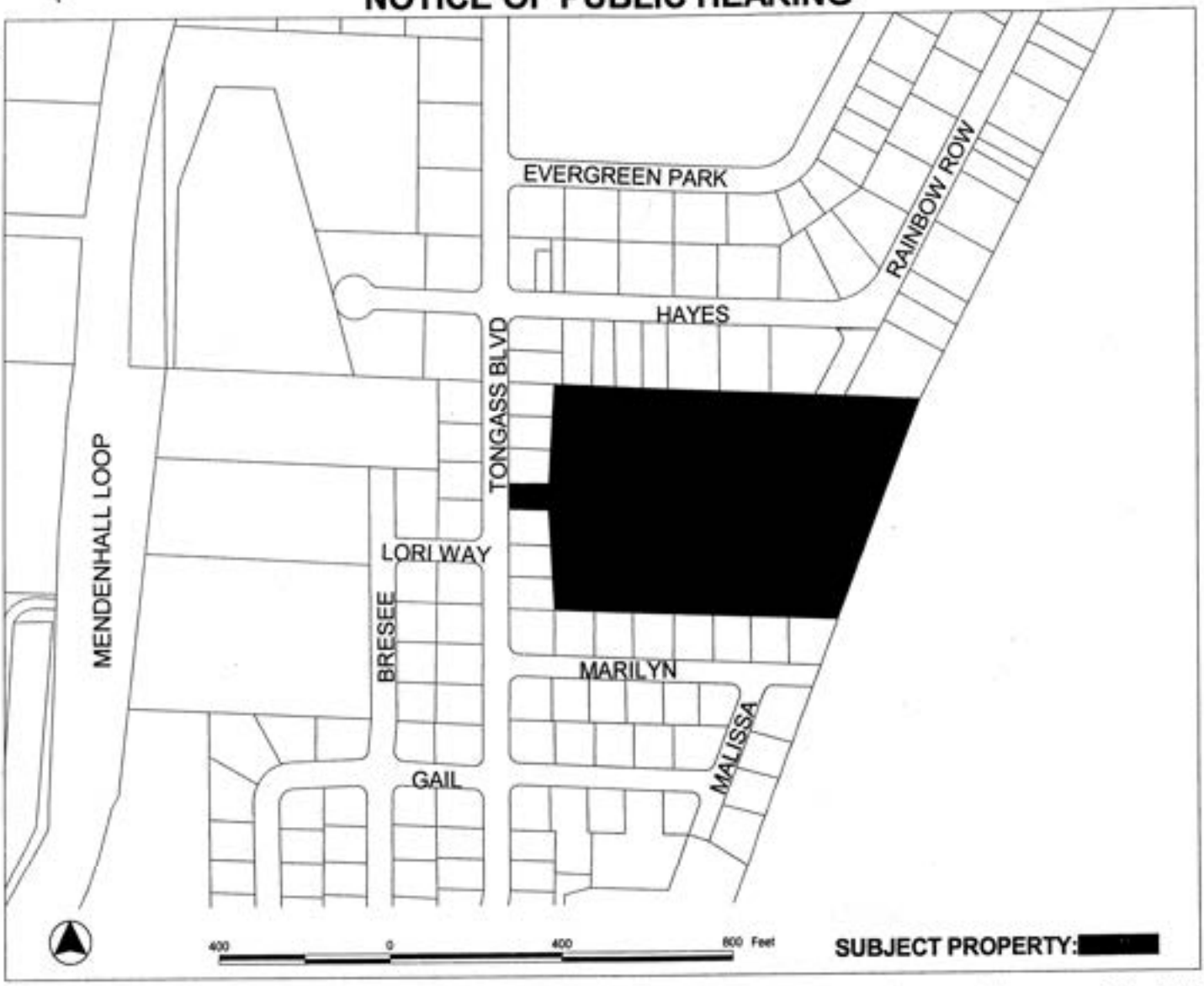
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested final plan approval for the Silver Bay Park Planned Unit Development, PDF20100001. The approval of this permit would allow the development of a 20-unit Planned Unit Development by converting 4 existing buildings into 5 dwelling units in each. The approval is subject to the following conditions:

1. Either wheel stops or parking space stripes as shown on the project site plan shall be applied to the parking and circulation area as shown on the site plan prior to the issuance of a Certificate of Occupancy.
2. CBJ-approved signage shall be posted for the accessible parking space prior to Certificate of Occupancy.

ATTACHMENTS

Attachment A – Initial Homeowner's Association Declaration
Attachment B – Staff Report & Notice of Decision for SUB2004-00017
Attachment C – Notice of Decision for SUB2004-00004
Attachment D – E-mail from Paul Beck, dated May 6, 2010
Attachment E – E-mails from Dan Sexton dated April 27, 2010 & e-mail from Jane Sebans, dated May 3, 2010
Attachment F – E-mail from Jesse Bell, dated May 6, 2010 and revised Homeowner's Association Declaration

NOTICE OF PUBLIC HEARING



PROPOSAL: A continuation of Final Plan approval for a Planned Unit Development to convert 4 existing buildings into 5 dwelling units each. The final Plat approval creating 6 new lots and one large lot which contains the PUD was approved under SUB2004-00017.

FILE NO:	PDF20100001
TO:	**Adjacent Property Owners**
HEARING DATE:	May 11, 2010
HEARING TIME:	7:00 PM
PLACE:	**ASSEMBLY CHAMBERS** Municipal Building 155 South Seward St Juneau, Alaska 99801

APPLICANT:	SCOTT JENSEN
Property PCN:	5-B21-0-144-001-4
Owner(s):	SCOTT JENSEN
Size:	9.04 acres
Zoned:	D5
Site Address:	3240 TONGASS BLVD
Accessed via:	TONGASS BLVD

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Daniel Sexton at (907)-586-0771 or e-mail daniel_sexton@ci.juneau.ak.us

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: April 28, 2010

RECEIVED
APR 0 6 2010
PERMIT CENTER/CDD

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

PURSUANT TO THE

UNIFORM COMMON INTEREST OWNERSHIP ACT

(AS 34.08, et seq.)

FOR

SILVER BAY CONDOMINIUMS

ATTACHMENT A

TABLE OF CONTENTS

I. DEFINITIONS 1

II. NAME AND TYPE OF COMMON INTEREST COMMUNITY AND ASSOCIATION 6

III. DESCRIPTION OF LAND 6

IV. MAXIMUM NUMBER OF UNITS, IDENTIFICATION, AND BOUNDARIES 7

V. LIMITED COMMON ELEMENTS 7

VI. MAINTENANCE, REPAIR, AND REPLACEMENT 7

VII. SUBSEQUENTLY ALLOCATED LIMITED COMMON ELEMENTS 8

VIII. ALLOCATED INTERESTS 9

IX. SPECIAL DECLARANT RIGHTS 9

X. RESTRICTIONS ON USE, ALIENATION, AND OCCUPANCY 12

XI. EASEMENTS AND LICENSES 12

XII. ALLOCATION AND REALLOCATION OF LIMITED COMMON ELEMENT 13

XIII. ADDITIONS, ALTERATIONS, AND IMPROVEMENTS 13

XIV. SUBDIVISION OF UNITS 13

XV. AMENDMENTS TO DECLARATION 14

XVI. AMENDMENT TO BYLAWS 14

XVII. TERMINATION 14

XIII. MORTGAGEE PROTECTION 14

XIX. ASSESSMENT AND COLLECTION OF COMMON EXPENSES 15

XX. RIGHT TO ASSIGN FUTURE INCOME 16

XXI. **PERSONS AND UNITS SUBJECT TO DOCUMENTS** 16

XXII. **INSURANCE** 17

XXIII. **DAMAGE TO OR DESTRUCTION OF PROPERTY** 17

XXIV. **RIGHTS TO NOTICE AND COMMENT; NOTICE OF HEARING** 18

XXV. **EXECUTIVE BOARD** 18

XXVI. **CONDEMNATION** 20

XXVII. **MISCELLANEOUS** 20

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
PURSUANT TO THE
UNIFORM COMMON INTEREST OWNERSHIP ACT
(AS 34.08, et seq.)

FOR

SILVER BAY CONDOMINIUMS

THIS DECLARATION is made on the ____ day of _____, 2004, by Silver Bay Park, LLC., an Alaska limited liability corporation, hereinafter referred to as "Declarant" herein.

Declarant submits the property in the Juneau Recording District, First Judicial District, State of Alaska, described as follows:

> Lot 7, Block D, Tall Timbers Subdivision Number 1, according to Plat Number 73-8, Juneau Recording District, First Judicial District, State of Alaska;

to the provisions of the Uniform Statutes, for Interest Ownership Act, AS 34.08 of the Alaska Statutes, for the purpose of creating Sliver Bay Condominiums and making the improvements shown in the plat and plans attached as Exhibit B.

I.

DEFINITIONS

Section 1. **ACT.**

"Act" shall mean the Common Interest Ownership Act, AS 34.08 of the Alaska Statutes as it may be amended from time to time.

Section 2. **ALLOCATED INTERESTS.**

Allocated Interests" shall mean the undivided interest in the Common Elements, the common expense liability, and votes in the Association, allocated to the Units in the Common Interest Community. The Allocated Interests are described in Article VIII of this Declaration and shown on Exhibit A.

Section 3. **ASSOCIATION.**

"Association" shall mean Silver Bay Condominium Association, a nonprofit corporation organized under AS 10.20, et seq. It is the association of unit owners pursuant to Section 34.08.310 of the Act.

Section 4. **BYLAWS.**

"Bylaws" shall mean the bylaws of the Association, as they may be amended from time to time.

Section 5. **COMMON ELEMENTS.**

Each portion of the Common Interest Community other than a unit.

Section 6. **COMMON EXPENSES.**

The expenses or financial liabilities for the operation of the Common Interest Community. These include:

a. Expenses of administration, maintenance, repair or replacement of the Common Elements;

b. Expenses declared to be Common Expenses by the Instruments or by the Act;

c. Expenses agreed upon as Common Expenses by the Association; and

d. Such reasonable reserves as may be established by the Association, whether held in trust or by the Association, for repair, replacement or addition to the Common Elements or any other real or personal property acquired or held by the Association.

Section 7. **COMMON INTEREST COMMUNITY.**

The real property which is the subject matter of this Declaration.

Section 8. **DECLARANT.**

Sliver Bay Park, LLC, an Alaska limited liability corporation, as defined in subsection 34.08.990(12) of the Act.

Section 9. **DECLARATION.**

This document, including any amendments.

Section 10. **DEVELOPMENT RIGHTS.**

"Development Rights" shall mean a right or a combination of rights reserved by a Declarant in the Declaration to add real estate to a Common Interest Community; create units, common elements, or limited common elements within a Common Interest Community; subdivide units or convert units into Common Elements; or withdraw real estate from a Common Interest Community.

Section 11. **DIRECTOR.**

"Director" shall mean a member of the Executive Board.

Section 12. **DOCUMENTS.**

"Documents" shall mean the Declaration, and Plans recorded and filed pursuant to the provisions of the Act, the Bylaws and the Rules as they may be amended from time to time. Any exhibit or certification accompanying a document is a part of that document.

Section 13. **ELIGIBLE INSURER.**

"Eligible Insurer" shall mean an insurer or guarantor of a first security interest in the unit which has notified the Association in writing of its name and address and that it has insured or guaranteed a first security in a unit.

Section 14. **ELIGIBLE MORTGAGEE.**

"Eligible Mortgagee" shall mean the holder of a first security interest in a unit which has notified the Association, in writing, of its name and address, and that it holds a first security interest in a unit.

Section 15. **EXECUTIVE BOARD.**

The Board of Directors of the Association.

Section 16. **IMPROVEMENTS.**

"Improvements" shall mean any construction or facilities existing or to be constructed on the land included in the Common Interest Community, including but not limited to, buildings, trees

and shrubbery planted by the Declarant or the Association, paving, utility wires, pipes and lights poles.

Section 17. **LIMITED COMMON ELEMENTS.**

"Limited Common Elements" that portion of the common elements allocated for the exclusive use of one or more but fewer than all of the units by the Declaration or by operation of AS 34.08.100(2) or (4). The limited common elements in the Common Interest Community are described in Article V of this Declaration.

Section 18. **MAJORITY OR MAJORITY OF UNIT OWNERS.**

The owners of more than fifty percent (50%) of the votes in the Association.

Section 19. **MANAGER.**

A person, firm, or corporation employed or engaged to perform management services for the Common Interest Community and the Association.

Section 20. **NOTICE AND COMMENT.**

"Notice and Comment" shall mean the right of a Unit Owner to receive notice of an action proposed to be taken by or on behalf of the Association, and the right to comment thereon.

Section 21. **NOTICE AND HEARING.**

"Notice and Hearing" shall mean the right of a Unit Owner to receive notice of an action proposed to be taken by the Association, and the right to be heard thereon.

Section 22. **PERSON.**

"Person" shall mean an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or other legal or commercial entity.

Section 23. **PLANS.**

"Plans" shall mean the floor plans and plat filed with this Declaration as they may be amended from time to time as required by AS 34.08.170.

Section 24. **PROPERTY.**

"Property" shall mean the land, all improvements, easements, rights and appurtenances, which have been submitted to the provisions of the Act by this Declaration.

Section 25. **PUBLIC OFFERING STATEMENT.**

The current document prepared pursuant to AS 34.08.530 of the Act as it may be amended from time to time, and provided to purchasers prior to the time of execution of a purchase agreement.

Section 26. **RULES.**

"Rules" shall mean rules for the use of Units and Common Elements and for the conduct of persons within the Common Interest Community, adopted by the Executive Board pursuant to this Declaration.

Section 27. **SECURITY INTEREST.**

"Security Interest" shall mean an interest in real property or personal property, created by contract or conveyance, which secures payment or performance of an obligation. The term includes a lien created by a mortgage, deed of trust, trust deed, security deed, contract for deed, land sales contract, lease intended as security, assignment of lease or rents intended as security, pledge of an ownership interest in the Association, and any other consensual lien or title retention contract intended as security for an obligation.

Section 28. **SPECIAL DECLARANT RIGHTS.**

Right reserved for the benefit of a Declarant to

a. complete improvements indicated on plats and plans filed with the Declaration;

b. exercise any development right(if retained by the Declaration);

c. maintain sales offices, management offices, signs advertising the Common Interest Community, and models;

d. use easements through the common elements for the purpose of making improvements within the Common Interest Community or within real estate that may be added to the Common Interest Community if permitted by the Declaration; or

e. appoint or remove an officer of the Association or a master association or any Executive Board member during any period of Declarant control.

Section 29. **TRUSTEE.**

The entity which may be designated by the Executive Board as the trustee for the receipt, administration, and disbursement of funds derived from insured losses, condemnation awards, special assessments for uninsured losses, and other like sources. If no trustee has been designated, the trustee will be the Executive Board from time to time constituted, acting by majority vote, as executed by the president and attested by the secretary.

Section 30. **UNIT.**

"Unit" shall mean a physical portion of the Common Interest Community designated for separate ownership or occupancy, the boundaries of which are described in Article IV, Section 3 of this Declaration.

Section 31. **UNIT OWNER.**

"Unit Owner" shall mean the Declarant or other person who owns a unit or holding the possessory interest under a real estate purchase contract. Unit Owner does not include a person having an interest in a unit solely as security for an obligation. The Declarant is the initial owner of any unit created by this Declaration.

II.

NAME AND TYPE OF COMMON INTEREST COMMUNITY AND ASSOCIATION

Section 1. **COMMON INTEREST COMMUNITY.**

The name of the Common Interest Community is Silver Bay Condominiums.

Section 2. **ASSOCIATION.**

The name of the Association is Silver Bay Condominium Association.

III.

DESCRIPTION OF LAND

The Common Interest Community is situated in the Juneau Recording District, First Judicial District, State of Alaska, and is more particularly described as follows:

> Lot 7, Block D, Tall Timbers Subdivision Number 1, according to Plat Number 73-8, Juneau Recording District, First Judicial District, State of Alaska;

IV.

MAXIMUM NUMBER OF UNITS, IDENTIFICATION, AND BOUNDARIES

Section 1. **NUMBER OF UNITS.**

The Common Interest Community upon creation will contain four (4) units.

Section 2. **IDENTIFICATION OF UNITS.**

All Units are identified by number and are shown on the Plat and Plans attached as Exhibit B.

Section 3. **BOUNDARIES.**

Boundaries of each unit created by the Declaration are shown on the Plat and Plans as numbered units with their identifying number and as defined in AS 34.08.100.

V.

LIMITED COMMON ELEMENTS

The following portions of the Common Elements are Limited Common Elements assigned to the Units as provided in AS 34.08.100(4): shutters, awnings, window boxes, door steps, stoops, porches, exterior doors and windows, and any other fixture designed to serve a single unit that is located outside the boundaries of the unit.

VI.

MAINTENANCE, REPAIR, AND REPLACEMENT

Section 1. **COMMON ELEMENTS.**

The Association shall maintain, repair and replace all of the common elements, except the portions of the limited common elements which are required by this Declaration to be maintained, repaired, or replaced by the unit owner. This obligation shall include maintenance and snow removal of the common area roads, driveways and outside parking. The maintenance costs for any utilities or streets that are not accepted for maintenance by the City and Borough of Juneau, may be the subject of a special assessment for extraordinary repairs or to complete any work for connecting or dedicating common facilities to the City and Borough system.

Section 2. **UNITS.**

Each Unit Owner shall maintain, repair and replace, at his or her own expense, all portions of his or her Unit, except the portions thereof to be maintained, repaired or replaced by the Association.

Section 3. **LIMITED COMMON ELEMENTS.**

Each unit owner shall be responsible for maintaining in a clean and sanitary condition the limited common elements for each unit.

Section 4. **ACCESS.**

Any person authorized by the Executive Board shall have the right of access to all portions of the property for the purpose of correcting any condition threatening a unit or the common elements, and for the purpose of performing installations, alterations or repairs, and for the purpose of reading, repairing, replacing utility meters and related pipes, valves, wires and equipment, provided that requests for entry are made in advance and that any such entry is at a time reasonably convenient to the affected Unit Owner. In case of an emergency, no such request or notice is required and such right of entry shall be immediate, whether or not the Unit Owner is present at the time.

Section 5. **REPAIRS RESULTING FROM NEGLIGENCE.**

Each Unit Owner will reimburse the Association for any damages to any other unit or to the common elements caused intentionally, negligently or by his or her failure to properly maintain, repair, or make replacements to his or her unit. The Association will be responsible for damage to units caused intentionally, negligently or by its failure to maintain, repair or make replacements to the common elements. If such expense is caused by misconduct, it will be assessed following notice and hearing.

VII.

SUBSEQUENTLY ALLOCATED LIMITED COMMON ELEMENTS

Limited common elements may be subsequently allocated in accordance with Article XII of this Declaration.

VIII.

ALLOCATED INTERESTS

Section 1. **ALLOCATION OF INTERESTS.**

The table showing Unit numbers and their allocated interests is attached as Exhibit A. These interests have been allocated in accordance with the formulas set out in this Article.

Section 2. **FORMULAS FOR THE ALLOCATION OF INTERESTS.**

a. Undivided Interest in the Common Elements and Liability for Common Expenses. The percentage of liability for common expense and for the undivided interest in the common elements allocated to each unit is an equal percentage interest, each unit having one-fourth (1/4) of an interest and liability for these purposes. The specified percentage, is set forth in Exhibit A.

b. Votes. Each Unit in the Common Interest Community shall have one equal vote.

IX.

SPECIAL DECLARANT RIGHTS

Section 1. **DECLARANT RIGHTS**

The Declarant reserves the following special Declarant rights, to the maximum extent permitted by law, which may be exercised, where applicable, anywhere within the Common Interest Community.

a. To complete improvements indicated on plats and plans filed with the Declaration;

b. To maintain sales offices, management offices, signs advertising the Common Interest Community, and models;

c. To use easements through the Common Elements for the purpose of making improvements within the Common Interest Community;

d. To appoint or remove an officer of the Association or any Executive Board member during a period of Declarant control;

e. The right to exercise any development right including the rights to (i) add real estate to the common interest community; (ii) create units or common elements within the common interest community. Declarant may, at the time it adds any additional units and/or common elements to the common interest community, specify restrictions on use, occupancy, and alienation, as well as standards for architectural controls for the additional units and/or common elements, should Declarant determine, in its sole discretion, that restrictions and standards different than those contained in this Declaration are appropriate.

Section 2. **MODELS, SALES OFFICES, AND MANAGEMENT OFFICES.**

As long as the Declarant is a Unit Owner, the Declarant and its duly authorized agents, representatives and employees may maintain any Unit owned by the Declarant or any portion of the Common Elements as a model Unit or sales office or management office.

Section 3. **CONSTRUCTION; DECLARANT'S EASEMENT.**

The Declarant reserves the right to perform warranty work, and repairs and construction work, and to store materials in secure areas, in units and common elements, and the further right to control all such work and repairs and the right of access thereto, until its completion. All work may be performed by the Declarant without the consent or approval of the Executive Board. The Declarant has such an easement through the common elements as may be reasonably necessary for the purpose of discharging the Declarant's obligations or exercising special Declarant rights, whether arising under the Act or reserved in the Declaration. Such easement includes the right to convey utility and drainage easements to public utilities, municipalities, the State, riparian owners or upland owners to fulfill the plan of development.

Section 4. **SIGNS AND MARKETING.**

The Declarant reserves the right to post signs and displays in the Common Elements to promote sales of units, and to conduct general sales activities, in a manner as will not unreasonably disturb the right of Unit Owners.

Section 5. **DECLARANT'S PERSONAL PROPERTY.**

The Declarant reserves the right to retain all personal property and equipment used in the sales, management, construction and maintenance of the premises that has not been represented as property of the Association. The Declarant reserves the right to remove from the property any and all goods and improvements used in development, marketing and construction whether or not they have become fixtures, including any models.

Section 6. **DECLARANT CONTROL OF THE ASSOCIATION.**

a. Subject to subsection (b) hereof, there shall be a period of Declarant control of the Association, during which the Declarant, or persons designated by it, may appoint and remove the officers and members of the Executive Board. The period of Declarant control shall terminate no later than the earlier of:

(1) sixty (60) days after conveyance of sixty percent (60%) of the Units that may be created to Unit Owners other than a Declarant;

(2) two (2) years after all Declarants have ceased to offer Units for sale in the ordinary course of business; or

(3) three (3) years after the first unit is conveyed to a Unit Owner other than a Declarant.

b. A Declarant may voluntarily surrender the right to appoint and remove officers and members of the Executive Board before termination of that period, but in that event the Declarant may require, for the duration of the period of Declarant control, that specified actions of the Association or Executive Board as described in a recorded instrument executed by the Declarant be approved by the Declarant before they become effective.

c. Not later than sixty (60) days after conveyance of twenty-five percent (25%) of the Units that may be created to Unit Owners other than a Declarant, at least one member and not less than twenty-five percent (25%) of the members of the Executive Board shall be elected by Unit Owners other than the Declarant. Not later than sixty (60) days after conveyance of fifty percent (50%) of the units that may be created to Unit Owners other than a Declarant, not less than thirty-three and one-third percent (33 1/3%) of the members of the Executive Board must be elected by Unit Owners other than the Declarant.

d. Not later than the termination of any period of Declarant control, the Unit Owners shall elect an Executive Board of at least three (3) members, at least a majority of whom shall be Unit Owners. The Executive Board shall elect the officers. The Executive Board members and officers shall take office upon election.

e. Notwithstanding any provision of this Declaration or the Bylaws to the contrary, following notice under 34.08.390, the Unit Owners, by a two-thirds (2/3) vote of all persons present and entitled to vote at any meeting of the Unit Owners at which a quorum is present, may remove any member of the Executive Board with or without cause, other than a member appointed by the Declarant.

Section 7. **INTERFERENCE WITH SPECIAL DECLARANT RIGHTS.**

Neither the Association nor any Unit Owner may take any action or adopt any rule that will interfere with or diminish any Special Declarant Right without the prior written consent of the Declarant.

X.

RESTRICTIONS ON USE, ALIENATION, AND OCCUPANCY

Section 1. **SINGLE-FAMILY RESIDENCE.**

Residences shall be used exclusively for single-family residential purposes.

Section 2. **OTHER RESTRICTIONS.**

All other use restrictions shall be established under the rule making authority of the directors of the Association.

XI.

EASEMENTS AND LICENSES

All easements or licenses to which the Common Interest Community is presently subject are recited in Exhibit C to this Declaration.

Declarant expressly reserves, for the benefit of owners in the project, reciprocal easements of access, ingress and egress over all of the common elements. Such easements may be used by Declarant's successors, purchasers, and all unit owners, their guests, tenants and invitees, residing or temporarily visiting the project, for pedestrian walkways, vehicular access, and such other purposes reasonably necessary to the use and enjoyment of a unit in the project. Such easements shall be appurtenant to, and shall pass with, the title to every unit conveyed. The Declarant expressly reserves, for the benefit of each unit owner, an exclusive easement for use of those areas depicted on the plans as limited common elements, as assigned to each unit owner for his numbered unit. All building walls shall be considered to adjoin and abut the wall of the contiguous residence against the surface from the bottom of the foundation of the building. Such right of use shall be as not to interfere with the use and enjoyment of the owners of adjoining residences, and in the event that any such contiguous wall is damaged or injured from any cause other than the act or negligence of one of the owners, the same shall be repaired or rebuilt at their joint expense. In the event any portion of the common elements encroaches upon any unit, or any unit encroaches upon the common elements, as a result of the construction, reconstruction, repair, shifting, settlement or movement of any portion of the project, a valid easement for the encroachment and for the maintenance of the same shall exist so long as the encroachment exists.

XII.

ALLOCATION AND REALLOCATION OF LIMITED COMMON ELEMENTS

A Common Element not previously allocated as a Limited Common Element may be so allocated pursuant to the provisions in this Article. The allocations will be made by amendments to the Declaration, specifying to which Unit or Units the Limited Common Element is located.

All amendments shall specify to which Unit or Units the Limited Common Element is allocated. No Limited Common Element depicted on the plat or plans may be reallocated by an amendment to this Declaration pursuant to this Article X without the consent of all affected owners.

XIII.

ADDITIONS, ALTERATIONS, AND IMPROVEMENTS

Excepting the interior of Units, no replacement, addition or alteration of the building, structure, fence, drainage facility, common or limited-common area landscaping or planting shall be effected on any residence other than by Declarant until the plans, specifications and plot plan showing the location and nature of such replacement, addition, alteration or removal have been submitted to, and approved in writing by, the Executive Board; nor shall any exterior painting or decorative alteration be commenced until the Board has approved the plans therefor, including the proposed color schemes, design thereof and the quality of the materials to be used.

XIV.

SUBDIVISION OF UNITS

Section 1. **APPLICATION AND AMENDMENT.**

Subject to approval of any structural changes and required permits, the boundaries between adjoining Units may be reallocated by an amendment to the Declaration upon application to the Association by the owners of the Units affected by the reallocation.

Section 2. **RECORDING AMENDMENTS.**

The Association shall prepare and record plats or plans necessary to show the altered boundaries between adjoining Units, and their dimensions and identifying numbers.

The applicants will pay for the costs of preparation of the amendment and its recording, and the reasonable consultant fees of the Association if it is deemed necessary by the Board of Directors to employ such consultant.

XV.

AMENDMENTS TO DECLARATION

Section 1. **GENERAL.**

This Declaration, including the plat and plans, may be amended only by vote or agreement of Unit Owners of units to which at least seventy-five percent (75%) of the votes in the Association are allocated.

Section 2. **SPECIAL DECLARANT RIGHTS.**

Provisions in this Declaration creating Special Declarant Rights may not be amended without the consent of the Declarant.

Section 3. **CONSENT OF HOLDERS OF SECURITY INTERESTS.**

Amendments are subject to the consent requirements of Article XVIII, if applicable.

XVI.

AMENDMENT TO BYLAWS

The Bylaws may be amended only by vote of two-thirds (2/3) of the members of the Executive Board, following Notice and Comment to all Unit Owners, at any meeting duly called for such purpose.

XVII.

TERMINATION

Termination of the Common Interest Community may be accomplished only in accordance with AS 34.08.260.

XVIII.

MORTGAGEE PROTECTION

Section 1. **INTRODUCTION.**

In the future and from time to time, eligible mortgagees and insurers (AHFC, FNMA, FHLMC, FHA, VA, etc.) may adopt provisions that relate to the financing of improvements on the units or require the Association to notify the eligible mortgagees and insurers who are requested to be given notices. It is the intent of the Declarant that the Declaration and the bylaws shall incorporate these financing provisions by this reference as if they were already set forth herein and adopted by the Association without any further action.

XIX.

ASSESSMENT AND COLLECTION OF COMMON EXPENSES

Section 1. **APPORTIONMENT OF COMMON EXPENSES.**

Except as provided in Section 2, all Common Expenses shall be assessed against all Units in accordance with their percentage interest in the Common Expenses as shown on Exhibit A to this Declaration.

Section 2. **COMMON EXPENSES ATTRIBUTABLE TO FEWER THAN ALL UNITS.**

a. If any Limited Common Element is assigned to more than one Unit, the Common Expenses attributable to the Limited Common Element shall be assessed equally among the Units to which it is assigned.

b. Any Common Expense for services provided by the Association to any individual Unit at the request of the Unit Owner shall be assessed against the Unit which benefits from such service.

c. Any insurance premium increase attributable to a particular Unit by virtue of activities in or construction of the Unit shall be assessed against that Unit.

d. An assessment to pay a judgment against the Association may be made only against the units in the Common Interest Community at the time the judgment was entered, in proportion to their Common Expense liabilities.

e. If Common Expense is caused by the misconduct of a Unit Owner, the Association may assess that expense exclusively against the Unit.

f. Fees, charges, late charges, fines, collection costs, and interest charged against a Unit Owner pursuant to the Documents and the Act are enforceable as Common Expense assessments.

Section 3. **LIEN.**

The Association has a lien on a Unit for an assessment levied against the Unit or fines imposed against its Unit Owner from the time the assessment or fine becomes due. Fees, charges, late charges, fines and interest charged pursuant to the Act and the Documents are enforceable as assessments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

Section 4. **BUDGET ADOPTION AND RATIFICATION.**

Within thirty (30) days after adoption of a proposed budget for the Common Interest Community, the Executive Board shall provide a summary of the budget to each Unit Owner, and shall set a date for a meeting of the Unit Owners to consider ratification of the budget not less than fourteen (14) nor more than thirty (30) days after mailing of the summary. Unless at that meeting (a majority of all Unit Owners) reject the budget, the budget is ratified, whether or not a quorum is present. If the proposed budget is rejected, the periodic budget last ratified by the Unit Owners continue until the Unit Owners ratify a budget proposed by the Executive Board.

Section 5. **COMMENCEMENT OF COMMON EXPENSE ASSESSMENTS.**

Common Expense assessments shall begin on the first day of the month in which conveyance of the first Unit to a Unit Owner other than the Declarant occurs.

Section 6. **PERSONAL LIABILITY OF UNIT OWNERS.**

The Owner of a Unit at the time a Common Expense assessment or portion thereof is due and payable is personally liable for the assessment. Personal liability for the assessment shall not pass to a successor in title to the Unit unless he or she agrees to assume the obligation.

XX.

RIGHT TO ASSIGN FUTURE INCOME

The Association may assign its future income, including its right to receive Common Interest Expense assessments, only by the affirmative vote of Unit Owners of Units to which at least seventy-five percent (75%) of the votes in the Association are allocated, at a meeting called for that purpose.

XXI.

PERSONS AND UNITS SUBJECT TO DOCUMENTS

Section 1. **COMPLIANCE WITH DOCUMENTS.**

All Unit Owners, tenants, mortgagees and occupants of Units shall comply with the Documents. The acceptance of a deed or the exercise of any incident of ownership or the entering into of a lease or the entering into occupancy of a Unit constitutes agreement that the provisions of the Documents are accepted and ratified by such Unit Owner, tenant, mortgagee or occupant, and all such provisions recorded in the Juneau Recording District, First Judicial District, State of Alaska are covenants running with the land and shall bind any persons having at any time any interest or estate in such unit.

Section 2. **ADOPTION OF RULES.**

The Executive Board may adopt Rules regarding the use and occupancy of Units, Common Elements and Limited Common Elements and the activities of occupants, subject to Notice and Comment.

XXII.

INSURANCE

Section 1. **COVERAGE.**

To the extent reasonably available, the Executive Board shall obtain and maintain insurance coverage as for the common areas and public liability as the Board determines from time to time and as may be required by the Act. If such insurance coverage is not reasonably available, and the Executive Board determines that any insurance described herein will not be maintained, the Executive Board shall cause notice of that fact to be hand-delivered or sent prepaid by United States mail to all Unit Owners and Eligible Mortgagees at their respective last known address.

Section 2. **OTHER INSURANCE.**

The Association may carry other insurance which the Executive Board considers appropriate to protect the Association.

Section 3. **PREMIUMS.**

Insurance premiums shall be a Common Expense.

XXIII.

DAMAGE TO OR DESTRUCTION OF PROPERTY

DUTY TO RESTORE. A portion of the Common Interest Community for which insurance is required under Section 34.08.440 of the Act or for which insurance carried by the Association is in effect whichever is more extensive, that is damaged or destroyed must be repaired or replaced promptly by the Association unless:

a. The Common Interest Community is terminated;

b. Repair or replacement would be illegal under a state statute or municipal ordinance governing health or safety; or

c. Eighty percent (80%) of the Unit Owners, including each owner of a Unit or assigned Limited Common Element that will not be rebuilt, vote not to rebuild.

XXIV.

RIGHTS TO NOTICE AND COMMENT; NOTICE OF HEARING

RIGHT TO NOTICE AND COMMENT. Before the Executive Board amends the Bylaws or the Rules, whenever the Documents require that an action be taken after "Notice and Comment", and at any other time the Executive Board determines, the Unit Owners have the right to receive notice of the proposed action and the right to comment orally or in writing. Notice of the proposed action shall be given to each Unit Owner in writing and shall be delivered personally or by mail to all Unit Owners at such address as appears in the records of the Association, or published in a newsletter or similar publication which is routinely circulated to all Unit Owners. The notice shall be given not less than five (5) days before the proposed action is to be taken. The right to Notice and Comment does not entitle a Unit Owner to be heard at a formally constituted meeting.

XXV.

EXECUTIVE BOARD

Section 1. **MINUTES OF EXECUTIVE BOARD MEETINGS.**

The Executive Board shall permit any Unit Owner to inspect the Minutes of Executive Board meetings during normal business hours. The Minutes shall be available for inspection within fifteen (15) days after any such meeting.

Section 2. **POWERS AND DUTIES.**

The Executive Board may act in all instances on behalf of the Association, except as provided in this Declaration, the Bylaws or the Act. The Executive Board shall have, subject to the limitations contained in this Declaration and the Act, the powers and duties necessary for the administration of the affairs of the Association and of the Common Interest Community which shall include, but not be limited to, the following:

a. Adopt and amend Bylaws, Rules and regulations;

b. Adopt and amend budgets for revenues, expenditures and reserves;

c. Collect assessments for Common Expenses from Unit Owners;

d. Hire and discharge managing agents;

e. Hire and discharge employees and agents, other than managing agents, and independent contractors;

f. Institute, defend or intervene in litigation or administrative proceedings in the Association's name on behalf of the Association or two or more Unit Owners on matters affecting the Common Interest Community;

g. Make contracts and incur liabilities;

h. Regulate the use, maintenance, repair, replacement and modification of the Common Elements;

i. Cause additional improvements to be held as a part of the Common Elements;

j. Acquire, hold encumber and convey in the Association's name any right, title or interest to real property or personal property, but Common Elements may be conveyed or subject to a Security Interest only pursuant to Section 34.08.430 of the Act;

k. Grant easements for any period of time including permanent easements, and leases, licenses and concessions for no more than one year, through or over the Common Elements;

l. Impose and receive payments, fees or charges for the use, rental or operation of the common Elements, other than Limited Common Elements described in Subsections of (2) and (4) of Section 34.08.100 of the Act, and for services provided to Unit Owners;

m. Impose charges or interest or both for late payment of assessments and, after Notice of Hearing, levy reasonable fines for violations of this Declaration, and the bylaws, Rules and regulations of the Association;

n. Impose reasonable charges for the preparation and recordation of amendments to this Declaration, resale certificates required by Section 34.08.590 of the Act or statements of unpaid assessments;

o. Provide for the indemnification of the Association's officers and Executive Board and maintain Directors' and officers' liability insurance;

p. Assign the Association's right to future income, including the right to receive Common Expense assessments;

q. Exercise any other powers conferred by this Declaration or by the Bylaws;

r. Exercise all other powers that may be exercised in this state by legal entities of the same type as the Association;

s. Exercise any powers necessary and proper for the governance and operation of the Association; and

XXVI.

CONDEMNATION

If part or all of the Common Interest Community is taken by any power having the authority of eminent domain, all compensation and damages for and on account of the taking shall be payable in accordance with Section 34.08.740 of the Act.

XXVII.

MISCELLANEOUS

Section 1. **CAPTIONS.**

The captions contained in the documents are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope of the documents nor the intent of any provision thereof.

Section 2. **GENDER.**

The use of the masculine gender refers to the feminine and neuter genders and the use of the singular includes the plural, and vice versa, whenever the context of the document so require.

Section 3. **WAIVER.**

No provision contained in the documents is abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

Section 4. **INVALIDITY.**

The invalidity of any provision of the documents does not impair or affect in any manner the validity, enforceability, or effect of the remainder, and in such event, all of the other provisions of the documents shall continue in full force and effect.

Section 5. **CONFLICT.**

The documents are intended to comply with the requirements of the Act and Chapter 10.20 of the Alaska Statutes (Non Profit Corporation Law). In the event of any conflict between the documents and the provisions of the statutes, the provisions of the statutes shall control. In the event of any conflict between this Declaration and any other document, this Declaration shall control.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed on the day and year first hereinabove written.

SILVER BAY PARK, LLC.

By_____

Its_____

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY, that on this _____ day of _____, 2004, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared _____, known to me to be the person named in and who executed the within and foregoing instrument; and he acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.

_____
Notary Public in and for Alaska
My Commission Expires:_____

EXHIBIT A

TABLE OF INTEREST

Unit No.	Percentage Share of Expenses and Interest in Common Elements	Votes in the Affairs of the Association
1	25%	1
2	25%	1
3	25%	1
4	25%	1

EXHIBIT B

PLAT

See File #73-8

EXHIBIT C

EASEMENTS

All easements and licenses reflected on the final plat for the real property described in the Declaration.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: June 10, 2004

File No.: SUB2004-00017

Scott Jensen
PO Box 33962
Juneau, AK 99803

Application For:	Final Plat for Silver Bay Park to create 6 single family lots. (Action on the Final PUD was continued).
Legal Description:	Tall Timbers Block D Lot 1 USS 1053
Parcel Code No.:	5-B21-0-144-001-0
Hearing Date:	June 8, 2004

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 3, 2004 and approved the preliminary plat to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:

1. That the applicant constructs or bonds for all required improvements prior to recording of the final plat.

2. That construction plans receive final approval from the Engineering Department before any building/right-of-way permit is issued for construction.

3. That all easements of suitable width and location as determined to be necessary by the Engineering Department be shown on the final plat.

4. That the applicant relocates those portions of the existing driveways to remove any encroachments onto the proposed new lots. A minimum of 20-foot wide driveways must be maintained throughout the development. These required improvements are subject to conditions 1 and 2.

ATTACHMENT B

Attachment: June 3, 2004 memorandum from Tim Maguire, Community Development to the CBJ Planning Commission regarding SUB2004-00017.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c).

Effective Date: The permit is effective upon approval by the Commission: June 8, 2004 .

Expiration Date: The permit will expire 18 months after the effective date, or December 8, 2005, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must by submitted thirty days prior to the expiration date.

Project Planner: Tim Maguire
Tim Maguire, Planner

J. Mark Pusich
Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk

Elizabeth J. McEwen, Deputy Clerk

June 14, 2004

cc: Paul Beck, CBJ Engineering
John Bowman, CBJ Engineering
Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: June 3, 2004

TO: Planning Commission

FROM: Tim Maguire, Principle Planner
Community Development Department

FILE NO.: SUB2004-00017

PROPOSAL: Final Plan approval for a Planned Unit Development to convert 4 exiting buildings into 5 dwelling units each and Final Plat approval creating 6 new single-family lots and one large lot which will contain the PUD.

GENERAL INFORMATION

Applicant:	Scott Jensen
Property Owner:	Scott Jensen
Legal Description:	Tall Timbers Block D Lot 1 USS 1053
Parcel Code No.:	5-B21-0-144-001-0
Site Size:	10 acres
Zoning:	D5
Utilities:	Public sewer and water
Access:	Tongass Blvd.
Existing Land Use:	Assisted Living Quarters
Surrounding Land Use:	North – Single/Duplex and Multi-Family Dwellings South - Single/Duplex Dwellings East – Wetlands/Jordan Creek West – Single/Duplex Dwellings

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION

A Planned Unit Development - Silver Bay Park - and a 6-lot residential subdivision are proposed for a 10-acre parcel located at 3250, Tongass Boulevard in the Mendenhall Valley (see Vicinity Map).

The development currently consists of four structures with 11 assisted-living units called the Silver Bay Shelter. This is a proposal to convert the existing facility into a condominium/rental development by means of the Planned Unit Development (PUD) section of the Land Use Code. The proposed conversion is to put 5 dwellings in each of the 4 existing structures for a total of 20 dwellings. No new structures are planned for the PUD at this time.

In addition, the applicant is proposing to subdivide the property known as Lot 1, Block D of Tall Timbers Subdivision and create 6 new single family lots along the western boundary of the site. These lots are proposed to be independent of the multi-family development. A greater portion of this tract, approximately 9 acres, will remain unsubdivided and is the proposed location of the PUD.

The PUD ordinance anticipates this type of configuration in the following section:

> *§49.15.670 Planned unit development design standards.*
> *(e) Perimeter buffer. There shall be a buffer of no less than 25 feet between the exterior boundary of the planned unit development and the nearest structure, road, or parking area within the development, unless the development includes a perimeter of transitional lots meeting the minimum dimensional standards in the zoning district. No building structures or parking areas may be located within the perimeter buffer.*

The applicant is proposing that these lots stand alone after they are platted and not be incorporated into the PUD.

BACKGROUND

The Planning Commission, at the April 13, 2004 regular meeting, approved the preliminary plan for the Silver Bay Planned Unit Development. The preliminary PUD plan and the preliminary plat were approved with 7 conditions (see Attachment A).

PLANNING COMMISSION ACTION

A Planned Unit Development is reviewed according to a two-step process: preliminary plan approval and final plan approval.

Planning Commission action on final plats is stipulated in Section 49.15.440(3) of the Land Use Code and reads as follows:

(3) Commission Action. The commission shall approve the final plat if the plat substantially conforms to the approved preliminary plat and all applicable conditions have been satisfactorily completed.

ANALYSIS

Staff's analysis for a Planned Unit Development would be to review the requirements for (CBJ §49.15.600) final plan approval. These requirements include completion of the conditions of preliminary plan approval and submittal of the homeowners' association agreement.

The applicant has submitted a proposed set of homeowners' association agreements, however additional review of these documents is needed. Staff is therefore recommending that action be continued on the final plan approval of the PUD. Nevertheless, the applicant has requested that this item stay on the agenda so that action can be taken on the final plat for the subdivision. Staff does not see a problem with separating out action on the PUD and the final plat approval. During the preliminary PUD and the preliminary plat review it was determined that the 6 new single-family lots being proposed would not be part of the PUD development.

The plat is a subdivision of Lot 1, Block D of Tall Timbers Subdivision into 6 new single family lots along the western boundary of the site. Each lot will meet D5 zoning standards and have access directly to Tongass Blvd. A greater portion of tract, approximately 9-acres, will remain as a large unsubdivided lot and is the location of the proposed PUD.

Only two of the 7 conditions of preliminary approval, Conditions #5 and 6, pertain to the preliminary plat approval. Condition #5 will carry over as a condition of the required subdivision improvements and Condition # 6 has been met with submittal of detailed construction plans (see Attachment C), which are being reviewed by the Engineering Department for approval.

The final plat has been reviewed and approved by the Engineering Department.

FINDINGS

The Director of Community Development makes the following findings in accordance with CBJ §49.15.440 Final Plat:

1. That the conditions of preliminary plat approval have been satisfactorily met and any outstanding issues are addressed with the conditions of final plat approval.
2. That the final plat substantially conforms to the preliminary plat.

RECOMMENDATION

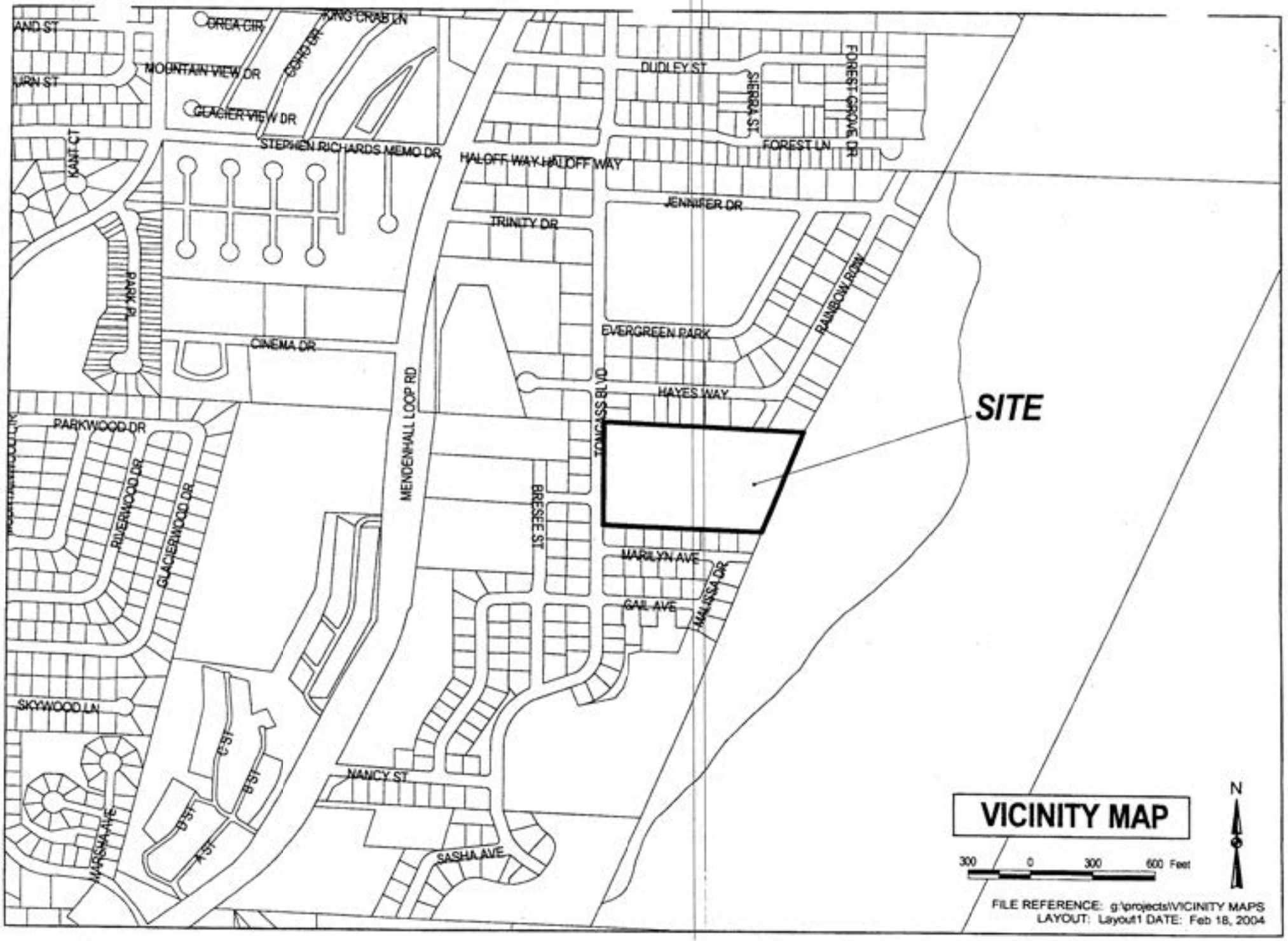
Staff recommends that the Planning Commission continue action on the final plan approval of the PUD for Silver Bay Park. We also recommend that the Planning Commission adopt the Director's analysis and findings and grant the requested final plat approval creating 6 new single-family lots and one lot, which will be the location of the PUD. We further recommend that the approval be subject to the following conditions:

1. That the applicant constructs or bonds for all required improvements prior to recording of the final plat.

2. That construction plans receive final approval from the Engineering Department before any building/right-of-way permit is issued for construction.

3. That all easements of suitable width and location as determined to be necessary by the Engineering Department be shown on the final plat.

4. That the applicant relocates those portions of the existing driveways to remove any encroachments onto the proposed new lots. A minimum of 20-foot-wide driveways must be maintained throughout the development. These required improvements are subject to conditions 1 and 2.


ORCA CIR
KING CRAB LN
MOUNTAIN VIEW DR
CORO DR
GLACIER VIEW DR
STEPHEN RICHARDS MEMO DR
KANT CT
PARK PL
CINEMA DR
HALOFF WAY
HALOFF WAY
TRINITY DR
DUDLEY ST
SIERRA ST
FOREST GROVE DR
FOREST LN
JENNIFER DR
RAINBOW ROW
EVERGREEN PARK
HAYES WAY
TONGASS BLVD
MENDENHALL LOOP RD
BRESSEE ST
PARKWOOD DR
RIVERWOOD DR
GLACIERWOOD DR
SKYWOOD LN
MARILYN AVE
GAIL AVE
MALISSA DR
NANCY ST
SASHA AVE
MARSHA AVE
SITE
VICINITY MAP
N
300 0 300 600 Feet
FILE REFERENCE: g:\projects\VICINITY MAPS
LAYOUT: Layout1 DATE: Feb 18, 2004

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: April 23, 2004

File No.: SUB2004-00004

Scott Jensen
P.O. BOX 33962
Juneau, AK 99803-3962

Application For:	A Planned Unit development to convert existing group home/assisted living units into 4 multi-family units with 5 dwellings each and a proposed six lot subdivision.
Legal Description:	Tall Timbers, Block D, Lot 1
Parcel Code No.:	5-B21-0-144-001-0
Hearing Date:	April 13, 2004

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 7, 2004 and approved the preliminary plan for a Planned Unit Development to convert existing group home/assisted living units into 4 multi-family units with 5 dwellings each and a proposed six lot subdivision as described in the project description and project drawing submitted with the application and with the following conditions:

1. That the applicant, prior to final plan submittal, prepare a landscaping plan that shows the additional plantings to supplement the 25-foot buffer area.
2. That the applicant constructs sidewalks along the entrance and exit driveways at the Tongass Blvd. intersection. These improvements should be included with the other construction plans for final PUD plan approval.
3. That the applicant clearly marks all parking stalls, driveways, and emergency access routes. In addition accessible spaces shall be appropriately signed. Details shall be shown on the final plans.
4. That the applicant prepares appropriate PUD Homeowners Association documents, per *CBJ* §49. 15.640(b), for submittal with an application for final PUD plan approval.
5. That the applicant relocates the portions of the existing driveways to remove any encroachments onto the proposed new lots. A minimum 20-foot wide driveway must be maintained throughout the development.
6. That the applicant completes all the conditions listed in the memo dated April 13, 2004 from Paul Beck, Engineering Permit Specialist.
7. That the applicant completes any fencing along lots 2, 3, 4 and 5 of Tall Timber Subdivision.

ATTACHMENT A

Attachment: April 7, 2004 memorandum from Tim Maguire, Community Development to the CBJ Planning Commission regarding SUB2004-00004.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c).

Effective Date: The permit is effective upon approval by the Commission
April 13, 2004

Expiration Date: The permit will expire 18 months after the effective date, or October 13, 2005, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must by submitted thirty days prior to the expiration date.

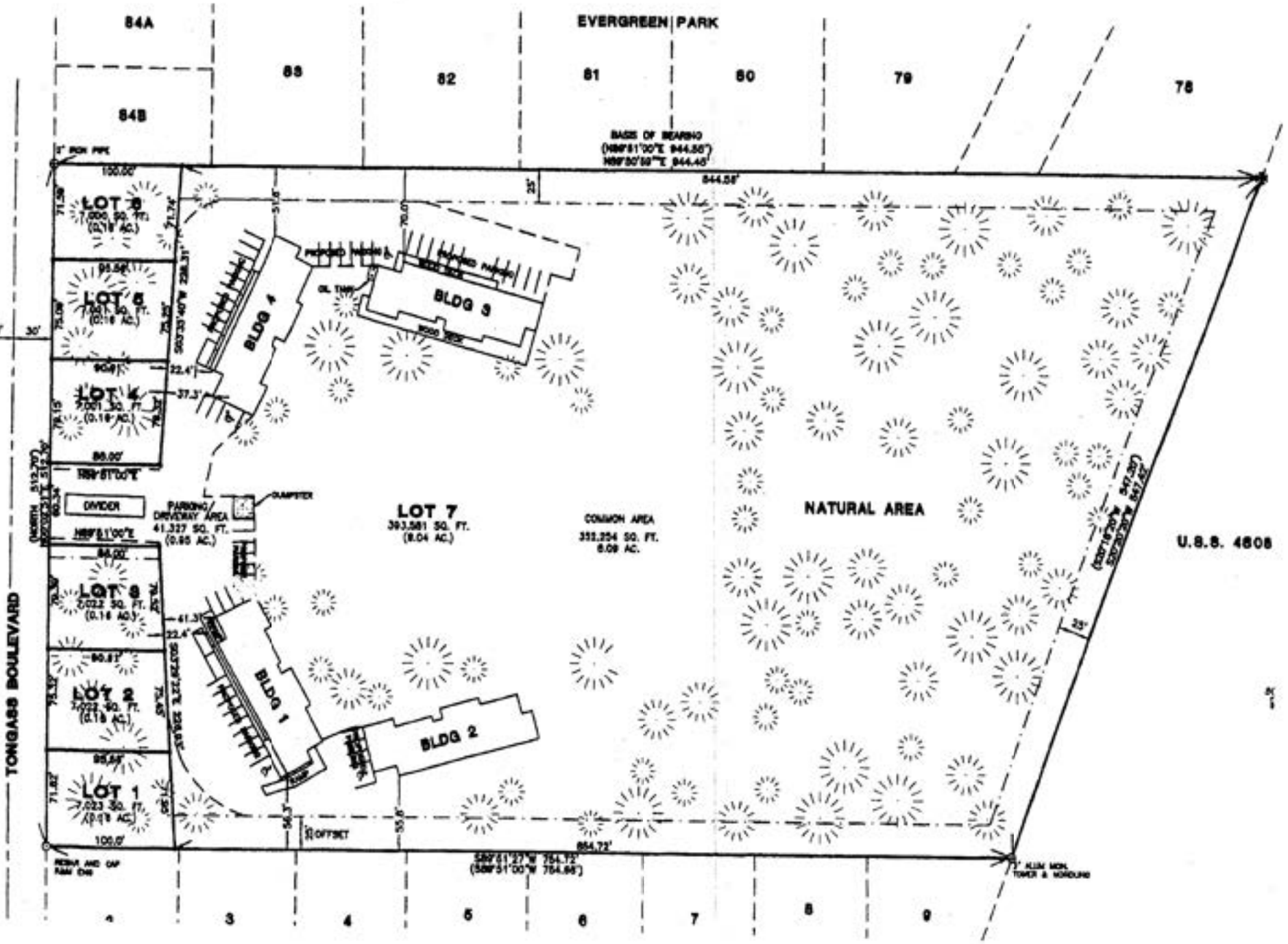
Project Planner: _____
Tim Maguire, Planner

_____
for Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk
_____
April 28, 2004

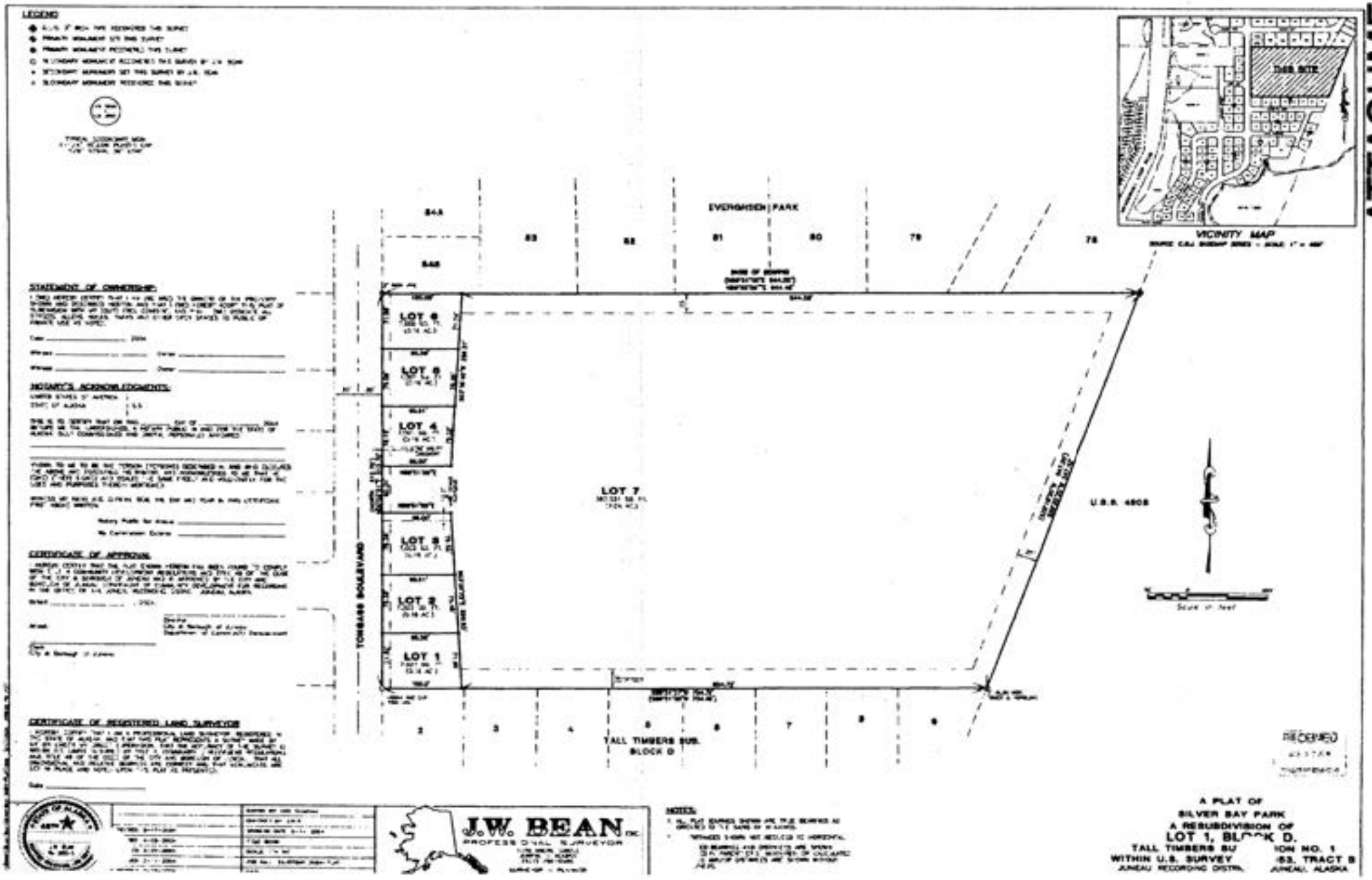
cc: Paul Beck
Murray Walsh
John Bowman
Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.

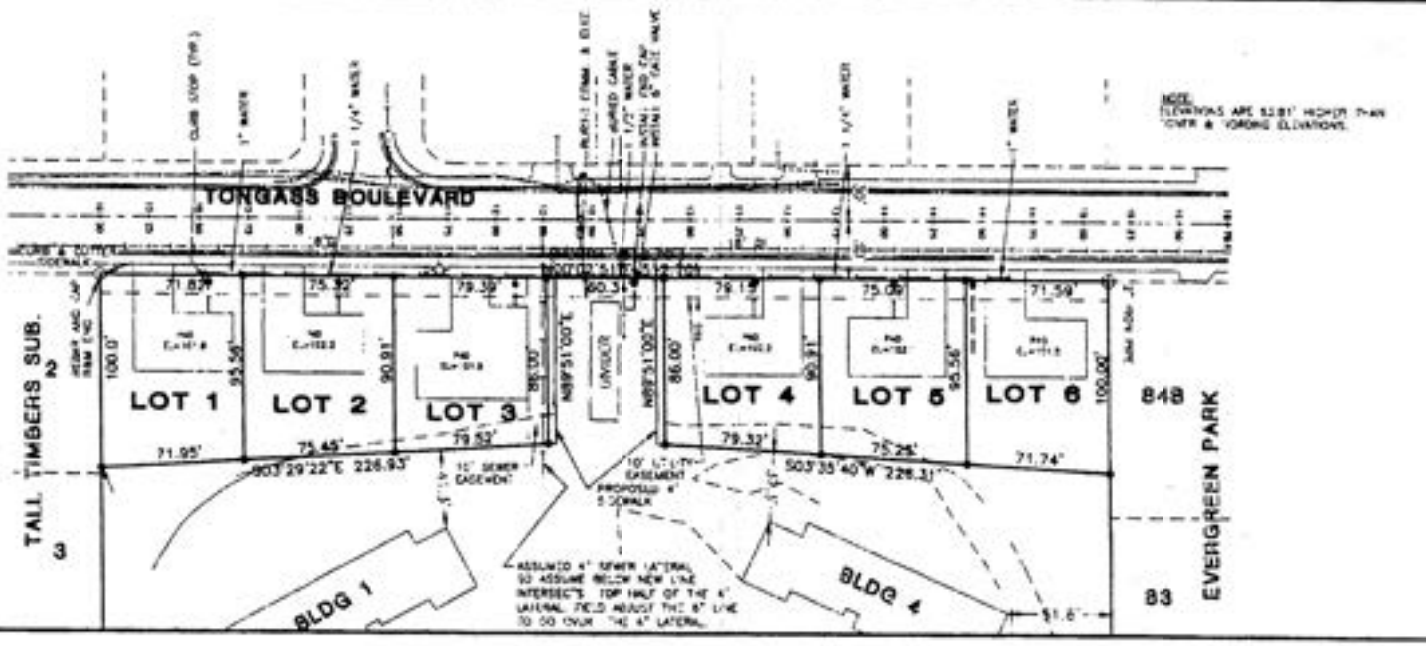


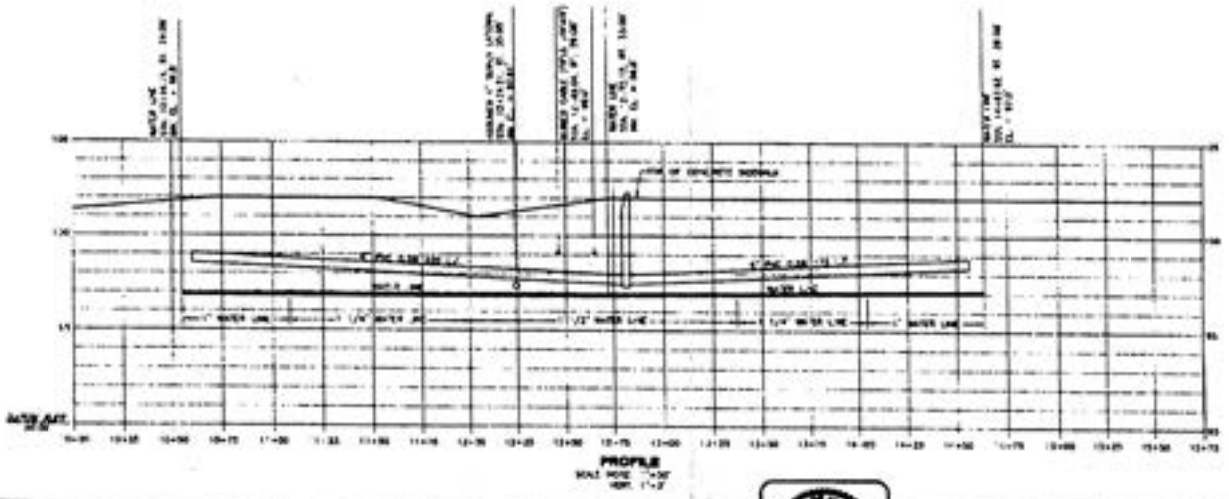
Apr 06 04 10:47a

ATTACHMENT B



ATTACHMENT C



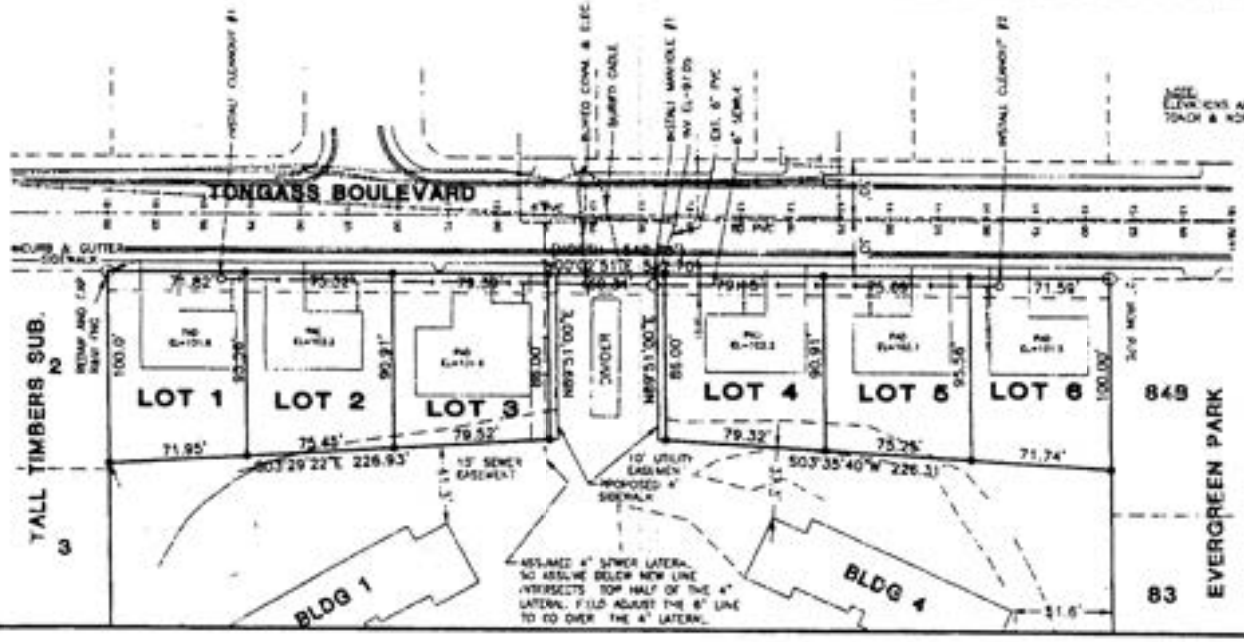


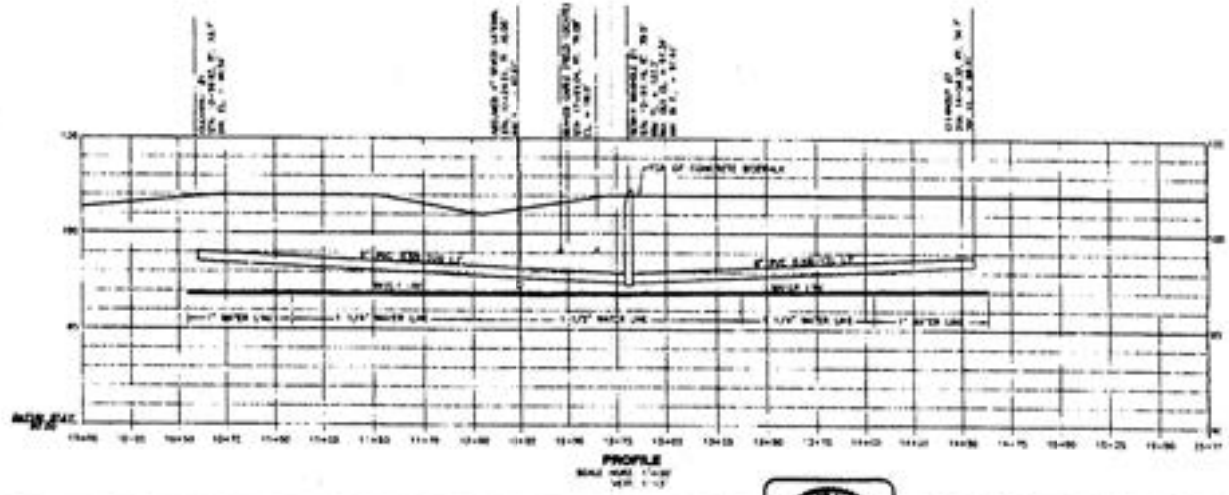
HANSEN ENGINEERING
JUNEAU, ALASKA

SCALE: AS NOTED

WATER SYSTEM
LOT 1, BLOCK D,
TALL TIMBERS SUBDIVISION NO. 1
WITHIN U.S. SURVEY NO. 1058, TRACT B
FOR: SCOTT JENSEN

1/3



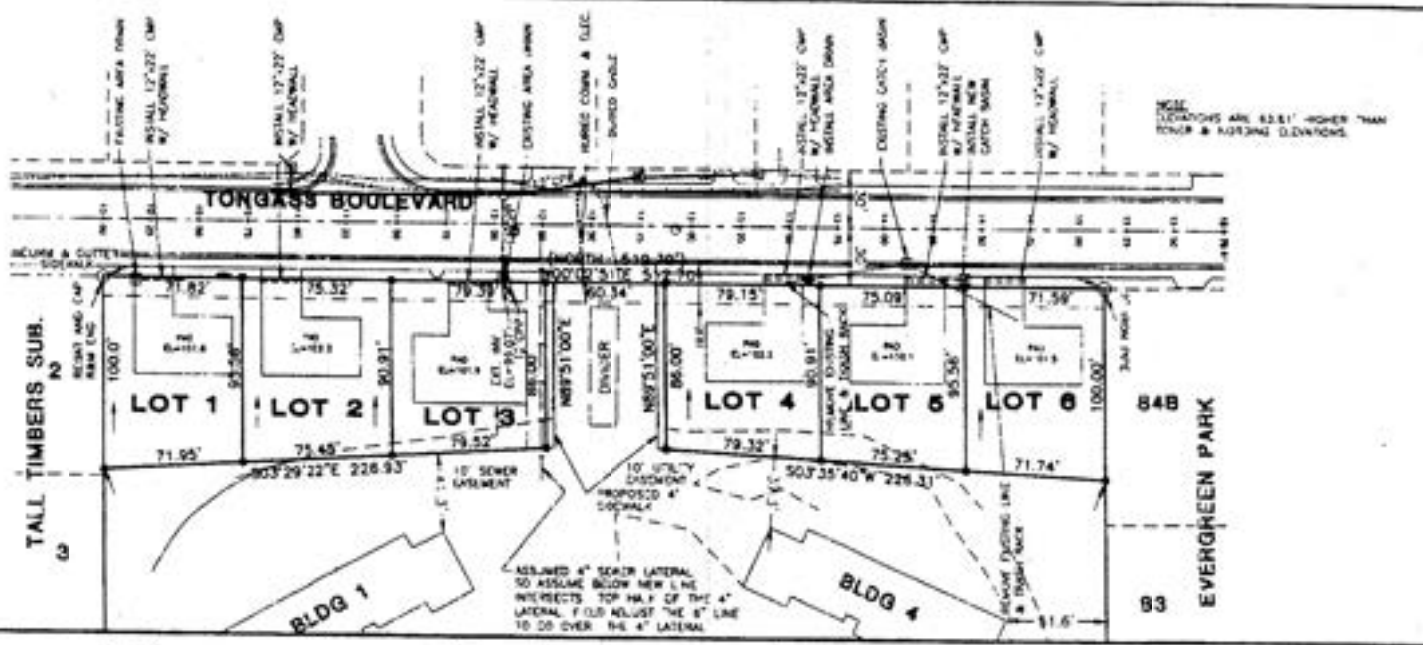


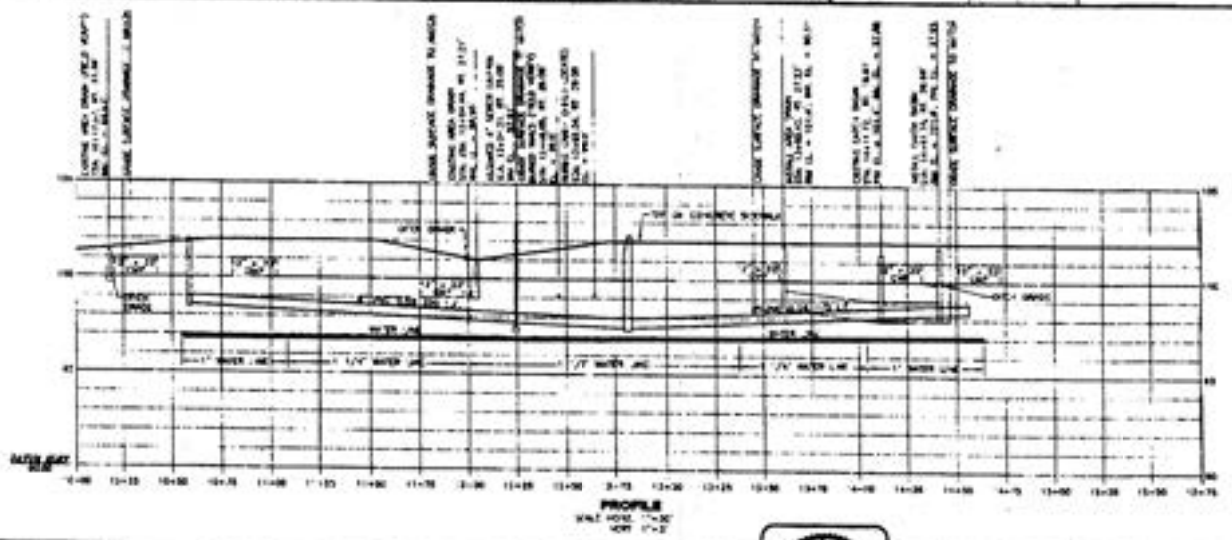
HANSEN ENGINEERING
JUNEAU, ALASKA

SCALE: AS NOTED

SEWER SYSTEM
LOT 1, BLOCK 5
TALL TIMBERS SUBDIVISION NO. 1
WITHIN U.S. SURVEY NO. 1063, TRACT B
FOR: SCOTT JENSEN

2/3





SCALE: AS NOTED

HANSEN ENGINEERING
JUNEAU, ALASKA

DRAINAGE SYSTEM
LOT 1 BLOCK D,
TALL TIMBERS SUBDIVISION NO. 1
WITHIN U.S. SURVEY NO. 1053, TRACT B
FOR: SCOTT JENSEN

3/3

SUBDIVISION OR PLATTING APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

ect Number	Project Name (15 characters)	Case Number	Hearing Date	Date Received
J04-93	Silver Bay Park Pud	SUB 04-17		5-17-04

LEGAL DESCRIPTION OF PROPERTY WHICH WILL BE SUBDIVIDED OR PLATTED:
Lot 1, Blk D, Tall Timbers Subd.

Number of Existing Parcels 1 Total Land Area 10 acre Resulting Lots or Parcels 7

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED
(please see submittal requirements on reverse)

MINOR SUBDIVISION
(Changing or creating 4 or fewer lots)

- ☐ Zero Lot Line (Common Wall)
- ☐ "Panhandle" Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation
- ☐ Subdivision resulting in 4 or fewer lots
- ☐ Other _____

MAJOR SUBDIVISION
(Changing or creating greater than 4 lots)

- * ☐ Preliminary Plat
- ☒ Final Plat
- * ☐ Plat Amendment
- * ☐ Planned Unit Development - Preliminary Plan Approval
- ☒ Planned Unit Development - Final Plan Approval
- ☐ Other _____

* Public Notice Sign Required

Please attach cover letter to fully explain the project if there is not adequate space on this form.

PREVIOUS USE OF LAND OR BUILDING(S): Group home

CURRENT BUILDING(S) OR STRUCTURES ON THE LAND: ☒ YES ☐ NO
If Yes, provide a site plan drawn to scale showing all improvements on the lot. An As-Built Survey may be required.

CURRENT USE OF LAND OR BUILDING(S): Group home
Preliminary Plat/PUD approved under SUB2004-00004

PROPOSED USE OF LAND OR BUILDING(S):
PUD - Acts - 6-Lots and One remaing Lot that will have 4 Building each with 5 dwelling units.

UTILITIES AVAILABLE WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

UNIQUE CHARACTERISTICS OF LAND OR BUILDING:

REVIEW APPROVALS

	Initials	Date
[illegible]		
Engineering		
Planning		

SUBDIVISION/PLATTING/PUD FEES

	Fees	Check No.	Receipt	Date
Application Fees	$1,040.00			
Admin. of Guarantee Agreement	$			
Public Notice Sign Prep.	$ 50.00			
Pub. Not. Sign Lease	$ 100.00			
Total Fee	$1,190.00	0059		5/17/04

• Send white and pink sheets with carbon intact - Retain yellow sheet • Replier - Send white sheet to originator - Retain pink sheet

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

155 South Seward Street
Juneau, Alaska 99801

MEMORANDUM

To: John Bowman Subject: Silver Bay Park

From the office of Tim Maguire CDD Date: 5/19/04

Message

Attached for your review is the final plat for Silver Bay Park and additional construction plans.

Thanks
Tim

Attachments

Please reply in areas below Signed:

Reply: The Plat needs to change the redundant 10.0' 10' Utility and 10.0' 10' Sewer Easement we will review the construction plans separately

Reply Date: 5/20/04 Signed: John Bowman

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU, ALASKA

REGULAR MEETING
June 8, 2004

The Regular Meeting of the City and Borough of Juneau Planning Commission, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Acting Chairman J. Mark Pusich.

I. ROLL CALL

Commissioners Present: J. Mark Pusich, Marshal Kendziorek, Jim Scholz, Dan Bruce, Maria Gladziszewski, Jacqueline Fowler, Peggy Ann McConnochie

Commissioners Absent: Mike Bavard and Johan Dybdahl

A quorum was present.

Staff Present: Dale Pernula, CDD Director; Greg Chaney, CDD Planner; Tim Maguire, CDD Planning Supervisor; Sam Kito, CDD Transportation Development Mgr.; Chris Beanes, CDD Planner I; Peter Freer, CDD Planning Supervisor; Nathan Bishop, CDD Planner I.

II. APPROVAL OF MINUTES

MOTION *- by Kendziorek, to approve the minutes of the Regular Meetings of May 11, 2004 and May 18, 2004 with a few minor changes.* There being no objection, it was so ordered. He noted that on the May 18th minutes, the text on VAR2004-00006 and VAR2004-00007 somehow was reversed.

Mr. Pusich noted a few changes in the agenda. First, SUB2004-00017 would be moved to the Consent Agenda. Second, they would be convening as the Board of Adjustment to hear VAR2004-00020 prior to the regular agenda.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. RECONSIDERATION OF THE FOLLOWING ITEMS - None

V. CONSENT AGENDA

MOTION *– by Kendziorek, to approve the Consent Agenda as presented.* There being no objection, it was so ordered. Mr. Kendziorek stated that on 2004-00017, the recommendation was to continue the Final approval of the PUD but to approve the Final Plat.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: April 23, 2004

File No.: SUB2004-00004

Scott Jensen
P.O. BOX 33962
Juneau, AK 99803-3962

Application For:	A Planned Unit development to convert existing group home/assisted living units into 4 multi-family units with 5 dwellings each and a proposed six lot subdivision.
Legal Description:	Tall Timbers, Block D, Lot 1
Parcel Code No.:	5-B21-0-144-001-0
Hearing Date:	April 13, 2004

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 7, 2004 and approved the preliminary plan for a Planned Unit Development to convert existing group home/assisted living units into 4 multi-family units with 5 dwellings each and a proposed six lot subdivision as described in the project description and project drawing submitted with the application and with the following conditions:

1. That the applicant, prior to final plan submittal, prepare a landscaping plan that shows the additional plantings to supplement the 25-foot buffer area.
2. That the applicant constructs sidewalks along the entrance and exit driveways at the Tongass Blvd. intersection. These improvements should be included with the other construction plans for final PUD plan approval.
3. That the applicant clearly marks all parking stalls, driveways, and emergency access routes. In addition accessible spaces shall be appropriately signed. Details shall be shown on the final plans.
4. That the applicant prepares appropriate PUD Homeowners Association documents, per *CBJ* §49. 15.640(b), for submittal with an application for final PUD plan approval.
5. That the applicant relocates the portions of the existing driveways to remove any encroachments onto the proposed new lots. A minimum 20-foot wide driveway must be maintained throughout the development.
6. That the applicant completes all the conditions listed in the memo dated April 13, 2004 from Paul Beck, Engineering Permit Specialist.
7. That the applicant completes any fencing along lots 2, 3, 4 and 5 of Tall Timber Subdivision.

ATTACHMENT C

Attachment: April 7, 2004 memorandum from Tim Maguire, Community Development to the CBJ Planning Commission regarding SUB2004-00004.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c).

Effective Date: The permit is effective upon approval by the Commission
April 13, 2004

Expiration Date: The permit will expire 18 months after the effective date, or October 13, 2005, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must by submitted thirty days prior to the expiration date.

Project Planner:
Tim Maguire, Planner

for Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk
April 28, 2004

cc: Paul Beck
Murray Walsh
John Bowman
Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.

Daniel Sexton

From: Paul Beck

Sent: Thursday, May 06, 2010 9:08 AM

To: Daniel Sexton

Cc: Ron King

Subject: Silver Bay Park PUD (PDF20100001)

All subdivision conditions relating to the water, sanitary sewer, and storm drainage, have been met. Currently the CBJ is holding a $3500 bond. The requirements listed on the bond have not been met to date. The developer is required to submit signed hold harmless maintenance agreements for the water and sewer utilities located within the subdivision. Individual utility easements have been submitted. We are waiting for the agreements to be submitted to record all documents. Once this requirement has been met we will return the bond. Please let me know if you need anything else.

Daniel Sexton

From: Daniel Sexton

Sent: Tuesday, April 27, 2010 3:44 PM

To: 'SILVERBAYPARK@aol.com'

Subject: Silver Bay Park PUD (PDF20100001)

Afternoon Scott,

During my review of the final plan approval for the Silver Bay Park PUD a number of issues came to light. In the homeowners' association agreement there are a number of errors:

- The declaration is dated 2004 (page 1);
- The declaration is stipulated to affect a parcel of land that is not a legal lot of record (i.e. Lot 7, Block D, Tall Timbers Subdivision No. 1) (pages 1, 7);
- In exhibit B references an old plat and should refer to Plat# 2004-31; and
- Exhibit C does not include a diagram laying out the easements as mention within the declaration.

Please provide photographic evidence that the accessible signs/spaces have been designated, per condition #3 of USE2004-00004.

Additionally, if I receive any comments from the CBJ Law Department I will be sure to let you know.

Let me know if you have any questions.

Thanks,

Daniel J. Sexton, Planner II
CBJ Community Development Dept.
155 South Seward Street
Juneau, AK 99801
Ph: (907) 586-0771
Fax: (907) 586-3365
E-mail: daniel_sexton@ci.juneau.ak.us

ATTACHMENT E

Daniel Sexton

From: Jane Sebens
Sent: Monday, May 03, 2010 11:48 AM
To: Daniel Sexton
Subject: RE: Silver Bay Park PUD (PDF20100001)
Follow Up Flag: Follow up
Flag Status: Red

Dan—Law has reviewed the original PUD Homeowners' Association Declaration you sent over & has verified that it includes the info required by CBJ 49.15.640(b)----, however CDD needs to verify that the Declaration was prepared by an Alaska attorney, and should find out whether the "revised" declaration substantively altered (other than property's legal description) the original declaration. (It contains the CBJ code required provisions, but would be good to know if any changes would impact the required provisions.)

Sorry I didn't respond to your request sooner—was in a meeting.

Jane E. Sebens
Assistant City Attorney
155 South Seward Street
Third Floor, Municipal Way Bldg.
Juneau, Alaska 99801

Telephone: (907) 586-0275
Facsimile: (907) 586-1147
Email: sebens@cbjlaw.com

From: Daniel Sexton
Sent: Monday, May 03, 2010 9:39 AM
To: Jane Sebens
Subject: Silver Bay Park PUD (PDF20100001)

Jane,

Can you send me a quick e-mail stating that you have reviewed the Sliver Bay Park PUD Homeowners' Association Declaration and listing the two items you wanted clarification on

- letter/e-mail from the Lawyer that created the document; and
- reformatting it?

Thanks,

Daniel J. Sexton, Planner II
CBJ Community Development Dept.
155 South Seward Street
Juneau, AK 99801
Ph: (907) 586-0771
Fax: (907) 586-3365
E-mail: daniel_sexton@ci.juneau.ak.us

Daniel Sexton

From: Jesse Bell [jbell@brenalaw.com]
Sent: Thursday, May 06, 2010 9:47 AM
To: Daniel Sexton
Cc: LylesHF@aol.com; 'Avonna L. Murfitt'
Subject: Silver Bay

Daniel: Confirming our conversation this morning, I will be sending the revised Silver Bay Condominium documents to you later today. I can certify that the revised documents are in compliance with the Uniform Common Interest Ownership Act, AS 34.08 et seq. Jesse

ATTACHMENT F

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

PURSUANT TO THE

UNIFORM COMMON INTEREST OWNERSHIP ACT

(AS 34.08, et seq.)

FOR

SILVER BAY CONDOMINIUMS

TABLE OF CONTENTS

I. **DEFINITIONS** 1

II. **NAME AND TYPE OF COMMON INTEREST COMMUNITY AND ASSOCIATION** 6

III. **DESCRIPTION OF LAND** 6

IV. **MAXIMUM NUMBER OF UNITS, IDENTIFICATION, AND BOUNDARIES** 7

V. **LIMITED COMMON ELEMENTS** 7

VI. **MAINTENANCE, REPAIR, AND REPLACEMENT** 7

VII. **SUBSEQUENTLY ALLOCATED LIMITED COMMON ELEMENTS** 8

VIII. **ALLOCATED INTERESTS** 9

IX. **SPECIAL DECLARANT RIGHTS** 9

X. **RESTRICTIONS ON USE, ALIENATION, AND OCCUPANCY** 12

XI. **EASEMENTS AND LICENSES** 12

XII. **ALLOCATION AND REALLOCATION OF LIMITED COMMON ELEMENT** 13

XIII. **ADDITIONS, ALTERATIONS, AND IMPROVEMENTS** 13

XIV. **SUBDIVISION OF UNITS** 13

XV. **AMENDMENTS TO DECLARATION** 14

XVI. **AMENDMENT TO BYLAWS** 14

XVII. **TERMINATION** 14

XIII. **MORTGAGEE PROTECTION** 14

XIX. **ASSESSMENT AND COLLECTION OF COMMON EXPENSES** 15

XX. **RIGHT TO ASSIGN FUTURE INCOME** 16

XXI. **PERSONS AND UNITS SUBJECT TO DOCUMENTS** 16

XXII. **INSURANCE** 17

XXIII. **DAMAGE TO OR DESTRUCTION OF PROPERTY** 17

XXIV. **RIGHTS TO NOTICE AND COMMENT; NOTICE OF HEARING** 18

XXV. **EXECUTIVE BOARD** 18

XXVI. **CONDEMNATION** 20

XXVII. **MISCELLANEOUS** 20

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
PURSUANT TO THE
UNIFORM COMMON INTEREST OWNERSHIP ACT
(AS 34.08, et seq.)

FOR

SILVER BAY CONDOMINIUMS

THIS DECLARATION is made on the ____ day of _____, 2010, by Silver Bay Park, LLC., an Alaska limited liability corporation, hereinafter referred to as "Declarant" herein.

Declarant submits the property in the Juneau Recording District, First Judicial District, State of Alaska, described as follows:

> Lot Seven (7), Silver Bay Park, U. S. Survey No. 1053, Tract B, records of the Juneau Recording District, First Judicial District, State of Alaska;

to the provisions of the Uniform Statutes, for Interest Ownership Act, AS 34.08 of the Alaska Statutes, for the purpose of creating Sliver Bay Condominiums and making the improvements shown in the plat and plans attached as Exhibit B.

I.

DEFINITIONS

Section 1. **ACT.**

"Act" shall mean the Common Interest Ownership Act, AS 34.08 of the Alaska Statutes as it may be amended from time to time.

Section 2. **ALLOCATED INTERESTS.**

Allocated Interests" shall mean the undivided interest in the Common Elements, the common expense liability, and votes in the Association, allocated to the Units in the Common Interest Community. The Allocated Interests are described in Article VIII of this Declaration and shown on Exhibit A.

Section 3. **ASSOCIATION.**

"Association" shall mean Silver Bay Condominium Association, a nonprofit corporation organized under AS 10.20, et seq. It is the association of unit owners pursuant to Section 34.08.310 of the Act.

Section 4. **BYLAWS.**

"Bylaws" shall mean the bylaws of the Association, as they may be amended from time to time.

Section 5. **COMMON ELEMENTS.**

Each portion of the Common Interest Community other than a unit.

Section 6. **COMMON EXPENSES.**

The expenses or financial liabilities for the operation of the Common Interest Community. These include:

a. Expenses of administration, maintenance, repair or replacement of the Common Elements;

b. Expenses declared to be Common Expenses by the Instruments or by the Act;

c. Expenses agreed upon as Common Expenses by the Association; and

d. Such reasonable reserves as may be established by the Association, whether held in trust or by the Association, for repair, replacement or addition to the Common Elements or any other real or personal property acquired or held by the Association.

Section 7. **COMMON INTEREST COMMUNITY.**

The real property which is the subject matter of this Declaration.

Section 8. **DECLARANT.**

Sliver Bay Park, LLC, an Alaska limited liability corporation, as defined in subsection 34.08.990(12) of the Act.

Section 9. **DECLARATION.**

This document, including any amendments.

Section 10. **DEVELOPMENT RIGHTS.**

"Development Rights" shall mean a right or a combination of rights reserved by a Declarant in the Declaration to add real estate to a Common Interest Community; create units, common elements, or limited common elements within a Common Interest Community; subdivide units or convert units into Common Elements; or withdraw real estate from a Common Interest Community.

Section 11. **DIRECTOR.**

"Director" shall mean a member of the Executive Board.

Section 12. **DOCUMENTS.**

"Documents" shall mean the Declaration, and Plans recorded and filed pursuant to the provisions of the Act, the Bylaws and the Rules as they may be amended from time to time. Any exhibit or certification accompanying a document is a part of that document.

Section 13. **ELIGIBLE INSURER.**

"Eligible Insurer" shall mean an insurer or guarantor of a first security interest in the unit which has notified the Association in writing of its name and address and that it has insured or guaranteed a first security in a unit.

Section 14. **ELIGIBLE MORTGAGEE.**

"Eligible Mortgagee" shall mean the holder of a first security interest in a unit which has notified the Association, in writing, of its name and address, and that it holds a first security interest in a unit.

Section 15. **EXECUTIVE BOARD.**

The Board of Directors of the Association.

Section 16. **IMPROVEMENTS.**

"Improvements" shall mean any construction or facilities existing or to be constructed on the land included in the Common Interest Community, including but not limited to, buildings, trees

and shrubbery planted by the Declarant or the Association, paving, utility wires, pipes and lights poles.

Section 17. **LIMITED COMMON ELEMENTS.**

"Limited Common Elements" that portion of the common elements allocated for the exclusive use of one or more but fewer than all of the units by the Declaration or by operation of AS 34.08.100(2) or (4). The limited common elements in the Common Interest Community are described in Article V of this Declaration.

Section 18. **MAJORITY OR MAJORITY OF UNIT OWNERS.**

The owners of more than fifty percent (50%) of the votes in the Association.

Section 19. **MANAGER.**

A person, firm, or corporation employed or engaged to perform management services for the Common Interest Community and the Association.

Section 20. **NOTICE AND COMMENT.**

"Notice and Comment" shall mean the right of a Unit Owner to receive notice of an action proposed to be taken by or on behalf of the Association, and the right to comment thereon.

Section 21. **NOTICE AND HEARING.**

"Notice and Hearing" shall mean the right of a Unit Owner to receive notice of an action proposed to be taken by the Association, and the right to be heard thereon.

Section 22. **PERSON.**

"Person" shall mean an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or other legal or commercial entity.

Section 23. **PLANS.**

"Plans" shall mean the floor plans and plat filed with this Declaration as they may be amended from time to time as required by AS 34.08.170.

Section 24. **PROPERTY.**

"Property" shall mean the land, all improvements, easements, rights and appurtenances, which have been submitted to the provisions of the Act by this Declaration.

Section 25. **PUBLIC OFFERING STATEMENT.**

The current document prepared pursuant to AS 34.08.530 of the Act as it may be amended from time to time, and provided to purchasers prior to the time of execution of a purchase agreement.

Section 26. **RULES.**

"Rules" shall mean rules for the use of Units and Common Elements and for the conduct of persons within the Common Interest Community, adopted by the Executive Board pursuant to this Declaration.

Section 27. **SECURITY INTEREST.**

"Security Interest" shall mean an interest in real property or personal property, created by contract or conveyance, which secures payment or performance of an obligation. The term includes a lien created by a mortgage, deed of trust, trust deed, security deed, contract for deed, land sales contract, lease intended as security, assignment of lease or rents intended as security, pledge of an ownership interest in the Association, and any other consensual lien or title retention contract intended as security for an obligation.

Section 28. **SPECIAL DECLARANT RIGHTS.**

Right reserved for the benefit of a Declarant to

a. complete improvements indicated on plats and plans filed with the Declaration;

b. exercise any development right(if retained by the Declaration);

c. maintain sales offices, management offices, signs advertising the Common Interest Community, and models;

d. use easements through the common elements for the purpose of making improvements within the Common Interest Community or within real estate that may be added to the Common Interest Community if permitted by the Declaration; or

e. appoint or remove an officer of the Association or a master association or any Executive Board member during any period of Declarant control.

Section 29. **TRUSTEE.**

The entity which may be designated by the Executive Board as the trustee for the receipt, administration, and disbursement of funds derived from insured losses, condemnation awards, special assessments for uninsured losses, and other like sources. If no trustee has been designated, the trustee will be the Executive Board from time to time constituted, acting by majority vote, as executed by the president and attested by the secretary.

Section 30. **UNIT.**

"Unit" shall mean a physical portion of the Common Interest Community designated for separate ownership or occupancy, the boundaries of which are described in Article IV, Section 3 of this Declaration.

Section 31. **UNIT OWNER.**

"Unit Owner" shall mean the Declarant or other person who owns a unit or holding the possessory interest under a real estate purchase contract. Unit Owner does not include a person having an interest in a unit solely as security for an obligation. The Declarant is the initial owner of any unit created by this Declaration.

II.

NAME AND TYPE OF COMMON INTEREST COMMUNITY AND ASSOCIATION

Section 1. **COMMON INTEREST COMMUNITY.**

The name of the Common Interest Community is Silver Bay Condominiums.

Section 2. **ASSOCIATION.**

The name of the Association is Silver Bay Condominium Association.

III.

DESCRIPTION OF LAND

The Common Interest Community is situated in the Juneau Recording District, First Judicial District, State of Alaska, and is more particularly described as follows:

> Lot 7, Block D, Tall Timbers Subdivision Number 1, according to Plat Number 73-8, Juneau Recording District, First Judicial District, State of Alaska;

IV.

MAXIMUM NUMBER OF UNITS, IDENTIFICATION, AND BOUNDARIES

Section 1. **NUMBER OF UNITS.**

The Common Interest Community upon creation will contain twenty (20) units.

Section 2. **IDENTIFICATION OF UNITS.**

All Units are identified by number and are shown on the Plat and Plans attached as Exhibit B.

Section 3. **BOUNDARIES.**

Boundaries of each unit created by the Declaration are shown on the Plat and Plans as numbered units with their identifying number and as defined in AS 34.08.100.

V.

LIMITED COMMON ELEMENTS

The following portions of the Common Elements are Limited Common Elements assigned to the Units as provided in AS 34.08.100(4): shutters, awnings, window boxes, door steps, stoops, porches, exterior doors and windows, and any other fixture designed to serve a single unit that is located outside the boundaries of the unit.

VI.

MAINTENANCE, REPAIR, AND REPLACEMENT

Section 1. **COMMON ELEMENTS.**

The Association shall maintain, repair and replace all of the common elements, except the portions of the limited common elements which are required by this Declaration to be maintained, repaired, or replaced by the unit owner. This obligation shall include maintenance and snow removal of the common area roads, driveways and outside parking. The maintenance costs for any utilities or streets that are not accepted for maintenance by the City and Borough of Juneau, may be the subject of a special assessment for extraordinary repairs or to complete any work for connecting or dedicating common facilities to the City and Borough system.

Section 2. **UNITS.**

Each Unit Owner shall maintain, repair and replace, at his or her own expense, all portions of his or her Unit, except the portions thereof to be maintained, repaired or replaced by the Association.

Section 3. **LIMITED COMMON ELEMENTS.**

Each unit owner shall be responsible for maintaining in a clean and sanitary condition the limited common elements for each unit.

Section 4. **ACCESS.**

Any person authorized by the Executive Board shall have the right of access to all portions of the property for the purpose of correcting any condition threatening a unit or the common elements, and for the purpose of performing installations, alterations or repairs, and for the purpose of reading, repairing, replacing utility meters and related pipes, valves, wires and equipment, provided that requests for entry are made in advance and that any such entry is at a time reasonably convenient to the affected Unit Owner. In case of an emergency, no such request or notice is required and such right of entry shall be immediate, whether or not the Unit Owner is present at the time.

Section 5. **REPAIRS RESULTING FROM NEGLIGENCE.**

Each Unit Owner will reimburse the Association for any damages to any other unit or to the common elements caused intentionally, negligently or by his or her failure to properly maintain, repair, or make replacements to his or her unit. The Association will be responsible for damage to units caused intentionally, negligently or by its failure to maintain, repair or make replacements to the common elements. If such expense is caused by misconduct, it will be assessed following notice and hearing.

VII.

SUBSEQUENTLY ALLOCATED LIMITED COMMON ELEMENTS

Limited common elements may be subsequently allocated in accordance with Article XII of this Declaration.

VIII.

ALLOCATED INTERESTS

Section 1. **ALLOCATION OF INTERESTS.**

The table showing Unit numbers and their allocated interests is attached as Exhibit A. These interests have been allocated in accordance with the formulas set out in this Article.

Section 2. **FORMULAS FOR THE ALLOCATION OF INTERESTS.**

a. Undivided Interest in the Common Elements and Liability for Common Expenses. The percentage of liability for common expense and for the undivided interest in the common elements allocated to each unit is an equal percentage interest, each unit having one-fourth (1/4) of an interest and liability for these purposes. The specified percentage, is set forth in Exhibit A.

b. Votes. Each Unit in the Common Interest Community shall have one equal vote.

IX.

SPECIAL DECLARANT RIGHTS

Section 1. **DECLARANT RIGHTS**

The Declarant reserves the following special Declarant rights, to the maximum extent permitted by law, which may be exercised, where applicable, anywhere within the Common Interest Community.

a. To complete improvements indicated on plats and plans filed with the Declaration;

b. To maintain sales offices, management offices, signs advertising the Common Interest Community, and models;

c. To use easements through the Common Elements for the purpose of making improvements within the Common Interest Community;

d. To appoint or remove an officer of the Association or any Executive Board member during a period of Declarant control;

e. The right to exercise any development right including the rights to (i) add real estate to the common interest community; (ii) create units or common elements within the common interest community. Declarant may, at the time it adds any additional units and/or common elements to the common interest community, specify restrictions on use, occupancy, and alienation, as well as standards for architectural controls for the additional units and/or common elements, should Declarant determine, in its sole discretion, that restrictions and standards different than those contained in this Declaration are appropriate.

Section 2. MODELS, SALES OFFICES, AND MANAGEMENT OFFICES.

As long as the Declarant is a Unit Owner, the Declarant and its duly authorized agents, representatives and employees may maintain any Unit owned by the Declarant or any portion of the Common Elements as a model Unit or sales office or management office.

Section 3. CONSTRUCTION; DECLARANT'S EASEMENT.

The Declarant reserves the right to perform warranty work, and repairs and construction work, and to store materials in secure areas, in units and common elements, and the further right to control all such work and repairs and the right of access thereto, until its completion. All work may be performed by the Declarant without the consent or approval of the Executive Board. The Declarant has such an easement through the common elements as may be reasonably necessary for the purpose of discharging the Declarant's obligations or exercising special Declarant rights, whether arising under the Act or reserved in the Declaration. Such easement includes the right to convey utility and drainage easements to public utilities, municipalities, the State, riparian owners or upland owners to fulfill the plan of development.

Section 4. SIGNS AND MARKETING.

The Declarant reserves the right to post signs and displays in the Common Elements to promote sales of units, and to conduct general sales activities, in a manner as will not unreasonably disturb the right of Unit Owners.

Section 5. DECLARANT'S PERSONAL PROPERTY.

The Declarant reserves the right to retain all personal property and equipment used in the sales, management, construction and maintenance of the premises that has not been represented as property of the Association. The Declarant reserves the right to remove from the property any and all goods and improvements used in development, marketing and construction whether or not they have become fixtures, including any models.

Section 6. **DECLARANT CONTROL OF THE ASSOCIATION.**

a. Subject to subsection (b) hereof, there shall be a period of Declarant control of the Association, during which the Declarant, or persons designated by it, may appoint and remove the officers and members of the Executive Board. The period of Declarant control shall terminate no later than the earlier of:

(1) sixty (60) days after conveyance of sixty percent (60%) of the Units that may be created to Unit Owners other than a Declarant;

(2) two (2) years after all Declarants have ceased to offer Units for sale in the ordinary course of business; or

(3) three (3) years after the first unit is conveyed to a Unit Owner other than a Declarant.

b. A Declarant may voluntarily surrender the right to appoint and remove officers and members of the Executive Board before termination of that period, but in that event the Declarant may require, for the duration of the period of Declarant control, that specified actions of the Association or Executive Board as described in a recorded instrument executed by the Declarant be approved by the Declarant before they become effective.

c. Not later than sixty (60) days after conveyance of twenty-five percent (25%) of the Units that may be created to Unit Owners other than a Declarant, at least one member and not less than twenty-five percent (25%) of the members of the Executive Board shall be elected by Unit Owners other than the Declarant. Not later than sixty (60) days after conveyance of fifty percent (50%) of the units that may be created to Unit Owners other than a Declarant, not less than thirty-three and one-third percent (33 1/3%) of the members of the Executive Board must be elected by Unit Owners other than the Declarant.

d. Not later than the termination of any period of Declarant control, the Unit Owners shall elect an Executive Board of at least three (3) members, at least a majority of whom shall be Unit Owners. The Executive Board shall elect the officers. The Executive Board members and officers shall take office upon election.

e. Notwithstanding any provision of this Declaration or the Bylaws to the contrary, following notice under 34.08.390, the Unit Owners, by a two-thirds (2/3) vote of all persons present and entitled to vote at any meeting of the Unit Owners at which a quorum is present, may remove any member of the Executive Board with or without cause, other than a member appointed by the Declarant.

Section 7. **INTERFERENCE WITH SPECIAL DECLARANT RIGHTS.**

Neither the Association nor any Unit Owner may take any action or adopt any rule that will interfere with or diminish any Special Declarant Right without the prior written consent of the Declarant.

X.

RESTRICTIONS ON USE, ALIENATION, AND OCCUPANCY

Section 1. **SINGLE-FAMILY RESIDENCE.**

Residences shall be used exclusively for single-family residential purposes.

Section 2. **OTHER RESTRICTIONS.**

All other use restrictions shall be established under the rule making authority of the directors of the Association.

XI.

EASEMENTS AND LICENSES

All easements or licenses to which the Common Interest Community is presently subject are recited in Exhibit C to this Declaration.

Declarant expressly reserves, for the benefit of owners in the project, reciprocal easements of access, ingress and egress over all of the common elements. Such easements may be used by Declarant's successors, purchasers, and all unit owners, their guests, tenants and invitees, residing or temporarily visiting the project, for pedestrian walkways, vehicular access, and such other purposes reasonably necessary to the use and enjoyment of a unit in the project. Such easements shall be appurtenant to, and shall pass with, the title to every unit conveyed. The Declarant expressly reserves, for the benefit of each unit owner, an exclusive easement for use of those areas depicted on the plans as limited common elements, as assigned to each unit owner for his numbered unit. All building walls shall be considered to adjoin and abut the wall of the contiguous residence against the surface from the bottom of the foundation of the building. Such right of use shall be as not to interfere with the use and enjoyment of the owners of adjoining residences, and in the event that any such contiguous wall is damaged or injured from any cause other than the act or negligence of one of the owners, the same shall be repaired or rebuilt at their joint expense. In the event any portion of the common elements encroaches upon any unit, or any unit encroaches upon the common elements, as a result of the construction, reconstruction, repair, shifting, settlement or movement of any portion of the project, a valid easement for the encroachment and for the maintenance of the same shall exist so long as the encroachment exists.

XII.

ALLOCATION AND REALLOCATION OF LIMITED COMMON ELEMENTS

A Common Element not previously allocated as a Limited Common Element may be so allocated pursuant to the provisions in this Article. The allocations will be made by amendments to the Declaration, specifying to which Unit or Units the Limited Common Element is located.

All amendments shall specify to which Unit or Units the Limited Common Element is allocated. No Limited Common Element depicted on the plat or plans may be reallocated by an amendment to this Declaration pursuant to this Article X without the consent of all affected owners.

XIII.

ADDITIONS, ALTERATIONS, AND IMPROVEMENTS

Excepting the interior of Units, no replacement, addition or alteration of the building, structure, fence, drainage facility, common or limited-common area landscaping or planting shall be effected on any residence other than by Declarant until the plans, specifications and plot plan showing the location and nature of such replacement, addition, alteration or removal have been submitted to, and approved in writing by, the Executive Board; nor shall any exterior painting or decorative alteration be commenced until the Board has approved the plans therefor, including the proposed color schemes, design thereof and the quality of the materials to be used.

XIV.

SUBDIVISION OF UNITS

Section 1. APPLICATION AND AMENDMENT.

Subject to approval of any structural changes and required permits, the boundaries between adjoining Units may be reallocated by an amendment to the Declaration upon application to the Association by the owners of the Units affected by the reallocation.

Section 2. RECORDING AMENDMENTS.

The Association shall prepare and record plats or plans necessary to show the altered boundaries between adjoining Units, and their dimensions and identifying numbers.

The applicants will pay for the costs of preparation of the amendment and its recording, and the reasonable consultant fees of the Association if it is deemed necessary by the Board of Directors to employ such consultant.

XV.

AMENDMENTS TO DECLARATION

Section 1. **GENERAL.**

This Declaration, including the plat and plans, may be amended only by vote or agreement of Unit Owners of units to which at least seventy-five percent (75%) of the votes in the Association are allocated.

Section 2. **SPECIAL DECLARANT RIGHTS.**

Provisions in this Declaration creating Special Declarant Rights may not be amended without the consent of the Declarant.

Section 3. **CONSENT OF HOLDERS OF SECURITY INTERESTS.**

Amendments are subject to the consent requirements of Article XVIII, if applicable.

XVI.

AMENDMENT TO BYLAWS

The Bylaws may be amended only by vote of two-thirds (2/3) of the members of the Executive Board, following Notice and Comment to all Unit Owners, at any meeting duly called for such purpose.

XVII.

TERMINATION

Termination of the Common Interest Community may be accomplished only in accordance with AS 34.08.260.

XVIII.

MORTGAGEE PROTECTION

Section 1. **INTRODUCTION.**

In the future and from time to time, eligible mortgagees and insurers (AHFC, FNMA, FHLMC, FHA, VA, etc.) may adopt provisions that relate to the financing of improvements on the units or require the Association to notify the eligible mortgagees and insurers who are requested to be given notices. It is the intent of the Declarant that the Declaration and the bylaws shall incorporate these financing provisions by this reference as if they were already set forth herein and adopted by the Association without any further action.

XIX.

ASSESSMENT AND COLLECTION OF COMMON EXPENSES

Section 1. **APPORTIONMENT OF COMMON EXPENSES.**

Except as provided in Section 2, all Common Expenses shall be assessed against all Units in accordance with their percentage interest in the Common Expenses as shown on Exhibit A to this Declaration.

Section 2. **COMMON EXPENSES ATTRIBUTABLE TO FEWER THAN ALL UNITS.**

a. If any Limited Common Element is assigned to more than one Unit, the Common Expenses attributable to the Limited Common Element shall be assessed equally among the Units to which it is assigned.

b. Any Common Expense for services provided by the Association to any individual Unit at the request of the Unit Owner shall be assessed against the Unit which benefits from such service.

c. Any insurance premium increase attributable to a particular Unit by virtue of activities in or construction of the Unit shall be assessed against that Unit.

d. An assessment to pay a judgment against the Association may be made only against the units in the Common Interest Community at the time the judgment was entered, in proportion to their Common Expense liabilities.

e. If Common Expense is caused by the misconduct of a Unit Owner, the Association may assess that expense exclusively against the Unit.

f. Fees, charges, late charges, fines, collection costs, and interest charged against a Unit Owner pursuant to the Documents and the Act are enforceable as Common Expense assessments.

Section 3. **LIEN.**

The Association has a lien on a Unit for an assessment levied against the Unit or fines imposed against its Unit Owner from the time the assessment or fine becomes due. Fees, charges, late charges, fines and interest charged pursuant to the Act and the Documents are enforceable as assessments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

Section 4. **BUDGET ADOPTION AND RATIFICATION.**

Within thirty (30) days after adoption of a proposed budget for the Common Interest Community, the Executive Board shall provide a summary of the budget to each Unit Owner, and shall set a date for a meeting of the Unit Owners to consider ratification of the budget not less than fourteen (14) nor more than thirty (30) days after mailing of the summary. Unless at that meeting (a majority of all Unit Owners) reject the budget, the budget is ratified, whether or not a quorum is present. If the proposed budget is rejected, the periodic budget last ratified by the Unit Owners continue until the Unit Owners ratify a budget proposed by the Executive Board.

Section 5. **COMMENCEMENT OF COMMON EXPENSE ASSESSMENTS.**

Common Expense assessments shall begin on the first day of the month in which conveyance of the first Unit to a Unit Owner other than the Declarant occurs.

Section 6. **PERSONAL LIABILITY OF UNIT OWNERS.**

The Owner of a Unit at the time a Common Expense assessment or portion thereof is due and payable is personally liable for the assessment. Personal liability for the assessment shall not pass to a successor in title to the Unit unless he or she agrees to assume the obligation.

XX.

RIGHT TO ASSIGN FUTURE INCOME

The Association may assign its future income, including its right to receive Common Interest Expense assessments, only by the affirmative vote of Unit Owners of Units to which at least seventy-five percent (75%) of the votes in the Association are allocated, at a meeting called for that purpose.

XXI.

PERSONS AND UNITS SUBJECT TO DOCUMENTS

Section 1. **COMPLIANCE WITH DOCUMENTS.**

All Unit Owners, tenants, mortgagees and occupants of Units shall comply with the Documents. The acceptance of a deed or the exercise of any incident of ownership or the entering into of a lease or the entering into occupancy of a Unit constitutes agreement that the provisions of the Documents are accepted and ratified by such Unit Owner, tenant, mortgagee or occupant, and all such provisions recorded in the Juneau Recording District, First Judicial District, State of Alaska are covenants running with the land and shall bind any persons having at any time any interest or estate in such unit.

Section 2. **ADOPTION OF RULES.**

The Executive Board may adopt Rules regarding the use and occupancy of Units, Common Elements and Limited Common Elements and the activities of occupants, subject to Notice and Comment.

XXII.

INSURANCE

Section 1. **COVERAGE.**

To the extent reasonably available, the Executive Board shall obtain and maintain insurance coverage as for the common areas and public liability as the Board determines from time to time and as may be required by the Act. If such insurance coverage is not reasonably available, and the Executive Board determines that any insurance described herein will not be maintained, the Executive Board shall cause notice of that fact to be hand-delivered or sent prepaid by United States mail to all Unit Owners and Eligible Mortgagees at their respective last known address.

Section 2. **OTHER INSURANCE.**

The Association may carry other insurance which the Executive Board considers appropriate to protect the Association.

Section 3. **PREMIUMS.**

Insurance premiums shall be a Common Expense.

XXIII.

DAMAGE TO OR DESTRUCTION OF PROPERTY

DUTY TO RESTORE. A portion of the Common Interest Community for which insurance is required under Section 34.08.440 of the Act or for which insurance carried by the Association is in effect whichever is more extensive, that is damaged or destroyed must be repaired or replaced promptly by the Association unless:

a. The Common Interest Community is terminated;

b. Repair or replacement would be illegal under a state statute or municipal ordinance governing health or safety; or

c. Eighty percent (80%) of the Unit Owners, including each owner of a Unit or assigned Limited Common Element that will not be rebuilt, vote not to rebuild.

XXIV.

RIGHTS TO NOTICE AND COMMENT; NOTICE OF HEARING

RIGHT TO NOTICE AND COMMENT. Before the Executive Board amends the Bylaws or the Rules, whenever the Documents require that an action be taken after "Notice and Comment", and at any other time the Executive Board determines, the Unit Owners have the right to receive notice of the proposed action and the right to comment orally or in writing. Notice of the proposed action shall be given to each Unit Owner in writing and shall be delivered personally or by mail to all Unit Owners at such address as appears in the records of the Association, or published in a newsletter or similar publication which is routinely circulated to all Unit Owners. The notice shall be given not less than five (5) days before the proposed action is to be taken. The right to Notice and Comment does not entitle a Unit Owner to be heard at a formally constituted meeting.

XXV.

EXECUTIVE BOARD

Section 1. **MINUTES OF EXECUTIVE BOARD MEETINGS.**

The Executive Board shall permit any Unit Owner to inspect the Minutes of Executive Board meetings during normal business hours. The Minutes shall be available for inspection within fifteen (15) days after any such meeting.

Section 2. **POWERS AND DUTIES.**

The Executive Board may act in all instances on behalf of the Association, except as provided in this Declaration, the Bylaws or the Act. The Executive Board shall have, subject to the limitations contained in this Declaration and the Act, the powers and duties necessary for the administration of the affairs of the Association and of the Common Interest Community which shall include, but not be limited to, the following:

a. Adopt and amend Bylaws, Rules and regulations;

b. Adopt and amend budgets for revenues, expenditures and reserves;

c. Collect assessments for Common Expenses from Unit Owners;

d. Hire and discharge managing agents;

e. Hire and discharge employees and agents, other than managing agents, and independent contractors;

f. Institute, defend or intervene in litigation or administrative proceedings in the Association's name on behalf of the Association or two or more Unit Owners on matters affecting the Common Interest Community;

g. Make contracts and incur liabilities;

h. Regulate the use, maintenance, repair, replacement and modification of the Common Elements;

i. Cause additional improvements to be held as a part of the Common Elements;

j. Acquire, hold encumber and convey in the Association's name any right, title or interest to real property or personal property, but Common Elements may be conveyed or subject to a Security Interest only pursuant to Section 34.08.430 of the Act;

k. Grant easements for any period of time including permanent easements, and leases, licenses and concessions for no more than one year, through or over the Common Elements;

l. Impose and receive payments, fees or charges for the use, rental or operation of the common Elements, other than Limited Common Elements described in Subsections of (2) and (4) of Section 34.08.100 of the Act, and for services provided to Unit Owners;

m. Impose charges or interest or both for late payment of assessments and, after Notice of Hearing, levy reasonable fines for violations of this Declaration, and the bylaws, Rules and regulations of the Association;

n. Impose reasonable charges for the preparation and recordation of amendments to this Declaration, resale certificates required by Section 34.08.590 of the Act or statements of unpaid assessments;

o. Provide for the indemnification of the Association's officers and Executive Board and maintain Directors' and officers' liability insurance;

p. Assign the Association's right to future income, including the right to receive Common Expense assessments;

q. Exercise any other powers conferred by this Declaration or by the Bylaws;

r. Exercise all other powers that may be exercised in this state by legal entities of the same type as the Association;

s. Exercise any powers necessary and proper for the governance and operation of the Association; and

XXVI.

CONDEMNATION

If part or all of the Common Interest Community is taken by any power having the authority of eminent domain, all compensation and damages for and on account of the taking shall be payable in accordance with Section 34.08.740 of the Act.

XXVII.

MISCELLANEOUS

Section 1. **CAPTIONS.**

The captions contained in the documents are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope of the documents nor the intent of any provision thereof.

Section 2. **GENDER.**

The use of the masculine gender refers to the feminine and neuter genders and the use of the singular includes the plural, and vice versa, whenever the context of the document so require.

Section 3. **WAIVER.**

No provision contained in the documents is abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

Section 4. **INVALIDITY.**

The invalidity of any provision of the documents does not impair or affect in any manner the validity, enforceability, or effect of the remainder, and in such event, all of the other provisions of the documents shall continue in full force and effect.

Section 5. **CONFLICT.**

The documents are intended to comply with the requirements of the Act and Chapter 10.20 of the Alaska Statutes (Non Profit Corporation Law). In the event of any conflict between the documents and the provisions of the statutes, the provisions of the statutes shall control. In the event of any conflict between this Declaration and any other document, this Declaration shall control.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed on the day and year first hereinabove written.

SILVER BAY PARK, LLC.

By_____

Its _____

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY, that on this _____ day of _____, 2010, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared _____, known to me to be the person named in and who executed the within and foregoing instrument; and he acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.

_____
Notary Public in and for Alaska
My Commission Expires:_____

EXHIBIT A

TABLE OF INTEREST

Unit No.	Percentage Share of Expenses and Interest in Common Elements	Votes in the Affairs of the Association
1	5%	1
2	5%	1
3	5%	1
4	5%	1
5	5%	1
6	5%	1
7	5%	1
8	5%	1
9	5%	1
10	5%	1
11	5%	1
12	5%	1
13	5%	1
14	5%	1
15	5%	1
16	5%	1
17	5%	1
18	5%	1
19	5%	1
20	5%	1

EXHIBIT B

PLAT

***See* File 2004-31**

EXHIBIT C

EASEMENTS

All easements and licenses reflected on the final plat for the real property described in the Declaration.

ARTICLES OF INCORPORATION

OF

SILVER BAY CONDOMINIUM ASSOCIATION

We, the undersigned, being natural persons over the age of nineteen (19) years, desiring to form a nonprofit corporation pursuant to AS 10.20.005, et. seq., do hereby certify as follows:

I.

The name of this corporation is Silver Bay Condominium Association.

II.

The purposes for which the corporation is formed are as follows:

1. The specific and primary purposes are to provide for maintenance, preservation and architectural control of a common interest community on real property located in Juneau, Alaska, known as Silver Bay Condominiums and the structures and improvements thereon;

2. The general purposes and powers are to promote the health, safety, and welfare of the residents within said real property;

3. To exercise all of the powers and privileges and to perform all of the duties and obligations of the Association arising from the Declaration of Covenants, Conditions, Restrictions, and Reservation of Easements applicable to the property described above ("Declaration");

4. To fix, levy, collect, and enforce payment by lawful means, all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes, or governmental charges levied or imposed against the property of the Association; and

5. To have and to exercise any and all powers, rights, and privileges which a corporation organized under the nonprofit corporation law of the State of Alaska by law may now or hereafter have or exercise.

To act in the capacity of principal, agent, joint venturer, partner, or otherwise. The foregoing statements of purposes shall be construed as a statement both of purposes and of powers, and purposes and powers in each clause shall not be limited or restricted by reference to, or inference from, the terms or provisions of any other clause, but shall be broadly construed as independent purposes and powers. Notwithstanding any of the above statements of purposes and powers, the Association shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the primary purposes of the Association.

III.

The duration of the Association shall be perpetual.

IV.

The Association shall be a nonprofit corporation, without shares of stock.

V.

The authorized number and qualifications of members of the Association, the different classes of membership, if any, the property, voting and other rights and privileges of members, and their liability to dues and assessments and the method of collection thereof, shall be as set forth in the Bylaws and Declaration.

VI.

The initial registered office of the corporation shall be 3480 Tongass Boulevard, Juneau, Alaska, 99801.

VII.

The initial registered agent of the corporation shall be Scott B. Jensen, Silver Bay Park, LLC.

VIII.

The initial Board of Directors shall consist of three (3) persons, and said number may be changed by a duly adopted amendment to the Bylaws, except that in no event may the number of Directors be less than three. The names and addresses of the persons who shall serve as Directors until their successors shall be elected and qualified are as follows:

Scott B. Jensen
3480 Tongass Boulevard
Juneau, AK 99801

Shirlene F. Jensen
3480 Tongass Boulevard
Juneau, AK 99801

Nicole B. Jensen
3480 Tongass Boulevard
Juneau, AK 99801

IX.

The names and addresses of the incorporators are as follows:

Wilma C. Price
310 K Street, Suite 601
Anchorage, AK 99501

Eileen A. Frison
310 K Street, Suite 601
Anchorage, AK 99501

Mindy R. Lewis
310 K Street, Suite 601
Anchorage, AK 99501

X.

Amendment of these Articles shall require the assent of at least 75 percent (75%) of the unit owners in the project as shown in the Declaration.

IN WITNESS WHEREOF, the undersigned incorporators have hereunto set their hands and seals this _____ day of _____, 2010.

_____

WILMA C. PRICE

_____

EILEEN A. FRISON

_____

MINDY R. LEWIS

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2010, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared _____, _____, and _____, known to me to be the persons named in and who executed the within and foregoing instrument, and they acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.

_____

Notary Public in and for Alaska
My Commission Expires: _____

BYLAWS

OF

SILVER BAY CONDOMINIUM ASSOCIATION

ARTICLE I.

INTRODUCTION

These are the Bylaws of Silver Bay Condominium Association. Initial capitalized terms are defined in Article I of the Declaration.

ARTICLE II.

EXECUTIVE BOARD

Section 1. **NUMBER AND QUALIFICATION; TERMINATION OF DECLARANT CONTROL**

a. The affairs of the Common Interest Community and the Association shall be governed by an Executive Board which, until the termination of the period of Declarant control, shall consist of three (3) persons, and following such date shall consist of three (3) persons, the majority of whom, excepting the Directors appointed by the Declarant, shall be Unit Owners. If any Unit is owned by a partnership or corporation, any officer, partner, or employee of that Unit Owner shall be eligible to serve as a Director and shall be deemed to be a Unit Owner for the purpose of the preceding sentence. Directors shall be elected by the Unit Owners except for those appointed by the Declarant. At any meeting at which Directors are to be elected, the Unit Owners may, by resolution, adopt specific procedures for conducting the elections, not inconsistent with these Bylaws or the Corporation Laws of the State of Alaska.

b. The terms of at least one-third (1/3) of the Directors shall expire annually, as established in a resolution of the Unit Owners setting terms.

c. Article XXV, Section 2 of the Declaration shall govern appointment of Directors of the Executive Board during the period of Declarant control.

d. The Executive Board shall elect the officers. The Directors and officers shall take office upon election.

e. At any time after Unit Owners other than the Declarant are entitled to elect a Director, the Association shall call and give not less than ten (10) nor more than sixty (60) days' notice of a meeting of the Unit Owners for this purpose. Such meeting may be called and the notice given by any Unit Owner if the Association fails to do so.

Section 2. **POWERS AND DUTIES**

The Executive Board may act in all instances on behalf of the Association, except as provided in the Declaration, these Bylaws or the Act. The Executive Board shall have, subject to the limitations contained in the Declaration and the Act, the powers and duties necessary for the administration of the affairs of the Association and of the Common Interest Community which shall include, but not be limited to, the following:

a. Adopt and amend Bylaws and Rules and regulations;

b. Adopt and amend budgets for revenues, expenditures and reserves;

c. Collect assessments for Common Expenses from Unit Owners;

d. Hire and discharge managing agents;

e. Hire and discharge employees and agents other than managing agents and independent contractors;

f. Institute, defend or intervene in litigation or administrative proceedings or seek injunctive relief for violations of the Association's Declaration, Bylaws or Rules in the Association's name on behalf of the Association or two or more Unit Owners on matters affecting the Common Interest Community;

g. Make contracts and incur liabilities;

h. Regulate the use, maintenance, repair, replacement and modification of Common Elements;

i. Cause additional improvements to be made as a part of the Common Elements;

j. Acquire, hold, encumber and convey in the Association's name any right, title or interest to real estate or personal property but Common Elements may be conveyed or subjected to a security interest only pursuant Section 34.08.430 of the Act;

k. Grant easements for any period of time including permanent easements, and leases, licenses and concessions for no more than one (1) year, through or over the Common Elements;

l. Impose and receive a payment, fee or charge for the use, rental or operation of the Common Elements, other than Limited Common Elements described in Subsections (2) and (4) of Section 34.08.100 of the Act, and for services provided to Unit Owners;

m. Impose a reasonable charge for late payment of assessments and, after Notice and Hearing, levy a reasonable fine for a violation of the Declaration, Bylaws, Rules and regulation of the Association;

n. Impose a reasonable charge for the preparation and recording of amendment to the Declaration, resale certificate required by Section 34,08.590 of the Act or a statement of unpaid assessments;

o. Provide for the indemnification of the Association's officers and Executive Board and maintain Directors' and officers' liability insurance;

p. Assign the Association's right to future income, including the right to receive Common Expense assessments;

q. Exercise any other Powers conferred by the Declaration or Bylaws;

r. Exercise any other power that may be exercised in the state by a legal entity of the same type as the Association;

s. Exercise any other power necessary and proper for the governance and operation of the Association; and

t. By resolution, establish committees of Directors, permanent and standing, to perform any of the above functions under specifically delegated administrative standards, as designated in the resolution establishing the committee. All committees must maintain and publish notice of their actions to Unit Owners and the Executive Board. However, actions taken by a committee may be appealed to the Executive Board by any Unit Owner within forty-five (45) days of publication of such notice, and such committee action must be ratified, modified or rejected by the Executive Board at its next regular meeting.

Section 3. **STANDARD OF CARE**

In the performance of their duties, the officers and members of the Executive Board are required to exercise the care required of fiduciaries of the Unit Owners.

Section 4. **ADDITIONAL LIMITATIONS**

The Executive Board shall be additionally limited pursuant to any limitations set forth in the Declaration.

Section 5. **MANAGER**

The Executive Board may employ a manager for the Common Interest Community at a compensation established by the Executive Board, to perform such duties and services as the Executive Board shall authorize. The Executive Board may delegate to the manager only the powers granted to the Executive Board by these Bylaws under Section 2(c), (e), (g) and (h) of this Article. Licenses, concessions, and contracts may be executed by the manager pursuant to specific resolutions of the Executive Board, and to fulfill the requirements of the budget.

Section 6. **REMOVAL OF DIRECTORS**

The Unit Owners, by a two-thirds (2/3) vote of all persons present and entitled to vote at any meeting of the Unit Owners at which a quorum is present, may remove any Director of the Executive Board with or without cause, other than a Director appointed by the Declarant.

Section 7. **VACANCIES**

Vacancies in the Executive Board caused by any reason other than the removal of a Director by a vote of the Unit Owners, may be filled at a special meeting of the Executive Board held for that purpose at any time after the occurrence of any such vacancy, even though the directors present at such meeting may constitute less than a quorum, in the following manner:

a. as to vacancies of Directors whom Unit Owners other than the Declarant elected, by a majority of the remaining such Directors constituting the Executive Board;

b. as to vacancies of Directors whom the Declarant has the right to appoint, by the Declarant.

Section 8. **REGULAR MEETINGS**

The first regular meeting of the Executive Board following each annual meeting of the Unit Owners shall be held within ten (10) days thereafter at such time and place as shall be fixed by the

Unit Owners at the meeting at which such Executive Board shall have been elected. No notice shall be necessary to the newly elected Directors in order to legally constitute such meeting, providing a majority of the Directors shall be present. The Executive Board may set a schedule of additional regular meetings by resolution and no further notice is necessary to constitute such regular meetings.

Section 9. **SPECIAL MEETINGS**

Special meetings of the Executive Board may be called by the president or by a majority of the Directors on at least three (3) business days' notice to each Director. The notice shall be hand-delivered or mailed and shall state the time, place and purpose of the meeting.

Section 10. **LOCATION OF MEETINGS**

All meetings of the Executive Board shall be held within the City of Juneau, Alaska, unless all Directors consent in writing to another location.

Section 11. **WAIVER OF NOTICE**

Any Director may waive notice of any meeting in writing. Attendance by a Director at any meeting of the Executive Board shall constitute a waiver of notice. If all the Directors are present at any meeting, no notice shall be required and any business may be transacted at such meeting.

Section 12. **QUORUM OF DIRECTORS**

At all meetings of the Executive Board, a majority of the Directors shall constitute a quorum for the transaction of business, and the votes of a majority of the Directors present at a meeting at which a quorum is present shall constitute the decision of the meeting. If, at any meeting, there shall be less than a quorum present, a majority of those present may adjourn the meeting from time to time. At any adjourned meeting at which a quorum is present any business which might have been transacted at the meeting originally called may be transacted without further notice.

Section 13. **COMPENSATION**

A director may receive a fee from the Association for acting as such, as may be set by resolution of the Unit Owners, and reimbursement for necessary expenses actually incurred in connection with his or her duties. Directors acting as officers or employees may also be compensated for such duties.

Section 14. **CONSENT TO CORPORATE ACTION**

If all the Directors or all Directors of a committee established for such purposes, as the case may be, severally or collectively consent in writing to any action taken or to be taken by the

Association, and the number of the Directors or committee constitutes a quorum for such action, such action shall be a valid corporate action as though it had been authorized at a meeting of the Executive Board or the committee, as the case may be. The Secretary shall file such consents with the minutes of the meeting.

ARTICLE III.

UNIT OWNERS

Section 1. **ANNUAL MEETINGS**

Annual meetings of Unit Owners shall be held on the ____ day of _____. At such meeting, the Directors shall be elected by ballot of the Unit Owners, in accordance with the provision of Article II of these Bylaws. The Unit Owners may transact other business at such meetings as may properly come before them.

Section 2. **BUDGET MEETING**

Meeting of Unit Owners to consider proposed budgets shall be called in accordance with the Declaration. The budget may be considered at annual or special meetings called for other purposes as well.

Section 3. **SPECIAL MEETINGS**

Special meetings of the association may be called by the president, by a majority of the members of the Executive Board, or by Unit Owners comprising sixty (60) percent of the votes in the Association.

Section 4. **PLACE OF MEETING**

Meetings of the Unit Owners shall be held at the project, or may be adjourned to such suitable place convenient to the Unit Owners as may be designated by the Executive Board or the president.

Section 5. **NOTICE OF MEETINGS**

Except for budget meetings which will be noticed not less than 14 nor more than 30 days after the mailing of the summary, not less than 10 nor more than 60 days in advance of a meeting, the Secretary or other officer specified in the Bylaws shall cause notice to be hand-delivered or sent prepared by the United States mail to the mailing address of each Unit or to the mailing address designated in writing by the Unit Owner. No action shall be adopted at a meeting except as stated in the notice.

Section 6. **WAIVER OF NOTICE**

Any Unit Owner may, at any time, waive notice of any meeting of the Unit Owners in writing, and such waiver shall be deemed equivalent to the receipt of such notice.

Section 7. **ADJOURNMENT OF MEETING**

At any meeting of Unit Owners, a majority of the Unit Owners who are present at such meeting, either in person or by proxy, may adjourn the meeting to another time.

Section 8. **ORDER OF BUSINESS**

The order of business at all meetings of the Unit Owners shall be as follows:

a. Roll call (or check-in procedure).

b. Proof of notice of meeting.

c. Reading of minutes of preceding meeting.

d. Reports.

e. Establish number and term of memberships of the Executive Board (if required and noticed).

f. Election of inspectors of election (when required).

g. Election of Directors of the Executive Board (when required).

h. Ratification of Budget (if required and noticed).

i. Unfinished business.

j. New business.

Section 9. **VOTING**

a. If only one of the several owners of a Unit is present at a meeting of the Association, the Owner present is entitled to cast all the votes allocated to the Unit. If more than one of the owners are present, the votes allocated to the Unit may be cast only in accordance with the agreement of a majority of the owners. There is majority agreement if any one of the owners

casts the votes allocated to the Unit without protest being made promptly to the person presiding over the meeting by another owner of the Unit.

b. Votes allocated to a Unit may be cast under a proxy duly executed by a Unit Owner. If a Unit is owned by more than one person, each Owner of the Unit may vote or register protest to the casting of votes by the other owners of the Unit through a duly executed proxy. A Unit Owner may revoke a proxy given under this Section only by an actual notice of revocation to the person presiding over a meeting of the Association. A proxy is void if it is not dated or purports to be revocable without notice. A proxy terminates one year after its date, unless it specifies a shorter term.

c. The vote of a corporation or business trust may be cast by any officer of such corporation or business trust in the absence of express notice of the designation of a specific person by the board of directors or bylaws of the owing corporation or business trust. The vote of a partnership may be cast by any general partner of the owing partnership in the absence of express notice of the designation of a specific person by the owning partnership. The moderator of the meeting may require reasonable evidence that a person voting on behalf of a corporation, partnership or business trust owner is qualified so to vote.

d. Votes allocated to a Unit owned by the Association may not be cast.

Section 10. **QUORUM**

Except as otherwise provided in these Bylaws, five (5) or more Unit Owners, present in person or by proxy, shall constitute a quorum at such meeting.

Section 11. **MAJORITY VOTE**

The vote of a majority of the Unit Owners present in person or by proxy at a meeting at which a quorum shall be present shall be binding upon all Unit Owners for all purposes except where a higher percentage vote is required in the Declaration, these Bylaws or by law.

ARTICLE IV.

OFFICERS

Section 1. **DESIGNATION**

The principal officers of the Association shall be the president, the vice president, the secretary and the treasurer, all of whom shall be elected by the Executive Board. The Executive Board may appoint an assistant treasurer, or assistant secretary, and such other officers as in its judgment may be necessary. The president and vice president, but no other officers, need be

Directors. Any two offices may be held by the same persons, except the offices of president and secretary. The office of vice president may be held by the President or Treasurer.

Section 2. **ELECTION OF OFFICERS**

The officers of the Association shall be elected annually by the Executive Board at the organizational meeting of each new Executive Board and shall hold office at the pleasure of the Executive Board.

Section 3. **REMOVAL OF OFFICERS**

Upon the affirmative vote of a majority of the Directors, any officer may be removed, either with or without cause, and his or her successor may be elected at any regular meeting of the Executive Board, or at any special meeting of the Executive Board called for that purpose.

Section 4. **PRESIDENT**

The president shall be the chief executive officer of the Association. He or she shall preside at all meetings of the Unit Owners and of the Executive Board. He or she shall have all of the general powers and duties which are incident to the office of president of a nonstock corporation organized under the laws of the State of Alaska, including but not limited to the power to appoint committees from among the Unit Owners from time to time as he or she may in his or her discretion decide is appropriate to assist in the conduct of the affairs of the Association. He or she may fulfill the role of treasurer in the absence of the treasurer. The president, as attested by the secretary, may cause to be prepared and may execute amendments to the Declaration and the Bylaws on behalf of the Association, following authorization or approval of the particular amendment as applicable.

Section 5. **VICE PRESIDENT**

The vice president shall take the place of the president and perform his or her duties whenever the president is absent or unable to act. If neither the president nor the vice president is able to act, the Executive Board shall appoint some other Director to act in the place of the president, on an interim basis. The vice president shall also perform such other duties as may be imposed upon him or her by the Executive Board or by the president.

Section 6. **SECRETARY**

The secretary shall keep the minutes of all meetings of the Unit Owners and the Executive Board. He or she shall have charge of such books and papers as the Executive Board may direct and he or she shall, in general, perform all the duties incident to the office of secretary of a nonprofit corporation organized under the laws of the State of Alaska. The secretary may cause to be prepared and may attest to the execution by the president of amendments to the Declaration and the Bylaws

on behalf of the Association, following authorization or approval of the particular amendment as applicable.

Section 7. **TREASURER**

The treasurer shall have the responsibility for Association funds and securities and shall be responsible for keeping full and accurate financial records and books of account showing all receipts and disbursements, and for the preparation of all required financial data. He or she shall be responsible for the deposit of all monies and other valuable effects in such depositories as may be from time to time be designated by the Executive Board, and he or she shall, in general, perform all the duties incident to the office of treasurer of a nonprofit corporation organized under the laws of the State of Alaska. He or she may endorse on behalf of the Association for collection only, checks, notes and other obligations, and shall deposit the same and all monies in the name of and to the credit of the Association in such banks as the Executive Board may designate. He or she may have custody of and shall have the power to endorse for transfer on behalf of the Association, stock, securities or other investment instruments owned or controlled by the Association or as fiduciary for others.

Section 8. **AGREEMENTS, CONTRACTS, DEEDS, CHECKS, ETC.**

Except as provided in section 4, 6, 7, and 10 of this Article, all agreements, contracts, deeds, leases, checks and other instrument of the Association shall be executed by any officer of the Association or by such other person or persons as may be designated by the Executive Board.

Section 9. **COMPENSATION**

An officer may receive a fee from the Association for acting as such, as may be set by resolution of the Unit Owners, and reimbursement for necessary expenses actually incurred in connection with his or her duties.

Section 10. **RESALE CERTIFICATES AND STATEMENTS OF UNPAID ASSESSMENTS**

a. The treasurer, assistant treasurer, or a manager employed by the Association, or, in their absence, any officer having access to the books and records of the Association, may prepare, certify, and execute resale certificates in accordance with Section 34.08.590 of the Act and statements of unpaid assessments in accordance with Subsection 34.08.470(h) of the Act.

b. The Association may charge a reasonable fee for preparing resale certificates and statements of unpaid assessments. The amount of this fee and the time of payment shall be established by resolution of the Executive Board. The association may refuse to furnish resale

certificates and statements of unpaid assessments until the fee is paid. Any unpaid fees may be assessed as a Common Expense against the Unit for which the certificate or statement is furnished.

ARTICLE V.

ENFORCEMENT

Section 1. ABATEMENT AND ENJOINMENT OF VIOLATIONS BY UNIT OWNER

The violation of any of the rules and regulations adopted by the Executive Board, or the breach of any provision of the Documents shall give the Executive Board the right, after Notice and Hearing except in case of an emergency, in addition to any other rights set forth in the Bylaws:

a. to enter the Unit in which, or as to which, such violation or breach exists and to summarily abate and remove, at the expense of the defaulting Unit Owner, any structure, thing or condition (except for additions or alterations of a permanent nature that may exist therein) that is existing and creating a danger to the Common Elements contrary to the intent and meaning of the provisions of the Documents, and the Executive Board shall not thereby be deemed liable for any manner or trespass; or

b. to enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any such breach.

Section 2. FINE FOR VIOLATION

By resolution, following Notice and Hearing, the Executive Board may levy a fine of up to $25 per day for each day that a violation of the Documents or Rules persists after such Notice and Hearing, but such amount shall not exceed that amount necessary to insure compliance with the rule or order of the Executive Board.

ARTICLE VI.

INDEMNIFICATION

The Directors and officers of the Association shall have the liabilities, and be entitled to indemnification, as provided in Sections AS 10.20.051(6) and 10.20.011(14) of the Alaska Statutes, the provisions of which are hereby incorporated by reference and made a part hereof.

ARTICLE VII.

RECORDS

Section 1. **RECORDS AND AUDITS**

The Association shall maintain financial records. The financial records shall be maintained and audited in accordance with the Declaration. The cost of the audit shall be a Common Expense unless otherwise provided in the Documents.

Section 2. **EXAMINATION**

All records maintained by the Association or by the manager shall be available for examination and copying by any Unit Owner, by any holder of a Security Interest in a Unit, or by any of their duly authorized agents or attorneys, at the expense of the person examining the records, during normal business hours and after reasonable notice.

Section 3. **RECORDS**

The Association shall keep the following records:

a. An account for each Unit which shall designate the name and address of each Unit Owner the name and address of each mortgagee who has given notice to the Association that it holds a mortgage on the Unit, the amount of each Common Expense assessment, the dates on which each assessment comes due, the amounts paid on the account, and the balance due.

b. An account for each Unit Owner showing any other fees payable by the Unit Owner.

c. A record of any capital expenditures in excess of $3,000 approved by the Executive Board for the current and two next succeeding fiscal years.

d. A record of the amount, and an accurate account of the current balance of any reserves for capital expenditures, replacement and emergency repairs, together with the amount of those portions of reserves designated by the Association for a specific project.

e. The most recently regularly prepared balance sheet and income and expense statement, if any, of the Association.

f. The current operating budget adopted pursuant to Subsection 34.08.460(a) of the Act and ratified pursuant to the procedures of Subsection 34.08.330(c).

g. A record of any unsatisfied judgments against the Association and the existence of any pending suits in which the Association is a defendant.

h. A record of insurance coverage provided for the benefit of Unit Owners and the Association.

i. A record of any alterations or improvements to Units or Limited Common Elements which violate any provisions of the Declarations of which the Executive Board has knowledge.

j. A record of any violations, with respect to any portion of the Common Interest Community, of health, safety, fire or building codes or laws, ordinances, or regulations of which the Executive Board has knowledge.

k. A record of the actual cost, irrespective of discounts and allowances, of the maintenance of the Common Elements.

l. Annually the Association shall prepare a balance sheet showing the financial condition of the corporation as of a date not more than four (4) months prior thereof, and a statement of receipts and disbursements for twelve (12) months prior to that date. The balance sheet and statement shall be kept for at least ten years from such date in the principal office of the Association.

m. Tax returns for state and federal income taxation.

n. Minutes of proceedings of incorporators, Unit Owners, Directors, committees of Directors and waivers of notice.

Section 4. **FORM RESALE CERTIFICATE**

The Executive Board shall adopt a form resale certificate to satisfy the requirement of Section 34.08.590 of the Act.

ARTICLE VIII.

MISCELLANEOUS

Section 1. **NOTICES**

All notices to the Association or the Executive Board shall be delivered to the office of the manager, or if there is no manager, to the office of the Association, or to such other address as the Executive Board may hereafter designate from time to time, by notice in writing to all Units Owners and to all holders of a Security Interest in a Unit. Except as otherwise provided, all notices to any

Unit Owner shall be sent to his or her address as it appears in the records of the Association. All notices to holders of Security Interests in the Units shall be sent, except where a different manner of notice is specified elsewhere in the documents, by registered or certified mail to their respective addresses, as designated by them from time to time, in writing, to the Association. All notices shall be deemed to have been given when mailed except notices of changes of address which shall be deemed to have been given when received.

Section 2. **FISCAL YEAR**

The Executive Board shall establish the fiscal year of the Association.

Section 3. **WAIVER**

No restriction, condition, obligation, or provision contained in these Bylaws shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

Section 4. **OFFICE**

The principal office of the Association shall be on the property or at such other place as the Executive Board may from time to time designate.

ARTICLE IX.

AMENDMENTS TO BYLAWS

The Bylaws may be amended only pursuant to Article XV of the Declaration.

DATED this _____ day of _____, 2010.

_____
SECRETARY

Federal Emergency Management Agency

Washington, D.C. 20472

April 24, 2015

MR. JONATHAN LANGE
155 SOUTH SEWARD STREET
JUNEAU, AK 99801

CASE NO.: 15-10-0766A
COMMUNITY: CITY AND BOROUGH OF JUNEAU, JUNEAU BOROUGH COUNTY, ALASKA
COMMUNITY NO.: 020009

DEAR MR. LANGE:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Sincerely,

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region

Federal Emergency Management Agency
Washington, D.C. 20472

ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy*. The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures. Additional information on the PRP and how a property owner can quality for this type of policy may be obtained by calling the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

FEMA has established "Grandfather" rules to benefit flood insurance policyholders who have maintained continuous coverage. Property owners may wish to note also that, if they live outside but on the fringe of the SFHA shown on an effective NFIP map and the map is revised to expand the SFHA to include their structure(s), their flood insurance policy rates will not increase as long as the coverage for the affected structure(s) has been continuous. Property owners would continue to receive the lower insurance policy rates.

LOMAs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If a State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to amend an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

When a restudy is undertaken, or when a sufficient number of revisions or amendments occur on particular map panels, FEMA initiates the printing and distribution process for the affected panels. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. In such cases, FEMA attempts to reflect the results of the LOMA on the new map panel. If the results of particular LOMAs cannot be reflected on the new map panel because of scale limitations, FEMA notifies the community in writing and revalidates the LOMAs in that letter. LOMAs revalidated in this way usually will become effective 1 day after the effective date of the revised map.

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY AND BOROUGH OF JUNEAU, JUNEAU BOROUGH COUNTY, ALASKA	Lot 7, Silver Bay Park as shown on the Plat recorded as File No. 2004-31, in the Office of the Juneau Recording District, Alaska
	COMMUNITY NO.: 020009	
AFFECTED MAP PANEL	NUMBER: 02110C1239D	
	DATE: 8/19/2013	
FLOODING SOURCE: JORDAN CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 58.379, -134.572 SOURCE OF LAT & LONG: GOOGLE EARTH PRO DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (MLLW)	LOWEST ADJACENT GRADE ELEVATION (MLLW)	LOWEST LOT ELEVATION (MLLW)
7	--	Silver Bay Park	3240 Tongass Boulevard	Structure (Building 1)	X (unshaded)	--	41.8 feet	--

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORTIONS REMAIN IN THE SFHA

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Federal Emergency Management Agency
Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Federal Emergency Management Agency

Washington, D.C. 20472

April 17, 2015

MR. JONATHAN LANGE
155 S. SEWARD ST.
JUNEAU, AK 99801

CASE NO.: 15-10-0767A
COMMUNITY: CITY AND BOROUGH OF JUNEAU, JUNEAU BOROUGH COUNTY, ALASKA
COMMUNITY NO.: 020009

DEAR MR. LANGE:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Sincerely,

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY AND BOROUGH OF JUNEAU, JUNEAU BOROUGH COUNTY, ALASKA	Lot 7, Silver Bay Park, as shown on the Plat recorded as File No. 2004-13, in the Office of the Juneau Recording District, Alaska
	COMMUNITY NO.: 020009	
AFFECTED MAP PANEL	NUMBER: 02110C1239D	
	DATE: 8/19/2013	
FLOODING SOURCE: JORDAN CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 58.380, -134.571 SOURCE OF LAT & LONG: GOOGLE EARTH PRO DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (MLLW)	LOWEST ADJACENT GRADE ELEVATION (MLLW)	LOWEST LOT ELEVATION (MLLW)
7	--	Silver Bay Park	3240 Tongass Boulevard	Structure (Building 2)	X (shaded)	--	41.8 feet	--

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORTIONS REMAIN IN THE SFHA

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Federal Emergency Management Agency
Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Planning Commission
(907) 586-0715
PC_Comments@juneau.gov
www.juneau.org/community-development/planning-commission
155 Heritage Way • Juneau, AK 99801

PLANNING COMMISSION
NOTICE OF DECISION
Date: October 29, 2025
File No.: AME2025 0002

Charles Donart
Post Office Box 211071
Auke Bay, AK 99821
cdonart@gmail.com

Proposal:	Applicant requests a rezone of 3.79 acres at 5200 and 5220 Commercial Boulevard from Industrial to Light Commercial.
Property Address:	5200 Commercial Boulevard; 5220 Commercial Boulevard
Legal Description:	HDK LT 2A; SSG IV TR B
Parcel Code No.:	5B1201360051; 5B1201030030
Hearing Date:	October 28th, 2025

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated September 29th, 2025, and denied the applicant's request of a rezone of 3.79 acres at 5200 and 5220 Commercial Boulevard from Industrial to Light Commercial.

Attachments: September 29, 2025, memorandum from Brandon Robinson, Community Development, to the CBJ Planning Commission regarding AME2025 0002.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. The amendment is deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 01.50.020 (b).

Effective Date: The Decision is effective on the date the Notice of Decision is filed with the municipal clerk.

Erik Pedersen, Chair
Planning Commission

11/3/25
Date

Madeline Carse
Filed With City Clerk

11/04/2025
Date

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

PLANNING COMMISSION STAFF REPORT
REZONE: AME2025 0002
HEARING DATE: OCTOBER 14TH, 2025

(907) 586-0715
CDD_Admin@juneau.gov
www.juneau.org/community-development
155 Heritage Way • Juneau, AK 99801

DATE: September 29, 2025

TO: Erik Pederson, Chair, Planning Commission

BY: Brandon Robinson, Planner II

THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Applicant requests a rezone of 3.79 acres at 5200 and 5220 Commercial Boulevard from Industrial to Light Commercial.

STAFF RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation of DENIAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- The proposed rezoning is in contradiction to the adopted maps of the Comprehensive Plan.
- The proposed rezoning, and changes in allowed uses therein, is in contradiction to the intent of the area.
- Residential units, which the Comprehensive Plan has stated should be restricted in this area, are a key component of the applicant's seeking of the rezoning.

GENERAL INFORMATION	
Property Owner	Geoffrey L Larson; Marcelle A Larson
Applicant	Charles Donart
Property Address	5220 and 5200 Commercial Blvd.
Legal Description	SSG IV TR B; HDK LT 2A
Parcel Number	5B1201030030; 5B1201360051
Zoning	I
Land Use Designation	Light Industrial (Both Parcels)
Lot Size	78,632 Square Feet; 86,401 Square Feet
Water/Sewer	Yes/Yes
Access	Yes: Commercial Boulevard, Charles Way
Existing Land Use	Vacant
Associated Applications	None

ALTERNATIVE ACTIONS:

1. **Amend:** recommend an amended rezone boundary; recommend an alternative zoning district; or recommend conditions.
2. **Deny:** recommend denial of the requested rezone. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this rezone.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - CBJ 49.05.200
  - CBJ 49.10.170(d)
  - CBJ 49.25
  - CBJ 49.75 Article I
  - CBJ 49.80

The Commission shall hear and decide the case per CBJ 49.75.120 - Restrictions on rezoning. *Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.*

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (I)	Commercial
South (RR/I)	CBJ Land, Vacant/ROW
East (RR/I)	CBJ Land, Vacant
West (I)	Commercial, Industrial

SITE FEATURES	
Anadromous	None
Flood Zone	02110C1551E
Hazard	None Mapped
Hillside	Development Dependent
Wetlands	Yes: PFO4B
Parking District	N/A
Historic District	N/A
Overlay Districts	Mining & Exploration Surface Activities Exclusion District; Urban/Rural Mining District

CURRENT ZONING MAP



LAND USE DESIGNATION MAP



BACKGROUND INFORMATION

Project Description – The applicant is requesting a rezone of 3.79 acres in the Lemon Creek area. The rezoning would cover two vacant parcels and would change their zoning designation from Industrial to Light Commercial (**Attachment A**).

Background – The two parcels were historically part of the area where gravel extraction took place in Lemon Creek. Parcel 5B1201360051 was part of the larger HDK subdivision and was made available for purchase by Home Depot, and at one point received a Conditional Use Permit to construct an Office Depot; however, the negotiations failed to close, and the property has remained vacant.

Parcel 5B1201030030, just to the west of the other subject lot, is part of the SSG subdivision and was historically on the periphery of the extractive activities by the City. The property is currently vacant.

Permit and Parcel History – The tables below summarize the relevant history for the lots and proposed rezoning.

Parcel 5B1201360051 – HDK Lot 2A

Year	Item Type	Summary
1988	USE-CU88-24 *Conditional Use Permit*	The Planning Commission approved the application for a Conditional Use Permit for sand and gravel to allow continued operation of the CBJ borrow pit. The permit was set to expire 2/7/1994.
1993	SUB-MS93-11 *Subdivision*	A subdivision of USS 7297 FR into Tracts A and B.
1993	Plat 93-26	A plat denoting tracts A and B, a subdivision of U.S. Survey Number 7297. (**Attachment B**)
1993	USE-CU93-17 *Conditional Use Permit*	A Conditional Use Permit for the operation of a sand and gravel pit in Lemon Creek.
1998	USE1998-00025 *Conditional Use Permit*	Notification of an amendment to a modification of CU-17-93 for the Lemon Creek gravel pit. The amendment removes a condition regarding operating hours from the modification.
1998	USE1998-00034 *Conditional Use Permit*	Notification of tentative approval by the CDD of a modification to CU 18-93 for the Kaiser Gravel Pit to extend the effective period of the permit to September 30, 1998.
1998	USE1998-00047 *Allowable Use Permit*	An Allowable Use Permit to continue gravel mining operations at City and City/State gravel pits.
1998	USE1998-00049 *Allowable Use Permit*	An Allowable Use Permit to continue sand and gravel extraction operation in the Lemon Creek Area.
2000	USE2000-00032 *Conditional Use Permit*	A Conditional Use Permit to install an asphalt crusher to crush and screen material into usable product for CBJ.
2004	CSP2004-00014 *City-State Project*	A memo regarding the sale of City land to the Home Depot. The Lands Manager requested that the Commission recommend to the Assembly that the City Manager be given authority to begin negotiations with the Home Depot. The ~10-acre parcel, which later became Lot 3, was designated Resource Development on the Comprehensive Plan and was rezoned to industrial. It had public streets, water, and sewer at the time of negotiations. Title 49 permitted sales and rental of goods,

Year	Item Type	Summary
		merchandise, or equipment in an industrial zone, subject to the issuance of a Conditional Use Permit where the use was greater than 5,000 square feet.
2005	SUB2005-00055 *Subdivision*	The proposed subdivision would reconfigure three parcels of land: Tracts A and B of USS 7297 (**Attachment C**), and Tract A-4 of A.S.L.S. 2004-22 (**Attachment D**) into lots 1, 2, 3, and 4 of HDK subdivision (**Attachment E**). Lot 1 contained 7.65 acres of statutory wetlands with anadromous fish stream meandering through it. These boundaries were drawn specifically to include these environmental attributes, as it was the intent of Home Depot to transfer the land to CBJ following the necessary approvals; Lot 2, containing 2 acres, is relatively flat and was used previously for sand and gravel extraction. The applicant stated that this would be available for purchase following the subdivision. Lot 3 contained 10.70 acres and has a low gradient. This site was known as the City Pit as for many years it provided place for extraction. It was the intention of the CBJ to sell this lot to Home Depot for construction. Lot 4 contained 171.16 acres and was what remained of the City land on that side of Lemon Creek. Most of that land is steep, but approximately 20 acres has development potential. On 7/12/2005, the Planning Commission reviewed CSP2005-00005 for the disposal of approximately 30 acres of City land consisting of portions of lot 4, USS 5504 (**Attachment F**), and Tract A, USS 7297 (**Attachment C**), generally located in the gravel pit adjacent to Costco. The Commission approved the preliminary plat with 13 conditions.
2005	USE2005-00056 *Conditional Use Permit*	This proposal was for a Conditional Use Permit for Home Depot in the industrial zoning district; Staff recommended approval with nine conditions. The Commission adopted it with ten conditions.
2005	VAR2005-00059 *Variance*	This proposal was for a variance to reduce the number of required parking spaces for Home Depot from 629 to 481. Staff recommended approval, subject to the condition that no storage or sale of any merchandise or materials would be permitted outside of areas designated on the approved site plan. It was approved.
2005	INQ2005-00047 *Inquiry*	An inquiry regarding the premises on which the Home Depot sale should be conditioned; some suggested ways to accommodate a dedicated ROW between the mountain and Ralph's Way. A road between Costco and Home Depot was suggested, as well as the option to accommodate a road corridor between Home Depot and the mountain.
2005	CSP2005-00004 *City-State Project*	The subject of this project was the subdivision and disposal of City land adjacent to Costco. The Commission was requested to review the proposed sketch plat regarding the subdivision and sale of the land at the existing Lemon Creek gravel pit. This was a preliminary step before the submittal of a preliminary plat as part of the negotiations of the sale of land. The 1999 Land Management Plan outlined a review process to identify what portions of the property should be retained for transportation and utility corridors, public facilities, and similar,

Year	Item Type	Summary
		and recommended that the City land adjacent to Costco be sold for private development once the gravel was removed. On 1/10/2005, the Assembly adopted Resolution 2296 authorizing the negotiated sale of approximately 10 acres of the site for the development of the Home Depot (**Attachment G**). The gravel pit was used for City and State projects since 1983. One feature that was decided to be retained for public use was the Lemon Creek Trail.
2006	SUB2006-00021 *Subdivision*	This proposal was for the final plat for a major subdivision of Tract A and B of USS 7297 (**Attachment C**) and Tract A-4 of A.S.L.S. 2004-22 (**Attachment D**) into Tracts 1, 2, 3, and 4 of the HDK Subdivision; this was for approximately 192 acres total. The land was zoned for industrial and rural reserve at the time, and had a mix of vacant land, and that for sand and gravel extraction.
2006	Plat 2006-52	A plat denoting the HDK subdivision. (**Attachment E**)
2006	UTL2006-000129 *Utility Permit*	Home Depot waterline inspection; passed.
2006	BLD2006-00246 *Building Permit*	This building permit was for the construction of the Home Depot building.
2007	USE2007-00027 *Conditional Use Permit*	This proposal was for a Conditional Use Permit for an Office Depot to be located in the industrial zoning district.
2007	SUB2007-00015 *Subdivision*	This was a proposed boundary adjustment to lot 2 of the HDK Subdivision. Since the area was initially platted, it has been broken up into a number of individual lots, many of which have been developed. This subdivision was recommended for approval by the CDD.
2007	Plat 2007-23	A plat denoting lot 2A of the HDK subdivision (**Attachment H**).
2021	PAC20210011 *Preapplication Conference*	PAC 2021 was for a rezone and lot-line adjustment. This PAC was held on 3/3/2021. The rezone request was for Industrial to General Commercial. (**Attachment I**)

Parcel 5B1201030030 – S.S.G. IV Tract B

Year	Item Type	Summary
1993	SUBNC93-01 *Subdivision: Name Change*	This was an approved street-name change from “Murrai's Way” to “Charles Way.”
1993	SUBFP93-02 *Subdivision*	A proposal for the final plat of the S.S.G. Phase 4 Subdivision.
1993	PLAT 93-017	A plat denoting S.S.G. subdivision Phase 4. (**Attachment J**)
2002	BLD2002-00653 *Building Permit*	A building permit application for preliminary sitework to facilitate development of a building project. It was later voided.
2003	USE2003-00020 *Allowable Use Permit*	An Allowable Use Permit to construct a driveway within the undeveloped part of the Commercial Boulevard right-of-way.
2009	BLD2009-00504 *Building Permit*	A permit for the removal of 4500 cubic yards and 600 cubic yards of fill brought on site. Partial grading within Shaune Drive and Jenkins Drive. (**Attachment K**)

Year	Item Type	Summary
2021	PAC20210011 *Preapplication Conference*	A PAC Dating 3/3/21. The applicant was seeking to rezone 5B1201030030 (1.8 acres) from Industrial to General Commercial. (**Attachment I**)
2025	PAC20250014 *Preapplication Conference*	This PAC regarding a rezone to Light Commercial would permit a residential development up to 12 units without a USE permit. Development of over 12 units would require Commission approval. With lot consolidation, a development of up to 92 units would be permitted. This PAC included a proposal for an 8,000 square foot office. An office up to 10,500 square feet would not require a USE permit in Light Commercial. (**Attachment L**)

Zoning History – The table below summarizes the zoning history for the lots. The lots have been similarly zoned throughout their existence.

Year(s)	Zoning	Summary
1964	R2B	Residential District (Multi-Family): Incorporated the principal uses permitted outright in an R1 district, multifamily dwelling structures, and boarding houses. Accessory uses permitted outright were those customarily incidental and subordinate to a permitted principal use; a home occupation; and gardening and horticultural activities, including related structures used for non-commercial purposes.
1969-1987 (Pre-Repeal/Replace)	RML	Low-Density Multi-Family Residential: This district provided areas for the development of low-density multi-family housing. It was designed to be located adjacent to single-family areas and often used as a buffer to provide for a transition to higher intensity residential, commercial or industrial districts. Principal uses permitted were both single-family and duplex dwellings; multifamily dwellings; parks and other recreational uses, as long as they were non-commercial; churches; schools; and private marine-related uses.
1987 (Post-Repeal/Replace) – Current Day	Industrial	The Industrial District is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

ZONING ANALYSIS

The adopted 2013 Comprehensive Plan has designated this area as Light Industrial. Light industrial is defined by the Comprehensive Plan as: “Land to be developed for heavy commercial or light industrial uses such as small- to medium-scale food processing; printing and other business services; wholesale trade; research and development laboratories; light manufacturing processes; metal fabrication; warehousing, trucking; animal kennels; crematoria; indoor and outdoor storage; car, boat, and heavy equipment sales; and repair and maintenance activities. Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.”

CBJ 29.25.200 Zoning Districts Defined – The current zoning of the subject parcels are in line with the land-use intent of the Comprehensive Plan. A proposed rezoning to Light Commercial would move the zoning of the parcels out of conformance with the Comprehensive Plan in a couple important ways: 1. Residential uses in industrial districts are restricted to caretaker units (and home occupations taking place within them), and limited to one caretaker unit per lot, whereas in Light Commercial, residential uses are generally permissible; 2. Manufacturing uses, a key component of industrial zoning, are severely restricted in Light Commercial zones.

Current Zoning – Industrial	Proposed Zoning – Light Commercial
The Industrial District is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.	*The Light Commercial district is intended to accommodate commercial development that is less intensive than that permitted in the General Commercial district. Light Commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the General Commercial district, they are listed as conditional uses in this district and therefore require Commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the Light Commercial district.*

CBJ 49.25.300 Table of Permissible Uses Comparison – Both lots are currently vacant, therefore no uses will become nonconforming. A project proposed by the applicant would seek to build multifamily structures and an 8,000 sq. ft. office building; however, no project is formally considered in this report, as once a rezoning is approved, any of the uses allowed in the proposed district could be considered. The table below shows the differences in allowed uses between the current and proposed districts. For a full list of all uses allowed, rather than differences highlighted between the districts, please consult the Table of Permissible Uses.

No.	Use Description	Current Zoning (I)	Proposed Zoning (LC)
1.000	**RESIDENTIAL**		
1.110	Single-family detached, one dwelling per lot	Not Allowed	1
1.150	Caretaker Unit	1	
1.200	Duplex	Not Allowed	1
1.300	Multifamily Dwellings	Not Allowed	1,3
1.510	Child and Daycare Homes: Child; 12 or fewer children under the age of 12	Not Allowed	1
1.530	Child and Daycare Homes: Adult; 12 or fewer people, 12 years and older	Not Allowed	1
1.550	Childcare residence, 6 to 9 children under 18 years of age	Not Allowed	3
1.610	Miscellaneous, rooms for rent situations: Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site	Not Allowed	1,3
1.620	Hotels, motels	Not Allowed	1,3
1.630	Single room occupancies with private facilities	Not Allowed	1,3

1.815	Mobile homes on individual lots outside of mobile home parks (**Note E)**	1 **(Note A)**	3
1.820	Mobile home parks **(Note E)**	Not Allowed	3
1.830	Mobile home subdivision **(Note E)**	Not Allowed	3
1.911	Accessory dwelling units	Not Allowed	1
1.920	Three or more dwelling units	Not Allowed	1,3
1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.512	Not Allowed	1
2.000	**Sales and Rental Goods, Merchandise or Equipment (Note G)**		
2.120	Miscellaneous	3	1
2.130	Marine merchandise and equipment	3	1,3
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods	3	1,3
3.000	**Professional, Office, Clerical, Research, Real Estate, and Other Office Services (Note G)**		
3.050	Offices of not more than 1,000 square feet	Not Allowed	1
3.100	Offices greater than 1,000 but not more than 2,500 square feet	Not Allowed	1
3.400	Offices greater than 2,500 square feet	3 **(Note S)**	1,3
4.000	**Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods (Note G)**		
4.070	Medium manufacturing	1,3	Not Allowed
4.100	Heavy manufacturing	3	Not Allowed
4.150	Rock crusher	3	Not Allowed
4.200	Storage of explosives and ammunition	3	Not Allowed
4.210	Seafood processing	1,3	Not Allowed
4.220	Marijuana product manufacturing facility	3	Not Allowed
5.000	**Educational, Cultural, Religious, Philanthropic, Social, Fraternal Uses**		
5.110	Elementary and secondary schools including associated grounds and other facilities	Not Allowed	3
5.300	Libraries, museums, art galleries	Not Allowed	1,3
6.000	**Recreation, Amusement, Entertainment**		
6.110	Bowling alleys, billiards, pool halls	3	1,3
6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges	3	1,3
6.130	Theaters seating for 200 or fewer	3	1
6.150	Indoor shooting range	3	Not Allowed
6.240	Automobile, motorcycle racing tracks; off-highway vehicle parks	3	Not Allowed
6.264	Open space: Capacity for up to 20 people **(Note W)**	Not Allowed	1
6.266	Open space: Capacity for more than 20 people **(Note W)**	Not Allowed	3
6.280	Shooting ranges	3	Not Allowed
7.000	**Institutional Day or Residential Care, Health Care Facilities, Correctional Facilities**		
7.100	Hospital	Not Allowed	3
7.150	Health care clinics, other medical treatment facilities providing out-patient care	Not Allowed	1,3
7.200	Assisted living	Not Allowed	3
7.300	Day care centers	Not Allowed	1,3

7.310	Childcare centers	Not Allowed	1,3
7.500	Correctional facilities	Not Allowed	3
7.600	Sobering centers	Not Allowed	3
8.000	**Restaurants, Bars, Nightclubs**		
8.050	Small restaurants, less than 1,000 sq ft, without drive through service	3	1
8.100	Restaurants, bars without drive through service	3	1,3
8.200	Restaurants, coffee stands with drive through service	3	1,3
8.300	Seasonal open air food service without drive through	Not Allowed	1,3
9.000	**Boat or Motor Vehicle, Sales and Service Operations**		
9.100	Motor vehicle repair and maintenance, including body work	1	Not Allowed
9.200	Automotive fuel station	1	3
9.300	Car wash	1	3
9.400	Boat sales or rental	1	3
9.450	Boat repairs and maintenance	1	Not Allowed
9.500	Marine fuel, water sanitation	1,3	Not Allowed
10.000	**Storage, Parking, Moorage**		
10.100	Automobile parking garages or parking lots not related to a principal use on the lot	1	3
10.210	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored: All storage within completely enclosed structures	1	3
10.220	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored: General storage inside or outside enclosed structures	1	Not Allowed
10.232	Neighborhood, less than ½ acre	1	3 **(Note Z)**
10.235	Regional, ½ to 1 acre	1	3 **(Note Z)**
10.237	Area wide, over 1 acre	3	Not Allowed
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1	Not Allowed
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time	1	3
10.510	Moorage: Public, commercial	1,3	3
11.000	**Materials Salvage Yards, Waste Management**		
11.120	Materials Salvage Yards, Waste Management: Enclosed structures for recyclable materials collection	1	1 **(Note P)**, 3 **(Note P)**
11.130	Materials Salvage Yards, Waste Management: Sorting, storage, preparation for shipment occurring outside an enclosed structure	1	Not Allowed
11.300	Sanitary landfill	3	Not Allowed
12.000	**Services and Enterprises Related to Animals**		
12.100	Veterinary clinic	1	3
12.200	Kennel	1,3	3
12.250	Day animal services, grooming, walking, day care	1,3	3
13.000	**Emergency Services**		
13.100	Fire, police, ambulance	1,3	3
14.000	**Aquaculture, Agriculture, Silviculture, Mining, Quarrying Operations, Spring Water Bottling**		

14.150	Weirs, channels, and other fisheries enhancement	1	1,3
14.210	Commercial agricultural operations: Excluding farm animals	1,3	3
14.220	Commercial agricultural operations: Including farm animals **(Note M)**	1,3	Not Allowed
14.230	Commercial agricultural operations: Stabling of farm animals **(Note M)**	1,3	3
14.300	Silviculture and timber harvesting **(Note J)**	3	Not Allowed
14.400	Mining operations	2	Not Allowed
14.800	Spring water bottling	1,3	3
15.000	**Miscellaneous Public and Semipublic Facilities**		
15.200	Airport	1,3	Not Allowed
15.500	Heliports, helipads	3	Not Allowed
15.700	Public works facility	1,3	3
16.000	**Dry Cleaner, Laundromat**		
16.200	Full service onsite laundry and/or dry cleaning	1,3	3
17.000	**Utility Facilities**		
17.150	Utility Facilities: Intermediate	1	3
18.000	**Towers and Related Structures**		
18.300 **(Note AA)**	Towers and Related Structures: Towers and antennas more than 50 feet in height	1	3
19.000	**Open Air Markets, Nurseries, Greenhouses**		
19.210	Nurseries, commercial greenhouses: Retail sales	1	1,3
19.220	Nurseries, commercial greenhouses: Nonretail sales	1	1,3
20.000	**Cemetery, Crematorium, Mortuary**		
20.100	Cemetery, Crematorium, Mortuary: Cemetery	Not Allowed	3
20.200	Cemetery, Crematorium, Mortuary: Crematorium	1,3	Not Allowed
20.300	Cemetery, Crematorium, Mortuary: Funeral home	Not Allowed	1,3
21.000	**Visitor-Oriented, Recreational Facilities**		
21.300	Visitor-Oriented, Recreational Facilities: Visitor, cultural facilities related to features of the site	Not Allowed	3

Key:

- **1:** Department approval requires the department of community development approval only.
- **1,3:** Department approval required if minor development, Conditional Use Permit required if major development**.**
- **2:** Allowable Use Permit requires planning commission approval.
- **3:** Conditional Use Permit requires planning commission approval.
- **2,3:** Allowable Use Permit required if minor development, Conditional Use Permit required if major development.

Description of Notes:

- **Note A:** A mobile home may only be used as a caretaker unit which complies with CBJA 49.25.514.
- **Note E:** See special use regulations for mobile homes, chapter 49.65, article III.
- **Note G:** All uses subject to additional performance standards, chapter 49.65, article VIII.

- **Note J:** Applies to over 2 acres of harvest area.
- **Note M:** Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
- **Note P:** Preexisting Allowable or Conditional Use Permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an Allowable or a Conditional Use Permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.
- **Note S:** Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.
- **Note W:** The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.
- **Note Z:** Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.
- **Note AA:** Does not apply to wireless communication facilities.

CBJ 49.25.400 Dimensional Standards – There are no pre-existing buildings in the proposed rezone area, therefore there are no setbacks to analyze for nonconformities. The lots will not be made nonconforming under the proposed rezoning. For new development, dimensional standards will be enforced during the permitting phase.

Standard		**Current Zoning (I)**	**Proposed Zoning (LC)**
Lot	Size (in Square Feet)	2,000	2,000
	Width (in Feet)	20	20
Setbacks	Front (in Feet)	10	25
	Rear (in Feet)	10	10
	Side (in Feet)	0	10
	Street-Side (in Feet)	10	17
Lot Coverage		None	None
Height	Permissible (in Feet)	None	45
	Accessory (in Feet)	None	35

CBJ 49.25.500 Density – As the parcels are vacant, there are no lot-level densities that will become nonconforming by this proposed change. The table below shows the maximum density that is allowed in each zoning district. The numbers below do not take into account design constraints that could be placed on the site during the permitting phase that would reduce the amount of space available for dwelling units.

	Current Zoning (DU/Acre)	**Proposed Zoning (DU/Acre)**
Maximum Density of Dwelling Units	0*	30

**Density maximums are not determined for industrially zoned districts as only caretaker units are permitted, and are limited to 1 per lot [CBJ 49.25.514(5)(A)].*

Potential for Subdivision – Both lots have the potential for subdivision based on minimum size requirements. The numbers in the table below are based on the minimum lot size, and shown per parcel, since the minimum size is the same between the districts.

	Parcel 5B1201360051	Parcel 5B1201030030
Maximum Number of Lots*	43	39

**The maximum shown does not take into account design constraints that could be placed on the lots during the subdivision and permitting processes, but shows the maximum achievable within the zoning districts.*

TRAFFIC AND TRANSPORTATION

Access	Roadway Classification	Current Level of Service
Commercial Boulevard	Local	
Charles Way	Local	

Non-motorized transportation – There are pedestrian paths along Commercial Boulevard in the vicinity of the parcels proposed for rezone.

Proximity to Public Transportation – Bus lines 3 (Mendenhall Loop Counterclockwise), 4 (Mendenhall Loop Clockwise), 7 (Lemon Creek Commuter), and 8 (Downtown/Valley Express) make stops at Anka Street and Glacier Highway, the nearest transit-accessible intersection.

COMMUNITY SERVICES

The table below summarizes community services that may be affected by the proposed rezone.

Service	Summary
Water/Sewer	Water and sewer service is provided by the City.
Fire Service	Lots are within Fire Zone 3_2 (Parcel Viewer).
Schools	Nearby: Juneau Community Charter School/Montessori Borealis/ Yaa̲koosgé Daakahídi Optional Programs Building.
Recreation	The Lemon Creek trailhead begins at the cul-de-sac of Commercial Boulevard nearby.

ENVIRONMENTAL, CONSERVATION, HISTORIC, AND ARCHEOLOGICAL RESOURCES

The table below summarizes Conservation, Historic, and Archeological Resources which may be affected by the proposed rezone.

Resource	Summary
Conservation	See discussion below.
Wetlands	See discussion below.
Anadromous	None in rezone area.
Historic	None known.
Archeological	None known.

Parcel 5B120136005 was on the outer edge of a large gravel pit where water was partially diverted into Lemon Creek when gravel was being mined in the area. The headwaters of Vanderbilt Creek flow east and south of the lot. A significant aspect for the approval of the Home Depot at the time was a requirement that a detailed hydrology study had to be completed, and its recommendations implemented to direct water back towards Vanderbilt Creek. The trailhead for Lemon Creek was moved and constructed at the end of Commercial Boulevard, when it had previously been nearer to the residential development in the area. The lot straddles the watersheds of Lemon and Vanderbilt Creeks, and the developer at the time identified a small area of wetlands at the southwest corner of the lot. An ephemeral channel of Vanderbilt Creek runs very close to the southeastern corner of the lot, and during heavy rainfall the channel fills. Both Lemon and Vanderbilt Creeks are listed as impaired waterbodies, and protection of their watersheds is a priority.

CONFORMITY WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN — The proposed text amendment is in mixed conformance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
3	19	3.1 DG 1	The proposed text amendment may contradict 3.1 Design Guideline 1, if there is not enough industrial land in the borough. *When considering rezoning applications of land located within the Urban Service Area from an industrial zoning district to a commercial, mixed use or residential district, ensure that there is an adequate supply of land suitable for manufacturing or heavy industrial use elsewhere in the Urban Service Area in an area that can provide heavy weight-carrying-capacity roads and sewers.*
3	19	3.1 DG 2	The proposed text amendment may be in conformance with 3.1 Design Guideline 2, dependent on subsequent development. *When considering rezoning applications of land located within the Urban Service Area from a non-residential zoning district to a residential or mixed-use district, promote the development of new medium- (10 to 20 dwelling units per gross acre) to high-density (30 to 60 or more units per gross acre) residential developments that include dwelling units affordable to low-income households as a condition of the rezoning.*
4	37	4.2 SOP 3	The proposed text amendment may be in conformance with SOP3, depending on the subsequent developments that take place on the rezoned land.

2013 COMPREHENSIVE PLAN — The proposed text amendment is in mixed conformance with the 2013 Comprehensive Plan.			
			The CBJ government should seek and facilitate new housing production, for all types, at an annual rate that mimics the growth rate of new households in Juneau, in order to maintain adequate choice of residence type, location, and cost.
4	38	4.2 IA 10	The proposed text amendment may be in conformance with 4.2 IA10 depending on subsequent development. *Explore and implement methods to expand permanent housing options for "work force" housing.*
4	39	4.3 IA 4	The proposed text amendment may be in conformance with 4.3 IA4 depending on subsequent development. *Encourage high-density Transit Oriented Developments and/or Mixed Use Developments in existing or new shopping centers and office parks.*
4	41	4.8 DG 1	The proposed text amendment may be in conformance with 4.8 DG1 depending on subsequent development. The area is historically industrial with noise and pollutants that may be incompatible with the intent this design guideline. *When reviewing rezoning applications within the Urban Service Area, higher densities than are found on adjacent or surrounding properties should be deemed consistent and harmonious with the character of the neighborhood, provided that the overall scale and massing of the new development is compatible with the neighborhood and the siting and/or design of the new structure(s) assures the privacy, light and air of its neighbors.*
5	58	Policy 5.10	The proposed text amendment may be in conformance with Policy 5.10, depending on subsequent development. *To designate sufficient and suitable land for anticipated commercial and industrial development as part of its overall economic development program.*
5	58	5.11 DG 1	The proposed text amendment is generally out of conformance with 5.11 design guideline 1, as a rezoning would remove most allowable industrial uses. *When requests are made to rezone industrially-zoned land to a non-industrial use district, assess and consider the impacts of the loss of this land for industry on Juneau's economy as a whole as well as on current needs for industrial land for expansion of existing industrial businesses. An industrial lands inventory and needs assessment may be required as part of such a rezoning application.*
5	58	5.11 IA 2	The proposed text amendment is in mixed conformance with 5.11 IA 2. There is the sentiment to avoid further encroachment on

2013 COMPREHENSIVE PLAN — The proposed text amendment is in mixed conformance with the 2013 Comprehensive Plan.			
			industrially zoned lands, however, the area has been encroached upon by non-industrial uses. *In an effort to avoid further encroachment on industrially-zoned lands by retail, office and other non-industrial uses, identify lands within current industrial districts that meet the location criteria for office and retail use and that have been predominantly encroached upon by these uses and rezone those lands for retail, office and heavy commercial uses. Any existing light tor heavy industrial uses therein should be allowed to remain and, even, expand and relocate therein, if necessary to support that business.*
5	59	5.11 IA 4	The proposed text amendment is in contradiction to 5.11 IA4. The proposed rezone would take away most allowable industrial uses in the district under the current zoning regime. *Create heavy industrial zoning areas appropriate for the basic industry sector, including fisheries, mining support services, forest products, and others.*
10	129	Policy 10.1	The proposed text amendment may be in conformance with Policy 10.1 depending on subsequent development. *To facilitate availability of sufficient land with adequate public facilities and services for a range of housing types and densities to enable the public and private sectors to provide affordable housing opportunities for all Juneau residents.*
10	130	Policy 10.2	The proposed text amendment may be in conformance with Policy 10.2 depending on subsequent development. *To allow flexibility and a wide range of creative solutions in residential and mixed use land development within the urban service area.*
10	131	Policy 10.3	The proposed text amendment may be out of conformance with Policy 10.3. If housing is built in the area, as is allowed in Light Commercial, it would seem to be in direct contradiction to the intent of land use map, and the current zoning regime, which is highly permissible when considering industrial uses. *To facilitate residential developments of various types and densities that are appropriately located in relation to site conditions, surrounding land uses, and capacity of public facilities and transportation system.*
10	132	Policy 10.4	The proposed text amendment would be contradictory to Policy 10.4, depending on subsequent development. If housing is built, it would stand in conflict to much of the area's current land use and the intent of the land use map and zoning regime.

2013 COMPREHENSIVE PLAN — The proposed text amendment is in mixed conformance with the 2013 Comprehensive Plan.			
			To minimize conflicts between residential areas and nearby recreational, commercial, or industrial uses that would generate adverse impacts to existing residential areas through appropriate land use locational decisions and regulatory measures.
10	135	Policy 10.7	The proposed text amendment…. *To designate on land use and zoning maps, and to provide services to, sufficient vacant land within the urban service area appropriately located to accommodate future commercial and industrial uses.*
10	136	10.7 IA 2	The proposed text amendment would be in contradiction to much of the intent of 10.7 IA 2 as a rezoning to Light Commercial would restrict much of the industrial activity that could potentially be placed on the lots. *Identify and protect from land use conflicts potential sites for light industrial and heavy industrial uses.*
11	158	Land Use Maps	The proposed text amendment to Light Commercial would move the zoning of the parcels out of conformance with the Comprehensive Plan in a couple important ways: 1. Residential uses in industrial districts are restricted to caretaker units (and home occupations taking place within them), and limited to one caretaker unit per lot, whereas in Light Commercial, residential uses are generally permissible; 2. Manufacturing uses, a key component of industrial zoning, are severely restricted in Light Commercial zones.
11	182	Subarea Guidelines	The proposed text amendment is in mixed conformance with the subarea guidelines, but for these two lots, would seem to be out of conformance with them. Guideline 1 specifically states to reduce incompatible uses and minimize adverse impacts of incompatible uses related to noise, dust, fumes, odors, and public safety. And Guideline 10 states that sufficient land should be identified to accommodate commercial and industrial uses, as well as to provide additional buildable land for heavy industry and prohibit uses such as retail, office and residential within heavy industrial areas.

Juneau Economic Development Plan, 2015 — The proposed text amendment is in mixed conformance with this plan.			
Chapter	**Page No.**	**Item**	**Summary**
Executive Summary	4	Economic Development Priority	The proposed text amendment would be in mixed conformance to this economic-development priority. While Light Commercial allows for housing, it is not a residential district, and therefore uses that are nonresidential in nature would be allowed. *Promote Housing Affordability and Availability*

Juneau Economic Development Plan, 2015 — The proposed text amendment is in mixed conformance with this plan.			
2	26	Policy Direction	The proposed text amendment is in mixed conformance with the policy direction related to providing an adequate land supply for a variety of uses. *One of the most direct impacts local government can have on development is to ensure an adequate supply of appropriately zoned land is available for commerce and industry, as well as residential development.*
2	27	Survey Results, Community Sentiment	The proposed text amendment is in mixed conformance with community sentiment as obtained from surveys during this plan. *Of the 218 employers who completed the JEP Business Survey, about 40 percent said lack of land for commercial and residential development were very significant concerns; When asked about the impact to their specific business, 21 percent said lack of commercial land was a significant barrier to growth; These sentiments agree with anecdotal reports about the lack of residential and industrial land in the community and lack of waterfront land to support private maritime development.*
3	34	Survey Results, Community Sentiment	The proposed text amendment is in general conformance with the community sentiment as obtained from the household survey conducted during this plan. A Light Commercial zoning district could allow for both residential and commercial uses. *70% of respondents to the household survey felt that the availability of affordable housing was very significant to Juneau's economic development; 30% of respondents felt the availability of land for commercial development was very significant.*
3	36	Survey Results, Community Sentiment	The proposed text amendment is in general conformance with the community sentiment as obtained from the business survey conducted during this plan. A Light Commercial zoning district could allow for both residential and commercial uses. *70% of respondents felt that the availability of affordable housing for employees was very significant issue for Juneau's economic development; approximately 40% of respondents felt that the availability of land for both residential and commercial uses was a very significant issue.*
5	94-104	Initiative: Promoting Housing Affordability and Availability	The proposed text amendment would be in general conformance with this initiative. The plan notes that, in 2015, Juneau's housing supply did not meet demand in terms of type, size, price, or location; and that one role for local government in creating more housing was to use the tool of rezonings. However, whether this would be achieved over time is dependent on subsequent development. Light

Juneau Economic Development Plan, 2015 — The proposed text amendment is in mixed conformance with this plan.			
			Commercial allows for housing, but is not a residential zoning regime.

Lemon Creek Area Plan, 2018 — The proposed text amendment is in mixed conformance with this area plan.			
Chapter	**Page No.**	**Item**	**Summary**
Executive Summary	xiv	Steering Committee Priority Actions	The proposed text amendment would seem to be in contradiction to the majority of the area's zoning and a large portion of its land uses. *Create of enhance buffers between different land uses and/or zoning districts.*
Executive Summary	xiv	Steering Committee Priority Actions	The proposed text amendment would be in general conformance with this priority action. *Allow for industrial and commercial growth in strategically located areas.*
4	37	Goal/Action	The proposed text amendment is in mixed conformance with this action, but could be contradictory depending on subsequent development. *Maximize compatibility between residential and non-residential uses by ensuring appropriate buffers and distance*.
4	37	Goal/Action	The proposed text amendment would be in general conformance with this action, depending on subsequent development. *Explore and implement methods to expand the Lemon Creek area's housing options for workforce housing and senior housing, such as common walls and senior living communities.*
7	70	Goal 2	The proposed text amendment would be in general conformance with this goal. *Create thriving commercial and industrial areas that support industry and neighborhood business.*
Appendix A: Public Participation	91	Open House: Strengths	The proposed text amendment would likely be contradictory to the sentiment obtained as a strength during the Open House. Light Commercial limits many industrial uses, typical of manufacturing businesses. Manufacturing jobs were cited as a strength of the Lemon Creek area during the Open House.
Appendix A: Public Participation	91	Open House: Strengths	The proposed text amendment would likely be contradictory to the sentiment obtained as a strength during this Open House. The lots are located in and surrounded by industrially zoned lots.

Lemon Creek Area Plan, 2018 — The proposed text amendment is in mixed conformance with this area plan.			
			Many uses, particularly residential uses allowed in Light Commercial, would be incompatible with the range of allowed uses in industrially zoned areas. *Industrial and commercial zoning allows for noisier and messier uses.*
Appendix A: Public Participation	96	Focus Groups: Strengths	The proposed text amendment would be contradictory to the sentiment obtained during the focus group sessions. Light Commercial zoning severely limits typical industrial uses. *A few vacant lots remaining in the industrial district; lots of flat, industrial land.*
Appendix A: Public Participation	96	Focus Groups: Strengths	The proposed text amendment is in mixed conformance to this sentiment obtained during the focus group sessions. While Light Commercial allows for residential, it is not a residential district. *Vacant land available for housing development.*
Appendix A: Public Participation	98	Focus Groups: Opportunities	The proposed text amendment would be contradictory to the sentiment obtained during this focus group session. Light Commercial zoning would be a reduction of available industrial land. *Expand industrial lands and protect what is already there.*
Appendix A: Public Participation	101	Focus Groups: Weaknesses	The proposed text amendment could be contradictory to the sentiment obtained during this focus group session. Light Commercial zoning would allow for a variety of residential uses in the area. *Zoning is a challenge; increased residential use in a historically industrial area.*

AGENCY REVIEW

CDD conducted an agency review comment period between 9/9/25 and 9/22/25. The CBJ's Building Division, General Engineering, and Capital City Fire and Rescue were also provided an opportunity to comment at a Preapplication Conference held in March of 2025. Agency review comments from the September comment period can be found in **Attachments M, N, and O**.

Agency	**Summary**
Division of Lands and Resources	Agency comments involved questions related to traffic impacts for the "waste campus"; whether the zoning change would impact the adjacent industrial uses; and potential restrictions on CBJ lands nearby.
CBJ Building Division	No concerns at this time.
CBJ General Engineering	No concerns at this time.
Capital City Fire and Rescue	No concerns at this time.

PUBLIC COMMENTS

CDD conducted a public comment period between 9/8/25 and 9/22/25. Public notice was mailed to property owners within 500 feet of the proposed rezone (**Attachments P, Q**). A public notice sign was also posted on-site two weeks prior to the scheduled hearing (**Attachment R**). No public comments were received at the time of writing this staff report.

ZONE CHANGE OPTIONS AND ALTERNATIVES

As stated in CBJ 49.75.130(a), the Commission may recommend approval, approval with modifications or denial of a rezone request. The Commission may recommend approval to the Assembly for different zoning districts than what is requested by the applicant. Additionally, the Commission can recommend modifications to the boundaries of the area to be rezoned. This means that if the Commission wishes to do so, the zoning district boundary line may be moved from its current location, as long as it is found to be in substantial conformance with the Comprehensive Plan and Title 49 – Land Use Code. Zoning district boundary lines are intended to follow property lines, centerlines of streets, alleys, streams (CBJ 49.25.110(f)).

FINDINGS

In accordance with CBJ 49.75 the Director makes the following findings on the proposed rezone:

1. ***Was the rezone application filed timely in accordance with CBJ 49.75.110?***

   Analysis: No additional analysis required.

   Finding: Yes. The rezone application was filed in July.

2. ***Was adequate public notice provided in accordance with CBJ 49.75.110?***

   Analysis: CDD staff held a public meeting on October 2nd, 2025; mailed written notice to property owners within 500 feet of the proposed rezone; and a public-notice sign was posted on the site two weeks prior to the scheduled hearing.

   Finding: Yes. Adequate public notice was provided in accordance with CBJ 49.75.110.

3. ***Is this request for an area covering more than two acres or an expansion of an existing zoning district as required by CBJ 49.75.120?***

   Analysis: The proposed rezoning is for an area covering approximately 3.79 acres.

   Finding: Yes. The proposed rezone meets the minimum area or is an extension of an existing zoning district.

4. ***Has no similar request been made within the previous 12 months as required by CBJ 49.75.120?***

   Analysis: No additional analysis required.

   Finding: Yes. No similar rezone request has been filed within the previous 12 months.

5. ***Is the proposed zoning district and the uses allowed therein found to be in substantial conformance with the land use maps of the comprehensive plan and policies of the comprehensive plan, in accordance with CBJ 49.75.120?***

   Analysis: The proposed rezoning is in contradiction to the adopted land use maps: the Comprehensive Plan designates the area for light industrial uses. It is also in contradiction to the general intent of the area's zoning. The proposal has mixed conformance with the Plan otherwise, not "substantial conformance."

   Finding: No. The proposed rezone is not in substantial conformance with the land use maps and policies of the comprehensive plan.

6. ***Is the proposed zoning district and the uses allowed therein found to be in substantial conformance with Title 49 – Land Use Code, in accordance with CBJ 49.75.120?***

   Analysis: The parcels are vacant and therefore the rezoning does not make any lots or uses nonconforming.

   Finding: Yes. The proposed rezone is in substantial conformance with Title 49 – Land Use Code.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of DENIAL to the Assembly for the requested rezone application to rezone 3.79 acres at 5200 and 5220 Commercial Boulevard from Industrial to Light Commercial.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	1993_Plat_93-26
Attachment C	USS-7297
Attachment D	2004_ASLS-2004-22
Attachment E	2006_PLAT_2006-52
Attachment F	USS-5504
Attachment G	RESOLUTION_2296-Home-Depot
Attachment H	2007_PLAT_07-23
Attachment I	2021_PAC20210005_Final-Report
Attachment J	1993_PLAT_93-017
Attachment K	BLD2009-00504
Attachment L	PAC25-014_Final with Attachments
Attachment M	Agency Comments - Division of Lands and Resources
Attachment N	Agency Comments - CBJ Building Division
Attachment O	Agency Comments - Office of the Fire Marshal
Attachment P	Public Notice_Neighborhood Meeting
Attachment Q	Public Notice_Hearing
Attachment R	Public Notice Sign - Posted
Attachment S	Ordinance Map

CITY AND BOROUGH OF JUNEAU

DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant

PROPERTY LOCATION

Physical Address: 5220 & 5200 COMMERCIAL BLVD

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot): SSG WTR 5 & HDK LT 2A

Parcel Number(s): 5B1201030030 5B1201360051

☐ This property is located in the downtown historic district

☐ This property is located in a mapped hazard area, if so, which _____

LANDOWNER/ LESSEE

Property Owner	Contact Person
GEOFFREY & MARCELLE LARSON	GEOFFREY LARSON
Mailing Address	**Phone Number(s)**
PO BOX 240575 DOUGLAS AK 99824	907-957-2835
E-mail Address	
GEOFFMARK@GMAIL.COM	

LANDOWNER/ LESSEE CONSENT

Required for Planning Permits, not needed on Building/ Engineering Permits.

Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.

I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.

GEOFFREY LARSON — LANDOWNER
Landowner/Lessee (Printed Name) — Title (e.g.: Landowner, Lessee)

x _____ 7/28/25
Landowner/Lessee (Signature) — Date

MARCELLE LARSON — LANDOWNER
Landowner/Lessee (Printed Name) — Title (e.g.: Landowner, Lessee)

x Marcelle Larson 7/28/25
Landowner/Lessee (Signature) — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.

APPLICANT

If same as LANDOWNER, write "SAME"

Applicant (Printed Name)	Contact Person
CHARLES DOWART	CHARLES DOWART
Mailing Address	**Phone Number(s)**
PO BOX 211071 AUKE BAY AK 99821	907-500-8976
E-mail Address	
CDOWART@GMAIL.COM	

x _____ 7.28.25
Applicant's Signature — Date of Application

DEPARTMENT USE ONLY BELOW THIS LINE

Intake Initials	
BR 7/29	
Case Number	**Date Received**
AME25-02	7/29

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

ZONE CHANGE APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.
NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY
REQUEST RE-ZONE FROM INDUSTRIAL TO LIGHT COMMERCIAL, TO DEVELOP MULTI FAMILY HOUSING.

IS THIS AN EXPANSION OF AN EXISTING ZONE? ○ Yes ⊗ No

Total Land Area of Proposed Change 3.79 acres
Comprehensive Plan Land Use Designation _____
Current Zone(s) INDUSTRIAL
Comprehensive Plan Map Letter _____
New Zone Requested LIGHT COMMERCIAL

TYPE OF ZONE CHANGE REQUESTED ⊗ Regular ○ Transition

Has this or a similar zone change been requested in the previous 12 months? ○ Yes Case # _____ ⊗ No

UTILITIES AVAILABLE WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

ALL REQUIRED MATERIALS ATTACHED

- ☒ **Complete application**
- ☒ **Pre-Application Conference notes**
- ☒ **Narrative including:**
  - ☒ Purpose of the requested zone change
  - ☒ Any potential impacts to public infrastructure (streets, water, & sewer)
  - ☒ How the requested zone change comply with the maps and policies of the Comprehensive Plan
- ☒ **Site Plan and/or map of proposed zone change** (details on reverse side)

---DEPARTMENT USE ONLY BELOW THIS LINE---

ZONE CHANGE FEES	Fees	Check No.	Receipt	Date
Application Fees	$ 600.00			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50.00			
Pub. Not. Sign Deposit	$ 100.00			
Total Fee	$ 750.00			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
AME25-02	7/29

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.gov
www.juneau.org/community-development
155 Heritage Way • Juneau, AK 99801

Case name

Case Number:	PAC2024 0014
Applicant:	Charles Donart
Property Owner:	Geoffrey L Larson; Marcelle A Larson
Property Address:	5220 & 5200 Commercial Blvd
Parcel Code Number:	5B1201030030 & 5B1201360051
Legal Description:	SSG IV TR B & HDK LT 2A
Site Size:	78,632 square feet & 86,401 square feet
Zoning:	Industrial
Existing Land Use:	Vacant

Conference Date:	March 19, 2025
Report Issued:	April 17, 2025

DISCLAIMER: Pre-application conferences are conducted for the purpose of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application and are not a guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Charles Donart	Applicant	cdonart@gmail.com
Jolene Murphy	Planning	Jolene.murphy@juneau.gov
Theresa Ross	Fire	theresa.ross@juneau.gov
Bridget LaPenter	General Engineering	bridget.lapenter@juneau.gov

Attachment A – Application Packet

Conference Summary

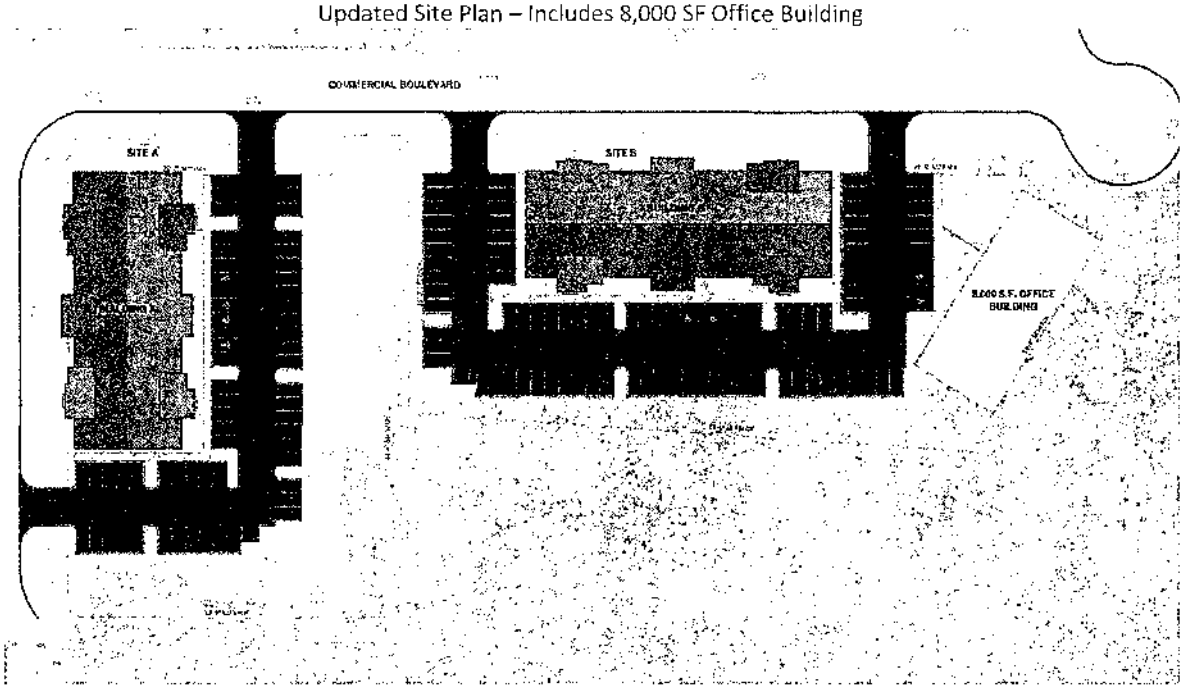
Questions/issues/agreements identified at the conference that weren't identified in the attached reports. The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

- This PAC is a part of the public record and can be viewed by the property owners upon request.
- General Recommendations:
  - Our department would not recommend rezone due to conflict with the Light Industrial Land Use Designation of the Comprehensive Plan
  - However, the planning commission may approve/deny rezone despite CDD's recommendation
  - I would recommend submitting input to Title 49 rewrite website asking why residential uses should be permitted in industrial zones as a Rezone is not likely. Title 49 rewrites are estimated to be completed in 2027

Project Overview

Rezone request from Industrial (I) to Light Commercial (LC) for 2 parcels. Applicant seeks to combine the parcels then construct a multifamily development.

Updated Site Plan – Includes 8,000 SF Office Building



REZONE PROCESS

- Apply for the rezone by July 29, 2025, or wait until January 2026.
- Work with Community Development on organizing a public meeting. Community Development would present on the regulatory details, and CCTHITA would be able to present based on the vision for the area.
- Modify the proposal as warranted by public comments.
- Present the proposal to the Planning Commission. They will forward to the Assembly, and:

  - Recommend approval, OR
  - Recommend approval with conditions, OR
  - Recommend denial, OR
  - If they need more information, they will "continue."
- The Assembly will most likely consider the rezone:
  - At a subcommittee, probably Lands, Housing and Economic Development.
  - At a Committee of the Whole (work group), then
  - At a regular Assembly Meeting, the rezone will be voted on.

Previous PAC2021 0005 attempted to rezone from Industrial to General Commercial.

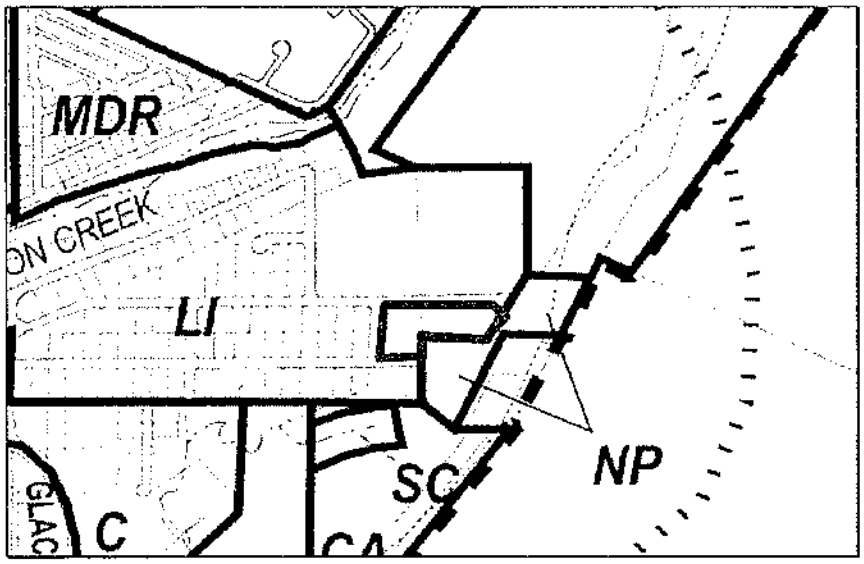
CBJ 49.75.120 Restrictions on Rezoning. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests, which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

In considering re-zoning requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.

The Assembly makes the ultimate decision on rezoning. A strict interpretation of the Comprehensive Plan would make rezone seem unlikely due to the definition of Light Industrial, which is how the property is mapped.

Per the 2013 Comprehensive Plan, both parcels are designated **Light Industrial** which is defined as:

> *Land to be developed for heavy commercial or light industrial uses such as small- to medium-scale food processing; printing and other business services; wholesale trade; research and development laboratories; light manufacturing processes; metal fabrication; warehousing, trucking; animal kennels; crematoria; indoor and outdoor storage; car, boat, and heavy equipment sales; and repair and maintenance activities. Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.*



Land Use Code definitions:

> ***Industrial**: The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.*
>
> ***Light Commercial**: The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.*

Planning Division

1. **Zoning** – Industrial
2. **Table of Permissible Uses** – Multifamily units are not permitted in Industrial zoning districts. A rezone to LC would permit a residential development up to 12 units without a USE permit. Development over 12 units would require planning commission approval. With lot consolidation, a development with up to 92 units would be permitted on the 3.07-acre lot.

   An office up to 10,500 square feet would not require a USE permit in LC.
3. **Setbacks** – Lot SSG IV TR B is bordered by three rights-of-way and therefore does not have to provide a rear yard setback. Setbacks will be front, street side and side.

	Industrial	Light Commercial
Front	10 feet	25 feet
Rear	10 feet	10 feet
Side	10 feet	10 feet
Side	10 feet	10 feet

4. **Height** –

	Industrial	Light Commercial
Permissible	None	45 feet
Accessory	None	35 feet

5. **Access –** Access for Lot SSG IV TR B can come from either Commercial Blvd. or Charles Way. Per applicant's proposal, development on Site A would be accessible from both streets.
6. **Parking & Circulation**– Parking requirements will be assessed during the Conditional Use Permit (CUP) and/or Building Permit process.
7. **Lot Coverage –** Both zoning restrictions have no lot coverage restrictions.
8. **Vegetative Coverage** – Vegetative coverage would increase with a rezone to LC.

   Industrial: 5%

   Light Commercial: 15%

1. **Lighting** – All on-site lighting must be of full cut-off design. Lighting plans must be submitted with CUP & Building Permit applications.
9. **Noise** – Noise impacts will be assessed during the Conditional Use Permit and/or Building Permit process
10. **Flood** –Flood Zone X Area of Minimal Flood Hazard (Panel 02110C1551E)
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – None mapped
12. **Wetlands** – No known wetlands
13. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
14. **Plat or Covenant Restrictions –** N/A
15. **Traffic –** Traffic impacts will be assessed during the Conditional Use Permit and/or Building Permit process.
16. **Nonconforming situations** – N/A

Building Division

17. **Building –** N/A

General Engineering/Public Works

18. **Engineering** – No concerns at this time

Fire Marshal

19. **Fire Items/Access** –No concerns at this time

Other Applicable Agency Review

20. N/A

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Two (2) Development Permit Applications (1 for Rezone signed by property owners , 1 for Lot Line Adjustment)
2. Rezone Application (Accepted in July or January)
3. Subdivision Application

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. A preliminary plat for the lot line adjustment and closure report

Exceptions to Submittal Requirements

Submittal requirements that staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. N/A

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Rezone Application Fee: $600 + $150 public notice sign fee ($100 of which is refundable upon return of the sign)
2. Lot line adjustment fee: $160 ($110 plus $25 for each lot changed)

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/community-development.

Submit your Completed Application

You may submit your application(s) online via email to permits@juneau.gov
OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street

Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Web: www.juneau.org/community-development

Attachments:
49.75 Article I - Rezonings
49.15.411 – Preliminary Plat Requirements

Outlook

Re: Zone Change application -- Industrial to Light Commercial

From Brandon Robinson <Brandon.Robinson@juneau.org>
Date Tue 7/29/2025 11:04 AM
To Charles <cdonart@gmail.com>

Good Morning Charles,

Thank you for the update. I'll sign off on the application and you should hear from our permit staff soon regarding the fees.

Best regards,
Brandon

Brandon Robinson | Planner II
Community Development Department | City & Borough of Juneau, Alaska
Physical Location: 230 S. Franklin Street, 4th Floor, Marine View Building
Office: (907) 586-0753; Extension 4139

From: Charles <cdonart@gmail.com>
Sent: Tuesday, July 29, 2025 10:40 AM
To: Brandon Robinson <brandon.robinson@juneau.org>
Subject: Zone Change application -- Industrial to Light Commercial

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Brandon --

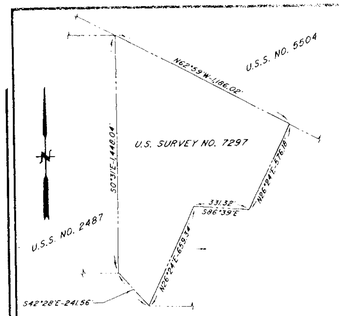
The additional information requested to complete the Zone Change is as follows:

The potential impact to public infrastructure will be an increase in housing in the immediate neighborhood, resulting in additional use of the existing public streets, water, and sewer.

The requested zone change will comply with the overall policies of the comprehensive plan by increasing housing availability -- which is one of the stated policy objectives of the CBJ Assembly.

Thank you -
Charles

1993---026 00486



ORIGINAL U.S. SURVEY NO. 7297
SCALE: 1"=400'

R&M ENGINEERING, INC.
S7297 TR A
TR B S7297
1993 1410-5

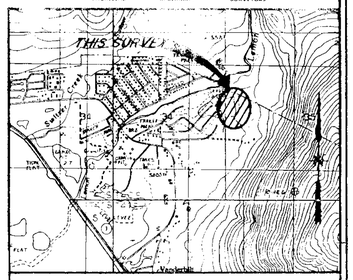
PRIMARY MONUMENT
3" Ø ALUM. BERNSTEIN FED. A.L. MAGNETIZED CAP ON 2 1/2" Ø 30" SHANK SET 24" IN GROUND

TYPICAL MONUMENTS
(ESTABLISHED THIS SURVEY)

GENERAL NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY WAS THE LINE OF SIGHT BETWEEN RECOVERED MON. COR. 1 AND MON. COR. 6 U.S. SURVEY NO. 1291. THE BEARING OF RECORD AS TAKEN FROM THE ORIGINAL B.L.M. SURVEY FOR U.S. SURVEY NO. 7297 WAS N0°31'00"W.
2. ACCESS TO THIS SUBDIVISION IS BY THE DEDICATED ROADWAY SHAUNE DRIVE AND BY TRACT A, S.S.G. SUBDIVISION NO. 1 AND THE PROPOSED ROAD RIGHT-OF-WAY WITHIN U.S. SURVEY NO. 2487, S.S.G. SUBDIVISION. OTHER ACCESS TO TRACT A, U.S. SURVEY NO. 7297 IS THROUGH THE MANAGEMENT AGREEMENT BETWEEN THE CITY AND BOROUGH OF JUNEAU AND THE OWNER'S OF MINERAL SURVEY NO. 609.
3. WHEN RECORDED PLAT SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THOSE MEASURED AND/OR COMPUTED BY THIS SURVEY, THE RECORD COURSE IS SHOWN WITHIN PARENTHESIS, FOLLOWED BY THE SURVEY COURSE BY THIS SURVEY SHOWN WITHOUT PARENTHESIS, THUSLY (S62°59'E - 1186.02) S62°57'00"E - 1186.17'.
4. ALL BEARINGS DENOTED BY THIS PLAT HAVE BEEN ROUNDED TO THE NEAREST 0°00'15" OF ARC.

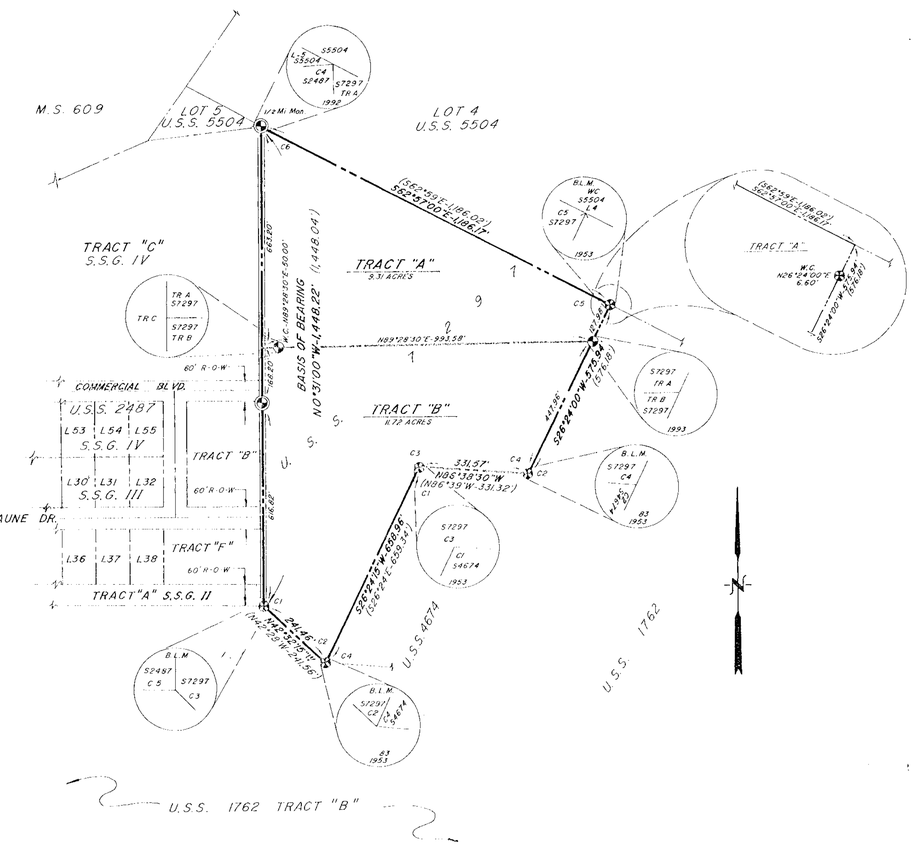
R&M ENGINEERING, INC.
ENGINEERS CONSULTANTS SURVEYORS



VICINITY MAP
SOURCE: U.S.G.S. PROVISIONAL MAP JUNEAU(E-2) S.W. & S.E. AK.
SCALE: 1:25,000 (1"=2,083')
CONTOUR INTERVAL: 20 METERS
DATE: 1986

SYMBOLS

- ORIGINAL G.L.O. /B.L.M. MONUMENT (RECOVERED)
- 1410-5 PRIMARY MONUMENT (RECOVERED)
- 1410-5 PRIMARY MONUMENT (ESTABLISHED)
- BOUNDARY/PROPERTY LINE



CERTIFICATE OF APPROVAL BY THE DIRECTOR

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: Aug 11, 19 93

Murray Walsh
DIRECTOR
CITY AND BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

ATTEST:
Evelyn I. Kerry
CLERK
CITY AND BOROUGH OF JUNEAU

CERTIFICATION OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SUBJECT TO NOTED RESTRICTIONS, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATTING. THIS APPROVAL IS BASED ON CRITERIA FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT. NOTE RESTRICTIONS CONCERNING WASTEWATER DISPOSAL.

Bob Martt ES II — NAME AND TITLE OF ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION APPROVING OFFICIAL
8-10-93 — DATE

WASTEWATER DISPOSAL

THIS SUBDIVISION HAS BEEN APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR WASTEWATER DISCHARGES TO APPROVED COLLECTOR SEWER SYSTEMS ONLY. OTHER MEANS OF WASTEWATER DISPOSAL ARE PROHIBITED WITHOUT PRIOR APPROVAL FROM THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC AND PRIVATE USE AS NOTED.

DATE August 10, 19 93 City & Borough of Juneau
WITNESS Thomas Koester — OWNER Deputy City Manager
WITNESS — OWNER

NOTARY'S ACKNOWLEDGEMENT

UNITED STATES OF AMERICA } ss.
STATE OF ALASKA }

THIS IS TO CERTIFY THAT ON THIS 10 DAY OF August 93, BEFORE THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, APPEARED Donna B. Pierce TO ME KNOWN AND KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Debbie Bunton
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 9/6/93

NO.	DATE	REVISION	BY	APRVD

DESIGN
DRAWN
CHECK
APRVD
FILE NO. U.S.S. 7297 Tracts A & B

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

STATE OF ALASKA — 49TH — M.A. Mertines No. 1410-5 — REGISTERED LAND SURVEYOR

JUNEAU RECORDING DISTRICT
A PLAT DENOTING
TRACTS "A" & "B"
A SUBDIVISION OF
U.S. SURVEY NO. 7297
CITY & BOROUGH OF JUNEAU, ALASKA

SCALE: 1"=200'
0 200' 600' 1,000'

93-26
20.00 2cc
Juneau
DATE 8/11 93
TIME 3:21 P
BY JC; B
1155 S. Seward
Juneau AK 99801

JUNEAU RECORDING DISTRICT
A PLAT DENOTING
TRACTS "A" & "B"
A SUBDIVISION OF
U.S. SURVEY NO. 7297
CITY & BOROUGH OF JUNEAU, ALASKA

CLIENT: CITY & BOROUGH OF JUNEAU, 155 S. SEWARD ST., JUNEAU, ALASKA 99801
SURVEYOR: R & M ENGINEERING, INC., P.O. BOX 34628, JUNEAU, ALASKA 99803

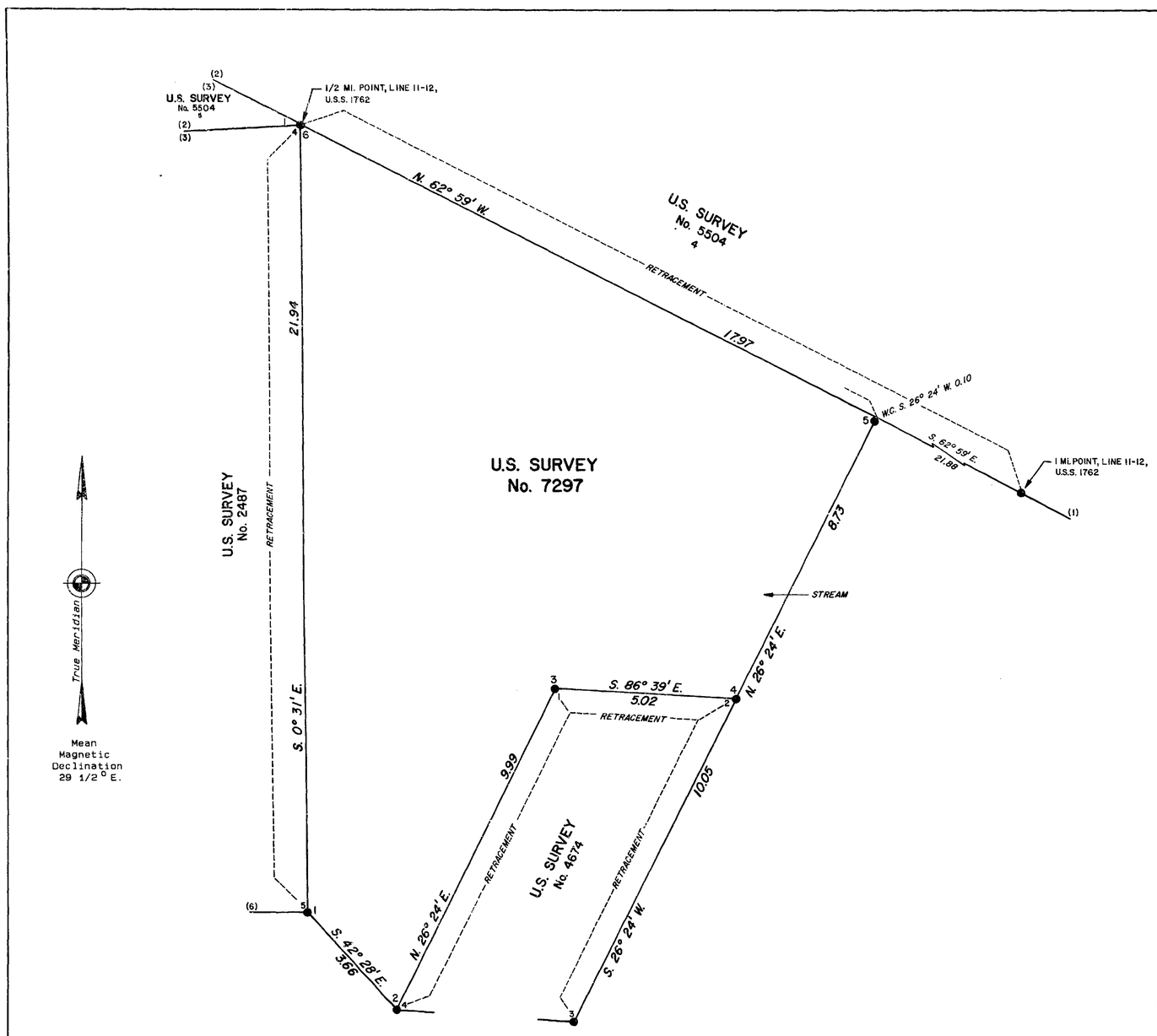
SHEET 1 OF 1

DATE: MAY 26, 1993 — R & M PROJ.: 931726

Juneau Plat 93-26

Officially Filed
DATE December 8, 1983

ORIGINAL



U. S. SURVEY NO. 1762 (JUNEAU TOWNSITE ELIMINATION FROM TONGASS NATIONAL FOREST)

M.A.S.

U.S. SURVEY
No. 7297, ALASKA

AND THE RETRACEMENT OF PORTIONS OF

U.S. SURVEY NOS. 1762, 2487, 4674, AND 5504

SITUATED

NEAR LEMON CREEK

APPROXIMATELY 4 1/2 MILES NORTHWESTERLY

FROM JUNEAU, ALASKA

GEOGRAPHIC POSITION

OF

CORNER NO. 6, IDENTICAL WITH THE 1/2 MILE POINT ON LINE 11-12, U.S. SURVEY NO. 1762, AND IDENTICAL WITH CORNER NO. 4, U.S. SURVEY NO. 2487, AND IDENTICAL WITH CORNER NO. 1, LOT 5, U.S. SURVEY NO. 5504, ALL OF WHICH ARE ON LINE 1-2, LOT 4, U.S. SURVEY NO. 5504, IS:

LATITUDE: 58°21'36.96" NORTH

LONGITUDE: 134°28'45.73" WEST

AREA: 21.02 ACRES

SURVEYED BY

SHERMAN E. BELL, CADASTRAL SURVEYOR

JULY 14 THROUGH JULY 25, 1983

UNDER SPECIAL INSTRUCTIONS

DATED SEPTEMBER 15, 1982

APPROVED DECEMBER 21, 1982

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Oct. 26, 1983
Date

Deputy State Director for Cadastral Survey,
Alaska

ORIGINAL

Form 9600–9
(December 1979)
(formerly 9180–6)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

U147

259

FIELD NOTES

OF

THE SURVEY OF

U.S. SURVEY NO. 7297

AND

THE RETRACEMENT OF PORTIONS OF

U.S. SURVEY NOS. 1762, 2487, 4674, AND 5504

SITUATED NEAR LEMON CREEK

APPROXIMATELY 4 1/2 MILES NORTHWESTERLY FROM JUNEAU

THE GEOGRAPHIC POSITION OF CORNER NO. 6

IDENTICAL WITH THE 1/2 MILE POINT ON LINE 11-12, U.S. SURVEY NO. 1762

AND IDENTICAL WITH CORNER NO. 4, U.S. SURVEY NO. 2487

AND IDENTICAL WITH CORNER NO. 1, LOT 5, U.S. SURVEY NO. 5504

ALL OF WHICH ARE ON LINE 1-2, LOT 4, U.S. SURVEY NO. 5504, IS:

LATITUDE 58°21'36.96" NORTH, LONGITUDE 134°28'45.73" WEST

Of the _____ Meridian,

In the State of ALASKA.

EXECUTED BY

Sherman E. Cell, Cadastral Surveyor

Under special instructions dated September 15, 19 82, approved December 21, 1982,

_____, which provided for the surveys included under U.S. Survey/~~XXXX~~

Number 7297, and assignment instructions dated June 27, 19 83.

Survey commenced July 14, 19 83

Survey completed July 25, 19 83

U.S. SURVEY NO. 7297, ALASKA

CHAINS

The following field notes are those of U.S. Survey No. 7297 and the retracement of portions of U.S. Survey Nos. 1762, 2487, 4674, and 5504.

U.S. Survey No. 1762 was surveyed by E. C. Guerin, Cadastral Engineer, in 1927.

U.S. Survey No. 2487 was surveyed by F. W. Williamson, Cadastral Engineer, in 1939.

U.S. Survey No. 4674 was surveyed by Clifford L. McKay, Supervisory Cadastral Surveyor, in 1963.

U.S. Survey No. 5504 was surveyed by Hobart B. Hyatt, Supervisory Cadastral Surveyor, in 1969.

This survey and the retracements were executed in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, and the Special Instructions dated September 15, 1982.

The azimuth was obtained from the bearing between the 1/2 and 1 Mile Points on line 11-12, U.S. Survey No. 1762, identical with a portion of line 1-2, Lot 4, U.S. Survey No. 5504, and refers to the true meridian.

The geographic position of corner No. 6, identical with the 1/2 Mile Point, on line 11-12, U.S. Survey No. 1762, and identical with corner No. 4, U.S. Survey No. 2487, and identical with corner No. 1, Lot 5, U.S. Survey No. 5504, all of which are on line 1-2, Lot 4, U.S. Survey No. 5504; as determined from U.S. Survey No. 5504, is:

Latitude 58°21'36.96" North, Longitude 134°28'45.73" West.

The magnetic declination was taken from U.S. Geological Survey quadrangle map "JUNEAU (B-2)," Alaska, 1962 edition, with minor revisions in 1966, and indicates a mean value of 29 1/2° East.

PRELIMINARY STATEMENT

Prior to the execution of U.S. Survey No. 7297, it was necessary to retrace a portion of line 11-12, U.S. Survey No. 1762, identical with a portion of line 1-2, Lot 4, U.S. Survey No. 5504; line 4-5, U.S. Survey No. 2487; and lines 1-2, 2-3, and 4-1, U.S. Survey No. 4674.

The record of the retracements are incorporated into the body of these notes.

Beginning at the point for cor. No. 1, identical with cor. No. 5, U.S. Survey No. 2487; monumented with an iron post, 1 in. diam., firmly set, projecting 5 ins. above ground, with brass cap mkd. S2487 C5 1939

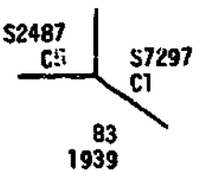
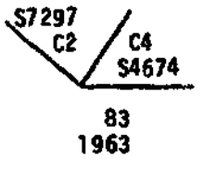
from which the original bearing tree

A hemlock, 16 ins. diam., bears N. 17 1/2° W., 12 lks. dist., with healed blaze. (Record, N. 18 1/2° W.)

Add marks to now read

261

U.S. SURVEY NO. 7297, ALASKA

CHAINS	
	
	and new bearing trees
	A spruce, 26 ins. diam., bears N. 65° E., 68 1/2 lks. dist., mkd. C1 S7297 BT.
	A spruce, 12 ins. diam., bears S. 26° W., 47 1/2 lks. dist., mkd. X BT.
	S. 42°28' E., on line 1-2.
	Ascend gradual slope through spruce and hemlock.
3.66	Point for cor. No. 2, identical with cor. No. 4, U.S. Survey No. 4674; monumented with an iron post, 2 1/2 ins. diam., loosely set, projecting 8 ins. above ground, with brass cap mkd. S4674 C4 1963
	from which the original bearing trees
	A hemlock, 16 ins. diam., bears S. 84° E., 91 lks. dist., mkd. S4674 C4 BT.
	A spruce, 24 ins. diam., bears S. 38° E., 29 lks. dist., mkd. S4674 C4 BT.
	Add marks to now read
	
	N. 26°24' E., on line 2-3, identical with line 4-1, U.S. Survey No. 4674.
	Over rolling terrain, through dense brush and devil's club, with spruce and large alder.
9.99	Point for cor. No. 3, identical with cor. No. 1, U.S. Survey No. 4674; monumented with an iron post, 2 1/2 ins. diam., firmly set, projecting 6 ins. above ground, encircled by a mound of stone, with brass cap mkd. C1 S4674 1963
	from which the original bearing trees
	An alder, 10 ins. diam., bears S. 76° E., 16 lks. dist., mkd. S4674 C1 BT.
	An alder, 10 ins. diam., bears S. 23° W., 55 lks. dist., mkd. S4674 C1 BT.
	Add marks to now read

CHAINS

S7297
C3
C1
S4674

83
1963

and new bearing trees

An alder, 12 ins. diam., bears S. 61 1/2° W., 22 lks. dist., mkd. C3 S7297 BT on the bark.

A hemlock, 19 ins. diam., bears N. 13 1/2° W., 78 lks. dist., mkd. C3 S7297 BT.

S. 86°39' E., on line 3-4, identical with line 1-2, U.S. Survey No. 4674.

Ascend moderate W. slope, through dense brush and timber.

5.02 Point for cor. No. 4, identical with cor. No. 2, U.S. Survey No. 4674; monumented with an iron post, 2 1/2 ins. diam., firmly set, projecting 8 ins. above ground, with brass cap mkd. C2 S4674 1963

from which the original bearing trees

A spruce, 18 ins. diam., bears S. 69° W., 59 lks. dist., mkd. S4674 C2 BT.

A hemlock, 14 ins. diam., bears N. 69° W., 28 lks. dist., mkd. S4674 C2 BT.

Add marks to now read

S7297
C4
C2
S4674

83
1963

and new bearing trees

A spruce, 25 ins. diam., bears N. 26° E., 62 lks. dist., mkd. X BT.

A hemlock, 20 ins. diam., bears N. 18° W., 36 lks. dist., mkd. C4 S7297 BT.

From this point, cor. No. 3, U.S. Survey No. 4674, bears S. 26°24' W., 10.05 chs. dist.; monumented with an iron post, 2 1/2 ins. diam., loosly set, projecting 8 ins. above ground, with brass cap mkd. S4674 C3 1963

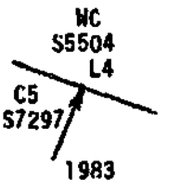
from which the original bearing trees

A hemlock, 14 ins. diam., bears N. 65° E., 6 lks. dist., mkd. S4674 C3 BT. (Record, 61 lks. dist.)

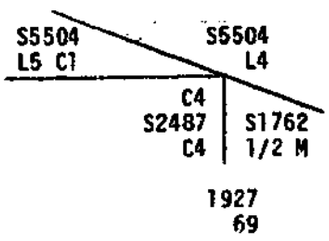
A hemlock, 10 ins. diam., bears S. 24° E., 34 lks. dist., mkd. S4674 C3 BT.

263

U.S. SURVEY NO. 7297, ALASKA

CHAINS	
	A hemlock, 10 ins. diam., bears S. 49° W., 35 lks. dist., mkd. S4674 C3 BT.
	N. 26°24' E., on line 4-5.
	Through dense timber and brush, along moderate W. slope.
3.28	Stream, 4 lks. wide, 4 ins. deep, course W.
8.63	Point selected for the witness cor. to cor. No. 5.
	Set an alum. post, 30 ins. long, 2 1/2 ins. diam., 24 ins. in the ground, and in a collar of stone, with alum. cap mkd.
	
	from which
	A spruce, 23 ins. diam., bears N. 62° E., 106 lks. dist., mkd. X BT.
	A spruce, 36 ins. diam., bears S. 65° E., 124 lks. dist., mkd. X BT.
8.73	True point for cor. No. 5, on line 11-12, U.S. Survey No. 1762, identical with a portion of line 1-2, Lot 4, U.S. Survey No. 5504, not monumented; falls in small dry creek bed.
	From this point, the 1 Mile Point, on line 11-12, U.S. Survey No. 1762, and on line 1-2, Lot 4, U.S. Survey No. 5504, bears S. 62°59' E., 21.88 chs. dist.; monumented with an iron post, 2 ins. diam., firmly set, projecting 6 ins. above ground, with brass cap, 2 1/2 ins. diam., mkd. 1M FE S1762 1927
	from which the original bearing trees
	A spruce, 24 ins. diam., bears S. 20° E., 12 lks. dist., with healed blaze.
	A spruce, 48 ins. diam., bears N. 32° W., 28 lks. dist., with healed blaze.
	N. 62°59' W., on line 5-6, identical with a portion of line 12-11, U.S. Survey No. 1762, and identical with a portion of line 1-2, Lot 4, U.S. Survey No. 5504.
	Descend gradual NW slope, through spruce, hemlock, alder, and brush.
17.97	Point for cor. No. 6, identical with the 1/2 Mile Point, on line 11-12, U.S. Survey No. 1762, and identical with cor. No. 4, U.S. Survey No. 2487, and identical with cor. No. 1, Lot 5, U.S. Survey No. 5504, all of which are on line 1-2, Lot 4, U.S. Survey No. 5504; monumented with an iron post, 1 in. diam., loosely set, projecting 8 ins. above ground, with brass cap mkd.

U.S. SURVEY NO. 7297, ALASKA

CHAINS	
	 from which the remains of the bearing tree mkd. in 1969 A hemlock stump, 16 ins. diam., bears S. 59° W., 7 lks. dist., with illegible scribe marks visible. and new bearing trees A spruce, 4 ins. diam., bears N. 32° E., 21 lks. dist., mkd. X BT. A hemlock, 16 ins. diam., bears S. 59 1/2° E., 182 lks. dist., mkd. X BT. No marks added to brass cap.
	S. 0°31' E., on line 6-1, identical with line 4-5, U.S. Survey No. 2487. Over level land, with spruce and hemlock, along E. side of large gravel pit.
21.94	Cor. No. 1, identical with cor. No. 5, U.S. Survey No. 2487, and point of beginning.

GENERAL DESCRIPTION

This survey is situated easterly of Lemon Creek and adjacent to and east of a large gravel pit, and approximately 4 1/2 miles northwesterly from Juneau, Alaska.

The land is mostly level, unimproved, and densely wooded with spruce and hemlock.

There are no improvements within this survey.

Access to the survey was by a road to the gravel pit.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

265

FIELD ASSISTANTS

NAMES	CAPACITY
Kenneth W. Kipp	Cadastral Surveyor

U.S. Department of the Interio
Bureau of Land Management
Alaska State Office Anchorage, AK

266

CERTIFICATE OF SURVEY

(I) (~~WE~~). Sherman E. Bell, Cadastral Surveyor , HEREBY CERTIFY upon honor that, in pursuance of special instructions bearing date of the 15th day of September , 1982 , (I) (~~WE~~) have surveyed U.S. Survey No. 7297 and retraced portions of U.S. Survey Nos. 1762, 2487, 4674, and 5504, situated near Lemon Creek, approximately 4 1/2 miles northwesterly from Juneau,

of the Meridian, in the State of Alaska , which are represented in the foregoing field notes as having been executed by (me), (~~US~~) and under (my) (~~OUR~~) direction; and that said survey has been made in strict conformity with said special instructions, the Manual of Instructions for the Survey of the Public Lands of the United States, and in specific manner described in the foregoing field notes.

Sept 15 1983 (Date) Sherman E Bell (Cadastral Surveyor)

(Date) (Cadastral Surveyor)

CERTIFICATE OF APPROVAL

BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

The foregoing field notes of the survey of U.S. Survey No. 7297 and the retracement of portions of U.S. Survey Nos. 1762, 2487, 4674, and 5504, situated near Lemon Creek, approximately 4 1/2 miles northwesterly from Juneau, Alaska,

executed by Sherman E. Bell, Cadastral Surveyor,

having been critically examined and found correct, are hereby approved.

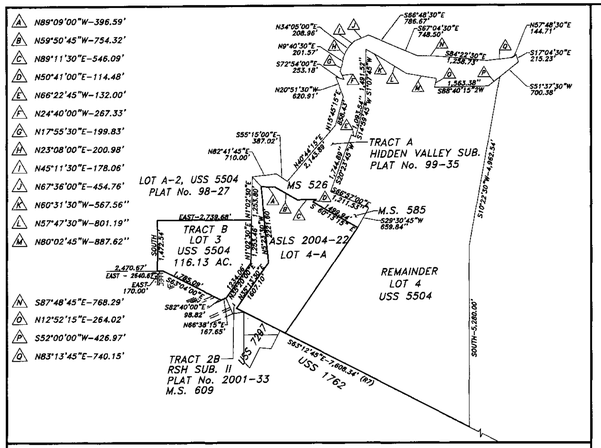
Oct 26 1983 (Date) [signature] (~~Authorized Officer~~)
(Deputy State Director for Cadastral Survey, Alaska)

CERTIFICATE OF TRANSCRIPT

I CERTIFY That the foregoing transcript of the field notes of the above-described surveys is , is a true copy of the original field notes.

(Date) (~~Authorized Officer~~)
(Deputy State Director for Cadastral Survey, Alaska)

AK 9600-18(May 1982)



ORIGINAL TRACT B, LOT 3 & LOT 4 OF U.S.S. 5504
SCALE: 1"=2000'

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF MINING, LAND AND WATER, AND THAT THE STATE OF ALASKA IS THE OWNER OF ASLS 2004-22, TRACTS B-1, B-2 & 4-A, AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA, AND DEDICATE FOR PUBLIC OR PRIVATE USE AS NOTED, ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED HEREON.

DATED 4-11-06 Sandra Benic
for DIRECTOR, DIVISION OF MINING, LAND AND WATER

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11TH DAY OF April, 2006.

BY SANDRA SINGER

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 1-9-09

ROMULO MORALES NOTARY PUBLIC STATE OF ALASKA

APPLICANT CERTIFICATE

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE APPLICANT AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT.

A.D.L. No. 100406 TRACT 4-A
A.D.L. No. 106811 TRACT B-1

Steve Hillard — March 29 2006
CITY & BOROUGH OF JUNEAU — DATE

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF March, 20 06.

BY Sherice M Ridges

STATE OF ALASKA OFFICIAL SEAL Sherice M. Ridges NOTARY PUBLIC My Commission Expires 01-01-07

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: January 1, 2007

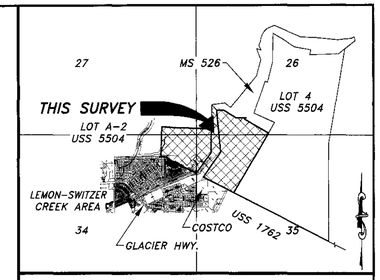
CERTIFICATE OF PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: March 23, 2006 Dale Pernula
DALE PERNULA, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
CITY AND BOROUGH OF JUNEAU

CITY AND BOROUGH OF JUNEAU INCORPORATED JULY 1, 1970

ATTEST: Laurie J. Sica
CLERK,
CITY AND BOROUGH OF JUNEAU



VICINITY MAP

SOURCE: C.B.J. PROPERTY ATLAS 1996
SEC. 26, 27, 34 & 35, T. 40S, R. 66E C.R.M. (JUNEAU B-2)
SCALE: 1"=4000' +/-

GENERAL NOTES

1. THE BASIS OF BEARING UTILIZED TO CONDUCT THIS SURVEY WAS BETWEEN A RECOVERED CBJ BRASS CAP MONUMENT C2 AND A CBJ BRASS CAP MONUMENT C4 LOCATED ALONG THE NORTH LINE OF TRACT B, ASLS 82-34 HAVING A RECORD BEARING OF EAST.

2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS AND ROUNDED TO 15" OF ARC. DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES. THE ACCURACY OF THIS SURVEY IS GREATER THAN 1:5000.

3. WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL FIELD MEASURED AND/OR COMPUTED SURVEY COURSES, THE RECORD BEARING AND/OR DISTANCE IS SHOWN WITHIN PARENTHESIS WHILE THE ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSE IS SHOWN WITHOUT PARENTHESIS.

4. THE BASIS OF BEARING ON THIS PLAT WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TRIMBLE 5700/4700 GPS RECEIVERS DIFFERENTIALLY CORRECTED AND POST PROCESSED USING TRIMBLE GEOMATICS OFFICE VERSION 1.60 SOFTWARE.

5. THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH AS 29.65 AND MSI 2004-22.

6. THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION AS REQUIRED BY AS 40.190(2). THE PURPOSE OF THIS SURVEY IS FOR CITY & BOROUGH LAND SELECTION. CITY & BOROUGH OF JUNEAU APPROVED SUBDIVISION AND PLATTING IS REQUIRED PRIOR TO DEVELOPMENT OF THIS PROPERTY.

TABLE OF COURSES 8" PVC WATERLINE

LINE	BEARING	DISTANCE
W1	S04°45'30"E	243.84'
W2	S04°45'30"E	86.80'
W3	S07°42'30"E	292.28'
W4	S00°46'30"W	30.42'
W5	S16°18'30"W	216.06'
W6	S24°17'E	119.18'
W7	S02°15'W	162.56'
W8	S22°53'W	217.19'
W9	S06°28'30"W	40.94'
W10	S26°49'15"W	208.01'
W11	S24°30'30"W	178.91'
W12	S24°30'30"W	93.55'

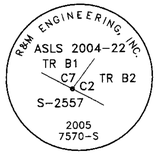
CORNER & ACCESSORY SUMMARY TABLE ASLS NO. 2004-22

CORNER	ACCESSORY ESTABLISHED	BEARING	DISTANCE	MARKING
C2 TRACT B-2	11" HEMLOCK	N42°55'W	23.7'	B.T. TAG
	19" SPRUCE	N38°20'E	38.1'	B.T. TAG
	8" HEMLOCK	N84°10'E	12.9'	B.T. TAG
C3 TRACT B-2	8" HEMLOCK	S64°00'E	7.3'	B.T. TAG
	6" HEMLOCK	S31°00'W	3.8'	B.T. TAG
	10" HEMLOCK	N24°00'W	10.8'	B.T. TAG
C4 TRACT B-2	8" HEMLOCK	N2°00'W	8.7'	B.T. TAG
	4" HEMLOCK	N80°00'E	6.6'	B.T. TAG
	4" HEMLOCK	S60°00'E	6.7'	B.T. TAG
C6 TRACT B-2	5/8"x 30" RE-BAR w/ 2" AL. CAP	N35°23'45"E	10.00'	RM1 7570S
		S66°01'15"W	10.00'	RM2 7570S
C1 TRACT 4-A	5/8"x 30" RE-BAR w/ 2" AL. CAP	N35°13'30"E	10.00'	RM1 7570S
		S63°12'45"E	10.00'	RM2 7570S
C7 TRACT 4-A	8" SPRUCE	S24°00'W	9.9'	B.T. TAG
	21" SPRUCE	S27°00'E	12.8'	B.T. TAG
	23" HEMLOCK	N31°00'W	14.9'	B.T. TAG
C8 TRACT 4-A	24" HEMLOCK	N88°00'E	3.5'	B.T. TAG
	18" HEMLOCK	S03°00'E	21.5'	B.T. TAG
	10" HEMLOCK	N20°00'E	10.7'	B.T. TAG
C9 TRACT 4-A	14" SPRUCE	S32°00'W	30.1'	B.T. TAG
	38" SPRUCE	N54°00'W	9.6'	B.T. TAG
	36" SPRUCE	S88°00'E	19.0'	B.T. TAG

LEGEND

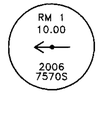
- G.L.O./B.L.M. MONUMENT 3.25" BRASS DISK (RECOVERED)
- PRIMARY MONUMENT 3" AL. CAP BY OTHERS (RECOVERED)
- 7570-S PRIMARY – MONUMENT, 3.5" AL. CAP ON 2.5"x30" STEEL SHANK (ESTABLISHED)
- 7570-S SECONDARY – MONUMENT, 2" AL. CAP ON 5/8"x36" REBAR (ESTABLISHED)
- PRIMARY MONUMENT OF RECORD
- PROPERTY / BOUNDARY LINE
- SURVEYED LINE
- PIPE CENTERLINE
- TRAIL CENTERLINE

R1 PLAT# 88-40 JRD, ASLS 82-34
R2 PLAT# 99-35 JRD, HIDDEN VALLEY SUB.
R3 PLAT# 98-27 JRD
R4 U.S. SURVEY 7297
R5 PLAT# 2001-33 JRD, RSH SUB. II
R6 PLAT# 2002-12 JRD, RSH SUB. III
R7 U.S. SURVEY 5504



PRIMARY MONUMENT

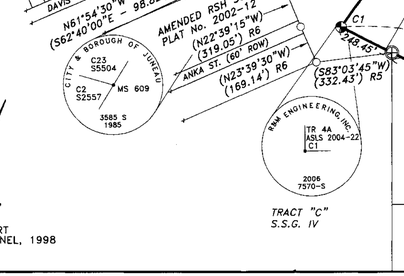
3.5" DIA. ALUMINUM BERNTSEN FEDERAL A-1 MAGNETIZED CAP ON 2-1/2" DIA. SHANK SET 24" IN GROUND



SECONDARY MONUMENT

2" DIA. ALUMINUM SURVEY CAP ON 5/8" DIA. x 30" RE-BAR

TYPICAL MONUMENTS
(ESTABLISHED THIS SURVEY)



SOURCE: N.O.A.A. CHART No. 17315, GASTINEAU CHANNEL, 1998

TABLE OF COURSES LEMON CREEK TRAIL

LINE	BEARING	DISTANCE
L1	N34°35'30"E	109.41'
L2	N35°05'E	293.83'
L3	N36°34'45"E	147.85'
L4	N53°32'30"E	188.74'
L5	N16°09'45"E	258.93'
L6	N16°02'15"E	177.00'
L7	N13°02'15"E	237.00'
L8	N08°14'E	278.37'
L9	N18°10'30"E	351.34'
L10	N08°33'30"W	245.80'
L11	N05°16'15"E	268.67'
L12	N43°15'15"E	779.00'
L13	N59°49'15"E	489.32'
L14	N24°41'45"W	261.65'
L15	N02°20'30"E	115.53'

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE 3-23-06 REGISTRATION NO. 7570-S
REGISTERED LAND SURVEYOR

2006-21
Juneau A/C REC DIST
DATE 4/13 2006
TIME 11:15 A M
REQUESTED BY DNR
Address

STATE OF ALASKA 49TH MARK A. JOHNSON LS # 7570 REGISTERED PROFESSIONAL LAND SURVEYOR

SCALE: 1" = 300' (91.44 Meters)

0' 150' 300' 600' 1500'
0m 60m 150m 300m 450m
METER = 3.2808333 U.S. SURVEY FEET
U.S. ACRE = 0.4047 HECTARES

DATE OF SURVEY	NAME OF SURVEYOR
Beginning MAY 4, 2005	R&M ENGINEERING, INC.
Ending FEB. 22, 2006	6205 GLACIER HIGHWAY
	JUNEAU, ALASKA 99801
	R&M PROJ. No.: 051703

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
ANCHORAGE, ALASKA

ALASKA STATE LAND SURVEY No. 2004-22

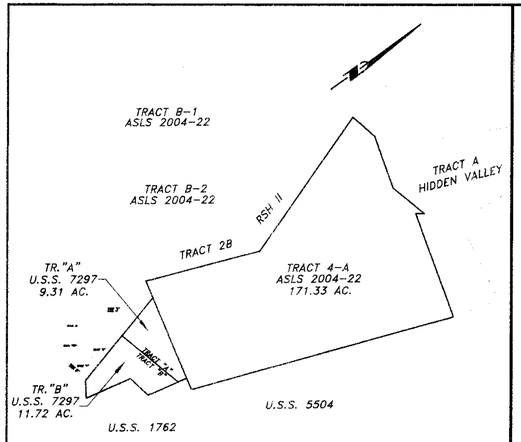
A SUBDIVISION OF U.S.S. 5504, LOT 4 CREATING TRACT 4-A, AND A SUBDIVISION OF ASLS 82-34, TRACT B CREATING TRACT B-1 & TRACT B-2
LOCATED WITHIN
PROTRACTED SECTIONS 26, 27, 34 & 35
T. 40 S., R. 66 E., C.R.M., ALASKA
JUNEAU RECORDING DISTRICT

DRAWN BY: C.C./M.L.	APPROVAL RECOMMENDED
DATE 07/12/05	Statewide Platting Supervisor — Date Apr 11, 2006
REV.	
SCALE 1"=300'	CHECKED M.A.J.
	FILE NO. ASLS 20040022

I:\2005\051703\051703plt.dwg PLOT: March 23, 2006 at: 10:52am

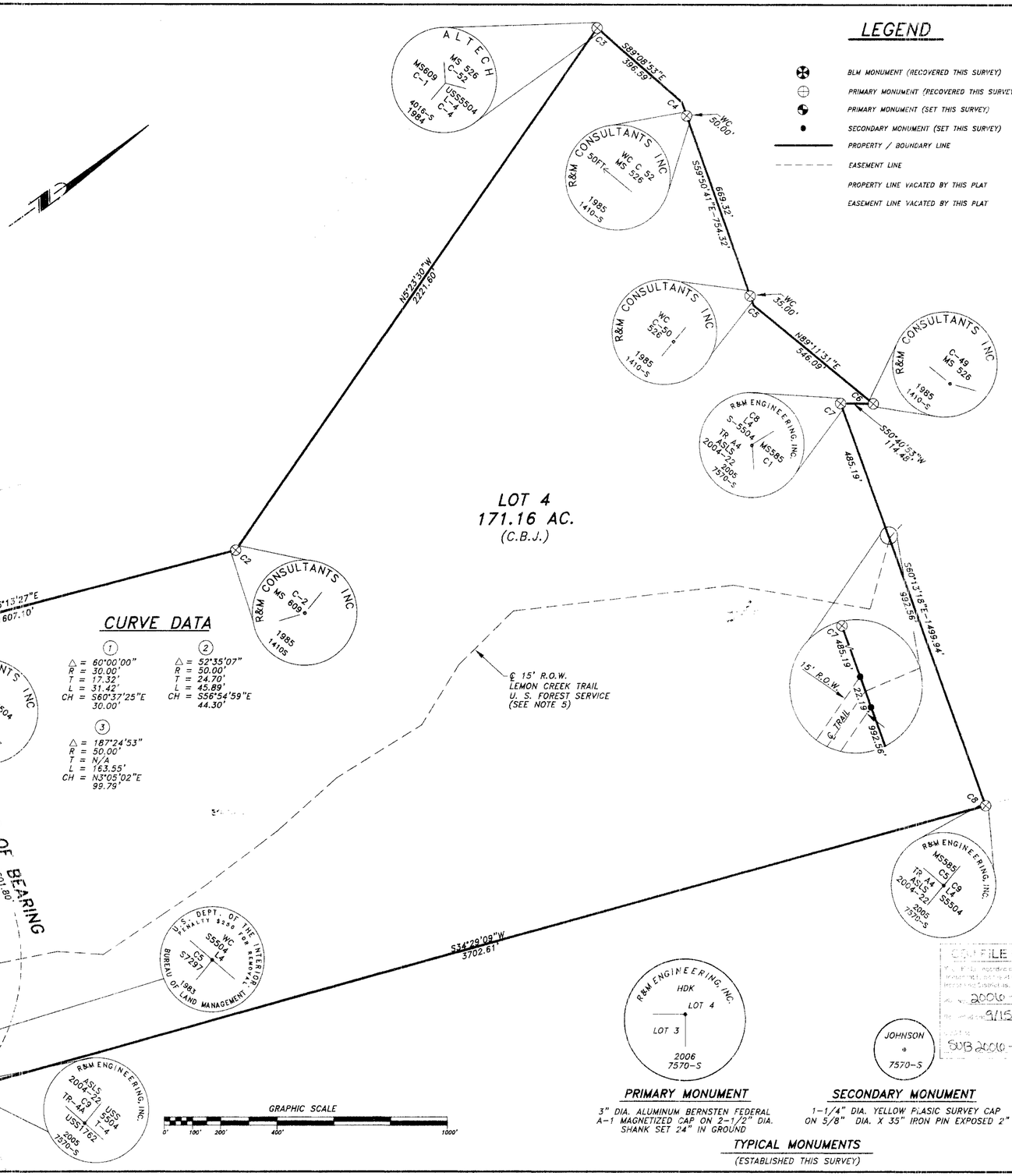
FILE: S-1000

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS



ORIGINAL TR. A & B U.S.S. 7297 AND TR.4-A A.S.L.S. 2004-22

PER PLAT NO.S 93-26 AND 2006-22, JUNEAU RECORDERS OFFICE
SCALE 1" = 1000'

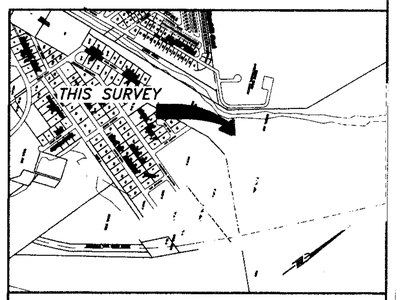


CURVE DATA

(1)	(2)	(3)
Δ = 60°00'00"	Δ = 52°35'07"	Δ = 187°24'53"
R = 30.00'	R = 50.00'	R = 50.00'
T = 17.32'	T = 24.70'	T = N/A
L = 31.42'	L = 45.89'	L = 163.55'
CH = S60°37'25"E 30.00'	CH = S56°54'59"E 44.30'	CH = N3°05'02"E 99.79'

LEGEND

- BLM MONUMENT (RECOVERED THIS SURVEY)
- PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- PRIMARY MONUMENT (SET THIS SURVEY)
- SECONDARY MONUMENT (SET THIS SURVEY)
- PROPERTY / BOUNDARY LINE
- EASEMENT LINE
- PROPERTY LINE VACATED BY THIS PLAT
- EASEMENT LINE VACATED BY THIS PLAT



VICINITY MAP

SOURCE: C.B.J./A.E.L.& P. ATLAS MAPPING
SCALE: 1"= 1,000'+/-
JUNEAU, ALASKA

GENERAL NOTES:

1. THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN RECOVERED MONUMENTS FOR CORNERS 9 AND 1, TRACT 4-A, ALASKA STATE LAND SURVEY 2004-22 HAVING A RECORD BEARING OF N63°12'42"W.
2. WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM MEASURED AND/OR COMPUTED COURSES BY THIS SURVEY, RECORD SURVEY COUSE IS SHOWN IN PARENTHESIS AND THE FIELD MEASURED AN/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESIS.
3. THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3002 TOTAL STATION AND STANDARD PRISM RANGING METHODS.
4. THE EXISTING 60' WIDE ACCESS / EGRESS EASEMENT IN FAVOR OF THE CITY & BOROUGH OF JUNEAU, PER BOOK 386, PAGE 963, JUNEAU RECORDING DISTRICT IS VACATED BY THIS PLAT.
5. FOR THAT PORTION OF THE 15' LEMON CREEK TRAIL, U.S. FOREST SERVICE R.O.W. DENOTED BY THIS PLAT WITHIN ORIGINAL TRACT 4-A, A.S.L.S. 2004-22 IS AS DENOTED ON PLAT 2006-21 WHILE THAT PORTION WITHIN U.S. SURVEY NO. 7297 IS AS REFERENCED IN BOOK 284, PAGE 966 ALL ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

STATE OF ALASKA
49TH
MARK A. JOHNSON
LS 7570
REGISTERED PROFESSIONAL LAND SURVEYOR

101 REC DIST
DATE 9/15 2006
TIME 3:11 PM
Requested By CBJ
Address 155 S.SEWARD
JUNEAU 99801

CONFILE COPY
I hereby certify that this is a true, complete and correct copy of the document as recorded in the Juneau Recording District, Alaska.
2006-52
9/15/2006

SUB 2006-21

PRIMARY MONUMENT

3" DIA. ALUMINUM BERNSTEN FEDERAL A-1 MAGNETIZED CAP ON 2-1/2" DIA. SHANK SET 24" IN GROUND

SECONDARY MONUMENT

1-1/4" DIA. YELLOW PLASIC SURVEY CAP ON 5/8" DIA. X 35" IRON PIN EXPOSED 2"

TYPICAL MONUMENTS
(ESTABLISHED THIS SURVEY)

A PLAT DENOTING

HDK SUBDIVISION

A SUBDIVISION OF
TRACT A & B, US SURVEY 7297
AND
TR 4-A, ASLS 2004-22
WITHIN THE CITY & BOROUGH OF JUNEAU,
JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA

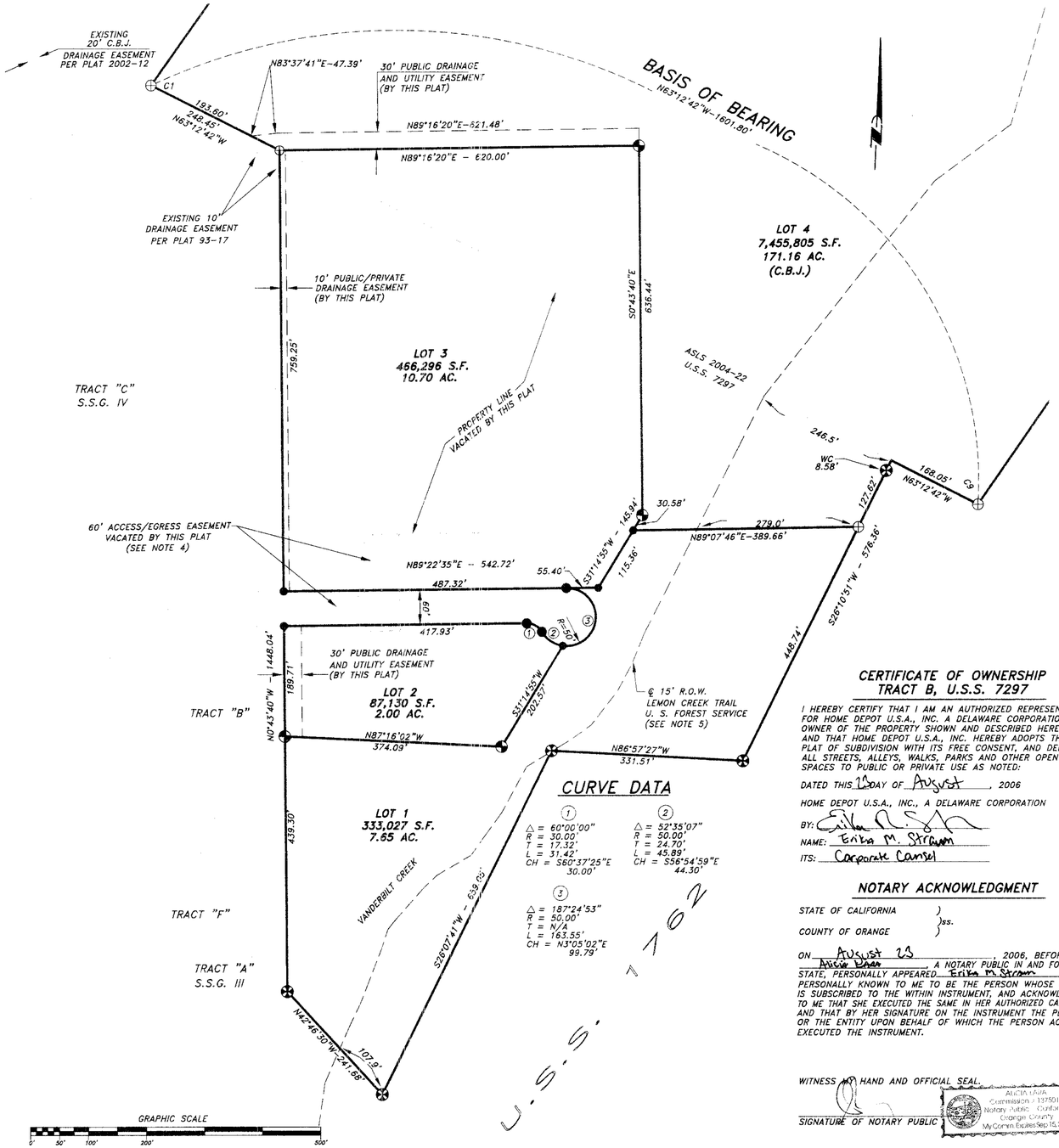
CLIENT:
THE HOME DEPOT, USA
370 CORPORATE DR. N.
TUKWILA, WA 98188

SHEET 1 OF 2

DATE: August 18, 2006
SCALE: 1"=200'

SURVEYOR:
MARK A. JOHNSON, R.L.S.
R&M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801
R&M PROJ. NO. 051706

J:\2005\051706\Subdivision Plat\051706sb.dwg PLOT: August 18, 2006 at: 3:01pm
FILE: # 807



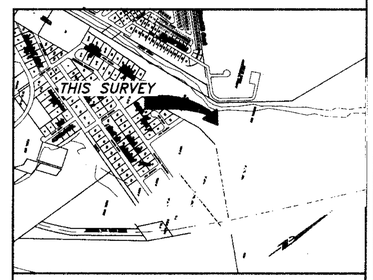
CURVE DATA

(1)	(2)
Δ = 60°00'00"	Δ = 52°35'07"
R = 30.00'	R = 50.00'
T = 17.32'	T = 24.70'
L = 31.42'	L = 45.89'
CH = S60°37'25"E 30.00'	CH = S56°54'59"E 44.30'
(3)	
Δ = 187°24'53"	
R = 50.00'	
T = N/A	
L = 163.55'	
CH = N3°05'02"E 99.79'	

LEGEND

- BLM MONUMENT (RECOVERED THIS SURVEY)
- PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- PRIMARY MONUMENT (SET THIS SURVEY)
- SECONDARY MONUMENT (SET THIS SURVEY)
- PROPERTY / BOUNDARY LINE
- EASEMENT LIMITS
- PROPERTY LINE VACATED BY THIS PLAT
- EASEMENT LINE VACATED BY THIS PLAT

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS



VICINITY MAP

SOURCE: C.B.J./A.E.L.& P. ATLAS MAPPING
SCALE: 1"= 1,000'+/-
JUNEAU, ALASKA

GENERAL NOTES:

1. THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN RECOVERED MONUMENTS FOR CORNERS 9 AND 1, TRACT 4-A, ALASKA STATE LAND SURVEY 2004-22 HAVING A RECORD BEARING OF N63°12'42"W.
2. WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM MEASURED AND/OR COMPUTED COURSES BY THIS SURVEY, RECORD SURVEY COUSE IS SHOWN IN PARENTHESIS AND THE FIELD MEASURED AN/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESIS.
3. THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3002 TOTAL STATION AND STANDARD PRISM RANGING METHODS.
4. THE EXISTING 60' WIDE ACCESS / EGRESS EASEMENT IN FAVOR OF THE CITY & BOROUGH OF JUNEAU, PER BOOK 386, PAGE 963, JUNEAU RECORDING DISTRICT IS VACATED BY THIS PLAT.
5. FOR THAT PORTION OF THE 15' LEMON CREEK TRAIL, U.S. FOREST SERVICE R.O.W. DENOTED BY THIS PLAT WITHIN ORIGINAL TRACT 4-A, A.S.L.S. 2004-22 IS AS DENOTED ON PLAT 2006-21 WHILE THAT PORTION WITHIN U.S. SURVEY NO. 7297 IS AS REFERENCED IN BOOK 284, PAGE 966 ALL ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.

CERTIFICATE OF PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: Sept 1, 2006

DAN BRUCE, CHAIRMAN
PLANNING COMMISION
SUBDIVISION REVIEW COMMITTEE
CITY AND BOROUGH OF JUNEAU

ATTEST:

CLERK,
CITY AND BOROUGH OF JUNEAU

CERTIFICATE OF OWNERSHIP
TRACT B, U.S.S. 7297

I HEREBY CERTIFY THAT I AM AN AUTHORIZED REPRESENTATIVE FOR HOME DEPOT U.S.A., INC. A DELAWARE CORPORATION, THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT HOME DEPOT U.S.A., INC. HEREBY ADOPTS THIS PLAT OF SUBDIVISION WITH ITS FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATED THIS 15th DAY OF August, 2006

HOME DEPOT U.S.A., INC., A DELAWARE CORPORATION

BY:

NAME: Erika M. Stream

ITS: Corporate Counsel

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
)ss.
COUNTY OF ORANGE)

ON August 23, 2006, BEFORE ME, Alicia Daza, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Erika M Stream, PERSONALLY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN HER AUTHORIZED CAPACITY, AND THAT BY HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE OF NOTARY PUBLIC

ALICIA LAVA
Commission # 1375013
Notary Public - California
Orange County
My Comm. Expires Sep 15, 2008

CERTIFICATE OF OWNERSHIP
TR. A, U.S.S. 7297 & TR. A-4, A.S.L.S. 2004-22

I HEATHER MARLOW, HEREBY CERTIFY THAT I AM THE LANDS RESOURSES MANAGER FOR THE CITY AND BOROUGH OF JUNEAU, AND THAT THE CITY AND BOROUGH OF JUNEAU IS THE OWNER OF THE LAND SHOWN HEREON. PURSUANT TO TITLE 49 OF THE CITY AND BOROUGH OF JUNEAU, AND THE REGULATIONS PROMULGATED THEREUNDER, I HEREBY ADOPT THIS PLAN OF SUBDIVISION BY MY FREE CONSENT, AND DEDICATE RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

BY: DATE: 8/31/2006

HEATHER MARLOW
LANDS & RESOURCES MANAGER,
CITY & BOROUGH OF JUNEAU

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY THAT ON THIS 31st DAY OF August, 2006, PERSONALLY APPEARED HEATHER MARLOW, KNOWN TO ME TO BE THE LANDS AND RESOURCES MANAGER FOR THE CITY AND BOROUGH OF JUNEAU AND WHO ACKNOWLEDGED TO ME THAT SHE EXECUTED THE FOREGOING INSTRUMENT, ON BEHALF OF THE CITY AND BOROUGH OF JUNEAU, AS AGENT FOR THE CITY AND BOROUGH OF JUNEAU, A PUBLIC CORPORATION WITHIN THE STATE OF ALASKA, FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN STATED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 05-01-07

NOTARY PUBLIC State of Alaska SEAL

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

STATE OF ALASKA
49TH
MARK A. JOHNSON
LS # 7570
REGISTERED PROFESSIONAL LAND SURVEYOR

2006-52

REC DIST
DATE 9/15, 2006
TIME 3:10 P.M.
Requested By ABT
Address 155 S Seward
JUNEAU, AK 99801

A PLAT DENOTING
HDK SUBDIVISION
A SUBDIVISION OF
TRACT A & B, US SURVEY 7297
AND
TR 4-A, ASLS 2004-22
WITHIN THE CITY & BOROUGH OF JUNEAU,
JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA

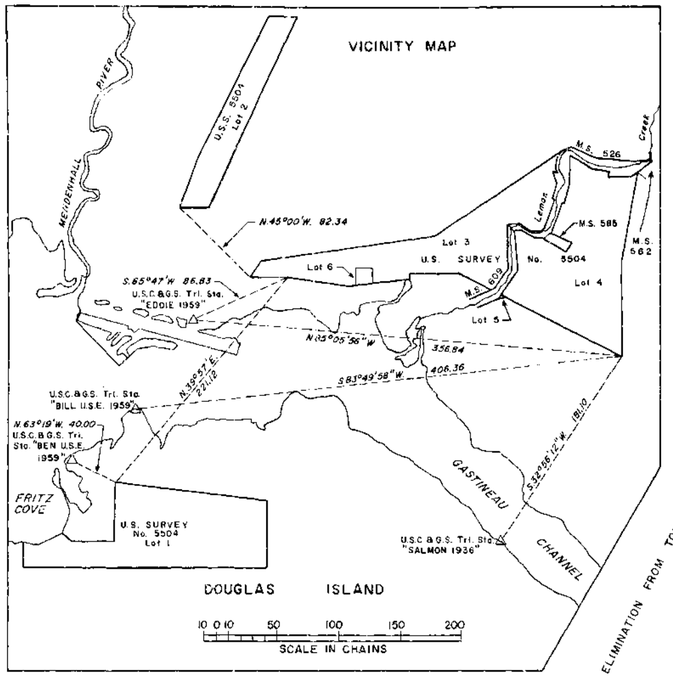
CLIENT:		SURVEYOR:
THE HOME DEPOT, USA 370 CORPORATE DR. N. TUKWILA, WA 98188	SHEET 2 OF 2	MARK A. JOHNSON, R.L.S. R&M ENGINEERING, INC. 6205 GLACIER HIGHWAY JUNEAU, ALASKA 99801
DATE: August 18, 2006	SCALE: 1"=100'	R&M PROJ. NO. 051706

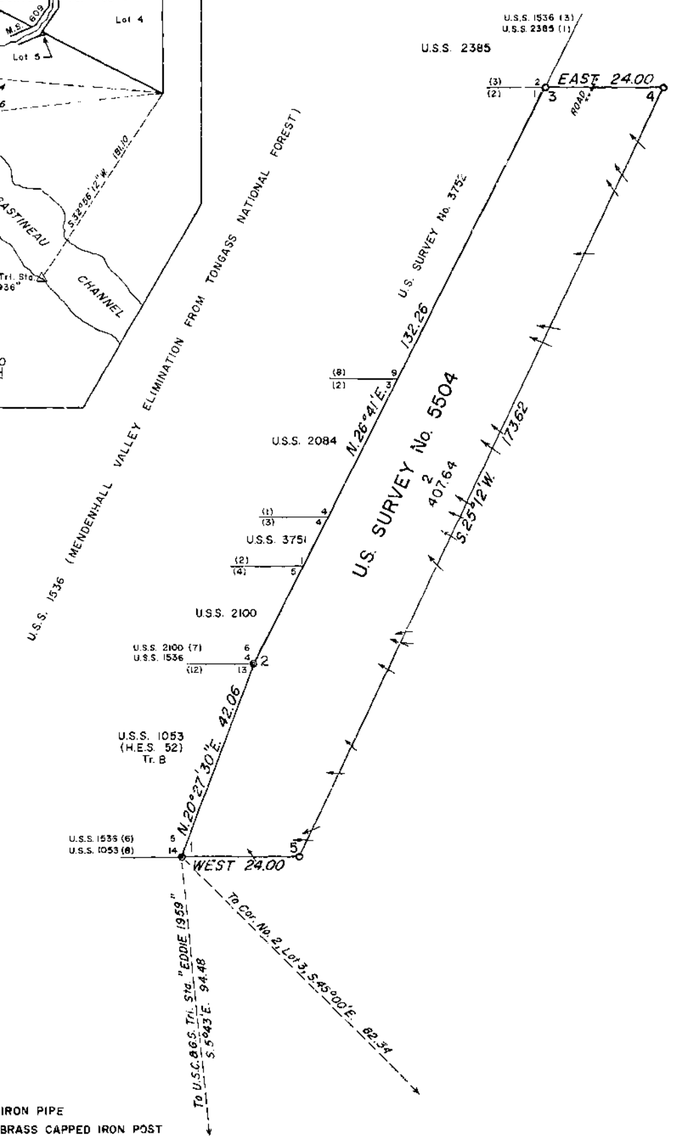
N:\2005\051706\Subdivision\Plat\051706sb.dwg PLOT: August 18, 2006 at: 3:01pm

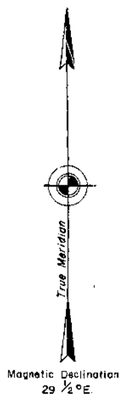
FILE: # 807

ORIGINAL

Sheet 1 of 3 Sheets







U.S. SURVEY
No. 5504, ALASKA

LOTS 1 THROUGH 6

AND

THE DEPENDENT RESURVEY OF PORTIONS

OF

U.S. SURVEYS NOS. 1762, 2121, 2487, 2557, AND 3801

SITUATED

IN THE VICINITY OF

JUNEAU, ALASKA

GEODETIC POSITION AT

CORNER NO. 1, LOT 1

LATITUDE 58° 19' 56.68" N., LONGITUDE 134° 35' 20.55" W.

AREA: 3,276.49 ACRES

SURVEYED BY

HOBART B. HYATT, SUPERVISORY CADASTRAL SURVEYOR

JUNE 5 THROUGH AUGUST 19, 1969

UNDER SPECIAL INSTRUCTIONS

DATED AND APPROVED

APRIL 24, 1968

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. April 9, 1973

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

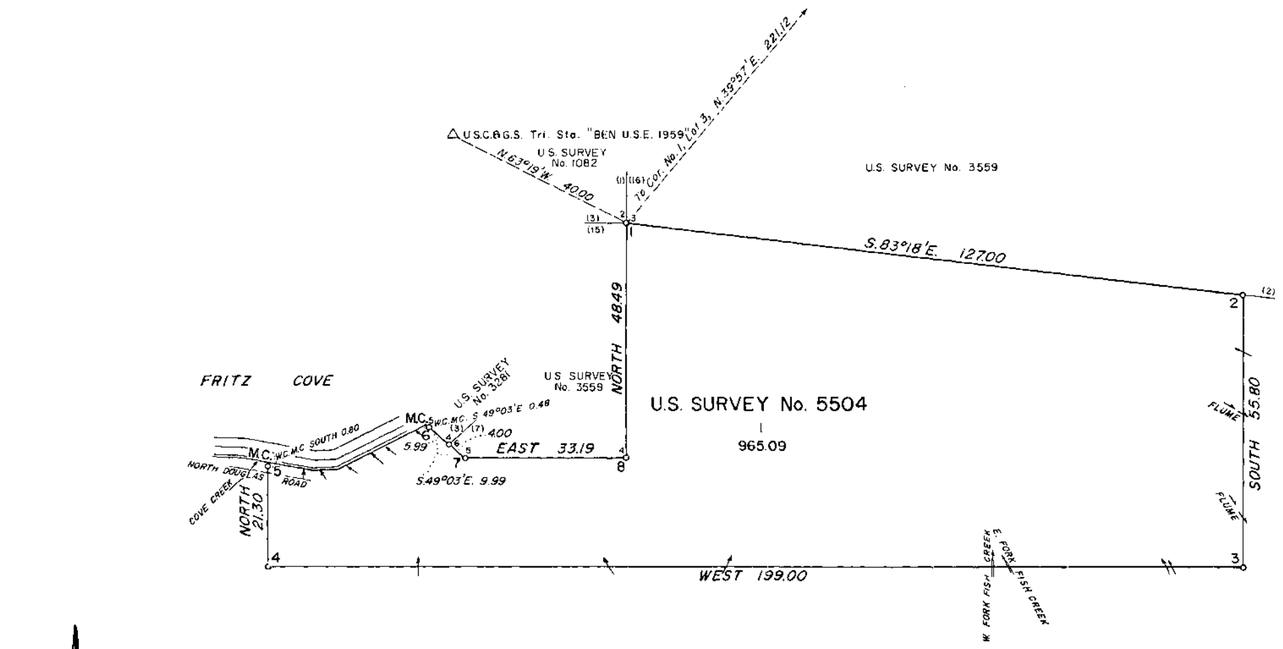
Clark F. Simmons

Chief, Division of Cadastral Survey

Jolwol
R.A.

D.S. 562+312, [illegible]

ORIGINAL



U.S. SURVEY
No. 5504, ALASKA

See Sheet No. 1 for survey information.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. April 9, 1973

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Clark L Hamm

Chief, Division of Cadastral Survey

D.S. 311 + 645, Juneau (8-2),

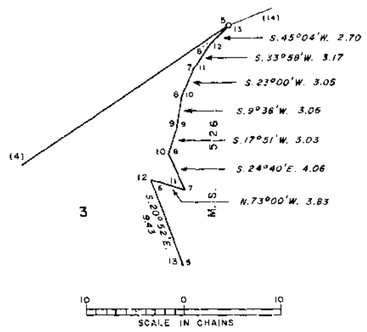
ORIGINAL

Sheet 3 of 3 Sheets

U.S. SURVEY
No. 5504, ALASKA

See Sheet No. 1 for survey information.

ENLARGED DIAGRAM



ENLARGED DIAGRAM

Magnetic Declination
29½°E.

o BRASS CAPPED IRON POST

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. April 9, 1973

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Clark F. Simon

Chief, Division of Cadastral Survey

Jo (wo)
R. A.

D.S. 312, 313 & 314, Juneau (Brad), (No Anticipation)

ORIGINAL

Form 9180-6
(April 1968)
(formerly 4-274)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

35

FIELD NOTES

OF

U. S. SURVEY NO. 5504

LOTS 1 THROUGH 6

AND THE

DEPENDENT RESURVEY OF PORTIONS OF

U.S. SURVEYS NOS. 1762, 2121, 2487, 2557 AND 3801

SITUATED

IN THE VICINITY OF

JUNEAU, ALASKA

GEODETIC POSITION AT

CORNER NO. 1, LOT 1

LATITUDE 58° 19' 56.68" NORTH, LONGITUDE 134° 35' 20.55" WEST

Of the _____ Meridian,

In the State of ALASKA.

EXECUTED BY

HOBART B. HYATT, SUPERVISORY CADASTRAL SURVEYOR

Under special instructions dated APRIL 24, 19 68, which provided for the surveys U.S. SURVEY included under ~~CADASTRAL~~ Number 5504, approved APRIL 24, 1968,

and assignment instructions dated APRIL 29, 19 68 AND AMENDED ASSIGNMENT INSTRUCTIONS DATED MAY 15, 1969

Survey commenced JUNE 5, 19 69

Survey completed AUGUST 19, 19 69

36

U. S. SURVEY NO. 5504

CHAINS

This survey was executed in accordance with the specifications as set forth in the Manual of Surveying Instructions, 1947, and the Special Instructions dated April 24, 1968.

Bearings were obtained from geodetic control stations and verified from observations of the sun during the progress of the survey.

The geodetic position of corner No. 1, Lot 1, determined by a closed traverse from U.S. Coast and Geodetic Survey triangulation station BEN (U.S.E.) 1959, is Latitude 58° 19' 56.68" North, Longitude 134° 35' 20.55" West.

The observed magnetic declination is 29½° East.

PRELIMINARY STATEMENT

Record bearings and distances in chains are repeated from the official records of Mineral Surveys Nos. 609, 526 and 585. The lines were not retraced except in the areas where remonumented to verify the true locations. The original mineral survey monuments were described as being four-inch square wood posts in a mound of stone.

LOT 1

Begin at cor. No. 1, lot 1, identical with cor. No. 3, U.S. Survey No. 3559, and cor. No. 2, U.S. Survey No. 1082, monumented with an iron post, 2½ ins. diam., flush with the ground, on the SE. side of road bank, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3559.

I add marks to the brass cap to now read.

S1082 | S3559
C2 | LOT 1
| C3
LOT 2 |
C1 | S5504
| L1 C1
1958-69 |

from which

> U.S. Coast and Geodetic Survey triangulation station BEN (U.S.E.) 1959, monumented with a standard U.S.E. round bronze disk set flush in concrete in the ground, on the extreme point of Hut Point on Fritz Cove at north end of Douglas Island, bears N. 63° 19' W., 40.00 chs. dist.
>
> Cor. No. 1, Lot 3, hereinafter described, computed through ties to triangulation stations, bears N. 39° 57' E., 221.12 chs. dist.

S. 83° 18' E., on line 1-2, Lot 1, identical with a portion of line 3-2, U.S. Survey No. 3559.

Over rolling ground, through spruce and hemlock timber and berrybrush undergrowth. Topography of this line and

CHAINS	
	monument descriptions are given in the official record of U.S. Survey No. 3559. Marks were added to the witness points on this line to read S5504 L1 1969 on the S. portion of the brass caps.
99.65	Witness point No. 4, monumented with an iron post, 2½ ins. diam., extending 2 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3559. I add marks to the brass cap to now read: S3559 WP 4 ——— S5504 L1 1958-69
127.00	Point for cor. No. 2, Lot 1. Set an iron post, 28 ins. long, 2½ ins. diam., 10 ins. in the ground and in a mound of stone, 3 ft. base to top, with brass cap mkd. S3559 L1 ——— S5504 L1 C2 1969 from which A hemlock, 12 ins. diam., bears N. 44° E., 47 lks. dist., mkd. X BT. A hemlock, 7 ins. diam., bears S. 30° W., 24 lks. dist., mkd. S5504 L1 C2 BT. Witness point No. 3, on line 3-2, U.S. Survey No. 3559, monumented with an iron post, 2½ ins. diam., extending 2 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3559, bears S. 83° 18' E., 12.79 chs. dist.
	SOUTH, on line 2-3, Lot 1. Ascend gradual N. slope through timber and undergrowth.
9.45	Line tree, a hemlock, 26 ins. diam., with two hack marks on N. and S. sides.
11.70	Creek, 5 lks. wide, 3 ins. deep, course NW.; ascend steep N. slope through timber.
23.87	Line tree, a hemlock, 16 ins. diam., with two hack marks on N. and S. sides.
24.36	Point selected for witness point No. 1, Lot 1, on trail alongside an old flume. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 34 ins. in the ground, with brass cap mkd.

GPO 845-166

U. S. SURVEY NO. 5504, LOT 1

CHAINS	
	WP 1 S5504 L1 1969
	from which
	A spruce, 10 ins. diam., bears S. 83° E., 15 lks. dist., mkd. X BT.
	A spruce, 8 ins. diam., bears N. 52° W., 27 lks. dist., mkd. S5504 L1 WP1 BT.
24.45	Flume, 6 ft. wide, 4 ft. deep, extends S. 60° E. and N. 60° W.; continue ascending steep N. slope through timber and undergrowth.
40.40	Top of ascent, spur slopes NW.; descend SW. slope through timber and undergrowth.
45.75	Same flume, 6 ft. wide, 4 ft. deep, extends S. 32° E. and N. 32° W.; descend SW. slope through timber and undergrowth.
50.10	Line tree, a hemlock, 24 ins. diam., with two hack marks on N. and S. sides; continue descent.
55.80	Point for cor. No. 3, Lot 1.
	Set an iron post, 28 ins. long, 2½ ins. diam., 22 ins in the ground and in a mound of stone, 3 ft. base to top, with brass cap mkd.
	S5504 L1 C3 1969
	from which
	A spruce, 14 ins. diam., bears S. 4° W., 10 lks. dist., mkd. X BT.
	A spruce, 8 ins. diam., bears N. 47° W., 42 lks. dist., mkd. S5504 L1 C3 BT.
	WEST, on line 3-4, Lot 1.
	Descend SW. slope through timber and undergrowth.
14.60	Creek, 2 lks. wide, 1 in. deep, course NW.
15.50	Creek, 2 lks. wide, 1 in. deep, course NW.
19.05	Intersect station 85+02 on survey line of proposed road; extends approximately N. and S.; thence over nearly level land through scattered timber and dense berrybrush.
27.00	Descend broken W. slope through timber and undergrowth.
40.00	Point selected for witness point No. 2, Lot 1.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam.,

U. S. SURVEY NO. 5504, LOT 1

CHAINS	
	30 ins. in the ground, with brass cap mkd. WP 2 S5504 L1 1969 from which A hemlock, 12 ins. diam., bears N. 48° E., 53 lks. dist., mkd. S5504 L1 WP2 BT. A hemlock, 10 ins. diam., bears N. 12° W., 35 lks. dist., mkd. S5504 L1 WP2 BT.
	Continue descending SW. slope through timber and undergrowth.
48.00	Center of E. Fork Fish Creek, 20 lks. wide, 1 ft. deep, in 40 ft. rock canyon, course NW.
50.10	Top of narrow spur between E. and W. Fork of Fish Creek.
51.30	Center of W. Fork Fish Creek, 20 lks. wide, 1 ft. deep, in 50 ft. rock canyon, course N.; ascend left bank through timber and undergrowth.
53.40	Top of bank; thence over near level ground through timber and dense berrybrush.
66.85	Line tree, a hemlock, 18 ins. diam., with two hack marks on E. and W. sides.
70.20	Line tree, a spruce, 20 ins. diam., with two hack marks on E. and W. sides; ascend gradual NE. slope through timber and undergrowth.
80.00	Point selected for witness point No. 3, Lot 1.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd. WP 3 S5504 L1 1969 from which A spruce, 16 ins. diam., bears S. 16° E., 46 lks. dist., mkd. X BT. A spruce, 16 ins. diam., bears N. 50° W., 11 lks. dist., mkd. S5504 L1 WP3 BT.
95.70	Ascend NE. slope through timber and undergrowth.
105.50	Creek, 6 lks. wide, 4 ins. deep, course N. 30° E.
120.00	Point selected for witness point No. 4, Lot 1.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 28 ins. in the ground, with brass cap mkd.

GPO 845-168

40

U. S. SURVEY NO. 5504, LOT 1

CHAINS	
	WP 4 S5504 L1 1969
	from which
	A hemlock, 18 ins. diam., bears N. 40° E., 34 lks. dist., mkd. S5504 L1 WP4 BT.
	A hemlock, 16 ins. diam., bears S. 8° E., 36 lks. dist., mkd. X BT.
130.20	Creek, 2 lks. wide, 1 in. deep, course NW.
139.98	Line tree, a hemlock, 20 ins. diam., with two hack marks on E. and W. sides.
159.00	Point selected for witness point No. 5, Lot 1.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd.
	WP 5 S5504 L1 1969
	from which
	A hemlock, 12 ins. diam., bears N. 31° E., 24 lks. dist., mkd. S5504 L1 WP5 BT.
	A hemlock, 12 ins. diam., bears N. 35° W., 68 lks. dist., mkd. S5504 L1 WP5 BT.
168.80	Creek, 6 lks. wide, 2 ins. deep, course N.
187.30	Line tree, a hemlock, 26 ins. diam., with two hack marks on E. and W. sides.
199.00	Point for cor. No. 4, Lot 1.
	Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, and in a mound of stone, 3 ft. base to top, with brass cap mkd.
	S5504 L1 C4 1969
	from which
	A hemlock, 28 ins. diam., bears N. 39½° E., 35 lks. dist., mkd. S5504 L1 C4 BT.
	A spruce, 24 ins. diam., bears S. 46° W., 29 lks. dist., mkd. X BT.
	NORTH, on line 4-5, Lot 1.
	Descend steep rocky N. slope through timber and undergrowth.

41

U. S. SURVEY NO. 5504, LOT 1

CHAINS	
6.00	Base of steep slope; continue descending N. slope.
9.70	Line tree, a spruce, 38 ins. diam., with two hack marks on N. and S. sides.
15.60	Line tree, a hemlock, 14 ins. diam., with two hack marks on N. and S. sides.
19.24	Center of N. Douglas Road, gravel surfaced, bears S. 80°E. and N. 80° W.; descend N. bank through narrow strip of timber.
20.50	Point selected for witness meander cor. No. 5, Lot 1. Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, and in a mound of stone, 3 ft. base to top, with brass cap mkd. WCMC S5504 L1 C5 1969 from which A spruce, 3 ins. diam., bears N. 66½° E., 23 lks. dist., mkd. S5504 L1 WCMC5 BT. A spruce, 6 ins. diam., bears N. 68½° W., 22 lks. dist., mkd. X BT.
20.90	Leave timber, extends S. 80° E. and N. 80° W.; thence descend gradual slope over rocky ground and low grass.
21.30	True point for meander cor. No. 5, Lot 1, on the southerly shore of Fritz Cove at line of mean high tide, an unsafe place for permanency of monument due to tidal action.

Thence with meanders of the southerly shore of Fritz Cove.

Along gravel beach at edge of grass vegetation.

. 80° 00' E., 9.41 chs.	At 7.50 chs., mouth of creek, 1 lk. wide, 2 ins. deep, course from S.
N. 87° 00' E., 5.00 chs.	At 1.70 chs., mouth of creek, 3 lks. wide, 3 ins. deep, course from SE.
N. 63° 00' E., 20.00 chs.	At 1.70 chs., mouth of creek, 2 lks. wide, 2 ins. deep, course from SE. At 7.30 chs., mouth of creek, 20 lks. wide, 4 ins. deep, course from SE. At 10.30 chs., mouth of creek, 2 lks. wide, 3 ins. deep, course from SE. At 17.70 chs., mouth of creek, 3 lks. wide, 3 ins. deep, course from SE.

GPO 865-168

42

U. S. SURVEY NO. 5504, LOT 1

CHAINS	
	At end of course, true point for meander cor. No. 6, Lot 1 identical with the true point for meander cor. No. 5, U.S. Survey No. 3281.; unsuitable for monumentation.
	S. 49° 03' E., on line 6-7, Lot 1, identical with line 5-4, U.S. Survey No. 3281 and line 6-5, U.S. Survey No. 3559.
	Topography of this line and monument descriptions are given in the official records of U.S. Surveys Nos. 3281 and 3559.
0.48	Point selected for witness meander cor. No. 6, Lot 1, identical with witness meander cor. No. 5, U.S. Survey No. 3281, monumented with an iron post, 2½ ins. diam., extending 1 in. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3281.
	I add marks to the brass cap to now read:
	WC MC S3281 C5 S5504 LOT 5 L1 C6 C4 1954 1969
5.99	Cor. No. 4, U.S. Survey No. 3281, identical with cor. No. 6, U.S. Survey No. 3559, monumented with an iron post, 2½ ins. diam., extending 2 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3559.
	I change and add marks to the brass cap to now read:
	S3281 C4 LOT 5 S3559 C3 C6 LOT 2 S5504 C4 L1 1954 1969
9.99	Point for cor. No. 7, Lot 1, identical with cor. No. 5, U.S. Survey No. 3559, monumented with an iron post, 2½ ins. diam., extending 2 ins. above ground, firmly set, mkd. and witnessed as described in the official record.
	I change and add marks to the brass cap to now read:
	S3559 C5 L2 C3 S5504 L1 C7 1958 1969

U. S. SURVEY NO. 5504, LOT 1

CHAINS	
	EAST, on line 7-8, Lot 1, identical with line 5-4, U.S. Survey No. 3559.
	Topography of this line is given in the official record of U.S. Survey No. 3559.
33.19	Point for cor. No. 8, Lot 1, identical with cor. No. 4, U.S. Survey No. 3559, monumented with an iron post, 2½ ins. diam., extending 2 ins. above ground, firmly set, mkd. and witnessed as described in the official record.
	I change and add marks to the brass cap to now read:
	3559 C4 L2 C2 | S5504 L1 C8
	1958 1969
	NORTH, on line 8-1, Lot 1, identical with line 4-3, U.S. Survey No. 3559.
	Topography of this line and the witness point description are given in the official record of U.S. Survey No. 3559. Marks were added to the witness point on this line to read S5504 L1 1969 on the E. portion of the brass cap.
48.49	Cor. No. 1, Lot 1, identical with cor. No. 3, U.S. Survey No. 3559, and cor. No. 2, U.S. Survey No. 1082, point of beginning of Lot 1, containing 965.09 acres.

ADDITIONAL MEANDERS, LOT 1

From the true point for meander cor. No. 5, Lot 1, the southerly shore of Fritz Cove extends:

N. 80° 00' W., 5.40 chs.	At 2.10 chs., mouth of Cove Creek, 6 lks. wide, 3 ins. deep, course from SW.
	At 2.20 chs., base of filled parking and camping area.
N. 88° 00' W., 6.00 chs.	Along base of fill.

LOT 2

Begin at cor. No. 1, Lot 2, identical with cor. No. 14, Tract B, H.E. Survey No. 52 (U.S. Survey No. 1053) and cor. No. 5, U.S. Survey No. 1536, monumented with an iron-capped iron pipe, 4 ins. diam., extending 2 ft. above the ground, firmly set and mkd. 5 S1536 4 HES 52 on sides. A scattered mound of stone was found at the base of the pipe. Rebuilt a flat mound of stone, 2 ft. base, around the cor. No additional marks were added to the side of the pipe.

from which the remains of the original bearing trees:

GPO 845-166

U. S. SURVEY NO. 5504, LOT 2

CHAINS	
	A spruce stump, 30 ins. diam., bears S. 70° W., 88 lks. dist., no marks visible. (Record bearing S. 69° 55' W.).
	There is no remaining evidence of the original NW. bearing tree.
	and bearing trees marked by Clifford L. McKay, Supervisory Cadastral Surveyor, in 1963:
	A hemlock, 8 ins. diam., bears S. 62° W., 51 lks. dist., mkd. S1536 C5 BT.
	A spruce, 14 ins. diam., bears N. 66° W., 82 lks. dist., mkd. HES 52 C14 BT.
	U.S. Coast and Geodetic Survey triangulation station EDDIE 1959, monumented with a standard bronze disk set in a 1½ in. pipe extending 3 ins. above ground on the E. end of an inside dike near the E. end of the main runway of the Juneau Airport, bears S. 5° 43' E., 94.48 chs. dist.
	Cor. No. 2, Lot 3, hereinafter described, computed through ties to triangulation stations, bears S. 45° 00' E., 82.34 chs. dist.
	N. 20° 27½' E., on line 1-2, identical with line 14-13, Tract B, H.E. Survey No. 52 (U.S. Survey No. 1053) and 5-4, U.S. Survey No. 1536, recording the record bearing and dist.
	Over level land through spruce, hemlock, alder timber and dense undergrowth. Topography of this line is given in the official records.
42.06	Cor. No. 2, Lot 2, identical with cor. No. 13, Tract B, H.E. Survey No. 52 (U.S. Survey No. 1053), cor. No. 4, U.S. Survey No. 1536, and cor. No. 6, U.S. Survey No. 2100, monumented with an iron pipe, ¾ ins. diam., extending 18 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 2100. No additional marks were added to the side of the pipe described as 3 ins. in diam. in U.S. Survey No. 2100.
	N. 26° 41' E., on line 2-3, Lot 2, identical with a portion of line 4-3, U.S. Survey No. 1536 and lines 6-5, 1-4, 4-3, and 9-1 of U.S. Surveys Nos. 2100, 3751, 2084, and 3752, respectively, recording the record bearings and dists.
	Over rolling ground through timber and dense undergrowth. Topography of this line and monument descriptions are given in the official records. Marks were added to the monuments on this line to read S5504 L2 1969 on the SE. portion of the brass caps.
132.35	Cor. No. 3, Lot 2, identical with cor. No. 2, U.S. Survey No. 2385 and cor. No. 1, U.S. Survey No. 3752, monumented with an iron post, 1 in. diam., extending 12 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 2385.
	I add marks to the brass cap to now read:

NOTE: The distance 132.35 should be 132.26. See Memo 9183.4 (420) U.S.S. No. 5504 dated July 5, 1973.

45

U. S. SURVEY NO. 5504, LOT 2

CHAINS	
	S2385 C2 / S3752 C1 L1 / S5504 L2 C3 C1 1939-69
	EAST, on line 3-4, Lot 2.
	Ascend gradual W. slope through dense timber and undergrowth.
9.70	Graded road, bears N. 25° E. and S. 25° W.
12.00	Ascend steep W. slope through dense timber and undergrowth.
24.00	Point for cor. No. 4, Lot 2.
	Set an iron post, 28 ins. long, 2½ ins. diam., 12 ins. in the ground, and in a mound of stone, 3 ft. base to top, with brass cap mkd. S5504 L2 C4 / 1969
	from which
	A spruce, 24 ins. diam., bears S. 17° W., 79 lks. dist., mkd. X BT.
	A hemlock, 12 ins. diam., bears N. 40° W., 44 lks. dist., mkd. X BT.
	S. 25° 12' W., on line 4-5, Lot 2.
	Along broken NW. slope through timber and dense undergrowth.
12.10	Creek, 3 lks. wide, 1 in. deep, course NW.
19.40	Creek, 3 lks. wide, 2 ins. deep, course NW.
23.00	Creek, 2 lks. wide, 2 ins. deep, course NW.
33.30	Rocky draw, dense alders, drains W.
37.20	Creek, 3 lks. wide, 2 ins. deep, course W.
38.00	Point selected for witness point No. 1, Lot 2.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 18 ins. in the ground, and in a mound of stone, 3 ft. base, to top, with brass cap mkd. WP 1 S5504 L2 / 1969
	Located in dense alders, no suitable bearing objects available. Cut a clearing, 50 ft. in diam. around the

GPO 845-166

CHAINS	
	monument.
56.00	Creek, 2 lks. wide, 2 ins. deep, course N. 80° W.
57.50	Creek, 3 lks. wide, 2 ins. deep, course NW.
67.50	Leave dense timber; enter slide area and dense alders, drains NW.
69.20	Leave slide area; re-enter timber and dense undergrowth.
77.30	Creek, 3 lks. wide, 3 ins. deep, course NW.
80.00	Point selected for witness point No. 2, Lot 2.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 28 ins. in the ground, and in a mound of stone, 2 ft. base, to top, with brass cap mkd.
	WP 2 S5504 L2 1969
	from which
	A spruce, 14 ins. diam., bears S. 76° W., 33 lks. dist., mkd. S5504 L2 WP2 BT.
	A hemlock, 8 ins. diam., bears N. 8° W., 85 lks. dist., mkd. S5504 L2 WP2 BT.
81.30	Creek, 3 lks. wide, 3 ins. deep, course NW.
93.60	Creek, 4 lks. wide, 3 ins. deep, course NW.
96.90	Creek, 2 lks. wide, 3 ins. deep, course NW.
101.20	Creek, 4 lks. wide, 4 ins. deep, course NW.
107.70	Creek, 8 lks. wide, 3 ins. deep, course NW.
115.00	Point selected for witness point No. 3, Lot 2.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd.
	WP 3 S5504 L2 1969
	from which
	A hemlock, 10 ins. diam., bears N. 44° E., 23 lks. dist., mkd. X BT.
	A hemlock, 14 ins. diam., bears N. 57° W., 61 lks. dist., mkd. S5504 L2 WP3 BT.
123.00	Creek, 3 lks. wide, 1 in. deep, course SW.; continue through dense timber and berrybrush undergrowth along NW. slope.
125.50	Forks of creek, 8 lks. wide, 4 ins. deep, course NW. from E. and SE.
131.60	Creek, 6 lks. wide, 3 ins. deep, course NW.

47

U. S. SURVEY NO. 5504, LOT 2

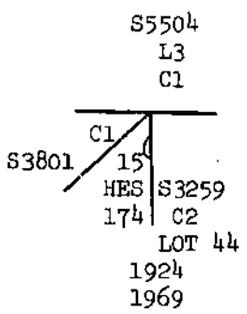
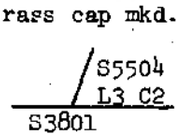
CHAINS	
148.80	Creek, 2 lks. wide, 2 ins. deep, course NW.
150.00	Point selected for witness point No. 4, Lot 2.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd.
	WP 4 S5504 L2 1969
	from which
	A hemlock, 8 ins. diam., bears S. 75° E., 26 lks. dist., mkd. X BT.
	A hemlock, 14 ins. diam., bears N. 4° W., 24 lks. dist., mkd. S5504 L2 WP4 BT.
154.90	Creek, 1 lk. wide, 1 in. deep, course W.
167.90	Creek, 3 lks. wide, 2 ins. deep, course SW.
169.41	Line tree, a hemlock, 18 ins. diam., with two hack marks on SW. and NE. sides.
169.90	Creek, 2 lks. wide, 2 ins. deep, course W.
173.62	Point for cor. No. 5, Lot 2.
	Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd.
	S5504 L2 C5 1969
	from which
	A hemlock, 14 ins. diam., bears S. 12° W., 44 lks. dist., mkd. X BT.
	A hemlock, 10 ins. diam., bears N. 79° W., 71 lks. dist., mkd. S5504 L2 C5 BT.
	WEST, on line 5-1, Lot 2.
	Descend NW. slope through timber and berrybrush undergrowth.
9.40	Creek, 3 lks. wide, 2 ins. deep, course NW.
24.00	Cor. No. 1, Lot 2, identical with cor. No. 14, Tract B, H.E. Survey No. 52, (U.S. Survey No. 1053), and cor. No. 5, U.S. Survey No. 1536, point of beginning of Lot 2.
	Containing 407.75 acres.
	LOT 3
	Begin at cor. No. 1, Lot 3, identical with cor. No. 15,

NOTE: The area 407.75 acres should be 407.64 acres. See memos in file of U.S.S. No. 5504.

GPO 846-168

48

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
	H.E. Survey No. 174 (U.S. Survey No. 1568); cor. No. 2, U.S. Survey No. 3259; and cor. No. 1, U.S. Survey No. 3801, monumented with an iron post, 2 ins. diam., 4 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3801.
	I add marks to the brass cap to now read:
	
	from which
	U.S. Coast and Geodetic Survey triangulation station EDDIE 1959, hereinbefore described in Lot 2, bears S. 65° 47' W., 86.83 chs. dist.
	Cor. No. 1, Lot 1, hereinbefore described, computed through ties to triangulation stations, bears S. 39° 59' W., 221.12 chs. dist.
	N. 89° 40' W., on line 1-2, Lot 3, identical with the dependent resurvey of a portion of line 1-2, U.S. Survey No. 3801.
	Ascend over southerly slope, through dense spruce, hemlock, and alder timber with dense berrybrush undergrowth. Topography of this line is given in the official record of U.S. Survey No. 3801.
30.35	Point for cor. No. 2, Lot 3.
	Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd.
	
	1969
	from which
	A spruce, 24 ins. diam., bears N. 53° E., 69 lks. dist., mkd. S5504 L3 C2 BT.
	A spruce, 8 ins. diam., bears N. 24° W., 73 lks. dist., mkd. X BT.
	Witness point at 42.50 chs., line 1-2, U.S. Survey No. 3801, monumented with an iron post, 2½ ins. diam., firmly set, mkd. and witnessed as described in the official record, bears N. 89° 40' W., 12.15 chs. dist.
	Cor. No. 1, Lot 2, hereinbefore described, computed through ties to triangulation stations, bears N. 45° 00' W., 82.34 chs. dist.

49

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
	N. 32° 30' E., on line 2-3.
	Ascend over southerly slope, through spruce, hemlock, and alder timber, with berrybrush undergrowth.
5.23	Line tree, a hemlock, 14 ins. diam., with two hack marks on NE. and SW. sides.
6.32	Line tree, a hemlock, 20 ins. diam., with two hack marks on NE. and SW. sides.
8.90	Creek, 3 lks. wide, 2 ins. deep, course SE.
15.90	Creek, 1 lk. wide, 4 ins. deep, course SE.
16.08	Point for cor. No. 3, Lot 3.
	Set an iron post, 28 ins. long, 2½ ins. diam., 14 ins. in the ground, and in a mound of stone, 3 ft. base, to top, with brass cap mkd. S5504 L3 C3 1969
	from which
	A hemlock, 8 ins. diam., bears N. 85½° E., 31 lks. dist., mkd. S5504 L3 C3 BT.
	A hemlock, 34 ins. diam., bears S. 8° E., 8 lks. dist., mkd. S5504 L3 C3 BT.
	A hemlock, 12 ins. diam., bears N. 50½° W., 26 lks. dist., mkd. X BT.
	N. 82° 00' E., on line 3-4, Lot 3.
	Ascend steep southerly slope through spruce and hemlock timber with berry brush undergrowth.
2.55	Creek, 2 lks. wide, 2 ins. deep, course S.
6.95	Creek, 1 lk. wide, 1 in. deep, course S.
13.90	Creek, 2 lks. wide, 2 ins. deep, course S.
22.55	Creek, 2 lks. wide, 2 ins. deep, course S.
27.80	Top of ascent; begin gradual descent over SE. slope.
36.20	Creek, 5 lks. wide, 2 ins. deep, course SE.
39.00	Point selected for witness point No. 1, Lot 3, on moderately level ground.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd. WP 1 L3 S5504 1969
	from which
	A hemlock, 26 ins. diam., bears N. 44½° E.,

GPO 845-160

50

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
	7 lks. dist., mkd. X BT. A hemlock, 18 ins. diam., bears S. 14° E., 33½° lks. dist., mkd. S5504 WPJ L3 BT.
39.50	Line tree, a hemlock, 40 ins. diam., with two hack marks on E. and W. sides.
43.56	Line tree, a hemlock, 42 ins. diam., with two hack marks on E. and W. sides.
44.75	Creek, 1 lk. wide, 1 in. deep, course S.
46.00	Begin gradual descent.
49.48	Line tree, a hemlock, 30 ins. diam., with two hack marks on E. and W. sides.
50.32	Line tree, a hemlock, 44 ins. diam., with two hack marks on E. and W. sides.
55.30	Creek, 6 lks. wide, 2 ins. deep, course SE.
61.25	Creek, 6 lks. wide, 2 ins. deep, course SE.
66.50	Creek, 6 lks. wide, 1 in. deep, course SE.
75.10	Creek, 4 lks. wide, 2 ins. deep course SE.
80.00	Point selected for witness point No. 2, Lot 3, on SE. slope. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 28 ins. in the ground, with brass cap mkd. WP 2 L3 S5504 1969 from which A hemlock, 12 ins. diam., bears N. 65° E., 13 lks. dist., mkd. X BT. A hemlock, 24 ins. diam., bears S. 8° E., 51 lks. dist., mkd. S5504 L3 WP2 BT. Continue descent.
91.00	Creek, 5 lks. wide, 6 ins. deep, course S.; thence ascend S. slope through timber and undergrowth.
110.80	Creek, 2 lks. wide, 2 ins. deep, course S. 30° W.
114.00	Point selected for witness point No. 3, Lot 3, on nearly level land. Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd. WP 3 L3 S5504 1969 from which

51

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
	A hemlock, 28 ins. diam., bears N. 29° E., 41 lks. dist., mkd. X BT.
	A hemlock, 24 ins. diam., bears S. 55° W., 53 lks. dist., mkd. S5504 L3 WP3 BT.
115.02	Line tree, a hemlock, 40 ins. diam., with two hack marks on E. and W. sides.
117.39	Line tree, a hemlock, 34 ins. diam., with two hack marks on E. and W. sides.
122.03	Creek, 2 lks. wide, 1 in. deep, course SE.
124.80	Creek, 6 lks. wide, 4 ins. deep, course S.
126.75	Line tree, a hemlock, 40 ins. diam., with two hack marks on E. and W. sides.
144.00	Point for cor. No. 4, Lot 3.
	Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd.
	L3 C4 S5504 1969
	from which
	A hemlock, 10 ins. diam., bears S. 9° E., 74 lks. dist., mkd. S5504 L3 C4 BT.
	A hemlock, 36 ins. diam., bears S. 60° W., 34 lks. dist., mkd. S5504 L3 C4 BT.
	A hemlock, 28 ins. diam., bears N. 22° W., 33 lks. dist., mkd. X BT.
	N. 56° 08' E., on line 4-5, Lot 3.
	Descend SE. slope through dense timber and undergrowth.
0.22	Line tree, a hemlock, 36 ins. diam., with two hack marks on NE. and SW. sides.
3.00	Draw, drains SE.
13.10	Creek, 2 lks. wide, 2 ins. deep, course SE.
14.21	Line tree, a hemlock, 40 ins. diam., with two hack marks on NE. and SW. sides.
20.48	Line tree, a hemlock, 36 ins. diam., with two hack marks on NE. and SW. sides.
31.50	Draw, drains S.; ascend along S. slope.
42.00	Point selected for witness point No. 4, Lot 3.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 28 ins. in the ground, with brass cap mkd.

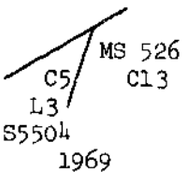
GPO 548-166

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
	WP 4 / S5504 L3 1969
	from which
	A hemlock, 8 ins. diam., bears S. 22° W., 39 lks. dist., mkd. S5504 L3 WP4 BT.
	A spruce, 8 ins. diam., bears N. 28° W., 38 lks. dist., mkd. X BT.
44.10	Ascend steep SW. slope.
44.80	Top of slope; continue ascending over S. slope through timber and undergrowth.
51.25	Line tree, a hemlock, 36 ins. diam., with two hack marks on NE. and SW. sides.
56.06	Line tree, a spruce, 40 ins. diam., with two hack marks on NE. and SW. sides.
57.60	Creek, 2 lks. wide, 1 in. deep, course SE.; ascend steep SW. slope.
61.80	Top of ascent; descend over E. slope through timber and undergrowth.
67.40	Creek, 6 lks. wide, 6 ins. deep, course S.
71.30	Creek, 6 lks. wide, 4 ins. deep, course SE.
73.00	Creek, 2 lks. wide, 2 ins. deep, course SE.
75.40	Creek 3 lks. wide, 2 ins. deep, course S.; ascend SW. slope through timber and undergrowth.
76.57	Line tree, a spruce, 16 ins. diam., with two hack marks on NE. and SW. sides.
84.00	Point selected for witness point No. 5, Lot 3.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 30 ins. in the ground, with brass cap mkd.
	WP 5 / S5504 L3 1969
	from which
	A hemlock, 30 ins. diam., bears S. 65° E., 29 lks. dist., mkd. S5504 L3 WP5 BT.
	A spruce, 10 ins. diam., bears N. 29° W., 35 lks. dist., mkd. X BT.
	Ascend SW. slope through timber and undergrowth.
87.70	Descend NE. slope through timber and undergrowth.
92.00	Creek, 2 lks. wide, 2 ins. deep, course SE.
102.00	Creek, 3 lks. wide, 2 ins. deep, course E.

53

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
105.40	Creek, 2 lks. wide, 1 in. deep, course SE.
112.70	Creek, 10 lks. wide, 8 ins. deep, course S.
126.40	Point for cor. No. 5, Lot 3, identical with cor. No. 13, Mineral Survey No. 526, mkd. by a scattered mound of stones. This position is harmoniously related to topographical features as shown on the original plat. The corner is located on top and approximately one chain northwesterly from the vertical right cut bank of Lemon Creek, and is accepted as the best existing evidence of the position of the original cor. At the cor. point. Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd.  from which A hemlock, 16 ins. diam., bears S. 41° E., 11 lks. dist., mkd. X BT. A hemlock, 12 ins. diam., bears S. 3° E., 51 lks. dist., mkd. X BT. A hemlock, 10 ins. diam., bears S. 74° W., 39 lks. dist., mkd. X BT. Rebuild the mound of stone, 2 ft. base, around the post to top.

Thence southwesterly along the westerly boundary of Mineral Surveys Nos. 526 and 609 with record bearings and distances repeated from the official records as follows:

S. 45° 04' W., 2.70 chs.	To point for cor. No. 6, Lot 3, identical with cor. No. 12, Mineral Survey No. 526.
S. 33° 58' W., 3.17 chs.	To point for cor. No. 7, Lot 3 identical with cor. No. 11, Mineral Survey No. 526.
S. 23° 00' W., 3.05 chs.	To point for cor. No. 8, Lot 3, identical with cor. No. 10, Mineral Survey No. 526.
S. 9° 36' W., 3.06 chs.	To point for cor. No. 9, Lot 3, identical with cor. No. 9, Mineral Survey No. 526.
S. 17° 51' W., 3.03 chs.	To point for cor. No. 10, Lot 3, identical with cor. No. 8, Mineral Survey No. 526.

GPO 845-166

U. S. SURVEY NO. 5504, LOT 3

CHAINS		
	S. 24° 40' E., 4.06 chs.	To point for cor. No. 11, Lot 3, identical with cor. No. 7, Mineral Survey No. 526.
	N. 73° 00' W., 3.83 chs.	To point for cor. No. 12, Lot 3, identical with cor. No. 6, Mineral Survey No. 526.
	S. 20° 52' E., 9.43 chs.	To point for cor. No. 13, Lot 3, identical with cor. No. 5, Mineral Survey No. 526.
	S. 15° 40' W., 13.03 chs.	To point for cor. No. 14, Lot 3, identical with cor. No. 4, Mineral Survey No. 526.
	S. 66° 30' E., 1.52 chs.	To point for cor. No. 15, Lot 3, identical with cor. No. 3, Mineral Survey No. 526.
	S. 20° 17' W., 26.44 chs.	To point for cor. No. 16, Lot 3, identical with cor. No. 2, Mineral Survey No. 526.
	S. 45° 23' W., 2.31 chs.	To point for cor. No. 17, Lot 3, identical with cor. No. 1, Mineral Survey No. 526.
	S. 89° 17' W., 8.23 chs.	To point for cor. No. 18, Lot 3, identical with cor. No. 55, Mineral Survey No. 526.
	N. 55° 19' W., 10.12 chs.	To point for cor. No. 19, Lot 3, identical with cor. No. 54, Mineral Survey No. 526.
	S. 82° 34' W., 10.75 chs.	To point for cor. No. 20, Lot 3, identical with cor. No. 53, Mineral Survey No. 526 and cor. No. 10, Mineral Survey No. 609.
	S. 0° 59' W., 38.07 chs.	To point for cor. No. 21, Lot 3, identical with cor. No. 9, Mineral Survey No. 609.
	S. 35° 13' W., 18.72 chs.	To point for cor. No. 22, Lot 3, identical with cor. No. 8, Mineral Survey No. 609.
	S. 66° 30' W., 2.54 chs.	To true point for cor. No. 23, Lot 3, and cor. No. 2, U.S. Survey No. 2557 determined at proportionate distance, falls in a fill area near right bank of Lemon Creek, an unsafe place for permanency of the cor. There is no remaining evidence of the original cor.
	N. 62° 59' W., on line 23-24, Lot 3, identical with the dependent resurvey of a portion of line 2-1, U.S. Survey No. 2557 and with line ½ mile cor. and cor. No. 11, U.S. Survey No. 1762.	
	Over level fill area.	

55

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
1.50	Point selected for the witness cor. No. 23, Lot 3, and witness cor. No. 2, U.S. Survey No. 2557. Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd. S5504 L3 C23 S2557 C2 | WC MS 609 1969 from which A spruce, 4 ins. diam., bears N. 48° W., 61 lks. dist., mkd. X BT. SE. cor. of State of Alaska Correctional Detention concrete building, 120 x 280 ft., long side extends N. 45° W., bears N. 47° E., 6.75 chs. dist. Raise a mound of stone, 2 ft. base, 1 ft. high, NW. on line, 3 ft. dist. Enter timber and brush [illegible]er nearly level land.
7.20	Graded road, extends S. 67° W. and curves easterly.
28.55	Point for cor. No. 24, Lot 3, identical with cor. No. 11, U.S. Survey No. 1762, cor. No. 1, U.S. Survey No. 2557, and cor. No. 4, U.S. Survey No. 204, monumented with an iron post, 2 ins. diam., extending 10 ins. above ground, firmly set, mkd. as described in the official record of U.S. Survey No. 2557. There is no remaining evidence of the original bearing trees. I add marks to the brass cap to now read: S5504 L3 C24 C11 PE S1762 S204 C4 | S2557 C1 1941 1927 1969 from which new bearing trees A spruce, 10 ins. diam., bears N. 20° E., 127 lks. dist., mkd. S5504 L3 C24 BT. A spruce, 14 ins. diam., bears S. 65° E., 41 lks. dist., mkd. S5504 L3 C24 BT.

WEST, on line 24-25, Lot 3, identical with line 4-3, U.S. Survey No. 204 and 11-10, U.S. Survey No. 1762, recording the record bearing and dist.

GPO 845-168

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
	Over nearly level land through dense timber and undergrowth. Topography of this line is given in the official records.
40.00	Point for cor. No. 25, Lot 3, identical with cor. No. 10, U.S. Survey No. 1762 and cor. No. 3, U.S. Survey No. 204, monumented with an iron post, 2 ins. diam., extending 10 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 1762. I add marks to the brass cap to now read: S5504 L3 | C10 C25 | FE S1762 S204 C3 1927-69
	SOUTH, on line 25-26, Lot 3, identical with line 10-9, U.S. Survey No. 1762, and a portion of line 3-2, U.S. Survey No. 204, recording the record bearing and dist. Over nearly level land through dense timber and undergrowth. Topography of this line is given in the official records.
5.00	Point for cor. No. 26, Lot 3, identical with cor. No. 9, U.S. Survey No. 1762 and cor. No. 4, U.S. Survey No. 2121, monumented with an iron post, 2 ins. diam., extending 10 ins. above ground, firmly set, mkd and witnessed as described in the official record of U.S. Survey No. 2121. I add marks to the brass cap to now read: S5504 | C9 L3 | FE C26 / | S1762 C4 | S2121 | 1927-69 from which U.S. Coast and Geodetic Survey triangulation station GRAVEL 1959, monumented with a standard bronze disk in a concrete monument on a grassy knoll on the W. bank near the mouth of Lemon Creek on the east shore of Gastineau Channel, bears S. 2° 04' 30" W., 48.25 chs. dist.
	S. 83° 11' W., on line 26-27, Lot 3, identical with the dependent resurvey of line, cor. No. 4 - ½ mile post, U.S. Survey No. 2121 and cor. No. 9 - ½ mile post, U.S. Survey No. 1762.
9.84	Point for cor. No. 27, Lot 3, identical with the ½ mile post on line 8-9, U.S. Survey No. 1762, (and ½ mile post on line 3-4, U.S. Survey No. 2121) monumented with an iron post, 1 in. diam., extending 10 ins. above ground, firmly set, mkd. and witnessed as described in the

51

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
	official record of U.S. Survey No. 1762. I add marks to the brass cap to now read: S5504 L3 C27 ½M FE S1762 1927-69
	S. 83° 22' W., on line 27-28, Lot 3, identical with the dependent resurvey of a portion of line ½ mile post-cor. No. 3, U.S. Survey No. 2121, and ½ mile post-cor. No. 8, U.S. Survey No. 1762. Ascend gentle S. slope through dense timber and undergrowth. Topography of this line is given in the official records.
22.00	Point for cor. No. 28, Lot 3 and cor. No. 4, Lot 6. Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd. S5504 L6 | L3 C4 | C28 S2121 1969 from which A spruce, 34 ins. diam., bears N. 29° E., 45 lks. dist., mkd. S5504 L3 C28 BT. A hemlock, 10 ins. diam., bears N. 50° W., 91 lks. dist., mkd. S5504 L6 C4 BT. Cor. No. 3, U.S. Survey No. 2121, identical with cor. No. 4, U.S. Survey No. 3258 and cor. No. 8, U.S. Survey No. 1762, hereinafter described, bears S. 83° 22' W., 17.94 chs. dist.
	NORTH, on line 28-29, Lot 3, identical with line 4-3, Lot 6. Ascend gentle SE. slope through dense timber and undergrowth.
7.00	Left bank creek, 6 lks. wide, 2 ins. deep, course SW. from NW.
12.49	Point for cor. No. 29, Lot 3, and cor. No. 3, Lot 6. Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd. S5504 L3 L6 | C29 C3 1969

GPO 845-166

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
	from which A hemlock, 16 ins. diam., bears S. 30° E., 19 lks. dist., mkd. S5504 L3 C29 BT. A hemlock, 10 ins. diam., bears S. 86° W., 32 lks. dist., mkd. S5504 L6 C3 BT.
	WEST, on line 29-30, Lot 3, identical with line 3-2, Lot 6. Ascend general S. slope through dense timber and undergrowth.
0.30	Creek, 2 lks. wide, 1 in. deep, course S.
2.35	Line tree, a spruce, 16 ins. diam., with two hack marks on N. and S. sides.
2.80	Creek, 6 lks. wide, 2 ins. deep, course S.
9.60	Creek, 4 lks. wide, 2 ins. deep, course SE.; ascend NE. slope through timber and undergrowth.
13.00	Point for cor. No. 30, Lot 3, and cor. No. 2, Lot 6. Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd. S5504 L3 | L6 C30 | C2 1969 from which A spruce, 22 ins. diam., bears S. 57° E., 39 lks. dist., mkd. S5504 L6 C2 BT. A hemlock, 8 ins. diam., bears S. 18° W., 19 lks. dist., mkd. S5504 L3 C30 BT.
	SOUTH, on line 30-31, Lot 3, identical with line 2-1, Lot 6. Descend SW. slope through timber and undergrowth.
5.30	Leave large timber; enter dense undergrowth.
12.50	Creek, 6 lks. wide, 2 ins. deep, course SE.; continue descending through dense small size hemlock, scattered alders, and dense berry brush and devil's clubs.
13.10	Logging trail, extends NE. and SW.
14.00	Intersect line cor. No. 3 - ½ mile post, U.S. Survey No. 2121 and cor. No. 8 - ½ mile post, U.S. Survey No. 1762. Point for cor. No. 31, Lot 3, and cor. No. 1, Lot 6. Set an iron post, 28 ins. long, 2½ ins. diam., 20 ins. in the ground and in a mound of stone, 3 ft. base, to top, with brass cap mkd.

59

U. S. SURVEY NO. 5504, LOT 3

CHAINS	
	S5504 L3 | L6 C31 | C1 S2121 1967
	from which
	A hemlock, 6 ins. diam., bears N. 34½° E., 40 lks. dist., mkd. S5504 L6 C1 BT.
	A hemlock, 4 ins. diam., bears S. 25° W., 17 lks. dist., mkd. X BT.
	A hemlock, 8 ins. diam., bears N. 48½° W., 36 lks. dist., mkd. S5504 L3 C31 BT.
	Cor. No. 8, Lot 3, identical with cor. No. 4, Lot 6, hereinbefore described, bears N. 83° 22' E., 13.09 chs. dist.
	S. 83° 22' W., on line 31-32, Lot 3, identical with the dependent resurvey of a portion of line ½ mile post cor. No. 3, U.S. Survey No. 2121 and ½ mile post cor. No. 8, U.S. Survey No. 1762.
	Ascend SE. slope through timber and undergrowth. Topography of this line is given in the official records.
4.85	Point for cor. No. 32, Lot 3, identical with cor. No. 3, U.S. Survey No. 2121, cor. No. 4, U.S. Survey No. 3258, and cor. No. 8, U.S. Survey No. 1762, monumented with an iron post, 2 ins. diam., extending 3 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 3258.
	I add marks to the brass cap to now read.
	S5504 L3 C32 S3258 | C8 C4 | FE LOT 32 | S1762 C3 | C3 S2121 1927 1969
	N. 81° 26' W., on line 32-1, Lot 3, identical in part with line 4-3, U.S. Survey No. 3258 and line 3-2, U.S. Survey No. 3259, recording the record bearings and dists.
	Ascend over broken S. slope through timber and undergrowth. Topography of this line and monument descriptions are given in the official records. No additional marks were added to the monuments along this line.
52.65	Cor. No. 1, Lot 3, identical with cor. No. 15, H.E. Survey No. 174 (U.S. Survey No. 1568); cor. No. 2, U.S. U.S. Survey No. 3259; and cor. No. 1, U.S. Survey No. 3801, point of beginning of Lot 3.
	Containing 855.21 acres.

GPO 845-166

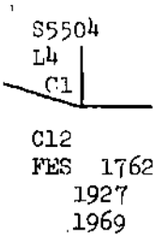
U. S. SURVEY NO. 5504, LOT 4

CHAINS

LOT 4

Begin at cor. No. 1, Lot 4, identical with cor. No. 12, U.S. Survey No. 1762 on top of a rocky outcrop on top of Blackerby Ridge, elevation 2800 ft., monumented with a brass cap from a 1 in. iron post cemented in bedrock and in a mound of stone.

I add marks to the brass cap to now read:



Lat. 58° 21' 04.10" N., Long. 134° 26' 43.06" W.

from which

U.S. Coast and Geodetic Survey triangulation station SALMON 1936, monumented with a standard bronze disk cemented in a boulder extending 3 ins. above flat grass-covered ground on the SW. side of Gastineau Channel, bears S. 32° 56' 12" W., 181.10 chs. dist.

U.S. Coast and Geodetic Survey triangulation station BILL (U.S.E.) 1959, monumented with a standard U.S.E. round bronze disk set in a concrete and rock cairn, flush with the ground on a prominent point about 25 ft. from high water, bears S. 83° 49' 58" W., 406.39 chs. dist.

U.S. Coast and Geodetic Survey triangulation station EDDIE 1959, hereinbefore described in Lot 2, bears N. 85° 05' 56" W., 356.84 chs. dist.

Cor. No. 7, U.S. Survey No. 1762, identical with cor. No. 2, meander cor., U.S. Survey No. 2121, monumented with an iron post, 2 ins. diam., 10 ins. above ground, mkd. and witnessed as described in the official record of U.S. Survey No. 2121, bears N. 79°16'34" W., 228.25 chs. dist.

Cor. No. 9, U.S. Survey No. 1762, identical with cor. No. 4, U.S. Survey No. 2121, and cor. No. 26, Lot 3, this survey, hereinbefore described, bears N. 69° 56' 11" W., 186.06 chs. dist.

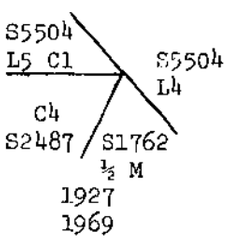
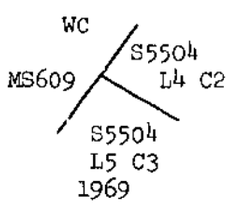
Rebuild the mound of stone, 5 ft. diam., 4 ft. high, around the cor.

N. 62° 59' W., on line 1-2, identical with a portion of line 12-11, U.S. Survey No. 1762.

Descend over NW. mountainous slopes through timber and undergrowth. Topography of this line and the description of the 1-mile and 1½-mile cors. are given in the official record of U.S. Survey No. 1762.

61

U. S. SURVEY NO. 5504, LOT 4

CHAINS	
111.27	Cor. No. 1, Lot 5, this survey hereinafter described, identical with the ½-mile cor. from cor. No. 11, U.S. Survey No. 1762 and cor. No. 4, U.S. Survey No. 2487, monumented with an iron post, 1 in. diam., 10 ins. above ground, firmly set, mkd. and witnessed as described in the official record of U.S. Survey No. 2487. I add marks to the brass cap to now read.  Descend W. slope through clearing and undergrowth.
114.15	Point selected for the witness cor. No. 2, Lot 4, and witness cor. No. 3, Lot 5. Set an iron post, 28 ins. long, 2½ ins. diam., 20 ins. in the ground, with brass cap mkd.  from which A hemlock, 12 ins. diam., bears N. 54° E., 49 lks. dist., mkd. S5504 C2 L4 WC BT. Raise a mound of stone, 3 ft. base, 2 ft. high, SE. on line, 3 ft. dist.
115.04	True point for cor. No. 2, Lot 4, identical with the true point for cor. No. 3, Lot 5 determined at intersection of line ½-mile cor. to cor. No. 11, U.S. Survey No. 1762, with the record bearing, of line 3-2, Mineral Survey No. 609 produced N. 35° 08' E. from cor. No. 3, Mineral Survey No. 609, identical to cor. No. 3. U.S. Survey No. 2487 hereinafter described. Point falls on rim of a cut bank of Lemon Creek; an unsafe place for a monument.

Thence northeasterly along the southeasterly boundary of Mineral Surveys Nos. 609, 526, 585 and 582 with record bearings and dist. repeated from the official records as follows:

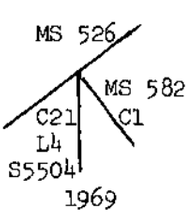
N. 35° 08' E., 24.34 chs.	To point for cor. No. 3, Lot 4, identical with cor. No. 2, Mineral Survey No. 609.
N. 5° 30' W., 33.67 chs.	To point for cor. No. 4, Lot 4, identical with cor. No. 1, Mineral Survey No. 609 and cor. No. 52, Mineral Survey No. 526.
S. 89° 16' E., 6.01 chs.	To point for cor. No. 5, Lot 4, identical with cor. No. 51,

U. S. SURVEY NO. 5504, LOT 4

CHAINS		
		Mineral Survey No. 526.
	S. 59° 58' E., 11.43 chs.	To point for cor. No. 6, Lot 4, identical with cor. No. 50, Mineral Survey No. 526.
	N. 89° 17' E., 8.23 chs.	To point for cor. No. 7, Lot 4, identical with cor. No. 49, Mineral Survey No. 526.
	S. 50° 24' W., 1.73 chs.	To point for cor. No. 8, Lot 4, identical with cor. No. 1, Mineral Survey No. 585.
	S. 60° 30' E., 22.73 chs.	To point for cor. No. 9, Lot 4, identical with cor. No. 5, Mineral Survey No. 585.
	N. 29° 30' E., 10.00 chs.	To point for cor. No. 10, Lot 4, identical with cor. No. 4, Mineral Survey No. 585.
	N. 66° 56' W., 18.36 chs.	To point for cor. No. 11, Lot 4, identical with cor. No. 3, Mineral Survey No. 585 and cor. No. 47, Mineral Survey No. 526.
	N. 20° 17' E., 26.44 chs.	To point for cor. No. 12, Lot 4, identical with cor. No. 46, Mineral Survey No. 526.
	S. 66° 30' E., 2.00 chs.	To point for cor. No. 13, Lot 4, identical with cor. No. 45, Mineral Survey No. 526.
	N. 14° 53' E., 16.57 chs.	To point for cor. No. 14, Lot 4, identical with cor. No. 44, Mineral Survey No. 526.
	N. 1° 01' E., 22.60 chs.	To point for cor. No. 15, Lot 4, identical with cor. No. 43, Mineral Survey No. 526.
	S. 60° 39' E., 8.60 chs.	To point for cor. No. 16, Lot 4, identical with cor. No. 42, Mineral Survey No. 526.
	S. 57° 55' E., 12.14 chs.	To point for cor. No. 17, Lot 4, identical with cor. No. 41, Mineral Survey No. 526.
	S. 80° 10' E., 13.45 chs.	To point for cor. No. 18, Lot 4, identical with cor. No. 40, Mineral Survey No. 526.
	S. 12° 45' W., 4.00 chs.	To point for cor. No. 19, Lot 4, identical with cor. No. 39, Mineral Survey No. 526.
	N. 88° 33' E., 23.69 chs.	To point for cor. No. 20, Lot 4, identical with cor. No. 38, Mineral Survey No. 526.
	N. 51° 53' E., 6.47 chs.	To point for cor. No. 21, Lot 4, identical with cor. No. 1, Mineral Survey No. 582,

63

U. S. SURVEY NO. 5504, LOT 4

CHAINS	
	mkd. by a scattered mound of stones. This position is harmoniously related to adjacent scattered mounds of stone at cors. 2 and 33, Mineral Survey No. 582 and is additionally evidenced by: The NE. end of an open cut, 6 x 20 ft., 50 ft. long, which bears N. 61°16' E., 8.64 chs. dist. A placer ditch, 6 x 3 ft., course W., which bears S. 51° 24' E., 6.63 chs. dist. And is accepted as the best existing evidence of the position of the original co.. At the cor. point. Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd.  from which A spruce, 8 ins. diam., bears S. 65° E., 33 lks. dist., mkd. X BT. A spruce, 12 ins. diam., bears S. 30° W., 54 lks. dist., mkd. S5504 L4 C21 BT. A spruce, 24 ins. diam., bears N. 52° W., 61 lks. dist., mkd. X BT. Rebuild the mound of stone, 2 ft. base, around the cor. to top.
	S. 10° 22½' W., on line 21-22, Lot 4. Over nearly level land through timber and undergrowth.
2.70	Base of slope, extends N. 60° E. and S. 60° W.; ascend NW. slope through timber and undergrowth.
3.20	Top of slope; over level land through dense undergrowth.
8.00	Ascend NW. slope through timber and undergrowth.
10.40	Creek, 10 lks. wide, 3 ins. deep, course NW.
14.80	Creek, 3 lks. wide, 2 ins. deep, course N. 10° W.
21.50	Ascend steep N. slope through timber and undergrowth.
30.00	Ascend steep NE. rocky slope through timber and under-

GPO 848-168

CHAINS	
	growth.
32.00	Point selected for witness point No. 1, Lot 4.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 26 ins. in the ground, and in a mound of stone, 3 ft. base to top, with brass cap mkd.
	WP 1 S5504 L4 1969
	from which
	A spruce, 8 ins. diam., bears S. 29° E., 33 lks. dist., mkd. X BT.
	A hemlock, 10 ins. diam., bears S. 87° W., 10 lks. dist., mkd. S5504 L4 WP1 BT.
	Continue ascent over broken N. rocky slopes through timber and undergrowth.
65.30	Top of rock outcrop at timber line; raise a mound of stone, 2 ft. base, 1 ft. high. Ascend broken NW. slope through scrub hemlock and brush.
68.50	Leave scrub timber and brush; thence ascend along broken NE. rocky slope of ridge to top.
75.19	Point for cor. No. 22, Lot 4, on E. slope of knoll.
	Set an iron post, 28 ins. long, 2½ ins. diam., 18 ins. in the ground to solid rock, with brass cap mkd.
	S5504 L4 C22 1969
	Raise a mound of stone, 4 ft. base, around the cor. to top, and set a wood post, 5 ft. high, alongside.
	SOUTH, on line 22-1, Lot 4.
	Along top and broken E. slopes of knoll.
7.00	Enter low brush and alders.
9.60	Point selected for witness point No. 2, Lot 4, in an open area on SE. slope.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 24 ins. in the ground, and in a mound of stone, 2 ft. base, to top, with brass cap mkd.
	WP 2 S5504 L4 1969
	Set a wood post, 5 ft. high alongside.

U. S. SURVEY NO. 5504, LOT 4

CHAINS	
	Descend S. slope through scattered patches of alder and brush.
45.00	Base of slope in narrow saddle; ascend N. broken slope.
46.20	Point selected for witness point No. 3, Lot 4, on narrow ridge, bears SE. and NW.
	Set a steel rod monument, 36 ins. long, 5/8 in. diam., 20 ins. in the ground, and in a mound of stone, 3 ft. base, to top, with brass cap mkd.
	WP 3 S5504 L4 1969
	Ascend broken N. slope over moss-covered ground.
63.00	Raise a mound of stone, 3 ft. base, 2 ft. high, on top of narrow moss covered ridge, bears E. and W.; descend S. slope.
67.00	Ascend rocky spur, slopes N.
72.00	Top of ascent; thence along rocky and broken W. slope.
80.00	Cor. No. 1, Lot 4, identical with cor. No. 12, U.S. Survey No. 1762, point of beginning of Lot 4.
	Containing 1030.80 acres.

LOT 5

Begin at cor. No. 1, Lot 5, identical with the ½-mile cor. from cor. No. 11, U.S. Survey No. 1762, and cor. No. 4, U.S. Survey No. 2487, monumented with an iron post, 1 in. diam., hereinbefore described in Lot 4.

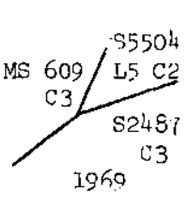
S. 82° 58' W., on line 1-2, Lot 5, identical with the dependent resurvey of line 4-3, U.S. Survey No. 2487.

Descend gradual SW. slope through clearing and undergrowth.

5.04 Cor. No. 2, Lot 5, identical with cor. No. 3, U.S. Survey No. 2487, and cor. No. 3, Mineral Survey No. 609, monumented with the remains of the original iron post, 1 in. diam., bent with top missing. Original bearing trees destroyed.

At the cor. point.

Set an iron post, 28 ins. long, 2½ ins. diam., 24 ins. in the ground, with brass cap mkd.



from which new bearing trees

A hemlock, 6 ins. diam., bears N. 83° E.,

GPO 845-166

U. S. SURVEY NO. 5504, LOT 5

CHAINS	
	42 lks. dist., mkd. X BT. A hemlock, 10 ins. diam., bears S. 47° E., 41 lks. dist., mkd. X BT. Deposit the remains of the original monument inverted and alongside the iron post and raise a flat mound of stone, 2 ft. base, around the cor.
	N. 35° 08' E., on line 2-3, Lot 5, identical with a portion of line 3-2, Mineral Survey No. 609. Over nearly level land through clearing and undergrowth.
2.85	True point for cor. No. 3, Lot 5, identical with the true point for cor. No. 2, Lot 4, falls on top edge of cut bank of Lemon Creek, hereinbefore described and witnessed in Lot 4.
	S. 62° 59' E., on line 3-1, Lot 5, identical with a portion of line 11-12, U.S. Survey No. 1762, hereinbefore described in Lot 4. Ascend NW. slope through undergrowth.
0.89	Witness cor. No. 2, Lot 4, and witness cor. No. 3, Lot 5, hereinbefore described in Lot 4.
3.77	Cor. No. 1, Lot 5, identical with the ½-mile point from cor. No. 11, U.S. Survey No. 1762, and cor. No. 4, U.S. Survey No. 2487, point of beginning of Lot 5. Containing 0.53 acres.

LOT 6

Bearings, distances, and monument descriptions of Lot 6 are hereinbefore described in Lot 3.

The area within Lot 6 contains 17.22 acres.

AREA

The area contained within the survey is as follows:

Lot 1	965.09 Acres
Lot 2	407.64 "
Lot 3	855.21 "
Lot 4	1,030.80 "
Lot 5	0.53 "
Lot 6	17.22 "
Total	3,276.49 Acres

67

U. S. SURVEY NO. 5504

CHAINS	GENERAL DESCRIPTION
	This survey consists of six lots in three separate areas northwest of Juneau, Alaska. Lot 1 is located on the northern end of Douglas Island with a portion consisting of meanders along Fritz Cove. The area drains northerly. Fish Creek, the main creek, flows northwesterly through the central portion of the lot. The North Douglas Road passes through the western portion and a survey line for a proposed road extends southerly through the easterly portion of the lot. Lot 2 is located along the mountain base and side on the easterly side of Mendenhall River Valley north of the Juneau airport. The area drains easterly into Jordan and Duck Creeks. Lots 3, 4, 5 and 6 are located in the Lemon Creek Valley area. Lot 3 extends along the mountain base and side on the northerly side of Glacier Highway near the airport to the mineral surveys along Lemon Creek. The area drains southerly and southeasterly into Gastineau Channel and Lemon Creek. Lot 6 adjoins Lot 5. Lot 4 extends along the easterly side of the Lemon Creek mineral surveys to the top of Blackerby Ridge. The area drains northwesterly into Lemon Creek. Sawmill Creek, the main creek, flows northwesterly through the central portion of the lot. Lot 5 adjoins Lot 4 on the left bank of Lemon Creek. All lots are densely timbered with hemlock and spruce. The undergrowth consists of berry brush, willow, alders, and devil's clubs. The soil consists of black vegetation mold loam over gravel subsoil.

Form 9180-8
(March 1969)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FIELD ASSISTANTS

NAMES	CAPACITY
Ronald E. Schwind	Surveying Technician
Herbert K. Brasseur	Engineering Technician
Donald A. Welsh	Cartographic Surveying Aid
Douglas M. Stuart	" " "
Edwin J. Cavagnaro, Jr.	" " "
David L. Bauer	" " "
Russel L. Watson	" " "
James D. Nichols	" " "

69

CERTIFICATE OF SURVEY

(I) (We) Hobart B. Hyatt , HEREBY CERTIFY upon honor that, in pursuance of special instructions bearing date of the 24th day of April , 19 68 (I) (We) have executed U.S. Survey No. 5504, Lots 1 through 6, and the dependent resurvey of portions of U.S. Surveys Nos. 1762, 2121, 2487, and 3801 situated in the vicinity of Juneau, Alaska.

of the Meridian, in the State of Alaska , which are represented in the foregoing field notes as having been executed by (me), (~~me~~) and under (my) (~~me~~) direction; and that said survey has been made in strict conformity with said special instructions, the Manual of Instructions for the Survey of the Public Lands of the United States, and in specific manner described in the foregoing field notes.

Sept. 30, 1970 (Date)

Hobart B. Hyatt (Cadastral Surveyor)

Hobart B. Hyatt
Supervisory Cadastral Surveyor

(Date)

(Cadastral Surveyor)

CERTIFICATE OF APPROVAL

SUBMITTED FOR APPROVAL
Date FEB 9 1973

BUREAU OF LAND MANAGEMENT
Washington, D.C.

The foregoing field notes of the survey of U.S. Survey No. 5504, Lots 1 through 6, and the dependent resurvey of portions of U.S. Surveys Nos. 1762, 2121, 2487, 2557 and 3801 situated in the vicinity of Juneau, Alaska.

executed by Hobart B. Hyatt, Supervisory Cadastral Surveyor having been critically examined and found correct, are hereby approved.

APR 9 1973 (Date)

Clark E. Hamm (Chief, Division of Cadastral Survey)

CERTIFICATE OF TRANSCRIPT

I CERTIFY That the foregoing transcript of the field notes of the above-described surveys is a true copy of the original field notes.

(Date)

(Chief, Division of Cadastral Survey)

GPO 848-026

Presented by: The Manager
Introduced: 01/10/2005
Drafted by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2296

A Resolution Authorizing the Manager to Negotiate the Disposal of Approximately Ten Acres of Land in the Lemon Creek Area to Home Depot, U.S.A., Inc.

WHEREAS, CBJ 53.09.260(a) provides authority for the Manager to negotiate land sales, if so directed by the Assembly; and

WHEREAS, the City and Borough owns approximately 30 acres of land in the Lemon Creek area which, since 1983, has been used as a gravel pit supplying gravel for CBJ construction projects; and

WHEREAS, the gravel reserves at the existing pit will likely be depleted in one to one and a half years, and CBJ is taking action now to begin developing new gravel sources further up Lemon Creek valley; and

WHEREAS, the 1999 Land Management Plan designated the existing gravel pit as land to be sold for private development once the gravel was removed; and

WHEREAS, portions of the existing gravel pit have already been depleted and could be made available for sale now; and

WHEREAS, Home Depot U.S.A., Inc., has examined the Juneau market, found the economic conditions favorable and has expressed its interest in building a store in Juneau; and

WHEREAS, Home Depot has submitted a letter to the City Manager requesting the opportunity to purchase approximately ten acres of the parcel; and

WHEREAS, the timing of Home Depot's request coincides with CBJ's plans to move its gravel operations to other locations and prepare to sell its existing gravel pit; and

WHEREAS, it is in CBJ's best interest that its property, when sold, be developed rapidly rather than held for speculation; and

WHEREAS, a negotiated land sale to Home Depot allows CBJ to respond in a timely way to a unique opportunity that will allow for rapid commercial development, generate sales and property taxes; and

WHEREAS, negotiations with Home Depot do not preclude CBJ's option to sell land to other businesses in the future, as CBJ has twenty additional acres in the same area that will soon be ready for sale and development; and

WHEREAS, the Assembly Lands Committee has considered this matter, and recommended to the Assembly that it consider a resolution authorizing the Manager to negotiate a sale to Home Depot, U.S.A., Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Authorization to Negotiate the Sale of City Land. The Manager is authorized to negotiate with Home Depot U.S.A., Inc., the sale of approximately ten acres of land within the City and Borough's existing gravel pit at Lemon Creek, consisting of portions of Lots 4 and 5, U.S. Survey 5504, and Tract A, a subdivision of U.S. Survey 7297, for the development of a Home Depot store.

Section 2. Purchase Price. The purchase price shall be fair market value.

Section 3. Terms and Conditions of Sale. Upon completion of negotiations, the Manager shall forward the proposed terms and conditions of the sale to the Planning Commission and the Assembly for review in accordance with the provisions of CBJ 53.09. The conveyance shall be as authorized by the Assembly by ordinance.

Section 4. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 10th day of January, 2005.

Bruce Botelho, Mayor

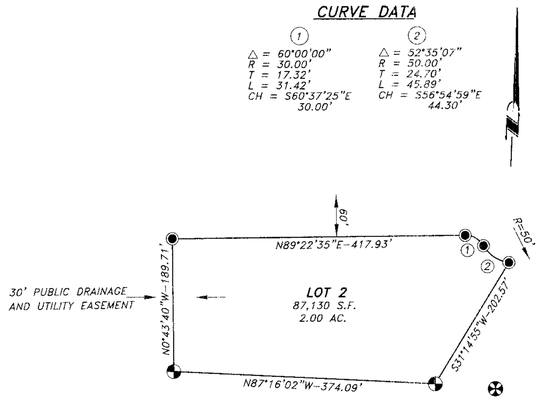
Attest:

Laurie J. Sica, Clerk

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS

CURVE DATA

①	②
△ = 60°00'00"	△ = 52°35'07"
R = 30.00'	R = 50.00'
T = 17.32'	T = 24.70'
L = 31.42'	L = 45.89'
CH = S60°37'25"E 30.00'	CH = S56°54'59"E 44.30'



ORIGINAL LOT 2, HDK SUBDIVISION

PER PLAT 2006-52, JUNEAU RECORDING DISTRICT

SCALE: 1"=100'

CERTIFICATE OF PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: 4/16, 2007

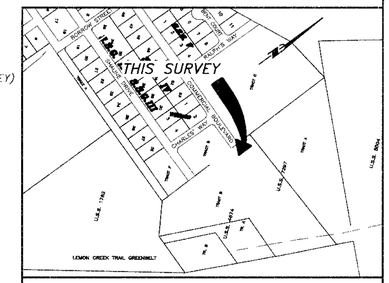
DALE PERNULA, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
CITY AND BOROUGH OF JUNEAU

ATTEST:

CLERK,
CITY AND BOROUGH OF JUNEAU

LEGEND

- BLM MONUMENT (OF RECORD)
- 7570-S PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- 7570-S SECONDARY MONUMENT (OF RECORD)
- 7570-S SECONDARY MONUMENT (SET THIS SURVEY)
- PROPERTY / BOUNDARY LINE
- EASEMENT LIMITS



VICINITY MAP

SOURCE: C.B.J./A.E.L.& P. ATLAS MAPPING
SCALE: 1"= 500'+/-
JUNEAU, ALASKA

TYPICAL MONUMENT

(ESTABLISHED THIS SURVEY)

JOHNSON
•
7570-S

SECONDARY MONUMENT

1-1/4" DIA. YELLOW PLASTIC SURV-CAP ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"

GENERAL NOTES:

1.) THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN RECOVERED 7570-S PRIMARY MONUMENTS FOR THE SOUTHEAST AND SOUTHWEST CORNERS OF LOT 2, HDK SUBDIVISION HAVING A RECORD BEARING OF N87°16'02"W AS DENOTED BY PLAT NO. 2006-52 ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.

2.) WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM MEASURED AND/OR COMPUTED COURSES BY THIS SURVEY, RECORD SURVEY COUSE IS SHOWN IN PARENTHESIS AND THE FIELD MEASURED AN/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESIS.

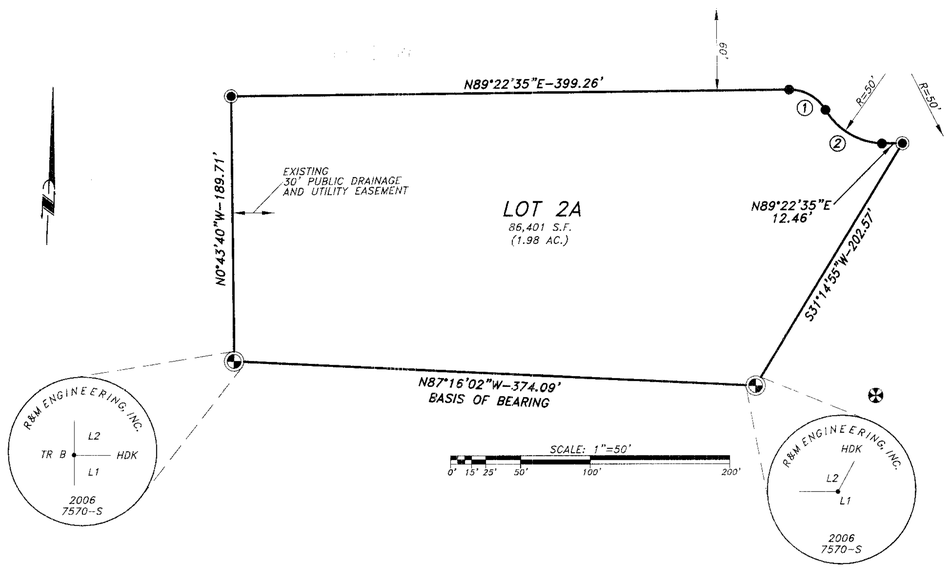
3.) THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3002 TOTAL STATION AND STANDARD PRISM RANGING METHODS.

4.) DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC FACILITIES.

5.) RECORD INFORMATION UTILIZED TO PRODUCE THIS PLAT WAS "A PLAT DENOTING HDK SUBDIVISION, A SUBDIVISION OF TRACT A & B, US SURVEY 7297 AND TR 4-A, ASLS 2004-22, WITHIN THE CITY & BOROUGH OF JUNEAU, JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA" ON FILE IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT AS PLAT NO. 2006-52.

CURVE DATA

①	②
△ = 59°39'13"	△ = 59°39'13"
R = 30.00'	R = 50.00'
T = 17.20'	T = 28.67'
L = 31.23'	L = 52.06'
CH = S60°47'28"E 29.84'	CH = S60°47'48"E 49.74'



CERTIFICATE OF OWNERSHIP LOT 2, HDK SUBDIVISION

I HEREBY CERTIFY THAT I AM AN AUTHORIZED REPRESENTATIVE FOR HOME DEPOT U.S.A., INC. A DELAWARE CORPORATION, THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT HOME DEPOT U.S.A., INC. HEREBY ADOPTS THIS PLAT OF SUBDIVISION WITH ITS FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATED THIS 10 DAY OF April, 2007

HOME DEPOT U.S.A., INC., A DELAWARE CORPORATION

BY:

NAME: Erika M. Strawn

ITS: Corporate Counsel

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
)ss.
COUNTY OF ORANGE)

ON April 10, 2007, BEFORE ME, Lisa M. Smith, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Erika M. Strawn, PERSONALLY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN HER AUTHORIZED CAPACITY, AND THAT BY HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE OF NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

STATE OF ALASKA
49TH
MARK A. JOHNSON
LS 7570
REGISTERED PROFESSIONAL LAND SURVEYOR
3-28-07

REC DIST
DATE ____, 20__
TIME ____ M
Requested By ____
Address ____

A PLAT DENOTING

LOT 2A, HDK SUBDIVISION

A LOT LINE ADJUSTMENT OF
LOT 2, HDK SUBDIVISION
WITHIN U.S. SURVEY NO. 7297
CITY & BOROUGH OF JUNEAU,
JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA

OWNER:
THE HOME DEPOT, USA
370 CORPORATE DR. N.
TUKWILA, WA 98188

SHEET 1 OF 1

DATE: March 28, 2007

SCALE: 1"=50'

SURVEYOR:
MARK A. JOHNSON, R.L.S.
R&M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

R&M PROJ. NO. 051706R

G:\2005\051706\Subdivision Plat\Revised Lot 2\051706sb.dwg PLOT: March 28, 2007 at: 6:13am

FILE: # 807-1

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

Commercial Blvd. Rezone for Lot SSG IV TR B & Lot Line Adjustment btw Lot SSG IV TR B & HDK Lot 2A

Case Number: PAC2021 0005

Applicant: Charles Donart

Property Owner: AKBEV Group LLC

Property Address: 5220 & 5200 Commercial Blvd

Parcel Code Number: 5B1201030030 & 5B1201360051

Site Size: 78,632 square feet & 86,401 square feet

Zoning: Industrial

Existing Land Use: Vacant

Conference Date:	3/3/2021
Report Issued:	3/10/2021

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Charles Donart	Applicant	cdonart@gmail.com
Shawn Boyle	Applicant's Architect	sean@northwindarch.com
Allison Eddins	Planning	allison.eddins@juneau.org
Charlie Ford	Building	Charlie. ford@juneau.org
Dan Jager	CCFR	dan.jager@juneau.org

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.
The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

The applicant is seeking a rezone request from Industrial to General Commercial for 5B1201030030 SSG IV TR B (1.8 acres). The rezone request will be proceeded by a Lot Line Adjustment between SSG IV TR B & HDK LT 2A. The lot line adjustment is required to meet to 2 acre minimum lot size for a rezone request.
Rezone applications are only accepted in January and July, per CBJ 49.75.110.

CBJ 49.75.120 Restrictions on Rezoning.
Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

2013 Comprehensive Plan – Chapter 11 Land Use
Light Industrial – Land to be developed for heavy commercial or light industrial uses such as small-to-medium scale food processing; printing and other business services; wholesale trade; research and development laboratories; light manufacturing processes; metal fabrication; warehousing, trucking; animal kennels; crematoria; indoor and outdoor storage; car, boat and heavy equipment sales; and repair and maintenance activities. Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.

Planning Division

1. **Zoning** – The current zoning district is Industrial. The applicant is requesting a rezone to General Commercial. Rezone request must be at least two acres or an extension of an existing zoning district. The two lots that are part of this rezone request are 3.78 acres combined. The lots are surrounded by Industrial and Rural Reserve zoning districts.
2. **Setbacks** – Lot SSG IV TR B is bordered by three rights-of-way and therefore does not have to provide a rear yard setback. Setbacks will be front, street side and side.
    - General Commercial:
        - Front, Rear, Street Side and Side = 10'
    - Industrial:
        - Front, Rear and Street Side = 10'
        - Side = 0'
3. **Height** –
    - Industrial:
        - No maximum height restriction
    - General Commercial:
        - 55' feet for primary use
        - 45' for accessory use

4. **Access –**Access for Lot SSG IV TR B can come from either Commercial Blvd. or Charles Way. Access can also come from Shaune Drive when the road is extended and improved to CBJ Street Standards in CBJ 49.35.
5. **Parking & Circulation**– Parking and circulation requirements will be assessed during the CUP (if required) or Building Permit process.
6. **Lot Coverage –** Industrial and General Commercial zoning districts have no maximum lot coverage requirements.
7. **Vegetative Coverage** – Industrial: 5%; General Commercial: 10%
8. **Lighting** – All on-site lighting must be of full cut-off design. Lighting plans must be submitted with CUP & Building Permit applications.
9. **Noise** – Noise impacts will be evaluated during a CUP process, if applicable.
10. **Flood** – Flood Zone X Area of Minimal Flood Hazard (Panel 02110C1551E)
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – None known.
12. **Wetlands** – No known wetlands.
13. **Habitat** –– Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
14. **Plat or Covenant Restrictions** –
15. **Traffic** – Traffic will be evaluated during the CUP and/or Building Permit process.
16. **Nonconforming situations** – There are no nonconforming situations present on either lot.

Building Division

17. **Building** – No comments at this point. Building will comment during the CUP and/or Building Permit process.
18. **Outstanding Permits** - None

General Engineering/Public Works

19. **Engineering** – No comments at this point. General Engineering will comment during the CUP and/or Building Permit process.
20. **Drainage** – A drainage plan will be required during the Building Permit process.
21. **Utilities** – Public water and sewer utilities will be required. A full utility construction plan will be required during the Building Permit and/or Subdivision process.

Fire Marshal

22. **Fire Items/Access** –No comments at this point. Fire will comment during the CUP and/or Building Permit Process.

Other Applicable Agency Review

23. N/A

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit application (required for both a Rezone and Lot line adjustment)
2. Rezone application (Only accepted in January and July)
3. Subdivision application (Accepted any time)

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. A preliminary plat for the lot line adjustment and closure report
3. Preliminary Plat Checklist

Exceptions to Submittal Requirements

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. N/A

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Lot line adjustment fee - $160.00
2. Rezone Application fee - $$600.00 + $50.00 public notice sign fee and $100.00 sign deposit (refundable after the public hearing)

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your Completed Application

You must submit your application(s) in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

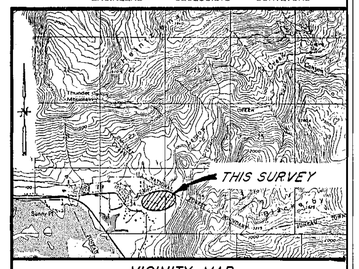
Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd

Attachments:
49.75 Article I. REZONINGS

1993---017 00448

R&M

R. & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS



VICINITY MAP

SOURCE: U.S.G.S. QUADRANGLE JUNEAU (B-2), ALASKA
SCALE: 1" = 1 MILE

DATE: 1962 REV.: 1974

CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL STREETS, ALLEY'S, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC AND PRIVATE USE AS NOTED.

DATE June 24, 1993

WITNESS _____ OWNER Phil S. Hoekzema
By: Hew J. Morketter

WITNESS _____ OWNER AT ATTORNEY in FACT

NOTARY'S ACKNOWLEDGEMENT

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

THIS IS TO CERTIFY THAT ON THIS 24 DAY OF June, 1993 BEFORE THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, APPEARED Karin Anderson TO ME KNOWN AND KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

_____
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: 7.19.94

STATE OF ALASKA
OFFICIAL SEAL
Malcolm A. Menzies
NOTARY PUBLIC
My Commission Expires July 19, 1994

WASTEWATER DISPOSAL

THIS SUBDIVISION HAS BEEN APPROVED BY ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR WASTEWATER DISCHARGES TO APPROVED COLLECTOR SEWER SYSTEMS ONLY. OTHER MEANS OF WASTEWATER DISPOSAL ARE PROHIBITED WITHOUT PRIOR APPROVAL FROM THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SUBJECT TO NOTED RESTRICTIONS, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATTING. THIS APPROVAL IS BASED ON CRITERIA FOR SINGLE - FAMILY RESIDENTIAL DEVELOPMENT. NOTE RESTRICTIONS CONCERNING WASTEWATER DISPOSAL.

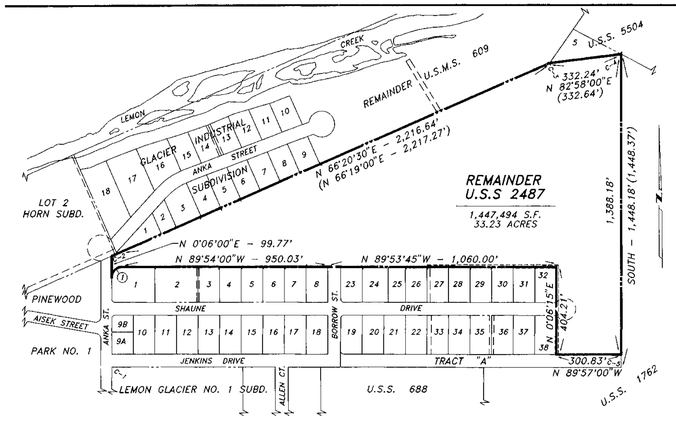
_____ 6-23-93
NAME AND TITLE OF ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION APPROVING OFFICIAL — DATE

PLANNING COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. FP-93-13 DATED May 25, 1993, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.
DATED: June 30, 1993.

Barbara J. Sheehy
CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

ATTEST:
Nicole J. Bolton
CLERK CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION



REMAINDER U.S.S 2487
1,447,494 S.F.
33.23 ACRES

ORIGINAL REMAINDER U.S.S. NO. 2487
SCALE: 1" = 300'
0' 100' 500' 1,000'

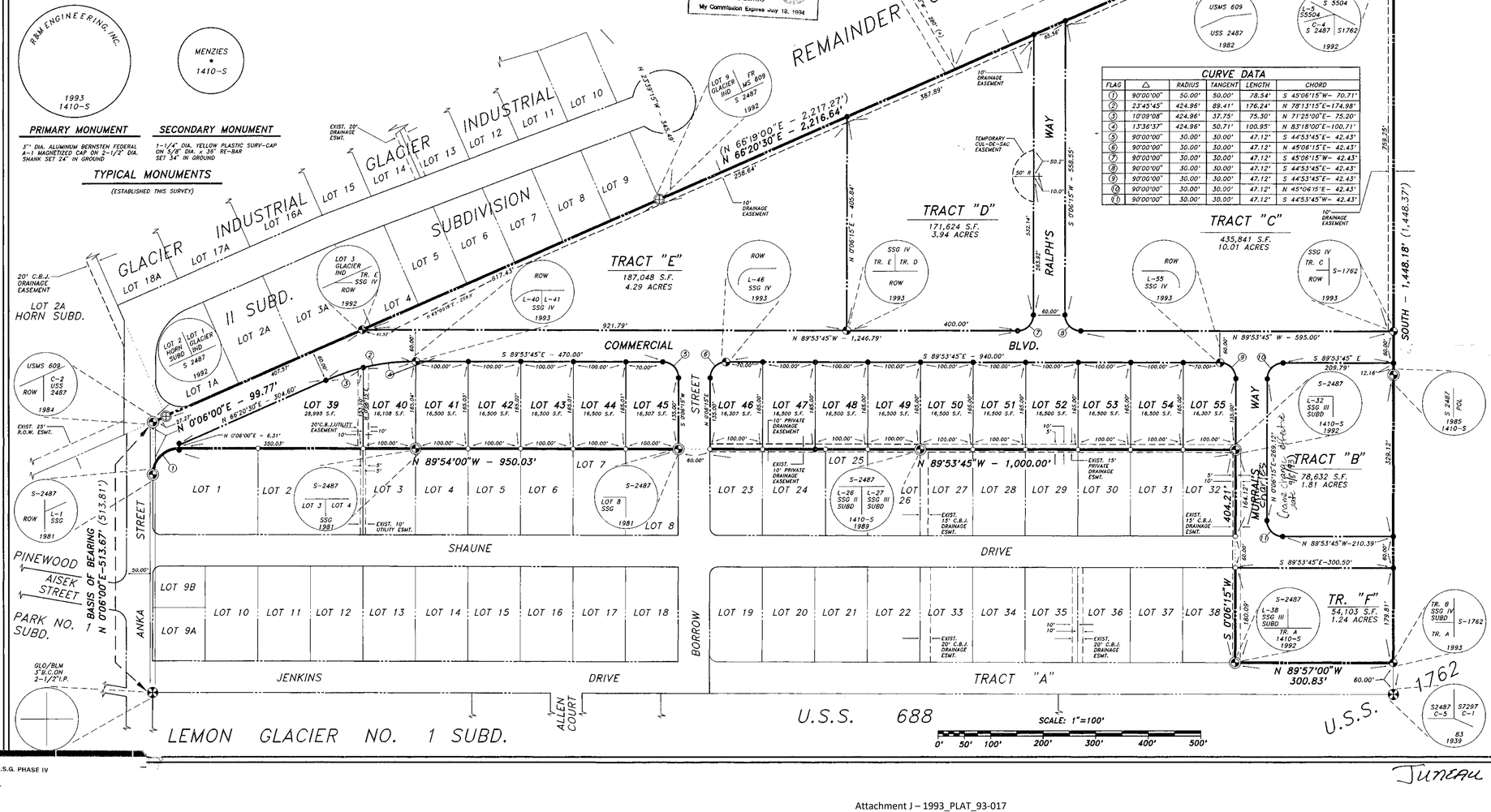
R&M ENGINEERING, INC. 1993 1410-S

MENZIES 1410-S

PRIMARY MONUMENT
5" DIA. ALUMINUM BERNSTEN FEDERAL A-1 MAGNETIZED CAP ON 2-1/2" DIA. SHANK SET 24" IN GROUND

SECONDARY MONUMENT
1-1/4" DIA. YELLOW PLASTIC SURV-CAP ON 5/8" DIA. x 36" RE-BAR SET 24" IN GROUND

TYPICAL MONUMENTS
(ESTABLISHED THIS SURVEY)



CURVE DATA

FLAG	Δ	RADIUS	TANGENT	LENGTH	CHORD
1	90°00'00"	50.00'	50.00'	78.54'	S 45°06'15"W- 70.71'
2	23°45'45"	424.96'	89.41'	176.24'	N 78°13'15"E-174.98'
3	10°09'08"	424.96'	37.75'	75.30'	N 71°25'00"E- 75.20'
4	13°36'37"	424.96'	50.71'	100.95'	N 83°18'00"E-100.71'
5	90°00'00"	30.00'	30.00'	47.12'	S 44°53'45"E- 42.43'
6	90°00'00"	30.00'	30.00'	47.12'	N 45°06'15"E- 42.43'
7	90°00'00"	30.00'	30.00'	47.12'	S 45°06'15"W- 42.43'
8	90°00'00"	30.00'	30.00'	47.12'	S 44°53'45"E- 42.43'
9	90°00'00"	30.00'	30.00'	47.12'	S 44°53'45"E- 42.43'
10	90°00'00"	30.00'	30.00'	47.12'	N 45°06'15"E- 42.43'
11	90°00'00"	30.00'	30.00'	47.12'	S 44°53'45"W- 42.43'

SYMBOLS

- 1410-S PRIMARY MONUMENT ESTABLISHED
- 1410-S SECONDARY MONUMENT ESTABLISHED
- G.L.O./B.L.M. BRASS CAP MON. (RECOVERED)
- PRIMARY MONUMENT BY OTHERS (RECOVERED)
- 1410-S PRIMARY MONUMENT (RECOVERED)
- 1410-S SECONDARY MONUMENT (RECOVERED)
- BOUNDARY /PROPERTY LINE
- BOUNDARY/PROPERTY LINE VACATED THIS PLAT

GENERAL NOTES

1. THE BASIS OF BEARING UTILIZED TO CONDUCT THIS SURVEY WAS THE LINE OF SIGHT BETWEEN RECOVERED CORNER NO. 1 AND 2, U.S. SURVEY NO. 2487, HAVING A RECORD BEARING OF N 0°06'00"E.
2. WHERE MEASURED OR COMPUTED SURVEY COURSES (BEARING AND / OR DISTANCES) BY THIS SURVEY DIFFER FROM RECORDED BEARING AND / OR DISTANCES. THE MEASURED OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESES, WHILE THE RECORD COURSE IS SHOWN WITHIN PARENTHESES, THUSLY; N 0°06'00"E-513.67' (513.81').
3. ALL BEARINGS HAVE BEEN ROUNDED TO THE NEAREST 0°00'15" OF ARC.
4. ADJACENT PROPERTY LINES DEPICTED HEREON, REFLECT THE CONCURRENT PLATTING OF GLACIER INDUSTRIAL II SUBDIVISION AND THE RE-PLAT OF LOT 2A, HORN SUBDIVISION.

93-17

JUNEAU REC. DIST 30.00
DATE 7/2 1993
TIME 10:07 A.M.
Requested By SSB
Address 155 South Seward St.
Juneau AK 99801

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

STATE OF ALASKA
MALCOLM A. MENZIES
LS 1410
REGISTERED PROFESSIONAL LAND SURVEYOR

JUNEAU RECORDING DISTRICT
A PLAT DENOTING

S.S.G. SUBDIVISION PHASE IV

WITHIN THE UN-SUBDIVIDED REMAINDER OF U.S. SURVEY NO. 2487

CITY & BOROUGH OF JUNEAU _____, _____ ALASKA

CLIENT:
RED SAMM CONST.
P.O. BOX 3097
BELLEVUE, WA. 98009
DATE: DEC., 1992

SURVEYOR:
R&M ENGINEERING, INC.
P.O. BOX 34278
JUNEAU, ALASKA 99803
R&M PROJ. NO. 921799

SHEET 1 OF 1

S.S.G. PHASE IV

Juneau 93-17

City & Borough of Juneau
Alaska's Capital City

BUILDING PERMIT

Permit No.
BLD2009-00504
Proj # BLD2009-00504

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspection, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any of said ordinances.

The granting of this permit does not authorize the violation of any federal, state or local law regulating construction for the violation of the terms of any deed or covenent or any zoning or other regulation.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress and before final inspection.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within one year or if work or construction is suspended or abandoned for a period of one year at any time after work has commenced.

Note: City Ordinances REQUIRE a Final Inspection be approved for every Building Permit.

Inspections

Inspections can be arranged by telephoning **586-1703** or by written or faxed notification.
The Online Building Inspection Request Form is at: **www.juneau.org/permits/inspect_request.php.**
Work shall not proceed until the inspector has approved the various stages of construction. An approved Final Inspection is required.
Call before 7:30 AM for same day inspections.
Please provide the following information: 1 Permit Number, 2 Address, 3 Type of Inspection, 4 Date and Time and 5 Contact Name and Phone Number.

Job Address: **5220 COMMERCIAL BLVD** — Issued Date: **8/14/2009**
Permit Number: **BLD2009-00504** **THRHA GRADING** — Parcel No: **5B1201030030**
Project Description: Removal of 4500 cy and 600 cy of fill brought on site. Partial grading within Shaune Drive and Jenkins Drive undeveloped right of way.

Parcel Identification: SSG IV TR B

Setbacks: Zone.
Front: Side 1:
Rear: Side 2.
Comments: Grading only, no buildings or structures proposed at this time. Unmapped wetlands have been delineated - see COE permit in file # POA -2006-2030-D, AUP required for actual project.

Owner: TLINGIT HAIDA REGIONAL HOUSING
Address:
City: JUNEAU, AK 99803

Applicant: TLINGIT HAIDA REGIONAL HOUSING AUTH
Address:
City: JUNEAU, AK 99803

Fee Type	Date	Receipt	Amount Paid
1 Grading Plan Review	8/10/2009	28145	49.25
1 Grading Permit Fee	8/10/2009	28145	124.50
		Total Fees Paid:	173.75

Valuation for Permit Fee Calculations:
Total Valuation:

Project Conditions and Holds:
1 Will require a maintenance agreement for final approval.

Inspections Required: Call for inspection before covering or concealing any of the work described below. Inspections may be combined.
200 Insp - Grading Final

Staff Review Sheet

Planner BSF

Permit Intake Initials: AP

FIRE ZONE ENG WAT SEW ARCH STRUC PLUM MECH ELEC ACCESS SPEC/INSP

8/10/2009

Project Name: **THRHA GRADING** Case No: **BLD2009-00504**

Site Address: 5220 COMMERCIAL BLVD Parcel No: 5B1201030030

Desc: Removal of 4500 cy and 600 cy of fill brought on site. Partial grading within Shaune Drive and Jenkins Drive undeveloped right of way.

Residential MIS GR

FCC Code: _____

Type of Construction: _____

Sprinkler Substitute for Type A Construction: YES NO

Sprinkler System: FULL PARTIAL NONE Required: YES NO

Alarm System: FULL PARTIAL NONE Required: YES NO

Code Edition: _____ Code Review by: _____ Date: _____

New Dwelling Units: _____

Existing Dwelling Units: _____

Occupancy Class: _____

Fees Assessed at Application:

Fee Type	Amount
1 Grading Plan Review	49.25
1 Grading Permit Fee	124.50
Total Fees:	173.75

Valuation at Application:

S.F.	Type	Rate	Amount
--	VALUE	--	

Total Valuation: _____

Fees Paid at Application:

DatePaid	Receipt	Check	Paid
8/10/2009	28145	V02598D	173.75
1 Grading Plan Review			49.25
1 Grading Permit Fee			124.50
Total Fees Paid:			173.75

LAND USE

ZONE/UNITS I I

WETLAND ~~ND Unknown~~

FLOOD ELEV C

FIRM ZONE C

FIRM MAP 88513

LOT SIZE 78,632 SF

1.8 ACRES

SETBACKS

Front 10

Rear 10

Side ~~10~~ 0

Other 10

PARKING

ANADROMOUS

EAGLES NEST

ENGINEERING/PUB WORKS

CITY WATER Units: _____

Case No: _____

Service Size: _____

Fire Line Size: _____

Metered: _____

Extended Pmt #: _____

CITY SEWER Units: _____

Case No: _____

Bond Case No: _____

Other Case No: _____

ADEC Sewer No: _____

PLAN REVIEW APPROVALS

	Initials	Date
__ Fire		
X Zoning	BSF	8/13/09
X Engineering	PDK	8/14/09
__ Water		
__ Sewer		
__ Architectural		
__ Structural		
__ Plumbing		
__ Mechanical		
__ Electrical		
__ Access		
__ Spcl Insp Form		

PERMIT ISSUANCE FEES

__ Grading Plan Review Fee $_____

__ Adjusted Plan Review Fee $_____

__ Fast Track Fee $_____

__ Early Start Fee $_____

__ Building Permit Fee $_____

__ Water Assessment Fee $_____

__ Sewer Assessment Fee $_____

__ Sewer Inspection Fee $_____

__ Grading Permit Fee $_____

__ Driveway Permit Fee $_____

__ Bond for _____ $_____

__ Other _____ $_____

Total Issuance Fees $_____

LAND USE PERMITS

WATER CONNECTION PERMITS

I hereby acknowledge receipt of a _____ inch meter yoke.

X _____

Date _____

APPROVED FOR ISSUANCE

Signature

8/14/09

Date

PERMIT ISSUANCE PAYMENTS

Date	Receipt	Check	Amount
			$
			$
			$

PARCEL TAGS:

CONDITIONS AND HOLDS ON PERMIT: (Continued on back of sheet)

Will require a maintenance agreement ~~as~~ for final approval

TYPES OF INSPECTIONS

The inspections indicated below are normally required for each permit type. (Staff marks applicable items)

BU (Commercial Buildings)
BI (Com. Building Safety Inspection)
C100 Setback
C110 Excavation/Footing
C120 Forms & Rebar
C130 Steel/Masonry
C140 Framing
C145 Special Inspection
C150 Insulation/Drywall
C160 Rated Walls & Assemblies
C170 Smoke Detect. & Alarm Systems
C175 Carbon Monoxide
C180 Underground Utilities
C190 Water Piping Test
C210 DWV Piping Test
C215 Hydronic System
C220 Plumbing Fixtures Final
C250 Cross Connection Control
C255 Meter Yoke with Meter
C265 Oil & Gas Piping/Tanks
C285 Specialty Piping.
C300 Appliance/Chimney
C301 Combustion Air
C400 Ventilation/Plenums & Ducts
C410 Fire Dampers/Sprinklers
C420 Commercial Hoods
C430 Temporary Power
C440 Service/Panel
C450 Conduit & Raceway Systems
C470 Grading/Drainage
C600 Zoning Final
C800 Commercial Fire Final
C800 Commercial Final

FS (Fire Sprinkler)
FA (Fire Alarm)
L100 Pressure Test
L110 Underground Flush
L120 Proper Bracing
L130 Return Bends
L140 Head Placement
L150 FDC Location
L160 Alarm Panel/Transmitter
L170 Alarm Zones
L180 Battery/Backup
L190 Phone Connection
L200 Reset Procedures
L210 System Test
L220 Detectors Spare
L500 Fire Final

SF (Single Family - 4 Units)
BI (Res. Building Safety Inspection)
D100 Setbacks
D110 Excavation/Footing
D115 Stem Walls/Forms/Rebar
D120 Temporary Power
D140 Rough Framing
D145 Special Inspection
D150 Rough Electrical
D160 Rough Plumbing
D170 Underslab Utilities
D180 Vents (Bath, Dryer, Kitchen, etc.)
D190 Firewall Separation
D210 Yellow Tag Electrical
D220 Appliance/Chimney
D230 Smoke and CO Detection
D240 Insulation
D250 Cross Connection Control
D255 Meter Yoke
D256 Meter Yoke w/ Meter
D257 Oil & Gas Piping/Tanks
D260 Grading/Drainage
D266 ADEC On-Site Sewer Final
D270 Repair/Rehab Exemption
D280 Res Zoning Final
D850 Residential Fire Final
D800 Residential Final

MS (Install Mobile Home)
I100 Setbacks
I110 Foundation
I120 Electrical Hookup
I130 Plumbing Hookup
I140 Porches & Stairs
I150 Skirting
I500 Mobile Home Final

EC (Electrical)
F100 Temporary Power
F110 Building Service
F120 Conduit & Raceway Systems
F160 Bonding
F170 Grounding
F180 Devices & Equipment
F190 Smoke and CO Detection
F195 Repair/Rehab Exemption
F500 Electrical Final

PB (Plumbing)
J100 Underground Utilities
J110 Water Piping
J120 DWV Piping
J130 Hydronic System
J135 Combustion Air
J140 Water Heater
J160 Water Service
J165 Specialty Piping
J170 Oil & Gas Piping
J180 Cross Connection Control
J200 Smoke and CO Detection
J500 Plumbing Final

MC (Mechanical)
H110 Plenums & Ducts
H120 Furnace/Boiler
H130 Inlets & Outlets
H140 Combustion Air
H150 Compressor
H160 Appliance/Chimney
H165 Specialty Piping
H170 Smoke and CO Detection
H190 Commercial Hood
H195 Repair/Rehab Exemption
H500 Mechanical Final

WS (Wood Stove)
K100 Approved Model
K110 Stove Clearances
K120 Chimney Clearances
K130 Hearth
K150 Smoke and CO Detection
K200 Woodstove Final

DM (Demolition)
E100 Sewer/Water Capped
E110 Debri Filled
E120 Excavation Filled
E130 Electric Safed Off
E500 Demolition Final

DW (Driveway)
N160 Location
N200 Grade
N210 Width
N330 Headwalls
N350 Culvert
N400 Curb Cut
N410 Curb Box/Thaw Wire
N420 Bond Return Request
N800 Driveway Final

WC (Water Connection)
WE (Water Extended)
WI (Water Inspection)
FC (Fire Connection)
D100 Water Meter/Yoke
D105 Water Meter Required
D110 Size of Water Service
D120 Depth (Water) Depth
D130 Cross Connection Control
D140 Pressure Test
D145 Access to Curb Stop Valve
D147 Thaw Wire
D150 Thaw Waiver
D155 ROW Restoration
D500 Turn Water OFF
D510 Seasonal Water Turn Off
D550 Hold
D600 Turn Water ON
D610 Seasonal Water Turn On
Z080 Billing Authorization - Water
D800 Water Final

SC (Sewer Connection)
SI (Sewer Inspection)
C100 Depth
C110 Soil
C120 Material
C125 Grade
C130 Cleanouts

C140 Sewer Connection
C150 Sewer Disconnect
Z070 Billing Authorization - Sewer
C500 Sewer Final

GR (Grading)
G100 Retaing Walls, etc
G120 Drainage
G130 Slopes
G140 Compaction
G150 Material
G200 Grading Final

OW (OWTDS)
H100 ADEC On-Site Sewer Final
H110 Asbuilt Survey Required
H120 OWTDS Inspection
H130 Installation of Insulation
H140 Installation of Access and Por

ADDITIONAL CONDITIONS AND HOLDS (STAFF)

City & Borough of Juneau
Alaska's Capital City

Application Date: **August 10, 2009**

BUILDING PERMIT APPLICATION

NOTE: THIS IS NOT A BUILDING PERMIT

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspections, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Project Name: **THRHA GRADING**

Case No: **BLD2009-00504**
Project No. BLD2009-00504

Case Description: Removal of 4500 cy and 600 cy of fill brought on site. Partial grading within Shaune Drive and Jenkins Drive undeveloped right of way.

Site Address: **5220 COMMERCIAL BLVD**

Check No. of Existing Dwelling Units: ☐

Parcel No: 5B1201030030

No. of New Dwelling Units: ☐

Legal Description: SSG IV TR B

Applicant: **TLINGIT HAIDA REGIONAL HOUSING A**
Address: PO BOX 032237
City: JUNEAU, AK 99803

Keith Bell
PH1 780-3113 Keith Bell
FAX 780-6253
CEL 723-9220

Owner: **TLINGIT HAIDA REGIONAL HOUSING**
Address: PO BOX 032237
City: JUNEAU, AK 99803
PH1 20050318

Contractor: **SOURCE LLC**
Address: PO BOX 020834
City: JUNEAU, AK 99802
License No: AA-26576

Valuation for Permit Fee Calculations:

Description	S.F	Type	Amount

Total Valuation:

Permit Fees Paid at Application:

Fee Type	Date Paid	Receipt	Check or Credit #	Amount Paid
1 Grading Plan Review	8/10/2009	28145	V02598D	49.25
1 Grading Permit Fee	8/10/2009	28145	V02598D	124.50
			Total Fees Paid:	173.75

Associated Cases:

None.

Parcel Tags:

Notes and Conditions:

Applicant's Signature
(Owner, Contractor or Authorized Agent)

9-10-09
Date

Staff Acceptance

I hereby certify that I have read and examined this application and know the same to be true and correct. I further certify that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.

JUNEAU PERMIT CENTER - 230 S. Franklin Street - 4th Floor, Marine View Center - Mail: 155 S. Seward Street, Juneau, AK 99801
Phone: 586-0770 - FAX: 586-3365 - Inspection Requests: 586-1703 - Email: permits@ci.juneau.ak.us
Web Page: HTTP://WWW.JUNEAU.ORG/PERMITS

City & Borough of Juneau
Alaska's Capital City

4. GRADING PERMIT CHECKLIST

JUNEAU PERMIT CENTER, 4TH FLOOR MARINE VIEW CENTER, (907) 586-5230

All grading must conform with Chapter 18 and Appendix Chapter 33 of the 1997 Uniform Building Code.

Section I: **Case Number:** _____

Applicant's Name TLINGIT HAIDA REGIONAL HOUSING AUTHORITY
Mailing Address P.O. BOX 32237 JUNEAU ALASKA 99803
Phone Number CRAIG MOORE - 780 - 3130
Project Address CHARLES WAY
Project Parcel Number TRACT B SSG III SUBDIVISION

Section II:

GRADING PLAN REQUIREMENTS

Grading permit applications must be accompanied by a drawing which graphically shows the grading site and the proposed grading changes. The plan shall show the following features:

- ☑ A. Name, address and phone number of applicant
- ☑ B. Lot number, legal description, and street address of grading site
- ☑ C. Lot boundary lines
- ☑ D. Buildings (existing and proposed)
- ☑ E. All easements affecting lot
- ☑ F. Location of driveway, including width and size of culvert
- ☑ G. Streams, ditches, swales and all other drainage features including locations where drainage leaves the grading site. (PLAN SHALL SHOW ALL DRAINAGE FLOWING INTO AN APPROVED DRAINAGE WAY)
- ☑ H. Location of underground utilities (water, sewer, phone, power, tv)
- ☑ I. Limits of all proposed cuts and fills
- ☑ J. Elevations and dimensions of proposed grading and buildings
- ☑ K. All structures within 15 feet of the boundaries of the site
- ☑ L. Survey of existing terrain shown with, elevations, cross sections or contours

RECEIVED
AUG 10 2009
PERMIT CENTER

The Building Official may require a more detailed plan and/or survey by licensed professionals for grading on sites with steep slopes, large excavations or fills (greater than 5,000 cubic yards), or for structural fills.

Section III:

Will excavation ☑ YES ☐ NO

How many cubic yards? APPX 4500 Cubic Yards

What type of material will be excavated? LOAMY PEAT SOIL

Will excavated material be removed from the site? ☑ YES ☐ NO

How many cubic yards of material will be removed? 4500 Cubic Yards

What is the location of the disposal site? STOCKPILED AT CONCRETE WAY

Has a permit been obtained for the disposal site? N/A ☐ YES ☒ NO

Will fill be brought on to site? ☒ YES ☐ NO

How many cubic yards? 600 Cubic Yards

What type of material? PITRUN MATERIAL ONSITE - ROBIN ROCK IMPORTED

From where will the material be obtained? HIDDEN VALLEY

Will stumps need to be removed? ☒ YES ☐ NO

Describe method of disposal: HAUL TO BOROUGH SAS DISPOSAL SITE

Will erosion protection be required? ☒ YES ☐ NO

Describe method: SLOPED BANKS REVEGETATED W/SEED MIX MATERIAL

Will a retaining wall be required to hold the cut or fill? ☐ YES ☒ NO

(Note: Walls four feet or greater in height must be designed by a professional engineer licensed in the State of Alaska.)

RECEIVED
AUG 10 2009
PERMIT CENTER

Section III:

Has a grading plan been stapled to this checklist? (Note: See Grading Plan Requirements on the back of this page.)	YES ✓	NO
If a driveway is to be constructed to a State of Alaska Department of Transportation right-of-way, attach a copy of the ADOT driveway permit. (Note: Glacier Highway, Mendenhall Loop Road, and other major arterial roads in the CBJ are ADOT rights-of-way.) Are ADOT permits required and attached to this checklist?	YES	NO ✓
If grading project will require a well or on-site sanitary sewer disposal, permits from the State of Alaska Department of Environmental Conservation are required. Are ADEC permits required and attached to this checklist?	YES	NO ✓
CBJ Land Use Code may require a Conditional Use Permit be issued by the Planning Commission for Sand and Gravel Extraction. Please respond to the following questions in order to determine if the extraction is exempt from a planning permit.		
Is the extraction a necessary incident to work authorized under a valid building permit for a proposed permitted use?	YES	NO ✓
Has a building permit been issued for the proposed permitted use?	YES	NO ✓
Is the extraction a necessary incident to improvements which are part of an approved subdivision plat?	YES	NO ✓
If associated with subdivision improvement, will the material excavated remain entirely on the property or original tract or parcel subdivided?	YES	NO ✓
Is the extraction less than two feet in depth and not creating a slope greater than five feet in height or steeper than one and one-half horizontal to one vertical?	YES	NO ✓
Does the extraction involve the removal of less than two hundred cubic yards from the lot?	YES	NO ✓
Is the extraction a necessary incident to the location or placement of work located primarily in the public way which is exempt from the building code?	YES	NO ✓
Is the extraction for cemetery graves, excavations for wells or tunnels, utilities or exploratory excavation totaling less than two hundred cubic yards?	YES	NO ✓

A NO answer to one or more of the questions A through H above may indicate that a Conditional Use Permit is required.

RECEIVED
AUG 10 2009
PERMIT CENTER

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to assign name)		

PROJECT / APPLICANT INFORMATION

Project Description DEVELOPMENT OF SITE AND ASSOCIATED OFF-SITE DRAINAGE IMPROVEMENTS TO FACILITATE CONSTRUCTION OF AN OFFICE / WAREHOUSE COMPLEX

PROPERTY LOCATION

Street Address		City / Zip
CHARLES WAY		JUNEAU 99801
Subdivision (if known)	**Survey (if known)**	**Block / Tract (if known)** / **Lot (if known)**
	SSG IV	MAP 5
Assessor's Parcel Number (if known)		

LANDOWNER /LESSEE

Property Owner's Name	Contact by E-Mail:	Contact Person	Work Phone No.
THRHA	CMOORE@thrha.org	CRAIG MOORE	780-3130
Mailing Address		**Home Phone No.**	**FAX No.**
PO BOX 32237 - JUNEAU AK 99803			

LANDOWNER/LESSEE CONSENT

(Required for Planning permits not needed on Building/Engineer permits)

I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

Landowner/Lessee Signature _____ Date _____

Landowner/Lessee Signature _____ Date _____

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.

INITIAL ALL THAT MAY APPLY

APPLICATION TYPE	OWNER'S INITIALS
ALLOWABLE USE	
CONDITIONAL USE	
VARIANCE	
DESIGN REVIEW	
SUBDIVISION	
OTHER BH	

APPLICANT

(If same as OWNER, write "SAME" and sign and date at X below)

Applicant's Name	Contact by E-Mail:	Contact Person	Work Phone No.
DAVE HANNA	hannace@gci.net		
Mailing Address		**Home Phone No.**	**FAX No.**
PO BOX 20834 JUNEAU AK 99802			

X _____ Applicant's Signature

X 8-4-09 Date of Application

STAFF APPROVALS

(OFFICE USE ONLY BELOW THIS LINE)

CK	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	CK	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	ALLOWABLE USE APPROVAL					WATER PERMIT		
	CONDITIONAL USE APPROVAL					SEWER PERMIT		
	VARIANCE					GRADING PERMIT		
	DESIGN REVIEW APPROVAL — MINOR / MAJOR					DRIVEWAY PERMIT		
	SUBDIVISION — MINOR / MAJOR / PUD					RIGHT-OF-WAY PERMIT		
	STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
	SIGN APPROVAL — LOCATED IN HISTORIC DISTRICT? ☐ YES ☐ NO					OTHER - (Describe)		
	BUILDING PERMIT					Permit Intake Initials _____		

Zone	Total Lot Area	Required Setbacks
		Front ___ Back ___ Side ___ Other ___

COMMENTS:

RECE
AUG 1 0 20
PERMIT C

[I:\FORMS\DOFORMS\PERMFORM.XLS REV. 2/18/99]

NOTE: **DEVELOPMENT PERMIT APPLICATION** *FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS*

U.S. Army Corps of Engineers, Alaska District
PRECONSTRUCTION NOTIFICATION FORM

May be used instead of Form ENG 4345 to request authorization under a Nationwide Permit (NWP)

Applicant: Tlingit Haida Regional Housing Authority	Phone: 907-780-3130
Address: PO Box 32237	Fax:
City, State, Zip: Juneau Alaska 99803	Cell/Direct Line:723-7421
Point of Contact: Craig Moore	e-mail:

Agent: Dave Hanna	Phone: 907-789-1902
Address: PO Box 20834	Fax: 907-790-4901
City, State, Zip:Juneau Alaska 99802	Cell/Direct Line: 723-1902
Point of Contact:	e-mail: hannaco@gci.net

Location of the Proposed Project Site:

Nearest Waterway: Vanderbilt Creek	
Section, Township, Range, and Meridian: Sec 35, T 40 S, R. 66E, Copper River Meridian	
Latitude and Longitude (Decimal Degrees, NAD-83): Latitude 58.358 degrees N, Longitude 134.480 degrees W	
Nearest City: Juneau	Subdivision: Tract B, SSG IV Subdivision
Borough: City Borough of Juneau	USGS Quad(s):
Driving Directions to Site: Take Glacier Highway to Anka intersection, turn up Anka and turn right on Shaune Dr, proceed to Charles Way. Property lies between Commercial Drive and Shaune Drive ROW	

Project Description:

To ensure your project meets the requirements for a NWP, read all of the NWP General Conditions and Regional Conditions, which can be found on our website at http://www.poa.usace.army.mil/reg/NWPs.htm.

Description of the proposed project, including the area of impacts and the volume of fill material to be used (If there is a NWP that you think would apply to your proposed project, please include that in this section):

Project involves the excavation and backfill of wetlands to facilitate the construction of building, parking and drainage improvements for a new THRHA office and warehouse complex. Approximately 18000 Sq.Ft. of wetlands fill will be for building pad and parking areas. Approximately 8500 Sq. Ft. of wetlands fill will be for drainage improvements that also serve as on site mitigation. Approximately 4300 Cu. Yds. Of NFS gravel fill will be used for pads and parking areas. Approximately 600 Cu. Yds. Of drain rock will be used for approximately 650 lineal feet of drainage improvements. Approximately 600 Cu. Yds. Of impervious soil will be used for slope of drainage improvements. Part of the site is an already developed ¾ acre uplands site that will serve as a staging area for the work. All excavated material will be loaded directly into trucks and removed to an approved uplands storage and disposal area.

See attached project letter for additional details.
We feel that the re-issuance of our Nationwide 39 permit is the most appropriate method to permit this project.

Project purpose: Project will facilitate the construction of a new complex large enough to allow the much needed consolidation of all the activities of THRHA. (see attached letter from Craig Moore)

Describe any direct and/or indirect adverse environmental effects that may result from the proposed project:
While filling of wetlands will occur as a direct environmental effect we feel that the completed storm water improvements will actually be an overall improvement to the health of Vanderbilt Creek. Please see attached project letter for more details

RECEIVED
AUG 10 2009
PERMIT

Do you intend to use any other authorizations for any part of the proposed project or any related activity, for example, a NWP, General Permit (GP), or Individual Permit (IP)?

YES or NO X

If YES, specify what permit type (NWP, GP, IP) and for what aspect of the project:

Will your proposed project result in the loss of greater than 1/10 of an acre of wetlands?

YES X or NO

If YES, describe how you will satisfy the mitigation requirement in Nationwide Permit General Condition 20 (attached). If additional space is needed, please attach sheets.

See attached project description

Are there any threatened or endangered species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work? Contact USFWS or NMFS...

YES or NO X

If YES, list all species:

Are there any historic properties that may be affected by the proposed work? Contact SHPO...

YES or NO X

If YES, state which property or properties may be affected and/or attach a vicinity map indicating the location of the historic property or properties.

Will the proposed work involve ground disturbing activities?

YES X or NO

If YES, attach a short narrative describing the topsoil or organic materials (including seed) that you intend to use for rehabilitation. If you intend to use other locally-obtained native materials, identify the source.

Attach the following in addition to the above applicable items:

- Drawings of the site and project plans (For more information on acceptable drawings and plans, please visit our website at http://www.poa.usace.army.mil/reg/permitapp.htm and click on "Guide to Drawings")
- Delineation of special aquatic sites including wetlands, riffle and pool complexes, sanctuaries and refuges, mudflats, vegetated shallows, and/or coral reefs. You may request a delineation from the Corps. Please visit our website for the Request Jurisdictional Determination from the Corps Form at http://www.poa.usace.army.mil/reg/JD%20Request%20Form%20Web.pdf.
  Note: If you request a Corps delineation, you may be delayed in receiving authorization for your proposed project.

Application is hereby made for a permit or permits to authorize the work described in this preconstruction notification form. I certify the information in this preconstruction notification form is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT | DATE | SIGNATURE OF AGENT | DATE

6-18-09 | June 18, 2009

RECEIVED
AUG 10 2009
PERMIT CENTER

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.gov
www.juneau.org/community-development
155 Heritage Way • Juneau, AK 99801

Case name

Case Number:	PAC2024 0014
Applicant:	Charles Donart
Property Owner:	Geoffrey L Larson; Marcelle A Larson
Property Address:	5220 & 5200 Commercial Blvd
Parcel Code Number:	5B1201030030 & 5B1201360051
Legal Description:	SSG IV TR B & HDK LT 2A
Site Size:	78,632 square feet & 86,401 square feet
Zoning:	Industrial
Existing Land Use:	Vacant

Conference Date:	March 19, 2025
Report Issued:	April 17, 2025

DISCLAIMER: Pre-application conferences are conducted for the purpose of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application and are not a guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Charles Donart	Applicant	cdonart@gmail.com
Jolene Murphy	Planning	Jolene.murphy@juneau.gov
Theresa Ross	Fire	theresa.ross@juneau.gov
Bridget LaPenter	General Engineering	bridget.lapenter@juneau.gov

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.
The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

- This PAC is a part of the public record and can be viewed by the property owners upon request.
- General Recommendations:
  - Our department would not recommend rezone due to conflict with the Light Industrial Land Use Designation of the Comprehensive Plan
  - However, the planning commission may approve/deny rezone despite CDD's recommendation
  - I would recommend submitting input to Title 49 rewrite website asking why residential uses should be permitted in Industrial zones as a Rezone is not likely. Title 49 rewrites are estimated to be completed in 2027

Project Overview

Rezone request from Industrial (I) to Light Commercial (LC) for 2 parcels. Applicant seeks to combine the parcels then construct a multifamily development.

Updated Site Plan – Includes 8,000 SF Office Building



REZONE PROCESS

- Apply for the rezone by July 29, 2025, or wait until January 2026.
- Work with Community Development on organizing a public meeting. Community Development would present on the regulatory details, and CCTHITA would be able to present based on the vision for the area.
- Modify the proposal as warranted by public comments.
- Present the proposal to the Planning Commission. They will forward to the Assembly, and:

  - Recommend approval, OR
  - Recommend approval with conditions, OR
  - Recommend denial, OR
  - If they need more information, they will "continue."
- The Assembly will most likely consider the rezone:
  - At a subcommittee, probably Lands, Housing and Economic Development.
  - At a Committee of the Whole (work group), then
  - At a regular Assembly Meeting, the rezone will be voted on.

Previous PAC2021 0005 attempted to rezone from Industrial to General Commercial.

CBJ 49.75.120 Restrictions on Rezoning. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests, which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

In considering re-zoning requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.

The Assembly makes the ultimate decision on rezoning. A strict interpretation of the Comprehensive Plan would make rezone seem unlikely due to the definition of Light Industrial, which is how the property is mapped.

Per the 2013 Comprehensive Plan, both parcels are designated **Light Industrial** which is defined as:

> *Land to be developed for heavy commercial or light industrial uses such as small- to medium-scale food processing; printing and other business services; wholesale trade; research and development laboratories; light manufacturing processes; metal fabrication; warehousing, trucking; animal kennels; crematoria; indoor and outdoor storage; car, boat, and heavy equipment sales; and repair and maintenance activities. Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.*



Land Use Code definitions:

> ***Industrial****: The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.*
>
> ***Light Commercial****: The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.*

Planning Division

1. **Zoning** – Industrial
2. **Table of Permissible Uses** – Multifamily units are not permitted in Industrial zoning districts. A rezone to LC would permit a residential development up to 12 units without a USE permit. Development over 12 units would require planning commission approval. With lot consolidation, a development with up to 92 units would be permitted on the 3.07-acre lot.

   An office up to 10,500 square feet would not require a USE permit in LC.
3. **Setbacks** – Lot SSG IV TR B is bordered by three rights-of-way and therefore does not have to provide a rear yard setback. Setbacks will be front, street side and side.

	Industrial	Light Commercial
Front	10 feet	25 feet
Rear	10 feet	10 feet
Side	10 feet	10 feet
Side	10 feet	10 feet

4. **Height** –

	Industrial	Light Commercial
Permissible	None	45 feet
Accessory	None	35 feet

5. **Access –** Access for Lot SSG IV TR B can come from either Commercial Blvd. or Charles Way. Per applicant's proposal, development on Site A would be accessible from both streets.
6. **Parking & Circulation**– Parking requirements will be assessed during the Conditional Use Permit (CUP) and/or Building Permit process.
7. **Lot Coverage –** Both zoning restrictions have no lot coverage restrictions.
8. **Vegetative Coverage** – Vegetative coverage would increase with a rezone to LC.

   Industrial: 5%

   Light Commercial: 15%

1. **Lighting** – All on-site lighting must be of full cut-off design. Lighting plans must be submitted with CUP & Building Permit applications.
9. **Noise** – Noise impacts will be assessed during the Conditional Use Permit and/or Building Permit process
10. **Flood** –Flood Zone X Area of Minimal Flood Hazard (Panel 02110C1551E)
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – None mapped
12. **Wetlands** – No known wetlands
13. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
14. **Plat or Covenant Restrictions** – N/A
15. **Traffic** – Traffic impacts will be assessed during the Conditional Use Permit and/or Building Permit process.
16. **Nonconforming situations** – N/A

Building Division

17. **Building** – N/A

General Engineering/Public Works

18. **Engineering** – No concerns at this time

Fire Marshal

19. **Fire Items/Access** –No concerns at this time

Other Applicable Agency Review

20. N/A

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Two (2) Development Permit Applications (1 for Rezone signed by property owners , 1 for Lot Line Adjustment)
2. Rezone Application (Accepted in July or January)
3. Subdivision Application

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. A preliminary plat for the lot line adjustment and closure report

Exceptions to Submittal Requirements

Submittal requirements that staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. N/A

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Rezone Application Fee: $600 + $150 public notice sign fee ($100 of which is refundable upon return of the sign)
2. Lot line adjustment fee: $160 ($110 plus $25 for each lot changed)

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/community-development.

Submit your Completed Application

You may submit your application(s) online via email to permits@juneau.gov
OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street

Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Web: www.juneau.org/community-development

Attachments:
49.75 Article I - Rezonings
49.15.411 – Preliminary Plat Requirements

49.15.411 - Preliminary plat requirements.

(a) The preliminary plat shall be prepared by a professional land surveyor, registered in the State of Alaska.

(b) The preliminary plat shall be submitted on 22- by 34-inch sheets. The director of engineering and public works may approve alternate sheet sizes.

(c) The preliminary plat shall be drawn with black ink to a scale of one-inch to 100 feet or less, or other suitable scale approved by the director of engineering and public works.

(d) The preliminary plat shall be oriented with north toward the top of the sheet. A vicinity map shall be located in the upper right-hand corner of the sheet. The vicinity map shall be oriented in the same direction as the plat. A suitable north arrow shall be shown for the plat and vicinity map.

(e) All line work and lettering must be of professional quality, and all line widths and lettering sizes must be of such size that all information can be clearly shown without overlap or confusion.

(f) A preliminary plat shall contain the following information:

(1) An enclosed title block in the lower right-hand corner containing the following information:

(A) The proposed name of the subdivision;

(B) The legal description of the parcel to be subdivided including U.S. Survey, U.S. Mineral Survey, A.T.S. number or section, township, and range number, as applicable;

(C) "City and Borough of Juneau, Alaska";

(D) "State Recorder's Office at Juneau";

(E) The date the preliminary plat was prepared and revised;

(F) The horizontal scale;

(G) The name and address of the owner of record;

(H) The case number for the preliminary plat;

(I) The parcel numbers of the property; and

(J) The name, address, and telephone number of the surveyor preparing the preliminary plat.

(2) Lot, block, and street information:

(A) The area of each lot;

(B) The dimensions in feet and hundredths of a foot;

(C) An identifying number and letter for lots and blocks;

(D) Lots numbered consecutively, commencing with the number "1," with no omissions or duplications;

(E) If the remainder of an original parcel being subdivided is relatively large, it shall be designated as a "tract" with an identifying number;

(F) All parcels of land intended to be dedicated for public use or reserved for the use of all of the property owners in the proposed subdivision shall be shown as lots, and consecutively numbered. The purpose and any conditions or limitations on the use of the parcel shall be noted on the plat;

(G) Abutting properties shall be shown with dashed lines, numbers, and/or letters;

(H) For resubdivisions or public way vacations, the lines and legal description of the previous lots shall be shown with light dashed lines, numbers, and/or letters, or by a separate plat on the same sheet showing the previous lot lines;

(I) The minimum data shown for each curve shall be as follows:

(i) Length;

(ii) Central angle;

(iii) Radius; and

(iv) Bearing and distance of long chord.

(J) Setbacks shall be shown on all corner lots and any lots with multiple frontage. Setbacks shall be shown on typical lots.

(3) Boundary lines:

(A) All boundary lines of the subdivision with bearings and distances described;

(B) All retraced boundary lines shall show record and measured bearings and distances where they differ. Record dimension information shall be shown within parentheses and include a record source identification;

(C) The exterior boundary lines of the subdivision shall be a solid black opaque line that is of a width that distinguishes it from all other property lines shown on the plat; and

(D) If phasing is proposed, then the boundaries and number of each phase, sequential lot numbering, and a subdivision name consistent with previous phases shall be shown.

(4) Monumentation:

(A) The monuments used to establish the basis of bearing;

(B) Each monument found or set shall be identified on the plat by a symbol;

(C) A complete description of the monument, including type and all information printed on the cap. A typical drawing shall be shown for each type of monument cap set;

(D) A legend showing the symbols for all the types of monuments; and

(E) The identification, description location, elevation, and datum of the benchmark used to establish vertical control.

(5) Site access, circulation, and utilities:

(A)

The widths and names of existing rights-of-way within the subdivision and within 100 feet of the subdivision boundary;

(B) Proposed rights-of-way, including their widths and proposed names;

(C) The grades of existing and proposed streets within these rights-of-way;

(D) The width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary;

(E) The width, ownership, and use of all proposed easements;

(F) All proposed and existing easements shall have sufficient dimensions shown to determine their location on the ground;

(G) Existing trails or pathways within the subdivision and within 100 feet of the subdivision boundary, including the width of any associated rights-of-way or easements;

(H) Proposed trails or pathways and widths of their rights-of-way; and

(I) If the plat submitted covers only a part of the tract under the control of the applicant, a sketch plat of the prospective street system of the unplatted part shall be submitted.

(6) Topographic information:

(A) For slopes of less than five percent, show one-foot contour lines and include spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions;

(B) For slopes between five percent and ten percent, show two-foot contour lines;

(C) For slopes greater than ten percent, show five-foot contour lines;

(D) Every fifth elevation contour shall be distinctive and clearly labeled;

(E) Dashed lines shall represent existing contours;

(F) Mapping shall include any significant features which can materially affect the design of the subdivision, including, but not limited to, structures, fences, walls, and utility poles;

(G) If irregular slopes or special features are present, additional contour information may be required by the director of engineering and public works for planning or construction purposes. Additional required information may include projecting the topography of the site after grading has taken place, showing such items as:

(i) Pad elevations and drainage patterns for each lot;

(ii) Tops and toes of all manufactured slopes, including daylight lines; and

(iii) Existing and proposed retaining wall locations and heights.

(H) For subdivisions located in hillside areas with slopes greater than 18 percent, additional requirements apply in accordance with CBJ 49.70, article II.

(7) Sewer and water:

(A) Existing sewer and water mains within the tract with pipe sizes and grades; and

(B) A draft plan for proposed water and sewer lines showing the size, approximate slope, and connection points with elevations for the purpose of determining the feasibility of construction.

(g) Multisheet plats. When a plat requires more than one sheet, exclusive of a certificate sheet, an index sheet shall be included. When a plat requires more than three sheets, a cover sheet shall also be included, showing the subdivision title, a key map, and all certificates. Each additional sheet shall include the following data:

(1) North arrow;

(2) Legend;

(3) Surveyor's seal and signature;

(4) Title block;

(5) Sheet ___ of ___;

(6) Scale;

(7) All plat notes; and

(8) Vicinity map.

(h) The preliminary plat shall be submitted with the following required documents:

(1) A lot closure report; and

(2) Disclosure of all known environmental hazards and any proposed mitigation measures recommended in the applicable environmental document.

(i) Additional mapping or reports. If required by this title or by the director, the following additional mapping or reports shall be submitted with the preliminary plat:

(1) Any portion of a special flood hazard area, landslide or avalanche area, habitat area as defined by CBJ 49.70.310, or watersheds, either existing at the proposed subdivision site or shown on the overlay maps, adopted pursuant to this title, to exist at the proposed subdivision site, must be depicted on the preliminary plat;

(2) The boundaries of any wetland areas must be depicted on the preliminary plat. Boundaries must be determined by a person qualified to perform wetland delineations;

(3) Soils report. A soils report prepared by an engineer licensed by the State of Alaska shall be required if the proposed subdivision is located farther from the existing public sewer system than specified in CBJ 49.35, and the applicant chooses to provide on-lot waste disposal rather than to connect to the public system. A soils report shall include the following:

(A) Certification that the proposed lots are large enough and have soil of sufficient permeability to permit the construction of approved waste treatment systems for on-lot waste disposal;

(B) The location and size of drain fields for each lot;

(C) The locations and logs of test borings, percolation test results, and a hydrological evaluation of on-site sewage disposal;

(D) If the soils report indicates that the soils found on the site are not of sufficient permeability or the lots are not large enough to permit the construction of systems for on-lot waste disposal, the size of the proposed lots must be increased or alternate methods for waste disposal proposed; and

(E) The soils report shall describe the nature of the subsurface soils and any soil conditions that would affect the design of the proposed development. The soils report shall state whether the proposed subdivision plan is feasible and provide general solutions for all known geotechnical conditions or problems.

(4) Drainage report. A preliminary report specifying the method by which the applicant proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on adjacent areas. Unlike the drainage plan required by CBJ 49.35.510, the preliminary drainage report does not need to be prepared by a licensed engineer. The report must address the following:

(A) A calculation of the increase in stormwater runoff resulting from the proposed development as well as the runoff from all drainage areas associated with the site. Runoff calculations shall be based on a fully-developed subdivision and a 25-year storm event;

(B) How drainage from the proposed subdivision will join an established drainage channel or channels, unless the director of engineering and public works approves use of an alternative drainage way;

(C) An evaluation of existing drainage ways and structures located between the subdivision and the receiving water body, and verification that the existing drainage ways can accommodate the increased runoff. If the increased runoff cannot be handled, the plan must propose solutions to the problem; and

(D) All required improvements, on or off site, that are shown on the construction plans in accordance with CBJ 49.35, article V, and that will be constructed as part of the subdivision.

(5) Water.

(A) For subdivisions of five or more lots, including major subdivisions, the following shall be included, where applicable, in accordance with CBJ 49.15.412:

(i) If a proposed subdivision is located at greater distance from the existing public water system than specified in CBJ 49.35, article III, and the applicant chooses not to connect to the public system, a statement that the applicant will provide a community water system or that individual wells will be used;

(ii) A report by a registered engineer or geologist that clearly supports the legal and physical availability of adequate water. Methods for proof of water availability and the standards for quantity are listed in CBJ 49.35, article III; and

(iii) A copy of the state application for a permit to appropriate water in the quantity required to meet the subdivisions demands.

(B) This section does not apply to remote subdivisions unless: the subdivider of the remote subdivision chooses to provide potable water, a public water system is available and the subdivision falls within the criteria outlined in CBJ 49.35.310(a), or the subdivision has four or fewer lots.

(C) The director for minor subdivisions, and the planning commission for major subdivisions, may, for good cause, temporarily waive the requirement to provide a water report and proof of water, and condition the approval of the preliminary plat upon the provision of both documents as part of the final plat application and approval process.

(6) Erosion control. A report explaining the method by which the applicant proposes to control erosion and manage runoff, and potential impacts to adjacent properties or water bodies. The report shall include a plan for preservation of ground cover in areas where runoff and resulting erosion need to be minimized.

(7) Traffic study. A traffic impact analysis may be required with the preliminary plat in accordance with CBJ 49.40.300.

(8) Shadow plats. For subdivisions of five or more lots in transition areas, a shadow plat shall be submitted according to CBJ 49.70.710. The shadow plat shall consist of a sketch superimposed on the proposed subdivision layout. This sketch shall reflect any future resubdivision of the parcels into smaller lots consistent with the higher density and the lot size allowed under the transition zoning.

(Serial No. 2015-03(c)(am), § 10, 8-31-2015)

ARTICLE I. - REZONINGS

49.75.110 - Initiation.

A rezoning may be initiated by the director, the commission, or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

(Serial No. 87-49, § 2, 1987)

49.75.120 - Restrictions on rezonings.

Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

(Serial No. 87-49, § 2, 1987; Serial No. 2012-31(b), § 2, 8-27-2012)

49.75.130 - Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

(a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within ten days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).

(b) Protests.

(1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The

director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.

(2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest with the municipal clerk within 20 days of the commission's written notice of recommendation.

(3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment.

(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

(Serial No. 87-49, § 2, 1987; Serial No. 2012-11, § 2, 4-2-2012; Serial No. 2014-14(c)am, § 2, 4-6-2015, eff. 5-7-2015; Serial No. 2015-03(c)(am), § 57, 8-31-2015)

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Community Development - Planning

STAFF PERSON/TITLE: Brandon Robinson, Planner II

DATE: 09/09/25

APPLICANT: Charles Donart

TYPE OF APPLICATION: Rezoning

PROJECT DESCRIPTION:

Proposed rezone of 3.79 acres at 5200 and 5220 Commercial Boulevard from Industrial to Light Commercial

LEGAL DESCRIPTION: SSG IV TR B & HDK LT 2A

PARCEL NUMBER(S): 5B1201030030 & 5B1201360051

PHYSICAL ADDRESS: 5220 Commercial Boulevard & 5200 Commercial Boulevard

SPECIFIC QUESTIONS FROM PLANNER:

AGENCY COMMENTS:

Would this impact the road/traffic to the "waste campus" as the current plan is to develop the road behind Home Depot as the public access to the site for drop off. Does this impact how the adjacent Industrially zone property can be used? For example, if CBJ wanted to lease this property for uses that create loud sounds or smells or fumes, are there any regulations that state these activities need to be a certain distance from this proposed change that would limit the future use of this CBJ property?

Outlook

RE: [AME20250002] Seeking Comments for Proposed Rezoning on Commercial Boulevard

From Jeffrey Hedges <Jeffrey.Hedges@juneau.gov>
Date Mon 9/22/2025 11:30 AM
To Brandon Robinson <Brandon.Robinson@juneau.gov>

Brandon,

The Building Division has no comments or concerns at this time.

Thanks,

Jeff Hedges, MCP, CBO, CSP | Building Code Official
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0767 ext. 4137 Cell: 312.213.2245

Fostering excellence in development for this generation and the next.

How are we doing? Provide feedback here: https://juneau.org/community-development/how-are-we-doing

---

From: Brandon Robinson <Brandon.Robinson@juneau.gov>
Sent: Monday, September 22, 2025 9:41 AM
To: Jeffrey Hedges <Jeffrey.Hedges@juneau.gov>
Subject: Re: [AME20250002] Seeking Comments for Proposed Rezoning on Commercial Boulevard

Good Morning Jeff,

Hope this email finds you well—
I am writing to see if you had any comments to the proposed rezoning on Commercial Boulevard at this time. If not, we would very much appreciate a note from you saying that you have no comments at this time. If you'd like more time to respond, please let me know!

Very best regards,
Brandon

Brandon Robinson | Planner II
Community Development Department | City & Borough of Juneau, Alaska
Physical Location: 230 S. Franklin Street, 4th Floor, Marine View Building
Office: (907) 586-0753; Extension 4139

From: Brandon Robinson <Brandon.Robinson@juneau.gov>
Sent: Tuesday, September 9, 2025 11:10 AM
To: Jeffrey Hedges <Jeffrey.Hedges@juneau.gov>
Subject: [AME20250002] Seeking Comments for Proposed Rezoning on Commercial Boulevard

Good Morning Jeff,

Please find attached a form for you if your Division should have any comments or concerns on the proposed rezoning at 5200 and 5220 Commercial BLVD (AME25-02).

If you would be able to get this back to me by September 22nd, it would be much appreciated. Let me know if you would need more time.

Best regards,
Brandon

Brandon Robinson | Planner II
Community Development Department | City & Borough of Juneau, Alaska

Physical Location: 230 S. Franklin Street, 4th Floor, Marine View Building
Office: (907) 586-0753; Extension 4139

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Capital City Fire Rescue

STAFF PERSON/TITLE: Theresa Ross, Fire Marshal

DATE: 09/22/25

APPLICANT: Charles Donart

TYPE OF APPLICATION: Rezoning

PROJECT DESCRIPTION:

Proposed rezone of 3.79 acres at 5200 and 5220 Commercial Boulevard from Industrial to Light Commercial

LEGAL DESCRIPTION: SSG IV TR B & HDK LT 2A

PARCEL NUMBER(S): 5B1201030030 & 5B1201360051

PHYSICAL ADDRESS: 5220 Commercial Boulevard & 5200 Commercial Boulevard

SPECIFIC QUESTIONS FROM PLANNER:

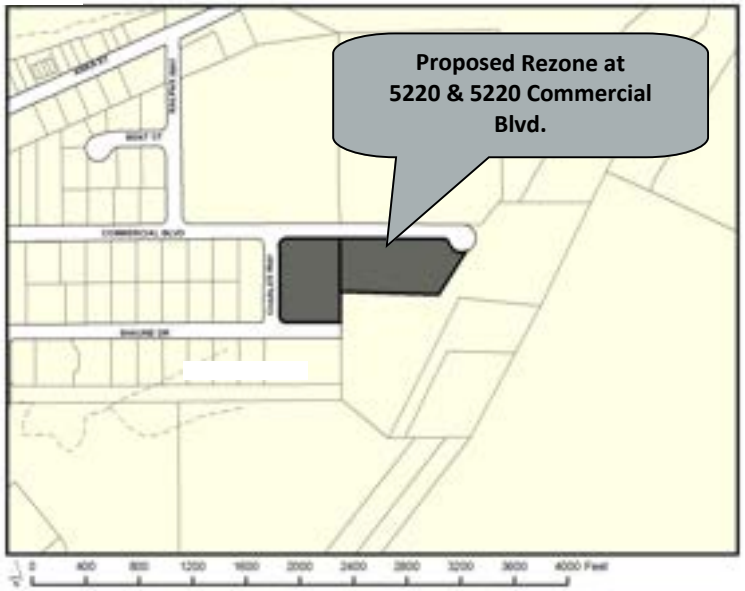
AGENCY COMMENTS:

No concerns from Fire at this time.

Please Come to a Meeting

About a Rezone in Your Neighborhood

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 Heritage Way Juneau, Alaska 99801

TO

The Community Development Department is hosting an opportunity for the community to discuss an application to **rezone 3.79 acres from Industrial to Light Commercial zoning** at **5200 and 5220 Commercial Boulevard**. This meeting will be held virtually over Zoom. Your questions, comments and concerns are welcome.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

NEIGHBORHOOD MEETING

October 2, 2025 at 6-8pm

Call In:1 253 215 8782

Webinar ID: 844 6763 7707

If you are not able to attend this meeting but have questions or comments, please contact **Brandon Robinson,** CDD Planner, at (907) 586-0753 ext. 4139 or Brandon.Robinson@juneau.org

*This project is scheduled for review by the Planning Commission on **October 14, 2025**. All property owners within 500 feet of the proposed rezone will receive a separate notice with details on how and where to submit comments or testify before the Commission.*

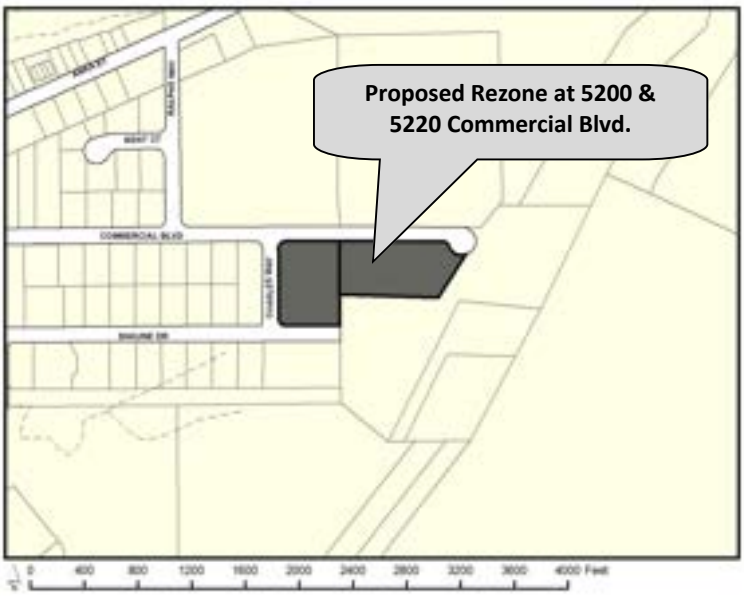
Case No.: AME2025 0002
Parcel No.: 5B1201030030
CBJ Parcel Viewer: http://epv.juneau.org

Printed September 8, 2025

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 Heritage Way Juneau, Alaska 99801

TO

An application has been submitted for consideration and public hearing by the Planning Commission to **rezone 3.79 acres from Industrial to Light Commercial zoning** at **5200 and 5220 Commercial Boulevard.**

PROJECT INFORMATION:
Project Information can be found at:
https://juneau.org/community-development/short-term-projects

PLANNING COMMISSION DOCUMENTS:
Staff Report expected to be posted **Monday, October 6, 2025** at
https://juneau.org/community-development/planning-commission
Find hearing results, meeting minutes, and more here, as well.

Now through Sept. 22

Comments received during this period will be sent to the Planner, **Brandon Robinson,** to be included as an attachment in the staff report.

Sept. 23— noon, Oct. 10

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 6:00 pm, Oct. 14, 2025

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting https://juneau.zoom.us/j/85421744892 and use the Webinar ID: 854 2174 4892 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.

Oct. 15

The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

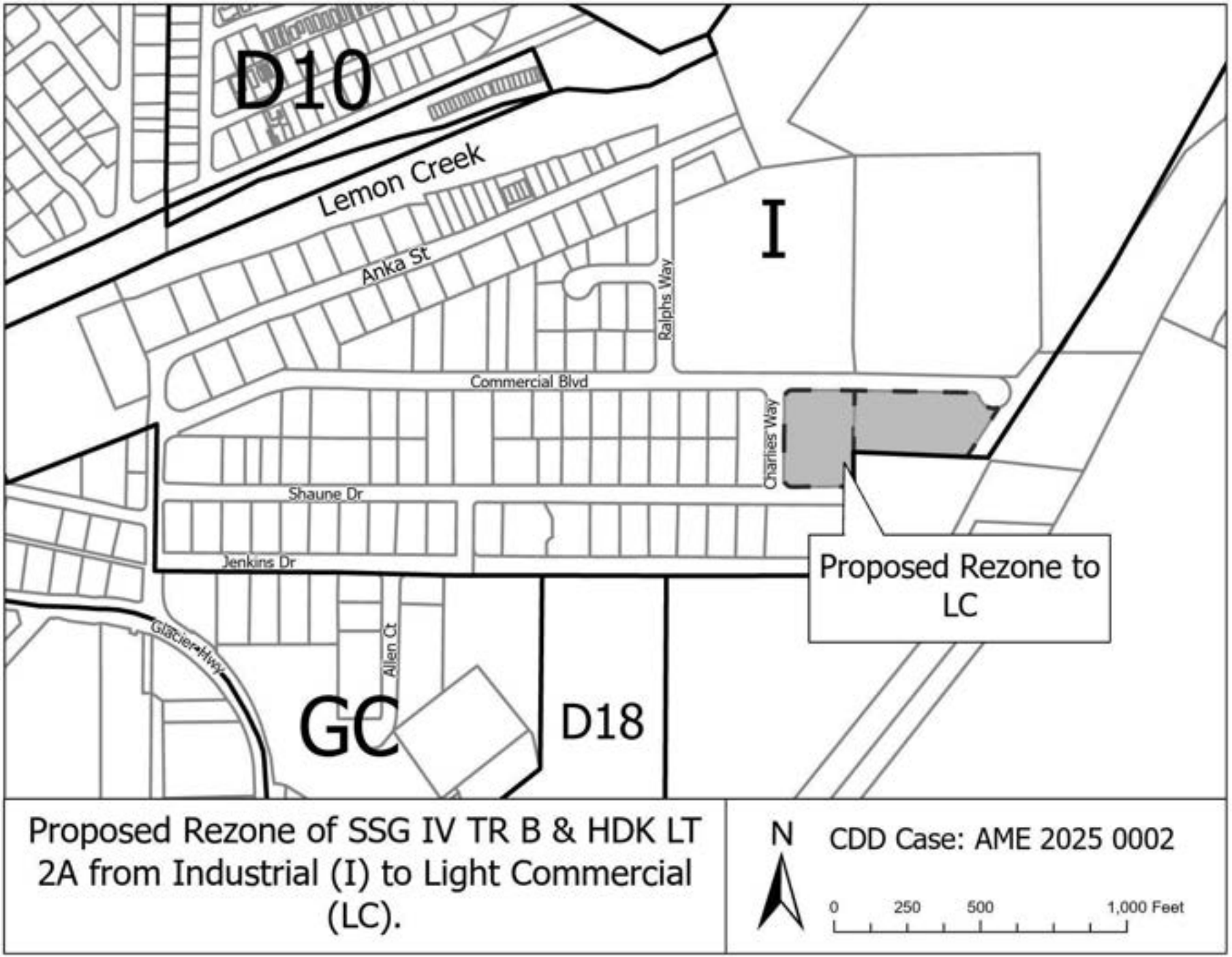
Phone: **(907)586-0753 ext. 4139**
Email: **pc_comments@juneau.gov or Brandon Robinson@juneau.gov**
Mail: **Community Development, 155 Heritage Way, Juneau AK 99801**

Case No.: AME2025 0002
Parcel No.: 5B1201030030
CBJ Parcel Viewer: http://epv.juneau.org

Printed September 8, 2025



Attachment R – Public Notice Sign – Posted



Attachment S – Ordinance Map

Planning Commission
(907) 586-0715
PC_Comments@juneau.gov
www.juneau.org/community-development/planning-commission
155 Heritage Way • Juneau, AK 99801

PLANNING COMMISSION
NOTICE OF DECISION
Date: October 29, 2025
File No.: AME2025 0003

Duran Construction Co, LLC
P.O Box 32634
Juneau, AK 99801
mduran@acsalaska.net

Proposal:	Applicant proposes rezone of 4.03 acres at 7170 Glacier Highway from D18 to Light Commercial.
Property Address:	7170 Glacier Hwy
Legal Description:	SEVEN MILE LT 4
Parcel Code No.:	5B1401000031
Hearing Date:	October 28, 2025

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 16, 2025, and denied the rezone of 4.03 acres at 7170 Glacier Highway from D18 to Light Commercial.

Attachments: October 16, 2025, memorandum from Justin Smith, Community Development, to the CBJ Planning Commission regarding AME2025 0003.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. The amendment is deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 01.50.020 (b).

Effective Date: The Decision is effective on the date the Notice of Decision is filed with the municipal clerk.

Erik Pedersen, Chair
Planning Commission

11/3/25
Date

Madeline Carse
Filed With City Clerk

11/04/2025
Date

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

PLANNING COMMISSION STAFF REPORT
REZONE: AME2025 0003
HEARING DATE: OCTOBER 28, 2025

(907) 586-0715
CDD_Admin@juneau.gov
www.juneau.org/community-development
155 Heritage Way • Juneau, AK 99801

DATE: October 16, 2025

TO: Erik Pedersen, Chair, Planning Commission

BY: Justin Smith, Planner I

THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Applicant proposes rezone of 4.03 acres at 7170 Glacier Highway from D18 to Light Commercial.

STAFF RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation of DENIAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- Light Commercial does not conform to the Comprehensive Plan's Land Use Designation of Medium Density Residential.
- D18 allows for up to 73 units on the site and LC allows for up to 121 units on the site.
- An Alternative Residential Subdivision (ARS) could give a 25% density bonus, resulting in up to 91 units, while maintaining Comprehensive Plan consistency.
- LC allows for many uses that are not residential and does not require residential as part of the development.
- The State of Alaska Mental Health Trust Land Office does not support the rezone.

GENERAL INFORMATION	
Property Owner	Duran Construction Company LLC
Applicant	Marciano Duran
Property Address	7170 Glacier Hwy
Legal Description	SEVEN MILE LT 4
Parcel Number	5B1401000031
Zoning	D18
Land Use Designation	Multifamily
Lot Size	175,620 square feet / 4.03 acres
Water/Sewer	CBJ/CBJ
Access	Glacier Highway
Existing Land Use	Vacant
Associated Applications	None

ALTERNATIVE ACTIONS:

1. **Amend:** recommend an amended rezone boundary; recommend an alternative zoning district; or recommend conditions.
2. **Deny:** recommend denial of the requested rezone. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this rezone.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - CBJ 49.75.120
  - CBJ 49.10.170(d)
  - CBJ 49.80

The Commission shall hear and decide the case per CBJ 49.75.120 - Restrictions on rezoning. *Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.*

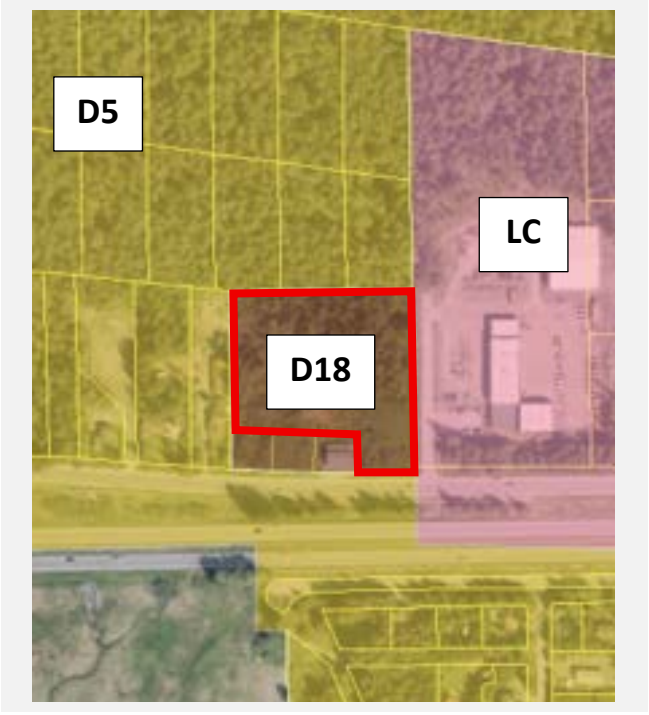
SITE FEATURES AND ZONING



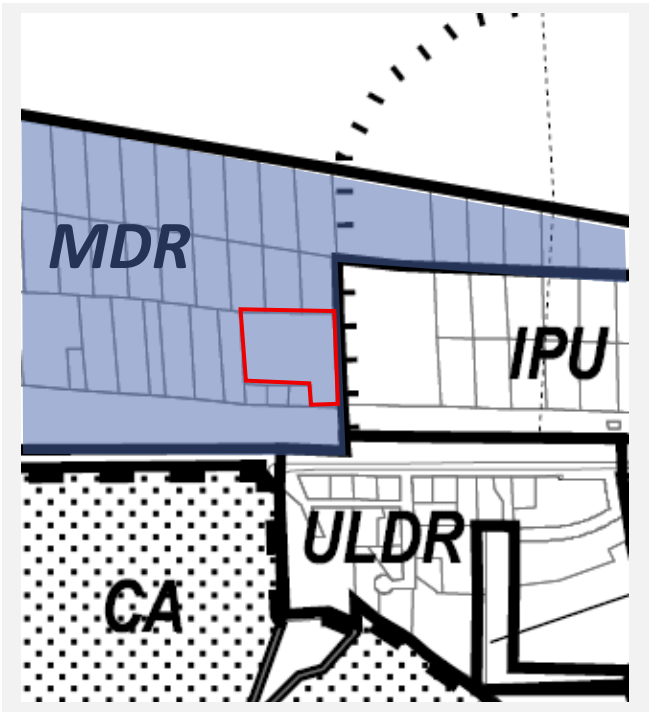
SURROUNDING ZONING AND LAND USES	
North (D5)	Vacant/Alaska Mental Health Trust Authority
South (D5)	Glacier Hwy
East (LC)	CBJ Public Works Department – Street Division
West (D5)	Residential

SITE FEATURES	
Anadromous	No
Flood Zone	No
Hazard	None Mapped
Hillside	No
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	Mining & Exploration Surface Activities Exclusion District; Urban Mining District

CURRENT ZONING MAP



LAND USE DESIGNATION MAP



BACKGROUND INFORMATION

Project Description – The applicant is requesting a zone change of 7170 Glacier Highway in order to achieve an affordable development by increasing the density (**Attachment A**). No development plan has been submitted. The site is currently zoned D18 and is vacant. Adjacent properties are zoned D5 to the west, LC to the east, and D5 to the south.

Background – The lot was originally zoned R1B in 1964 through the Greater Juneau Borough Ordinance. R1B was intended as a single-family detached dwelling or two-family dwelling per lot district. In 1969, the lot was zoned R7, which continued the low-density single- and two-family district. In 1987, under Ordinance 87-49, the property was rezoned to D5, which was intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre, as part of a borough-wide revision.

In 2001, the subdivision process was started through application SUB2001-00024 (**Attachment D**); however, due to a bond issue, it was not finalized until 2006. Plat 2006-62 subdivided Lot D of U.S. Survey 2476 into four smaller lots: Lots 1, 2, 3, and 4.

In 2009, MAP2009-03 rezoned Lots 1–4 from D5 to D18 (**Attachment E** and **Attachment F**). The original request had been to rezone Lot 4 from D5 to Light Commercial (LC), during the process Lots 1, 2 and 3 were added to the rezone request. A rezone from D5 to LC was modified because LC zoning, which allows up to 30 dwelling units per acre, is inconsistent with the Comprehensive Plan's Medium Density Residential (MDR) designation that supports 5 to 20 units per acre. LC also allows for many uses that are not residential and does not require commercial developments to include residential uses. As part of the 2009 rezone, a condition was added to limit the site to one access point onto Glacier Highway to mitigate future traffic concerns.

Permit and Parcel History – The below table summarizes relevant history for the lot.

Item	Summary
Building Permit 1607.01 – Grading Permit (**Attachment C**)	In 1987, approximately 99 cubic yards of rock were used to fill the lot.
SUB2001-00024 (**Attachment D**)	A subdivision splitting Lot D of U.S. Survey 2476 into Lots 1, 2, 3, and 4. The subdivision was approved in 2006 through Plat 2006-62. Lot 4 is the applicant's lot.
MAP2009-03 Final Bundle (**Attachment E**)	A rezone change request from D5 to Light Commercial, which was granted as D5 to D18. The Light Commercial zone's allowable density went against the Comprehensive Plan's Land Use Map G.
MAP2009-03 Planning Commission and Assembly Minutes (**Attachment F**)	Planning Commission minutes involving the discussion of MAP2009-03 and recommending approval of a D5 to D18 zone change. Assembly minutes referencing MAP2009-03 and approving the zone change from D5 to D18 for Lots 1, 2, 3, and 4.

Zoning History – The below table summarizes zoning history for the lot.

Year	Zoning	Summary
1964	R1B	Under the 1964 Greater Juneau Borough Ordinance, the lot was zoned R1B. This district's principal uses outright were one single-family detached dwelling on each lot or one two-family dwelling.
1969	R7	The purpose of the R7 District was to provide and protect residential land for families who desire to live in an environment of single- and two-family dwellings. These districts were established to protect the character of existing residentially developed areas.
1987	D5	The D5 residential district is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.
2009	D18	Under MAP2009-03, a zone change was granted from D5 to D18, after an initial request to rezone from D5 to Light Commercial was modified. The D-18 residential district is intended to accommodate primarily multi-family development at a density of 18 dwelling units per acre. This is a high density multi-family zoning district intended to accommodate midrise-type development.

ZONING ANALYSIS

The 2013 Comprehensive Plan Map G identifies Lot 4 as Medium Density Residential. This refers to urban residential lands for multi-family dwelling units at densities ranging from 5 to 20 units per acre. Commercial development at a scale consistent with a residential neighborhood is allowed [Table of Permissible Uses, CBJ 49.25.300].

CBJ 29.25.200 Zoning Districts Defined –

Current Zoning – D18	Proposed Zoning – Light Commercial (LC)
The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high density multifamily zoning district intended to accommodate midrise-type development.	*The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.*

CBJ 49.25.300 Table of Permissible Uses Comparison – The lot is currently vacant.

The D18 zoning district is primarily residential, allowing single-family dwellings, duplexes, and multifamily housing, with only limited commercial uses by conditional use permit. In contrast, Light Commercial permits a wide range of commercial development. LC allows large offices, retail shops, restaurants, and hotels. These uses are restricted or not permitted in D18.

Through conditional use permits, LC also allows marijuana-related businesses, car washes, fuel stations, and entertainment venues. Rezoning from D18 to LC would therefore shift the property from a residential zone with limited commercial uses to a commercial district with broader, higher-intensity activities, and no requirements for housing.

These uses extend beyond the neighborhood-scale commercial envisioned in MDR and could allow development inconsistent with the residential character of the area, and result in the loss of potential housing units.

An expanded list of differences between D18 and LC is below with Uses bolded that are allowed in LC and not D18.

Blank – not allowed
1 – allowed
3 – conditional use permit required
1,3 – department approval if minor development, conditional use permit if major development

TPU #	Use Description	D-18	LC
1.620	**Hotels, motels**		**1, 3**
1.910	Common Wall Development – Two dwelling units	1	

2.120	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods – Miscellaneous		1
2.130	**Marine merchandise and equipment**		**1, 3**
2.200	**Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods**		**1, 3**
2.300	**Marijuana retail store**		**3**
3.050	Offices of not more than 1,000 square feet	3	1
3.100	Offices greater than 1,000 but not more than 2,500 square feet	3	1
3.300	**Research, laboratory uses**		**1, 3**
3.400	**Offices greater than 2,500 square feet**		**1, 3**
3.500	**Marijuana testing facility**		**3**
4.050	Light manufacturing	3	1, 3
5.120	**Trade, vocational schools, commercial schools**		**3**
5.200	Churches, synagogues, temples	3	1, 3
5.300	Libraries, museums, art galleries	3	1, 3
5.400	**Social, fraternal clubs, lodges, union halls, yacht clubs**		**1, 3**
6.110	**Bowling alleys, billiard, pool halls**		**1, 3**
6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges	3	1, 3
6.130	Theaters seating for 200 or fewer	3	1
6.135	**Theaters seating from 201 to 1,000**		**3**
7.100	**Hospital**		**3**
7.150	Health care clinics, other medical treatment facilities providing out-patient care	3	1, 3
7.300	Day care centers	3	1, 3
7.310	Child care centers	3	1, 3
7.600	**Sobering centers**		**3**
8.050	Small restaurants, less than 1,000 square feet without drive through service	3	1
8.100	**Restaurants, bars without drive through service**		**1, 3**
8.200	**Restaurants, coffee stands with drive through service**		**1, 3**
8.300	**Seasonal open air food service without drive through**		**1, 3**
9.050	**Motor vehicle, mobile home sale or rental**		**1, 3**
9.200	**Automotive fuel station**		**3**
9.300	**Car wash**		**3**
9.400	**Boat sales or rental**		**3**
10.100	**Automobile parking garages or parking lots not related to a principal use on the lot**		**3**
10.210	**All storage within completely enclosed structures**		**3**
10.235	**Regional, ½ to 1 acre**		**3[Z]**
10.510	**Public, commercial**		**3**
11.110	Enclosed collection structures 0 of less than 80 square feet total and less than six feet in height	1[P]	1
11.120	Enclosed structures for recyclable materials collection	1, 3	1[P], 3[P]
11.200	Reclamation landfill not associated with a specific use	1, 3	1, 3

12.100	**Veterinary clinic**		**3**
12.200	**Kennel**		**3**
12.250	**Day animal services, grooming, walking, day care**		**3**
12.300	**Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component**		**3**
12.310	**Wild animal rehabilitation facilities without a visitor component**		**3**
12.400	**Horseback riding stables, dog team yards**		**3**
14.230	**Stabling of farm animals**		**3**
14.240	**Marijuana cultivation (500 square feet or more under cultivation)**		**3**
14.245	**Marijuana cultivation (fewer than 500 square feet under cultivation)**		**3**
14.253	Hens, 6 maximum	3	1
14.500	**Sand and gravel operations**		**3**
15.400	**Military reserve, National Guard centers**		**3**
15.610	Transit center	3	1, 3
15.630	Park and ride not associated with transit station	3	1
15.700	**Public works facility**		**3**
16.200	**Full service onsite laundry and/or dry cleaning**		**3**
18.200 AA	Towers and antennas 35 to 50 feet	3	1
19.100	**Open air markets (farm, craft, flea, and produce)**		**1, 3**
19.210	Retail sales	3	1, 3
19.230	**Marijuana cultivation (500 square feet or more under cultivation)**		**3**
19.240	**Marijuana cultivation (fewer than 500 square feet under cultivation)**		**3**
20.300	**Funeral home**		**1,3**
21.300	**Visitor, cultural facilities related to features of the site**		**3**

CBJ 49.25.400 Dimensional Standards – Dimensional standards will not become nonconforming. LC allows smaller lot sizes, increased height maximum, and no lot coverage limit, increasing potential intensity.

Standard		**Current Zoning – D18**	**Proposed Zoning – LC**
Lot	Size	5,000 square feet	2,000 square feet
	Width	50 feet	20 feet
Setbacks	Front	20 feet	25 feet
	Rear	10 feet	10 feet
	Side	5 feet	10 feet
	Side	5 feet	10 feet
	Street Side	13 feet	17 feet
Lot Coverage	Permissible	50 percent	None
	Conditional	50 percent	None
Height	Permissible	35 feet	45 feet
	Accessory	25 feet	35 feet

CBJ 49.25.500 Density –

	Current Zoning – D18 (18 Units/Acre)	Current Zoning – D18 ARS (18 Units/Acre Plus 25% Density Bonus)	Proposed Zoning – LC (30 Units/Acre)
Maximum Number of Dwelling Units	73 units	Up to 91 units	121 units

Potential for Subdivision – Alternative Residential Subdivision (ARS)
The Assembly continues to maintain housing as its number one goal. In support of housing, CBJ adopted the alternative residential subdivision (ARS) code in 2019. The specific purpose of the ARS (CBJ 49.15.900) is to *permit flexibility in the regulation and use of land in order to promote its most appropriate use for unit-lot residential communities; to encourage residential developments that are planned, designed and developed to function as integral units with common facilities; to encourage developments that provide different types of housing options; to encourage development of quality affordable housing; to facilitate the adequate and economical provisions of access and utilities; and to encourage developments that are in harmony with the surrounding area*.

The ARS standards allow for higher density development in a district than typically allowed by awarding density bonuses. Creating this type of subdivision would result in individual lots surrounded by a parent lot. Individual lots have no minimum size. The formation of an HOA or similar entity would be required. ARS also supports childcare facilities, another high priority of the Assembly and community.

The density under ARS is calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district, D18, by the number of acres in the ARS, 4.03 acres, and rounding to the nearest whole number. An ARS subdivision would allow a comparable level of density, up to 91 units, while maintaining consistency with the MDR designation and avoiding the broader commercial uses allowed in LC.

TRAFFIC AND TRANSPORTATION

Access	Roadway Classification	Current Level of Service
Glacier Highway	Collector	

The lot is limited to one access from Glacier Highway from a condition from MAP2009-03. This condition may limit the achievable density.

Non-motorized transportation – Glacier Highway has a sidewalk on the north side and a shoulder bike lane on the south side. Heintzleman Ridge Route Trail is on the northeast side of the lot.

Proximity to Public Transportation – The Department of Transportation at Glacier Highway bus stop (Stop Code: 425) is approximately 0.2 miles from the access to the lot. It is listed as a stop on the 3 Mendenhall Loop Counterclockwise, 4 Mendenhall Loop Clockwise, 7 Lemon Creek Commuter, and 8 Downtown/Valley Express.



COMMUNITY SERVICES

The table below summarizes community services that may be affected by the proposed rezone.

Service	Summary
Water/Sewer	No comments provided.
Fire Service	No comments provided.
Schools	No comments provided.
Parks & Recreation	No comments or concerns.

ENVIRONMENTAL, CONSERVATION, HISTORIC, AND ARCHEOLOGICAL RESOURCES

The table below summarizes Conservation, Historic, and Archeological Resources which may be affected by the proposed rezone.

Resource	Summary
Conservation	None.
Wetlands	No wetlands mapped on the National Wetlands Inventory website: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/ Presence of wetlands was mentioned in MAP2009-03 (**Attachment E**).
Anadromous	None.
Historic	None.
Archeological	None.

CONFORMITY WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN - The proposed text amendment is NOT in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
11	157	Land Use Designation	The rezone does NOT conform with the 2013 Comprehensive Plan's Land Use Map G. The lot is classified as MDR, which does not align with Light Commercial zoning.
11	180-182	Subarea 4 Guidelines	The Subarea 4 Guidelines are not in conflict with the rezone.

2018 LEMON CREEK AREA PLAN: *The Lemon Creek Area Plan strives to encourage future development that should protect its cultural and natural resources, provide for quality housing, and walkable, bikeable, safe neighborhoods, while sustaining its position as an attractive area for local businesses – Juneau's midtown.*

2018 LEMON CREEK AREA PLAN - The proposed text amendment complies with the 2018 Lemon Creek Area Plan.

Chapter	Page No.	Item	Summary
3	21	Goal 3: Promote a mixed-use environment to ensure a vibrant community and quality neighborhoods	The proposed LC zoning could support this goal by allowing more commercial activity consistent with a mixed-use environment. However, because LC does not require residential development, it only partially supports this goal.
	21	Action: Provide a variety of housing choices in residential portions of mixed-use buildings.	The proposed LC zoning allows residential uses but does not require them. D18 and ARS allow a similar range of housing types and better protect residential uses, while LC does not.
4	37	Goal 1: Create and sustain viable, safe and diverse neighborhoods that work together.	The proposed LC zoning could contribute to a diverse neighborhood mix but does not ensure residential development or neighborhood cohesion. D18 and ARS better support this goal by preserving residential character.
	37	Action: Maximize compatibility between residential and nonresidential uses by ensuring appropriate buffers and distance.	The proposed LC zoning allows larger-scale commercial uses that may not be compatible with adjacent residential areas. D18 and ARS support this action by limiting intensity and ensuring scale compatibility.

2018 LEMON CREEK AREA PLAN - The proposed text amendment complies with the 2018 Lemon Creek Area Plan.			
	37	Action: Explore and implement methods to expand the Lemon Creek area's housing options for workforce housing and senior housing, such as commonwalls and senior living communities.	The proposed LC zoning does not support this action because it does not permit common wall development and does not require residential uses. D18 supports this action more directly.
4	38	Goal 2: Designate buildable land, particularly along transit corridors, for residential use at densities that can produce affordable housing to all economic groups	The proposed LC zoning does not require or encourage residential use, which may limit opportunities for affordable housing near transit corridors. ARS better supports this goal by allowing increased density over D18.
	38	Action: Designate suitable land within one-quarter mile distance from public transit routes as a Transit Oriented Corridor (TOC) overlay zoning district allowing for medium-to high-density housing in wholly residential or mixed use developments.	The proposed LC zoning does not require residential or mixed-use development, so it does not support this action.

While the Lemon Creek Area Plan encourages mixed-use development and a variety of housing options, the LC zoning district would also allow density and commercial uses exceeding the MDR designation. Because the Comprehensive Plan is the guiding document for rezones, staff finds the proposal is not in substantial conformance overall.

AGENCY REVIEW

CDD conducted an agency review comment period between August 8, 2025, and October 6, 2025. Agency review comments can be found in **Attachment G**.

Agency	Summary
AHMTA	The Trust supports development in this area and recognizes the need for high-density housing, which the current D18 zoning already allows. Because no development plan has been provided, rezoning to LC could result in strictly commercial use, and therefore the Trust does not support the change at this time but would be open to considering it in the future if a plan is submitted.
ADOTP&F	No comments provided.
CBJ Engineering – Public Works	No comments provided.
Capital City Fire/Rescue	No comments provided.
CBJ Parks and Recreation	No comments or concerns.

PUBLIC COMMENTS

CDD held a public meeting for the rezone on September 24, 2025. Public notice was mailed to property owners within 500 feet of the proposed rezone (**Attachment H**). No public comments were received at the meeting.

CDD conducted a public comment period between September 25, 2025, and October 6, 2025. Public notice was mailed to property owners within 500 feet of the proposed rezone (**Attachment I**). A public notice sign was also posted on-site two weeks prior to the scheduled hearing (**Attachment J**). There are no public comments as of October 6, 2025.

ZONE CHANGE OPTIONS AND ALTERNATIVES

As stated in CBJ 49.75.130(a), the Commission may recommend approval, approval with modifications or denial of a rezone request. The Commission may recommend approval to the Assembly for different zoning districts than what is requested by the applicant or recommended by staff. Additionally, the Commission can recommend modifications to the boundaries of the area to be rezoned. This means that if the Commission wishes to do so, the zoning district boundary line may be moved from its current location, as long as it is found to be in substantial conformance with the Comprehensive Plan and Title 49 – Land Use Code. Zoning district boundary lines are intended to follow property lines, centerlines of streets, alleys, streams (CBJ 49.25.110(f)).

Staff did not identify an alternative zoning district consistent with the MDR designation; the existing D18 with ARS provides maximum density allowed, and the land use code through the ARS provides for increased density.

FINDINGS

In accordance with CBJ 49.75 the Director makes the following findings on the proposed rezone:

1. ***Was the rezone application filed timely in accordance with CBJ 49.75.110?***

   Analysis: No additional analysis required.

   Finding: Yes. The rezone application was filed in July of 2025.

2. ***Was adequate public notice provided in accordance with CBJ 49.75.110?***

   Analysis: CDD staff held a public meeting on September 24, 2025; mailed written notice to property owners within 500 feet of the proposed rezone for the public meeting and the Commission hearing; and a public notice sign was posted on the site two weeks prior to the scheduled Planning Commission meeting.

   Finding: Yes. Adequate public notice was provided in accordance with CBJ 49.75.110.

3. ***Is this request for an area covering more than two acres or an expansion of an existing zoning district as required by CBJ 49.75.120?***

   Analysis: The rezone request is for 4.03 acres and would be an expansion of an existing zoning district.

Finding: Yes. The proposed rezone meets the minimum area and is an expansion of an existing zoning district.

4. ***Has a similar request been made within the previous 12 months as required by CBJ 49.75.120?***

   Analysis: No additional analysis required.

   Finding: No. A similar rezone request has not been filed within the previous 12 months.

5. ***Is the proposed zoning district and the uses allowed therein found to be in substantial conformance with the land use maps of the comprehensive plan and policies of the comprehensive plan, in accordance with CBJ 49.75.120?***

   Analysis: The site is designated Medium Density Residential (MDR), and as defined by the Comprehensive Plan, means urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300). Light Commercial allows a density of 30 units. Additionally, the land use code has regulation that supports higher density while conforming to the Comprehensive Plan.

   Finding: No. The proposed rezone is not in substantial conformance with the land use maps and policies of the Comprehensive Plan.

6. ***Is the proposed zoning district and the uses allowed therein found to be in substantial conformance with Title 49 – Land Use Code, in accordance with CBJ 49.75.120?***

   Analysis: No further analysis needed.

   Finding: Yes. **The proposed rezone conforms with Title 49 CBJ 49.75.120.**

RECOMMENDATION

Staff finds the rezone request inconsistent with the Comprehensive Plan's Medium Density Residential (MDR) designation and that the applicant's stated objectives can be achieved through existing zoning with an ARS.

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of denial to the Assembly for the requested rezone application of a proposed rezone of 4.03 acres at 7170 Glacier Highway from D18 to Light Commercial.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet with PAC Notes
Attachment B	Proposed Ordinance Map
Attachment C	Building Permit 1607.01
Attachment D	SUB2001-00024
Attachment E	MAP2009-03 Final Bundle

Item	Description
Attachment F	MAP2009-03 Planning Commission and Assembly Minutes
Attachment G	Agency Comments
Attachment H	Neighborhood Meeting Materials
Attachment I	Planning Commission Abutters Notice
Attachment J	Public Notice Sign

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant

PROPERTY LOCATION

Physical Address
7170 Glacier Hwy

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)
SEVEN MILE LOT 4

Parcel Number(s)
5B1401000031

☐ This property located in the downtown historic district
☑ This property located in a mapped hazard area, if so, which _____

LANDOWNER/ LESSEE

Property Owner
Duran Construction Co, LLC

Contact Person
Marciano Duran

Mailing Address
P.O. Box 32634 Juneau, AK 99801

Phone Number(s)
907-321-6161

E-mail Address
mduran@acsalaska.net

LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits

I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X Marciano Duran — 1/31/2025
Landowner/Lessee Signature — Date

X _____
Landowner/Lessee Signature — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME"

Applicant
SAME

Contact Person

Mailing Address

Phone Number(s)

E-mail Address

X Marciano Duran — 1/31/2025
Applicant's Signature — Date of Application

---DEPARTMENT USE ONLY BELOW THIS LINE---

Intake Initials

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
AME25-03	6/30/25

Attachment A – Application Packet with PAC Notes

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

ZONE CHANGE APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.
NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY
Change existing Zone from D-18 to LC (Light Commercial) in order to achieve an affordable Development by increasing the density.

IS THIS AN EXPANSION OF AN EXISTING ZONE? (•) Yes (•) No

Total Land Area of Proposed Change 4.03 acres
Comprehensive Plan Land Use Designation MDR
Current Zone(s) D-18
Comprehensive Plan Map Letter G
New Zone Requested LC

TYPE OF ZONE CHANGE REQUESTED (•) Regular ( ) Transition

Has this or a similar zone change been requested in the previous 12 months? ( ) Yes Case # _____ (•) No

UTILITIES AVAILABLE WATER: [✔] Public [✔] On Site SEWER: [✔] Public [✔] On Site

ALL REQUIRED MATERIALS ATTACHED

- [✔] **Complete application**
- [✔] **Pre-Application Conference notes**
- [✔] **Narrative including:**
  - [✔] Purpose of the requested zone change
  - [✔] Any potential impacts to public infrastructure (streets, water, & sewer)
  - [✔] How the requested zone change comply with the maps and policies of the Comprehensive Plan
- [✔] **Site Plan and/or map of proposed zone change** (details on reverse side)

DEPARTMENT USE ONLY BELOW THIS LINE

ZONE CHANGE FEES	Fees	Check No.	Receipt	Date
Application Fees	$ 600.00			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50.00			
Pub. Not. Sign Deposit	$ 100.00			
Total Fee	$			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
AME25-03	6/30/25

Zone Change Application Information

Zone changes are outlined in CBJ 49.75 article I

Pre-Application Conference: A pre-application conference is encouraged prior to submitting an application. The applicant shall meet with City & Borough of Juneau (CBJ) staff to discuss the Zone Change process and analysis. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via email at Permits@juneau.org.

Application: An application for a Zone Change will not be accepted by the CBJ until it is determined to be complete. **Zone Change may only be applied for during January and July.** The items needed for a complete application are:

1. **Forms:** Completed Zone Change Application and Development Permit Application.
2. **Fees:** The fee for Zone Change Application is $600.00. No work can be approved with a Zone Change. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the purpose for the requested zone change.
4. **Plans:** A site plan showing the following information:
    A. The boundaries of the existing and proposed zone change and proposed buffers;
    B. The location of existing structures (i.e. buildings, fences, signs, parking areas, etc.); and
    C. The location of existing physical features of the site (i.e. drainage, topography, eagle trees, hazard areas, salmon streams, wetlands, etc.).
5. A traffic study may be required for zone changes.

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: The Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the Zone Change request, the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department will coordinate the review of this application by other agencies, as necessary. **Review comments may require the applicant to provide additional information, clarification, or submit modifications/ alterations for the proposed Zone Change.**

Hearing: Once an application has been reviewed by all applicable parties the Community Development Department will schedule the zone change for the next appropriate Planning Commission meeting. All Zone Change Applications will be reviewed by the Planning Commission who will send a recommendation to the Assembly. Following a recommendation of approval by the Planning Commission, the Community Development Department will coordinate the zone change review by the Assembly. In order for zone changes to become effective, they must be adopted by ordinance by the CBJ Assembly.

Public Notice Responsibilities: All Zone Change requests must be given the following public notice as outlined in CBJ 49.15.230:

Community Development Department: Will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail notices to all property owners within 500-feet of the project site.

The Applicant will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of $50, and a $100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing $50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.gov
www.juneau.org/community-development
155 Heritage Way • Juneau, AK 99801

Rezone – 7170 Glacier Hwy

Case Number:	PAC2025 0008
Applicant:	Marciano Duran
Property Owner:	Duran Construction Company LLC
Property Address:	7170 Glacier Hwy
Parcel Code Number:	5B1401000031
Site Size:	175,620 square feet; 4.03 acres
Zoning:	D18
Existing Land Use:	Vacant

Conference Date:	March 5, 2025
Report Issued:	April 25, 2025

DISCLAIMER: Pre-application conferences are conducted for the purpose of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on complete application and are not guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Marciano Duran	Applicant	MDuran@acsalaska.net
Josette Duran		Duran@acsalaska.net
Marciano Duran Jr.		MarsDuran19@gmail.com
Jolene Murphy	Planning	Jolene.Murphy@juneau.gov
Irene Gallion		Irene.Gallion@juneau.gov
Ilsa Lund		Ilsa.Lund@juneau.gov
Jeff Hedges	Building	Jeffrey.Hedges@juneau.gov
Bridget LaPenter	General Engineering	Bridget.LaPenter@juneau.gov
Sydney Hawkins	Permitting	Sydney.Hawkins@juneau.gov

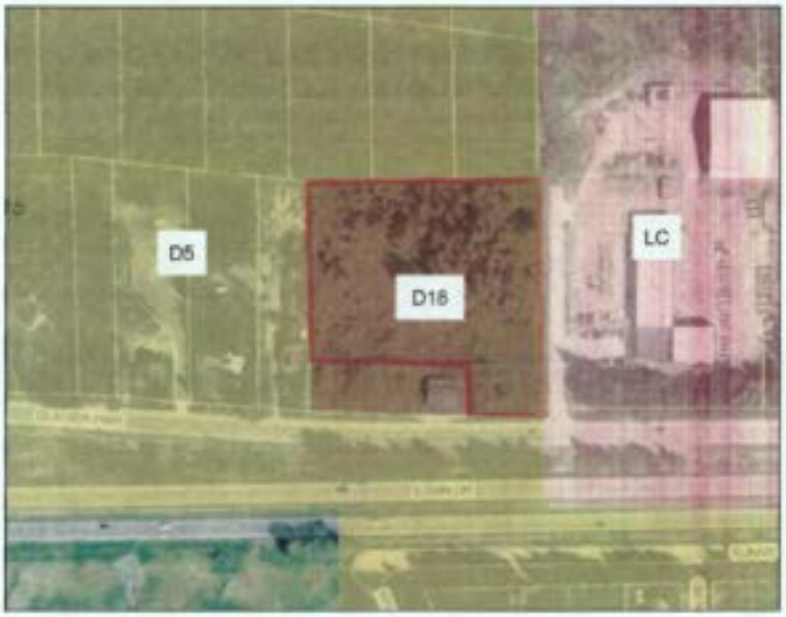
Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.
The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

- Possible driveway access discussion with eastern property; AMHTA owned parcels to the north have expressed possible interest in development of lands with shared driveway
- Applicant should contact DOT about the possibility of creating access to the lot from Glacier Hwy

Project Overview

Applicant is requesting a zone change from D18 to LC to increase the allowable residential density of 7170 Glacier Hwy. The lot is currently vacant. Adjacent properties are zoned D5 to the west, LC to the East and D18 to the south.



Zone Change Process

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request constitutes an expansion of the existing Light Commercial (LC) zone and is more than 4 acres, which exceeds the minimum lot size of 2 acres for a single lot rezone request.
2. No similar request has been made in the past year

Application process:

- Apply for the rezone in July
- Work with CDD on organizing a public meeting. CDD would present on the regulatory details, and the applicant would be able to present based on the vision for the area
- Modify the proposal as warranted by public comments
- Present the proposal to the Planning Commission. They will forward to the Assembly, and:
    - Recommend approval, OR
    - Recommend approval with modifications OR

  - Recommend denial
- The Assembly will most likely consider the rezone:
  - At a subcommittee, probably Lands, Housing and Economic Development
  - At a Committee of the Whole (work group), then
  - At a regular Assembly Meeting, where the rezone will be voted on.

Background

The site was zoned R-7 in 1969. R-7 zoning established a low density, single- and two- family district, with a minimum lot size of 7,000 square feet for a single-family home. It was zoned D-5 under ordinance 87-49 under a major, borough-wide revision. Plat 2006-62 subdivided one larger lot into four smaller lots, including this one.

Under MAP2009-03 a rezone change was granted from D5 to D18, after an initial request to rezone from D5 to LC was modified. The lot is designated Medium Density Residential (MDR) in the Comprehensive Plan. Changing the zoning to LC was not approved as commercial use on this site was not consistent with an MDR Comprehensive Plan designation.

The site was never developed, but was conditioned to have no more than one access point to Glacier Highway when developed. This condition was added to alleviate future traffic concerns. Negotiations with the city were unsuccessful in creating private shared access with the CBJ driveway. A future subdivision would require the creation of a publicly maintained ROW with DOT permitting [CBJ 49.35.210(c)(1)(C)]

Alternative Residential Subdivision (ARS) Possibility

Because a similar rezone request was denied in 2009, pursuing ARS development standards may be another way to increase the allowable density while avoiding concerns about a rezone not being consistent with the Comprehensive Plan.

The alternative residential subdivision (ARS) standards allow for higher density development than what would typically be allowed in a district by awarding density bonuses. Creating this type of subdivision would result in individual lots surrounded by a parent lot. Individual lots have no minimum size. The formation of an HOA/similar entity is required. The parent lot would need to conform to the zoning district standards, while individual lots only need to conform to parking requirements. The units on 4090 Delta Drive are an example of this kind of development.



4090 Delta Drive

The density under ARS is calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district (D18) by the number of acres in the ARS (4) and rounding to the nearest whole number. 72 units would be permitted, with the potential for more with a density bonus of up to 25%. With a 25% bonus up to 90 units could be developed.

Applicable density bonuses can be awarded as follows:

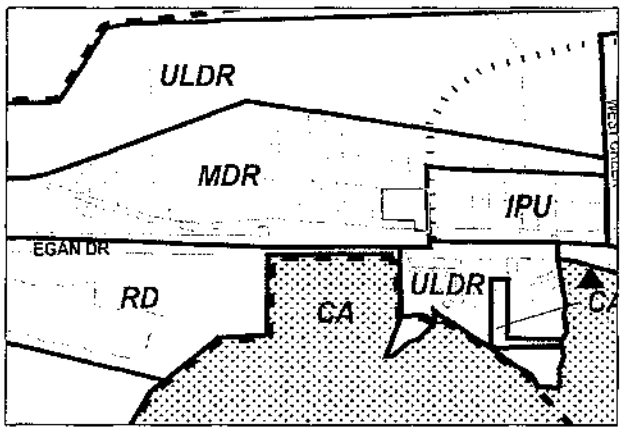
- 5% for each 10% of open space in excess of the 50% lot coverage maximum
- 5% for a continuous setback >50 feet
- 15% for a mixture of housing units restricted by a recorded document for 30 years from sale:
    - In which 10% of units are set aside for households earning no more than 80% AMI or
    - In which 20% of units are set aside for households earning no more than 120% AMI
- Up to 10% for common space amenities such as siting, landscaped buffers or preservation view corridors
- 10% for the dedication of a public ROW accessible to all unit lots
- 10% for bike/ped pathways through the development
- 5% for designing a five-star plus energy efficiency rating
    - 10 % for designing to a six-star plus energy efficiency rating
- Up to 10% for using high-efficiency primary heating methods (heat pumps) in all dwellings

ARS Abbreviated Review Process:

- Schedule a preapplication conference with informal project permit review
- Submit a Development Permit Application and ARS application
- Applications reviewed according to the Conditional Use Permit process
    - Approval is a two-step process:
        - Preliminary Plan Approval
            - Director will schedule preliminary plan for the planning commission
            - If approved, applicant will submit final plan
        - Final Plan Approval
            - HOA must be established as a part of the final plan review process
            - An approved final plan will expire 18 months after recording if applicant does not obtain a building permit and make substantial construction progress
                - A development permit extension may be applied for

Planning Division

1. **Current Zoning** – A rezone must conform to the 2013 Comprehensive Plan land use maps. On Map F (Submitted with this application) this area is Medium Density Residential (MDR) The Comprehensive Plan defines MDR as:



2. *Lands characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).*

CBJ 49.25.210 outlines the densities of D18 and LC:

> *The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high-density multifamily zoning district intended to accommodate midrise-type development.*
>
> *The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.*

3. **Subdivision** – N/A
4. **Setbacks** – A rezone to LC would increase front, side and street side yard setback requirements.

Setback type	D18 (feet)	LC (feet)
Front yard	20	25
Side yard	5	10
Street side yard	13	17
Rear	10	10

5. **Height** – Height restrictions would be unchanged.

	D18 (feet)	LC (feet)
Permissible	35	35
Accessory	25	25

6. **Access** – Glacier Hwy
7. **Parking & Circulation** –

Housing Type	Spaces Required
Single-Family & Duplex	2 per dwelling unit
Multifamily Units	1 per one-bedroom 1.5 per two-bedroom 2.0 per three-or more bedroom
Accessory Apartment	1 per unit

8. **Lot Coverage** – Lot coverage maximums would be eliminated with this zone change.
9. **Vegetative Coverage** – Vegetative coverage minimums would be reduced from 30% to 15% with a rezone. Lot is currently 100% vegetative coverage.
1. **Lighting** – No lighting is proposed at this time.
10. **Noise** – Not applicable to this application
11. **Flood** – Property is not located within a mapped flood hazard area. Per panel 02110C1531D.
12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – Property is not located within a mapped hazard area.
13. **Wetlands** – N/A
14. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact future construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
15. **Plat or Covenant Restrictions** –
16. **Traffic** – N/A
17. **Nonconforming situations** – N/A

Building Division

18. **Building** – Be mindful of fire separation distances. 4 or more units require full design professionals.
19. **Outstanding Permits** – BLD2001-00001 Stockpile of rock for future use.

General Engineering/Public Works

20. **Engineering/Drainage/Utilities** – No comments at this time.

Fire Marshal

21. **Fire Items/Access** – No comments at this time.

Other Applicable Agency Review

22. DOT&PF

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application
2. Zone Change Application or Alternative Residential Subdivision Application

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.

Exceptions to Submittal Requirements

Submittal requirements that staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. N/A

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

Fees for Rezoning

- Zone change: $600
- Public Notice Sign: $150, $100 of which is refundable if the sign is returned by the Monday following the Planning Commission meeting.

Fees for Alternative Residential Subdivision

- Preliminary plan application review: $400 plus $80 per residential unit
- Final plan review: $300 plus $60 per residential unit
- Plus subdivision fees. Subdivision over 13 lots:
    - Preliminary plat: $110 per lot
    - Final plat: $70 per lot

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/community-development.

Submit your Completed Application

You may submit your application(s) online via email to permits@juneau.gov
OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Web: www.juneau.org/community-development

Attachments:

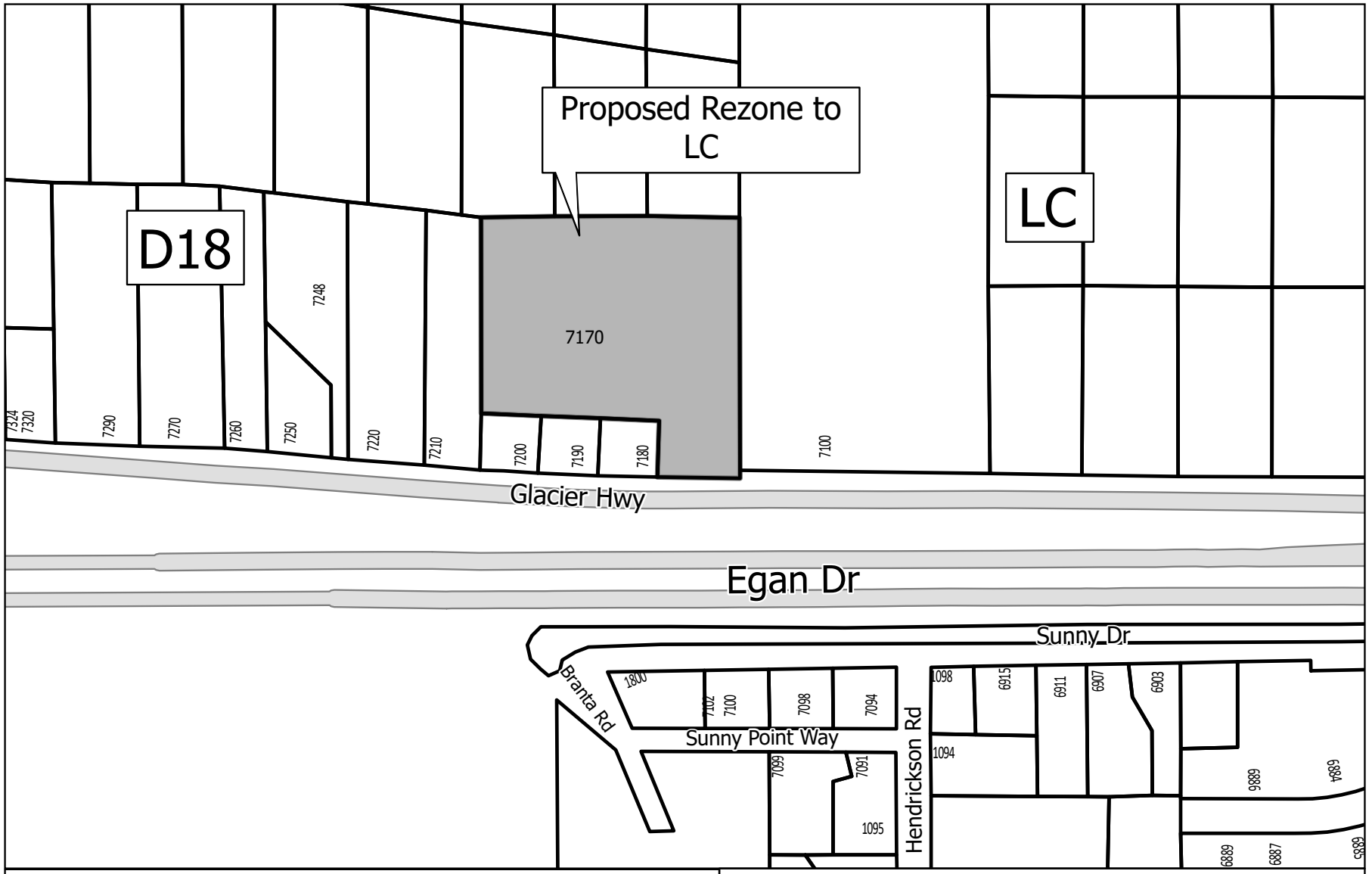
Title 49 References:

1. 49.15.920 – Alternative Residential Subdivisions
2. 49.25.300 – Table of Permissible Uses
3. 49.25.400 – Minimum Dimensional Standards
4. 49.75.110 – Rezonings

MAP2009-03 NOD
MAP2009-03 Staff Report

Applications:

DPA – Development Permit Application
AME – Zone Change Application
ARS – Alternative Residential Subdivision Application



Proposed Rezone of Seven Mile LT 4 from D18 to Light Commercial (LC).

N

CDD Case: AME 2025 0003

0 175 350 700 Feet

Attachment B – Proposed Ordinance Map

BUILDING PERMIT APPLICATION

Date Received: | Date Issued:

Process # | **CITY and BOROUGH of JUNEAU, ALASKA** | Permit # 1607.01

Project Address: 7170 Glacier Highway		City/Zip: 99801	
Subdivision/USS: USS 2476		Block/Tract: —	Lot: —
APN/File #: 5-B14-0-100-003-0		Dwelling Units: 0	# Bldgs: 0
OWNER/S: Thomas Hoey		Contact Person: same	
Mailing Address: POBox 2619 Zip: 99803		Home Phone No.: 789-2590	Work Phone No.
CONTRACTOR: same		Contact Person:	
Mailing Address: Zip:		Phone No.	License No.
ARCHITECT: N/A		Contact Person:	
Mailing Address: Zip:		Phone No.	License No.
ENGINEER: N/A		Contact Person:	
Mailing Address: Zip:		Phone No.	License No.

CLASS OF WORK: ☐ New ☐ Addition ☐ Remodel/Repair ☐ Demolition ☑ Other

BUILDING TYPE: ☐ Residential ☐ Commercial ☑ Other

Is there a separate application for real property tax exemption ☐ Yes ☐ No Located in flood plain area? ☐ Yes ☐ No
Is the proposed work to be done on land which has been previously filled or is proposed to be filled? ☐ Yes ☐ No

REMARKS/EXPLANATION OF WORK: approximately 99 cubic yards of fill.

NOTE: If the work is on a landfill, in water, wetlands, or an intertidal area, a Corps of Engineers or other permits may be required.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Owner, Contractor, or Authorized Agent | Date

X Thos Hoey

BUILDINGS

Occupancy Class: O | Type of Construction: GR

FCC Code: O | Permit Classification: GR

Occup.	Sq. Ft.	# Rate	= Valuation
No. of Stories:		No. of Bedrooms:	

Zoning

Zone:
Frontage:
Depth:
Parking:
Setbacks:
Front: Rear:
Left: Right:
Conditions:

Engineering/Public Works

City Water:
Size:
Yoke Rec'd Metered:
Fire Line:
City Sewer:
Driveway Bond:
On-site Water:
ADEC Approval:
On-Site Sewer:
ADEC Approval:

Authorizations (Init. & Date)

Arch./S:
Mech./Pl:
Elec:
Fire:
Zoning:
Eng: AB
Other:

Approved for Issuance:
Signature
6-11-87
Date

BUILDING PERMIT FEES

Est. Plan Review: $
Check No: Receipt No:
Building Permit Fee $
Actual Plan Review: $
Grading Fee: $ 22.50
Total Building Permit Fee: $ 22.50

Radio Fire Alarm Fee: $

ENGINEERING FEES:

Water Fee $
Inspection Fee $
Sewer Assessment $
Permit Fee $
Bond $

TOTAL RECEIVED $ 22.50
Check No. Receipt No.

REMARKS:

Attachment C – Building Permit 1607.01

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BUILDING PERMIT

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any provisions of said ordinances.

The granting of this permit does not authorize the violation of the provisions of any federal, state, or local law regulating construction nor the violation of the terms of any deed or covenant or any zoning or other regulations.

The permit issued must be attached to the approved drawings which should be available on site at all times while the construction is in progress.

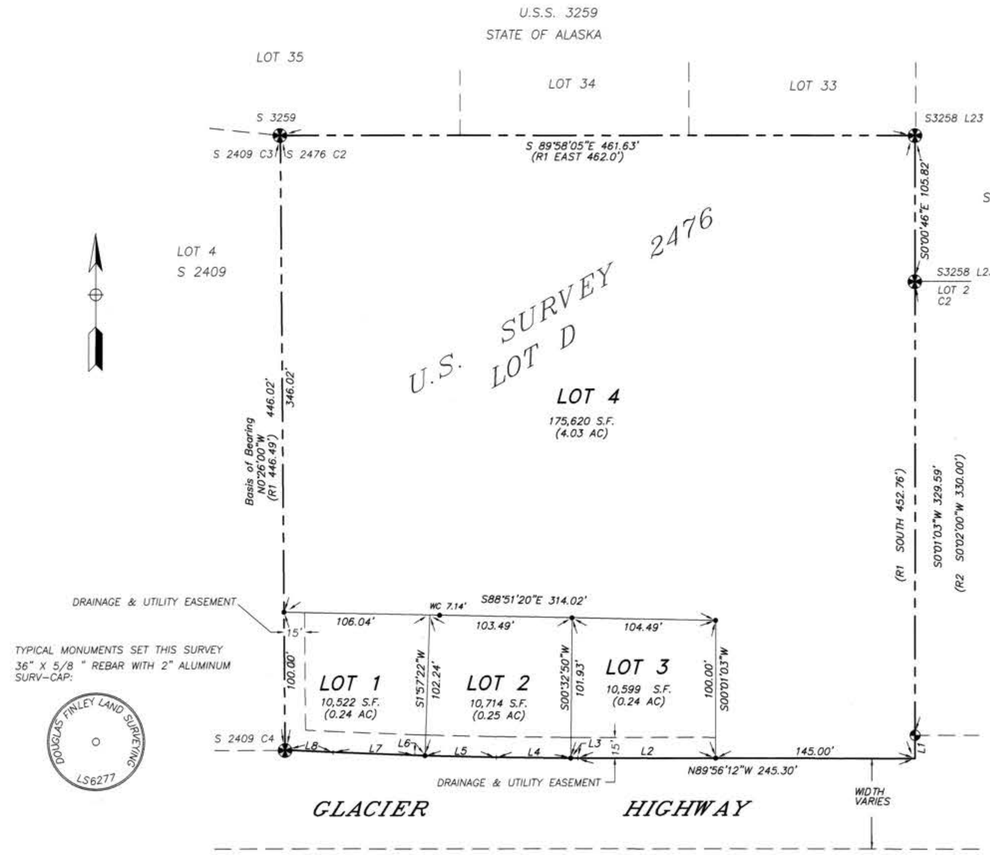
This permit becomes null and void if work or construction authorized is not commenced within 180 days or if work or construction is suspended or abandoned for a period of 180 days at any time after work is commenced.

Inspections can be arranged by telephoning 586-1703 or by written notification. Work shall not proceed until the inspector has approved the various stages of construction.

JOB ADDRESS	RECEIPT #	DATE	PROJECT #
USE OF PERMIT			

OWNER		
ADDRESS		
CITY	ST	ZIP
APPLICANT		
CONTRACTOR		
ADDRESS		
CITY	ST	ZIP
PH	STATE LIC	CITY LIC
ARCH/ENGINEER		
ADDRESS		
CITY	ST	ZIP

TRACT #	LOT #	APN		
TRACT NAME		MODULE #	CENSUS TRACT	
ZONE	SETBACKS FRONT	LEFT	RIGHT	REAR
COUNTER APPROVAL	PAYMENT FORM	TOTAL FEE		



CERTIFICATE OF APPROVAL CITY & BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED: 10/31/06

DIRECTOR, CITY & BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

ATTEST: CLERK CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

CITY & BOROUGH OF JUNEAU — ALASKA'S CAPITAL CITY — INCORPORATED JULY 1, 1970

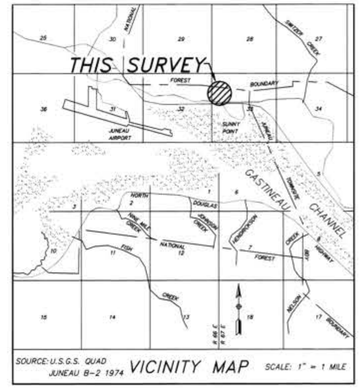
NOTES:

1.) LOTS ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD
2.) DOMESTIC WATER AND SANITARY SEWER PROVIDED BY CITY & BOROUGH OF JUNEAU UTILITIES.
3.) MEASURED BEARINGS AND DISTANCES ARE SHOWN OUTSIDE PARENTHESES; RECORD BEARINGS AND DISTANCES ARE SHOWN IN PARENTHESES.
RECORD R1 REFERS TO 1940 BLM (GLO) PLAT, U.S. SURVEY NO. 2476
RECORD R2 REFERS TO 1953 BLM PLAT, U.S. SURVEY NO. 3258 ALASKA
RIGHT OF WAY SHOWN AS DEPICTED ON STATE OF ALASKA DEPT. OF TRANSPORTATION AND PUBLIC FACILITIES RIGHT-OF-WAY MAP ALASKA PROJECT FM-0955 (3) JAN. 1986, BY ROBERT HUNGERFORD, SHEETS 3 AND 4 OF 8.

LINE TABLE		
LINE	BEARING	DISTANCE
L1 (R2)	S00°01'02"W (S0°02'00"W)	16.78' (16.90)'
L2	N89°56'12"W	100.30'
L3	N89°27'10"W	5.12'
L4	N89°27'10"W	54.22'
L5	N88°33'07"W	51.78'
L6	N88°33'07"W	7.56'
L7	N87°42'04"W	59.35'
L8	N87°11'03"W	34.95'

LEGEND

- ✠ U.S.B.L.M. PRIMARY MONUMENT, MARKED AND WITNESSED AS DESCRIBED IN THE OFFICIAL RECORDS, RECOVERED THIS SURVEY
- PRIMARY MONUMENT BY TRYCK NYMAN HAYES, RECOVERED THIS SURVEY: 3" ALUMINUM CAP ON 2" ALUM PIPE
  S2476 | L2 / L1 / ROW | USS3258 | 12-76
- • 36 "x 5/8" REBAR WITH 2" ALUMINUM SURV-CAP SET THIS SURVEY



STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND THAT I DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS INDICATED.

DATE 10/31/06 2006

OWNER
BRENDAN KELLY

NOTARY ACKNOWLEDGMENT:

UNITED STATES OF AMERICA)
STATE OF ALASKA) S.S.

THIS IS TO CERTIFY THAT ON THIS 31 DAY OF October, 2006 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED;

BRENDAN KELLY

KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA Heidi L. Adams
MY COMMISSION EXPIRES 2/14/2010

STATE OF ALASKA
OFFICIAL SEAL
HEIDI L. ADAMS
NOTARY PUBLIC
My Commission Expires 2/14/2010

2006-67
$20
June 24 REC DIST
DATE November 1 2006
TIME 10:24 AM
Requested By CBJ
Address

50 0 100
Scale 1" = 50 ft

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4, COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

STATE OF ALASKA 49TH — DOUGLAS FINLEY No. LS-6277 — REGISTERED PROFESSIONAL LAND SURVEYOR

DOUGLAS FINLEY LS-6277 — DATE 10/31/06

A PLAT OF

SEVEN MILE SUBDIVISION

A SUBDIVISION OF LOT D, US SURVEY No. 2476

LOCATED IN THE CITY & BOROUGH OF JUNEAU, ALASKA

JUNEAU, ALASKA RECORDING DISTRICT

OWNER			
BRENDAN KELLY		DOUGLAS FINLEY LAND SURVEYING	SHEET
PO BOX 34101-JUNEAU, ALASKA 99803		820 6TH STREET – JUNEAU, ALASKA 99801	1 OF 1
DATE: 9/30/06	DRAWN BY: GDM	PROJ. No.:95-186-C145	SCALE: 1 " = 50 '

© DWG\SURVEY\95-186-C145.dwg Douglas Finley (907) 789-1928

A L A S K A

2006-007999-0
Recording Dist: 101 - Juneau
11/1/2006 10:24 AM Pages: 1 of 1

PLAT PROCESSING WORKSHEET

PLAT # (ASSOC PLAT): 2006-62

INDEX CODE: P1

DOCUMENT TYPE: plat

OF MYLAR PAGES: 1

(WHEN INDEXING NUMBER OF PAGES, ONLY INDEX THE NUMBER OF MYLAR PAGES)

OF ATTACHMENT PAGES: 9

(THIS PLAT PROCESSING WORKSHEET IS NOT COUNTED AS A MYLAR OR ATTACHMENT PAGE)

Submitted by DNR: Yes _____ No X

If Yes, File Type _____ **File Number** _____

GRANTOR(S):

Kelly, Brenden

GRANTEE(S):

Seven Mile Subdivision

LEGAL (NEW):

Lot 1 PLAT 2006-62
Lot 2 2006-62
Lot 3 2006-62

LEGAL (OLD):

LOT D USS 2476

EMPLOYEE'S INITIALS MKP

5/18/2005 Revd

SUBDIVISION OR PLATTING APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name (15 characters)	Case Number	Hearing Date	Date Received
	Overridge 4 Lt Sub	SUB01-24		6/21/01

LEGAL DESCRIPTION OF PROPERTY WHICH WILL BE SUBDIVIDED OR PLATTED:

PARCEL NUMBER: 5B1401000030
USS 2476
7170 GLACIER Hwy.

Number of Existing Parcels 1 Total Land Area 207,000 SQ. FT. Resulting Lots or Parcels 4

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED
(please see submittal requirements on reverse)

MINOR SUBDIVISION
(Changing or creating 4 or fewer lots)

- ☐ Zero Lot Line (Common Wall)
- ☐ "Panhandle" Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation
- ☑ Subdivision resulting in 4 or fewer lots
- ☐ Other _____

MAJOR SUBDIVISION
(Changing or creating greater than 4 lots)

- * ☐ Preliminary Plat
- ☐ Final Plat
- * ☐ Plat Amendment
- * ☐ Planned Unit Development - Preliminary Plan Approval
- ☐ Planned Unit Development - Final Plan Approval
- ☐ Other _____

* Public Notice Sign Required

Please attach cover letter to fully explain the project if there is not adequate space on this form.

PREVIOUS USE OF LAND OR BUILDING(S):

CURRENT BUILDING(S) OR STRUCTURES ON THE LAND: ☐ YES ☑ NO
If Yes, provide a site plan drawn to scale showing all improvements on the lot. An As-Built Survey may be required.

CURRENT USE OF LAND OR BUILDING(S):

PROPOSED USE OF LAND OR BUILDING(S):
LOTS 1,2,3 AS SINGLE FAMILY HOMES.

UTILITIES AVAILABLE WATER: ☑ Public ☐ On Site SEWER: ☑ Public ☐ On Site

UNIQUE CHARACTERISTICS OF LAND OR BUILDING:

REVIEW APPROVALS

	Initials	Date
Buildings		
Engineering		
Planning		

pennfurm.xls 1/13/98

SUBDIVISION/PLATTING/PUD FEES

	Fees	Check No.	Receipt	Date
Application Fees	$			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Lease	$			
Total Fee	$ 0			

Fee paid when initially taken in 6/5/01

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 6/21/06
Project Name (City Staff to assign name)	Greenridge 4 Lot Sub	

PROJECT / APPLICANT INFORMATION

Project Description Minor 4-Lot Subdivision

PROPERTY LOCATION

Street Address	City / Zip
7170 Glacier Highway	Juneau. Alaska 99801

Subdivision (if known)	Survey (if known)	Block / Tract (if known)	Lot (if known)
	USS 2476		D

Assessor's Parcel Number (if known) 5B1401000030

LANDOWNER/LESSEE

Property Owner's Name	Contact by E-Mail	Contact Person	Work Phone No.
Brendan K. Kelly	☑ kelly_brendan@hotmail.com	Brendan Kelly	723-3540
Mailing Address P.O. Box 34101 JNU 99803		Home Phone No. 523-1011	FAX No.

LANDOWNER/LESSEE CONSENT

(Required for Planning permits not needed on Building/Engineer permits)

I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission to City officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X [signature] 6/21/06
Landowner/Lessee Signature — Date

X
Landowner/Lessee Signature — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property and may do so during the weekend before the scheduled public hearing date.

INITIAL ALL THAT MAY APPLY

APPLICATION TYPE	OWNER'S INITIALS
ALLOWABLE USE	
CONDITIONAL USE	
VARIANCE	
DESIGN REVIEW	
SUBDIVISION	
OTHER:	

APPLICANT

(If same as OWNER, write "SAME" and sign and date at X below)

Applicant's Name	Contact by E-Mail	Contact Person	Work Phone No.
Same			
Mailing Address		Home Phone No.	FAX No.

X [signature] — Applicant's Signature

X 6/21/06 — Date of Application

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS

CK	PERMIT TYPE	MINOR / MAJOR / PUD	DATE RECEIVED	APPLICATION NO.	CK	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	ALLOWABLE USE APPROVAL					WATER PERMIT		
	CONDITIONAL USE APPROVAL					SEWER PERMIT		
	VARIANCE					GRADING PERMIT		
	DESIGN REVIEW APPROVAL	MINOR / MAJOR				DRIVEWAY PERMIT		
X	SUBDIVISION	X MINOR / MAJOR / PUD	6/21/06	SUB01-24		RIGHT-OF-WAY PERMIT		
	STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
	SIGN APPROVAL (LOCATED IN HISTORIC DISTRICT) ☐ YES ☐ NO					OTHER - (Describe)		
	BUILDING PERMIT					Permit Intake Initials		

Zone	Total Lot Area	Required Setbacks
		Front ___ Back ___ Side ___ Other ___

COMMENTS:

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 6/21/06
Project Name (City Staff to assign name): Glenridge 4 Lot Sub		

PROJECT / APPLICANT INFORMATION

Project Description: Minor 4-Lot Subdivision

PROPERTY LOCATION

Street Address	City / Zip
7170 Glacier Highway	Juneau, Alaska 99801

Subdivision (if known)	Survey (if known)	Block / Tract (if known)	Lot (if known)
	USS 2476		D

Assessor's Parcel Number (if known): 5B1401000030

LANDOWNER/LESSEE

Property Owner's Name	Contact by E-Mail	Contact Person	Work Phone No.
Brendan K. Kelly	☑ kelly_brendan@hotmail.com	Brendan Kelly	723-3540
Mailing Address: P.O. Box 34101		Home Phone No. 523-1011	FAX No.

LANDOWNER/LESSEE CONSENT

(Required for Planning permits not needed on Building/Engineer permits)

I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X _____ Landowner/Lessee Signature — Date 6/21/06

X _____ Landowner/Lessee Signature — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property and may do so during the weekend before the scheduled public hearing date.

INITIAL ALL THAT MAY APPLY

APPLICATION TYPE	OWNER'S INITIALS
ALLOWABLE USE	
CONDITIONAL USE	
VARIANCE	
DESIGN REVIEW	
SUBDIVISION	
OTHER:	

APPLICANT

(If same as OWNER, write "SAME" and sign and date at X below)

Applicant's Name	Contact by E-Mail	Contact Person	Work Phone No.
Same			
Mailing Address		Home Phone No.	FAX No.

X _____ Applicant's Signature

X 6/21/06 Date of Application

STAFF APPROVALS

(OFFICE USE ONLY BELOW THIS LINE)

CK	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.
	ALLOWABLE USE APPROVAL			
	CONDITIONAL USE APPROVAL			
	VARIANCE	■		
	DESIGN REVIEW APPROVAL — MINOR / MAJOR	■		
X	SUBDIVISION — X MINOR / MAJOR / PUD	■	6/21/06	SUB01-24
	STREET VACATION			
	SIGN APPROVAL — LOCATED IN HISTORIC DISTRICT? ☐ YES ☐ NO			
	BUILDING PERMIT			

CK	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	WATER PERMIT		
	SEWER PERMIT		
	GRADING PERMIT		
	DRIVEWAY PERMIT		
	RIGHT-OF-WAY PERMIT		
	PUBL FAC. TRANSMISS. & EXCAV. PERMIT		
	OTHER - (Describe)		

Permit Intake Initials _____

Zone	Total Lot Area	Required Setbacks
		Front ___ Back ___ Side ___ Other ___

COMMENTS:

2 FORMS\DEVPERMT.PMT (ONLY) REV: 2/10/05

NOTE: DEVELOPMENT PERMIT APPLICATION *FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS*

PLAT RECORDING REQUIREMENTS

File No. SUB2001-00024 6/1/06 Date

Proposal: Subdivide USS 2476 Lot D into 4 lots

1. Is there a **title block** (Contains a title reflecting the overall intent of the document)? Y✓ N___

2. Do you have **2 mylars** for recording purposes? Y✓ N___

3. Is the plat **legible**? Document text must be of consistent clarity (no broken characters, or severe light & dark zones in text). Names printed out under signatures. Y✓ N___

4. Do you have appropriate **Fee**? Y___ N___

5. Does the plat state **Juneau Recording District**? Y✓ N___

6. Does the plat have original **Signatures** for all signers? Y✓ N___

   a. All the owners and witnesses? Y✓ N___

   b. All notary signatures including seal/stamp? Y✓ N___

   c. DEC signature when needed? Y✓ N___

7. Is the document written in **English**? Y✓ N___

8. Is the plat a reproducible **black Mylar**? Y✓ N___

9. Is the **Mylar 32" x 36"** or smaller? Y✓ N___

10. Does the plat have **surveyor's seal & signature**? Y✓ N___

11. Do you have **tax certificates** for **all** parcels involved (an Authorization to Subdivide must be included as an attachment from Jan 1 to June 30 along with the tax certificates)? Y✓ N___

12. Does the plat have **Platting Authority approval** (i.e., Director/Acting Director and City Clerk signatures or Planning Commission Chair and Planning Commission Clerk signatures)? This section must be labeled as such. Y✓ N___

13. Does the plat have the proper **legal description**? Y✓ N___

No paper attachments larger than 8 $^1/_2$ x 14. Y✓ N___

If you have documents that need to be recorded with the plat or separately, please see Annie or Heidi. These documents may have different/additional requirements. Y___ N___

Subsidiary document for a plat requires a "Return to" name & address (usually belonging to the owner). Ask for a conformed copy of any document recorded separately from a plat (not as an attachment, such as a deed restriction). Y___ N___

Juneau 2006-62

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

CERTIFICATION OF PAYMENT OF TAXES

AND SPECIAL ASSESSMENTS

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Federal District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described property is carried on the tax records in the name of:

Brendan K. Kelly
Current Owner

USS 2476 L D
Description

5-B14-0-100-003-0
Parcel Code Number

and that, according to the records in my possession, all taxes and special assessments assessed against said lands and in favor of the City and Borough of Juneau are paid in full; that current taxes of the year 2006, due on or before September 30, 2006, have been paid.

Barbara J. Rolfe
Barbara J. Rolfe, Treasurer

October 12, 2006
Date

SUB2001-00024
Permit No.

5-B14-0-100-003-2
A.P.N.

BND2007-00053
Bond No.

CITY AND BOROUGH OF JUNEAU, ALASKA
IMPROVEMENT GUARANTEE

In order to ensure the restoration, and/or installation of improvements required by the Uniform Building Code, the City and Borough Engineering Department, and/or the above referenced permit, the property owner or developer hereby guarantees the installation of required improvements described as:

Installation a four-inch sanitary sewer service. Also installation of a new one-inch water service connection to Lots 1, 2, 3, and 4 Seven Mile Subdivision. All work must comply with CBJ Standard Details, Specifications, and their latest revision, and attached conditions and all ADOT permit requireements. A certified as built stamped by an Alaskan Licensed Civil Engineer or Surveyor of the new water and sewer services must be submitted. All work must be inspected and approved before bond will be released.

Uniform Building Code Section: _____
Engineering Department Standard Detail Nos. 125 (modified), 210, 213, and 406.
Located at: Glacier Highway, Lots 1, 2, 3, and 4 Seven Mile Subdivision.
(Address)

This document is evidence that Brendan Kelly
(Owners or Applicants name)
Has posted the sum of $35,360.00 to guarantee performance of the required work as described above and as required in City and Borough of Juneau permit No.: SUB2001-00024 and BND2007-00053 incorporated by reference herein. Should the Owner/Applicant, after fourteen (14) calendar days written notification, fail to satisfactorily complete the required permitted restoration and/or improvements, the money shall be forfeited to the City and Borough of Juneau. In any event, all work must be completed by January 15, 2008 unless extended in writing by agreement of the CBJ and the Developer. The City and Borough of Juneau may use the forfeited money as needed to perform the completion of the permitted work.

The owner or applicant shall notify the City and Borough Engineering department when the restoration or improvements are completed to schedule an inspection of the site. The bond shall be returned upon written approval of the required improvements.

CITY AND BOROUGH OF JUNEAU, ALASKA
IMPROVEMENT GUARANTEE

Approved as to terms and conditions, and receipt is acknowledged by a copy hereof.

Dated this 26th day of Nov, 2007 in Juneau, Alaska.

(Owner / Applicant)

Dated This 27 day of November, 2007 in Juneau, Alaska.

City and Borough of Juneau

(Name)

Eng. Associate, General Eng

(Title and Department))

VERIFICATION GUARANTEE FUNDS

The owner/applicant, Brendan Kelly, has deposited the amount of $ 35,360.00 to guarantee the described restoration and/or improvements by:

✓ 1. Payment of a cash bond in the amount of $ 35360.00, to the City and Borough of Juneau, Engineering Department, on 11/27/07 by cash/check no 53852 and a copy of the receipt is attached.

_____ 2. Posting of a corporate surety bond in the amount of $_____, a copy of which is attached, and which has been approved as to form by the City and Borough Attorney.

_____ 3. By depositing the amount of $_____, in an account established in the name of the City and Borough of Juneau, I.T.F._____, located at:_____, account no.:_____. A copy of the escrow agreement is attached which has been approved as to form by the City and Borough Attorney.

Dated this 27th day of November, 2007 in Juneau, Alaska.

General Engineering

(CBJ Department)

(Name)

Engineering Associate

(Title)

Approved as to form:

Assistant City-Borough Attorney

City & Borough of Juneau
Alaska's Capital City
Juneau Permit Center

RECEIPT NO: 25528

Tuesday, November 27, 2007

Payment Receipt

Case # : BND2007-00053

Name : BRENDAN KELLY
PO BOX 34101
JUNEAU, AK 99803

Parcel No: 5B1401000032

Case Number	Description	Account Number	Receipt Number	Check Number	Date Paid	Amount Due	Amount Paid
BND2007-00053	3 Bond - Eng	110-00-1-33-02-000	25528	53852	11/27/2007	35,360.00	35,360.00

Total Paid: **$35,360.00**

RECEIPT PREPARED BY:

TITLE INSURANCE AGENCY, INC.
ESCROW ACCOUNT
8251 GLACIER HIGHWAY, SUITE A (907) 789-1671
JUNEAU, ALASKA 99801

WELLS FARGO BANK
89-5/1252

53852

FILE #: 37946 CHECK NO. 53852

THIRTY-FIVE THOUSAND, FIVE HUNDRED TEN AND 00/100 DOLLARS ***

PAY

DATE: 11/27/07

AMOUNT: ******$35,510.00*

TO THE ORDER OF
City and Borough of Juneau
155 South Seward
Juneau, Alaska 99801

AUTHORIZED SIGNATURE

⑈053852⑈ ⑆125200057⑆ 00188161 9⑈

Note: If your project involves a Plan Review or other CBJ Approval, you can check the status on the Internet at the following URL: http://www.juneau.org/permits/ and click on Forms, Reports and Handouts then on Permit Lists/Reports under Land Use or Building Permits to see a list of active reviews.

Printed: November 27, 2007 3:12PM FeeReceipt.rpt

TITLE INSURANCE AGENCY, INC.
ESCROW ACCOUNT

53852

FILE #: 37946 AMOUNT: $35,510.00 DATE: 11/27/07 CODE: e18
CK #: 53852 ALT:

PAYEE: -- City and Borough of Juneau

SELLER(S) -- Brendan K. Kelly

BUYER(S) -- Phao Nguyen and Hong Nguyen

NOV 27 2007
ENGINEERING

PROPERTY LOCATION --
7170 Glacier Hwy,Juneau, Ak 99801
Lot 3 Seven Mile Sub

Mortgage Payoff #1

Includes $150.00 fee

City & Borough of Juneau
Alaska's Capital City
Juneau Permit Center

RECEIPT NO: 25529

Tuesday, November 27, 2007

Payment Receipt

Case # : SUB2001-00024

Name : BRENDAN KELLY
2160 FRITZ COVE RD
JUNEAU, AK 99801

Parcel No: 5B1401000030

Case Number	Description	Account Number	Receipt Number	Check Number	Date Paid	Amount Due	Amount Paid
SUB2001-00024	10 Reconveyance Fee	110-00-3-00-00-201	25529	53852	11/27/2007	150.00	150.00
					Total Paid:		$150.00

RECEIPT PREPARED BY:

TITLE INSURANCE AGENCY, INC.
ESCROW ACCOUNT
8251 GLACIER HIGHWAY, SUITE A (907) 789-1671
JUNEAU, ALASKA 99801

WELLS FARGO BANK
89-5/1253

53852

FILE #: 37946

CHECK NO. 53852

THIRTY-FIVE THOUSAND FIVE HUNDRED TEN AND 00/100 DOLLARS ***

PAY

DATE 11/27/07

AMOUNT ******$35,510.00*

TO THE ORDER OF
City and Borough of Juneau
155 South Seward
Juneau, Alaska 99801

Stephanie A Ley
Brenda Anderson
AUTHORIZED SIGNATURE

⑈053852⑈ ⑆125200057⑆ 00188461 9⑈

Note: If your project involves a Plan Review or other CBJ Approval, you can check the status on the Internet at the following URL: http://www.juneau.org/permits/ and click on Forms, Reports and Handouts then on Permit Lists/Reports under Land Use or Building Permits to see a list of active reviews.

Printed: November 27, 2007 3:14PM FeeReceipt.rpt

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Steve Pfister
Administrative Assistant

DATE: November 28, 2007

FROM: Paul Beck
Engineering Associate

FILE: SUB2001-00024
BND2007-00053

RE: Bond for water and sewer service installation to Lots 1, 2, 3, and 4 Seven Mile subdivision.

Attached is the original bond. Please hand carry it over to Treasury.

1 – copy – Bond File area – Still needs to be filed.

Please make the data entry in the bond case in Permit Plan. The entry should go under the activity – Bond sent to Treasury. Thanks.

cc:
cc:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Title Insurance Agency
8251 Glacier Highway, Suite A
Juneau, Alaska 99801
(907) 789-1671 FAX 789-2375

THIS SPACE RESERVED FOR RECORDER'S USE

Filed for Record at Request of and Return to:

Name: Phao Nguyen and Hong Nguyen
Address: 8513 Rainbow Row
City, State, Zip Juneau, Ak, 99801

TIA # 37946

STATUTORY WARRANTY DEED

THE GRANTOR, **Brendan K. Kelly**, an unmarried man of PO Box 34101, Juneau, Ak 99803

for and in consideration of **TEN DOLLARS and other valuable consideration**

in hand paid, conveys and warrants to GRANTEE **Phao Nguyen and Hong Nguyen, husband and wife, as tenants by the entirety** of 8513 Rainbow Row, Juneau, Ak 99801

the following described real estate, situated in the Juneau Recording District, First Judicial District, State of Alaska:

Lot 3, Seven Mile Subdivision, (a subdivision of Lot D, U.S. Survey 2476) according to Plat 2006-62, Juneau Recording District, First Judicial District, State of Alaska.

SUBJECT HOWEVER, to any easements, reservations, covenants, conditions, restrictions, plat notations, patent reservations, right-of-way and agreements of record.

November 26, 2007

Brendan K. Kelly

State of Alaska)
)ss.
First Judicial District)

On this 26th day of Nov 2007 personally appeared before me, Brendan K. Kelly and , to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal hereto affixes the day and year first above written.

Notary Public for Alaska
My Commission Expires: 8/7/12

STATE OF ALASKA
OFFICIAL SEAL
Brenda Anderson
NOTARY PUBLIC
My Commission Expires 8/7/12

Title Insurance Agency, Inc.
9097 Glacier Highway
Juneau, Alaska 99801
(907) 789-1671 FAX (907) 789-2375

RETURN TO: GRANTEE

Quit Claim Deed

THE GRANTOR: City and Borough of Juneau, a municipal corporation, of 155 S. Seward Street, Juneau, AK 99801

for and in consideration of **ONE DOLLAR** and other good and valuable consideration

conveys and quit claims to GRANTEE: Brendan K. Kelly, of PO Box 34101, Juneau, AK 99803

the following described real estate situated in the Juneau Recording District, First Judicial District, State of Alaska,

Lot 3, Seven Mile Subdivision, (a subdivision of Lot D, U.S. Survey 2476) according to Plat 2006-62, Juneau Recording District, First Judicial District, State of Alaska.

Dated this 27th day of November, 2007

Kim Kiefer, Deputy City Manager

State of Alaska)
)ss.
First Judicial District)

THIS IS TO CERTIFY that on this day personally appeared before me, Kim Kiefer, Deputy City Manager of the City and Borough of Juneau, Alaska, a municipal corporation which executed the above and foregoing instrument, who on oath stated that he was duly authorized to execute said instrument on behalf of said corporation , who acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this November 27th, 2007

Notary Public for Alaska
My Commission Expires: 05-14-11

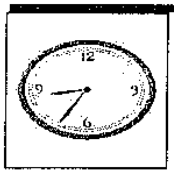
Request for Manager's Approval

10/24/07

Prepared by: Paul Beck

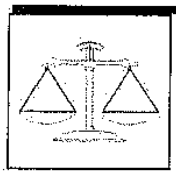
Division: General Engineering

Dept. Head Approval: _____



State da ASAP

Originally, Mr. Kelly reconveyed Lot 3 Seven Mile Subdivision to the CBJ to guarantee the utility improvements for Seven Mile Subdivision (see attached document). On Friday, September 28, 2007, Mr. Kelly sold Lot 3 Seven Mile Subdivision. The Quit Claim Deed is to reconvey Lot 3, Seven Mile Subdivision back to Mr. Kelly. Before the Quit Claim Deed will be recorded, Mr. Kelly will post a bond for the utility improvements.



Describe the action for which approval is sought. Include a concise statement of the type of commitment, term, budget implications, and other important facts.



If there is a financial commitment, explain the source of funds and the date of Assembly appropriation.

Approved _____

Date: _____

Not Approved _____

Title Insurance Agency, Inc.
9097 Glacier Highway
Juneau, Alaska 99801
(907) 789-1671 FAX (907) 789-2375

RETURN TO: GRANTEE

Quit Claim Deed

THE GRANTOR: City and Borough of Juneau, a municipal corporation, of 155 S Seward St, Juneau, AK 99801

for and in consideration of ONE DOLLAR and other good and valuable consideration

conveys and quit claims to GRANTEE: Brendan K. Kelly, of PO Box 34101, Juneau, AK 99803

the following described real estate situated in the Juneau Recording District, First Judicial District, State of Alaska,

Lot 3, Seven Mile Subdivision, (a subdivision of Lot D, U.S. Survey 2476) according to Plat 2006-62, Juneau Recording District, First Judicial District, State of Alaska.

Dated this ____day of October, 2007

_____
Rod Swope, Manager City and Borough of Juneau

State of Alaska)
)ss.
First Judicial District)

THIS IS TO CERTIFY that on this day personally appeared before me, Rod Swope, to me known to be the Manager of the City And Borough of Juneau, Alaska, a municipal corporation which executed the above and foregoing instrument, who on oath stated that he was duly authorized to execute said instrument on behalf of said corporation, who acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this October _____, 2007

_____
Notary Public for Alaska
My Commission Expires:_____

JUNEAU 2006-62

Title Page for
Reconveyance Agreement, for Lot 3, Seven Mile Subdivision.
A subdivision of U.S. Survey 2476, Lot D

Return to:

City and Borough of Juneau
Community Development Department
155 S. Seward Street
Juneau, Alaska 99801

JUNEAU 2006-62

Title Page for
Reconveyance Agreement, for Lot 3, Seven Mile Subdivision.
A subdivision of U.S. Survey 2476, Lot D

Return to:

City and Borough of Juneau
Community Development Department
155 S. Seward Street
Juneau, Alaska 99801

Juneau 2006-62

RECONVEYANCE AGREEMENT

This agreement, entered into this 12 day of October, 2006, by and between Brendan K. Kelly, P.O. box 34101, Juneau, Alaska 99803, ("Grantor") and the CITY AND BOROUGH OF JUNEAU, 155 S. Seward Street Juneau, Alaska 99801 ("Grantee").

WHEREAS, the Grantor did convey and warrant unto Grantee by Warranty Deed the following lot legally described as:

Lot 3, Seven Mile Subdivision. A subdivision of U.S. Survey 2476, Lot D according to Plat No. 85-2476 LD Juneau Recording District, First Judicial District, State of Alaska, as guarantee for construction of utility improvements on Seven Mile Subdivision which are conditions to receive final subdivision plat approval pursuant to CBJ 49.15.440, and

WHEREAS, the terms and conditions under which the Grantee shall hold title to the property and the manner by which the above-described property will be reconveyed to the Grantor must be set forth, and

THEREFORE, IT IS HEREBY AGREED:

1. Conditions to be Performed by Grantor,
    a. Within one year of executing this agreement, the subdivision utility improvements shall be completed and in conformance with:
        i. Applicable subdivision utility improvement construction standards as set forth in CBJ 49.35.

d. Upon acceptance of the subdivision utility improvements by the Grantee, the Grantor will post a maintenance bond as required by CBJ 49-55-110(g).

e. The Grantor will pay all real property taxes on the above-described property as if the conveyance to the Grantee has not occurred.

f. To reimburse the Grantee for its administrative costs in utilizing Reconveyance agreements, Grantor will pay and administrative fee of $120.00. For the lot conveyed, substituted or reconveyed Grantee.

2. Conditions to be performed by Grantee.

a. The grantee will not pledge, encumber, transfer or otherwise hypothecate the above-described property for a period of one year from the date at which the subdivision plat is filed with the State Recorder's Office in the Juneau Recording District.

b. Upon receipt of notice of completion and acceptance of the subdivision utility improvements required, the Grantee shall reconvey the property to the Grantor by quitclaim deed and this agreement shall terminate and have no further force or effect.

c. In the event all required subdivision utility improvements have not been completed with the requirements specified in this agreement, and after one year from the date the plat is filed with the State Recorder's Office in the Juneau Recording District, the Grantee may, after ten (10) days' written notice to Grantor, sell the above-described property and use the proceeds derived from the sale for the purpose of completing the required

subdivision utility improvements. Proceeds of the sale not used for the construction of the subdivision utility improvements will be returned to the Grantor after all direct and indirect costs of the sale have been deducted. An accounting of the costs incurred shall accompany the return of the excess proceeds.

d. Grantee shall not be subject to any covenants, conditions, or restrictions applicable by private agreement to owners of property in Seven Mile Subdivision, and Grantor shall indemnify, defend, and hold Grantee harmless against any claim for liability under any such covenants, conditions, or restrictions.

3. Severability of terms.

If any term or provision of this agreement or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this agreement, or the application of such terms or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected to the fullest extent permitted by law.

4. Binding agreement.

The parties to this agreement mutually agree that it shall be binding upon them and each of their respective heirs, executors, administrators, successors, and assigns and that this agreement and the deeds mentioned herein contain the final and entire agreement between the parties hereto and that they shall not be bound by any terms, conditions, statements, warranties, or representations oral or written, not contained herein, Any

Juneau 2006-62

modification to this agreement must be made in writing and signed by the party charged with performance under the modification.

5. Expiration.

Upon Reconveyance of all real property previously conveyed to grantee, this agreement shall expire and Grantee shall have no further ownership or possessory interest in such property.

6. Construction.

The parties agree that this instrument shall be construed according to the laws of the State of Alaska, and the parties have jointly participated in the negotiations and drafting of this agreement.

DATED in Juneau, Alaska, the day, month, and year hereinabove first mentioned.

GRANTOR:

Brendan K. Kelly

GRANTEE:
CITY AND BOROUGH OF JUNEAU

BY: _____

A L A S K A

2006-008006-0
Recording Dist: 101 - Juneau
11/1/2006 11:26 AM Pages: 1 of 1

CC

SANITARY SEWER LINE MAINTENANCE AND HOLD HARMLESS AGREEMENT

I, Brendan K Kelly, whose physical address is 922 first Street, Douglas, Alaska; the owner of:

Lots 1, 2, 3, and 4 Seven Mile Subdivision within the City and Borough of Juneau, Juneau Recording District First Judicial District, State of Alaska

Hereby agrees to accept private ownership of said sanitary sewer service line and the portions of the sewer service pipes that are jointly used by Lots 1, 2, 3, and 4, and assume severally, all responsibility for future dismantling, maintenance, and repairs of said sanitary sewer service line by the owners of said lots who are jointly using the common sewer service. The common use sewer pipe is that which extends from the public main in Glacier Highway into the fifteen-foot utility and drainage easement within Seven Mile Subdivision to the connections for the lots jointly utilizing sewer service pipes that are existing or those that will be installed in the future shown on **the approved construction plans dated October 6, 2006 and titled Manhole K1 to Main Plan and Profile.** I also agree, severally, to indemnify, defend, and hold harmless the City and Borough of Juneau its officers, agents, and employees, from all suits, claims, actions, losses, costs, penalties, and damages, including attorney's fees arising out of the existence or location of said sanitary sewer service line, within Glacier Highway and the fifteen-foot utility and drainage easement across Seven Mile Subdivision and other properties.

It is understood that the City and Borough of Juneau is not responsible for the repair of the sewer service pipes.

It is understood that no repair or replacement that requires excavation within the public right-of-way, shall be done without obtaining the appropriate permits from the City and Borough of Juneau.

I agree, and this agreement runs with the land, and shall be binding on all present and future owners, their heirs and assigns of said Lots 1, 2, 3, and 4 Seven Mile Subdivision.

IN WITNESSD WHEREOF, the party hereto has executed this agreement as of the 12 day of October, 2006

By: Brendan Kelly Dated: October 12 2006
Brendan K. Kelly

ACKNOWLEDGEMENT

RETURN TO: BRENDAN KELLY
P.O. BOX 34101
JUNEAU, ALASKA 99803

STATE OF ALASKA
SS
FRIST JUDICIAL DISTRICT

PLAT No. 2006-62

This is to certify that on this 12 day of October, 2006, before the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, appeared Brendan K. Kelly, to me known to be the owner of the Lots 1, 2, 3, and 4 Seven Mile Subdivision, acknowledged to me that he executed this document freely and voluntarily, being fully authorized to do so.

Witness my hand and official seal the day, month and year herein first above written.

Lorinda K Savage
Notary Public, State of Alaska
My Commission Expires: Nov. 17, 2008

STATE OF ALASKA
OFFICIAL SEAL
Lorinda K. Savage
NOTARY PUBLIC
My Commission Expires 11/17/08

Juneau 2006-62

SANITARY SEWER LINE MAINTENANCE AND HOLD HARMLESS AGREEMENT

I, Brendan K Kelly, whose physical address is 922 first Street, Douglas, Alaska; the owner of:

Lots 1, 2, 3, and 4 Seven Mile Subdivision within the City and Borough of Juneau, Juneau Recording District First Judicial District, State of Alaska

Hereby agrees to accept private ownership of said sanitary sewer service line and the portions of the sewer service pipes that are jointly used by Lots 1, 2, 3, and 4, and assume severally, all responsibility for future dismantling, maintenance, and repairs of said sanitary sewer service line by the owners of said lots who are jointly using the common sewer service. The common use sewer pipe is that which extends from the public main in Glacier Highway into the fifteen-foot utility and drainage easement within Seven Mile Subdivision to the connections for the lots jointly utilizing sewer service pipes that are existing or those that will be installed in the future shown on **the approved construction plans dated October 6, 2006 and titled Manhole K1 to Main Plan and Profile**. I also agree, severally, to indemnify, defend, and hold harmless the City and Borough of Juneau its officers, agents, and employees, from all suits, claims, actions, losses, costs, penalties, and damages, including attorney's fees arising out of the existence or location of said sanitary sewer service line, within Glacier Highway and the fifteen-foot utility and drainage easement across Seven Mile Subdivision and other properties.

It is understood that the City and Borough of Juneau is not responsible for the repair of the sewer service pipes.

It is understood that no repair or replacement that requires excavation within the public right-of-way, shall be done without obtaining the appropriate permits from the City and Borough of Juneau.

I agree, and this agreement runs with the land, and shall be binding on all present and future owners, their heirs and assigns of said Lots 1, 2, 3, and 4 Seven Mile Subdivision.

IN WITNESSD WHEREOF, the party hereto has executed this agreement as of the 12 day of October, 2006

By: Brendan Kelly Dated: October 12, 2006
Brendan K. Kelly

ACKNOWLEDGEMENT

STATE OF ALASKA

SS

FRIST JUDICIAL DISTRICT

This is to certify that on this 12 day of October, 2006, before the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, appeared Brendan K. Kelly, to me known to be the owner of the Lots 1, 2, 3, and 4 Seven Mile Subdivision, acknowledged to me that he executed this document freely and voluntarily, being fully authorized to do so.

Witness my hand and official seal the day, month and year herein first above written.

Lorinda K. Savage
Notary Public, State of Alaska
My Commission Expires: Nov. 17, 2008

STATE OF ALASKA
OFFICIAL SEAL
Lorinda K. Savage
NOTARY PUBLIC
My Commission Expires 11/17/08

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: July 31, 2006

TO: Erin Russell
Jeanette St. George
Ron King
Rich Etheridge

FROM: Teri Camery

SUBJECT: EXPEDITED REVIEW OF SUB2001-00024

Review of a minor lot subdivision of US Survey No. 2476 into 4 lots. Lot 7 into 7a and 7b. The parcel code number is 5B1401000030.

This subdivision had full review and approval in 2001, but was not recorded because of the bond for sewer. (At least that is my vague memory of it.) Unfortunately I cannot find records in the file documenting that review. Mr. Kelly says that Terry Brenner had approved it, so I am hoping that there is information in Engineering's files.

A state coastal management program review has been completed which has approved four residential fill pads for this subdivision. Also, Glacier Highway is a collector street, which allows access directly onto the road in this section.

Mr. Kelly is urgent to complete this, and again it seems that review was completed in 2001. So I am asking for your help to complete this just as quickly as your schedule allows, preferably within 3-5 working days (by end-of-business Friday August 4, or sooner).

Thank you for your help!

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

October 2, 2006
File No. SUB2001-00024
APN: 4-B14-0-100-003-0

Douglas Finley
820 6th Street
Juneau, Alaska 99801

Subject: Subdivision Plat for SUB2001-00024

Property Owner: Brendan Kelly

Dear Mr. Finley,

Teri Camery is the Planner assigned to this case however, she is currently out of the office and I am filling in for her until she returns.

This letter concerns minor corrections required for the draft plat you have prepared titled:

A PLAT OF

SEVEN MILE SUBDIVISION
A SUBDIVISION OF
U.S. SURVEY No. 2476

LOCATED IN THE CITY & BOROUGH OF JUNEAU,
JUNEAU, ALASKA RECORDING DISTRICT

155 So. Seward Street, Juneau, Alaska 99801-1397

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Greg Chaney CDD **DATE:** October 2, 2006

FROM: Ron King General Engineering **FILE:** 7 Mile Subdivision
SUB2001-00024

RE: Review Comments

Plat: East lot line...Label Lot 2 Lot 23
Remove ('S) from Notary Acknowledgement

Construction Plans
Add notes: All work shall be in accordance with City & Borough of Juneau current Standard Drawings and Specifications.

Water services to be 1" copper pipe installed per CBJ Standard 406

Add water valve symbol and label 1"Cu Water Service (typical)

Label 4" PVC Sanitary Sewer Service (typical)

Move Sanitary Sewer Service up line, not directly into manhole

Remove from note 6 "this drawing does not to propose subdivision sewer or water design at this time"

This project will require a joint maintenance agreement for the sanitary sewer and a bond in the amount of $35,360.00.

All corrections shall be made to the Plat and construction plans and resubmitted for final approval. The construction bond is required prior to recording.

cc: Paul Beck

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Two minor corrections are needed prior to printing mylars for recording:

- Apostrophe "S" needs to be removed from "Notary's Acknowledgment".
- Add lot numbers to lots bordering east lot line.
- Per 04 CBJAC 010.010(l), all legal descriptions for property outside of the lot being subdivided must be in a dashed or lighter font.

If you have any additional questions please feel free to call me at the phone number below.

Sincerely,

Greg Chaney

Greg Chaney, Planner
Community Development Department
(907) 586-0761

Enclosures

cc: File SUB2001-00024

Teri Camery

From: Fred_Thorsteinson [Fred_Thorsteinson@dot.state.ak.us]
Sent: Tuesday, July 10, 2001 1:32 PM
To: Teri Camery
Subject: Kelley Subdivision USS 2476


Kelley Subd.BMP

I reviewed the subdivision of USS 2476 proposed by Brendon Kelly which divides his property into 4 lots. Although the AK Department of Transportation would prefer that the number of access points to the state highway be limited to as few as possible, our design standards do not preclude this type of development. There is sufficient sight distance for a driveway for each one of the proposed lots.
We have previously reviewed a different subdivision design for this property and issued permits for two access roads. (See Attachment) Lot 4 of the proposed subdivision is a large parcel which may be further subdivided in the future. This could result in 4 access points to the highway instead of the 2 in the earlier proposed subdivision. It might be better to subdivide this property into 4 lots along the Glacier Highway frontage as orginally proposed with platted ROWs between the lots which could provide access to the larger undeveloped area behind in the future. The ROW could be utilized by common use driveways until such time as the property is fully developed. As I stated earlier though, we have no standards or regulations which would require this.

I am curious about the utility service to the proposed lots, in particular the sewer. Any sewer service connections would have to be done either by a collector line parrallel to the Glacier Highway on the uphill side of the road or by boring under the highway. No open cutting of the Glacier Highway will be permitted.

If you need more information, please call me at 465-4526.

Douglas Finley Land Surveying

820 Sixth Street
Juneau, AK 99801

Phone (907) 586-4253
Fax (907) 586-3250

Tuesday, October 2, 2001

Brendan Kelly
2160 Fritz Cove Road
Juneau, AK 99801

STATEMENT FOR SURVEYING AND MAPPING SERVICES

SUBJECT PROPERTY:
US Survey No. 2476
Subdivision Plat

5-30-01	Computations for New Lots Draft new Preliminary Plat Plat Copies	$254
5-31	Submit Plat to CBJ for Review Discuss Proposed Subdivision with Planners Review Highway Sight Distances for Proposed Driveway Locations	$165
7-23-01	Revise Plat after Review Create Computation Data Sheets on Lot Closures for Engineering Review	$180
8-2 & 8-3	Set Lot Corners	$640
9-13-09	Plat Copies & Mylars for recording	$ 76
		$1315.00
	CBJ Sales Tax (omit if Bldg. Permit issued. Send No.)	$65.75
		$1380.75

#4635

RECEIVED

JUN 11 2001

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Teri Camery
Planner

DATE: June 8, 2001

FROM: Terry Brenner, P.E.,L.S.
Land Surveyor

FILE: Kelly Subdivision

RE: Minor Subdivision Review

Please note the following Engineering review comments:

1. Area and closure computations need to be submitted to complete the review.

2. Approval from D.O.T. for the proposed driveways on to Glacier Highway.

3. Submittal of engineered plans for the sewer and water services to the unserved lots.

4. Installation of the required services. A performance bond may be substituted for the installation up to one year. An amount of the bond can be given upon submittal of the engineered plans and a D.O.T. permit for the work in the Glacier Highway right-of-way.

I notice the subdivision has a different name on the reduced copy of the plat. Which name will be used for the subdivision?

586-3250
Doug Finley
Dep

KELLYMINORPLAT.DOC

City & Borough of Juneau
Alaska's Capital City

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: July 31, 2006

TO: Erin Russell
Jeanette St. George
Ron King
Rich Etheridge

See note on plat
TMK
Jun

FROM: Teri Camery

SUBJECT: EXPEDITED REVIEW OF SUB2001-00024

Review of a minor lot subdivision of US Survey No. 2476 into 4 lots. Lot 7 into 7a and 7b. The parcel code number is 5B1401000030.

This subdivision had full review and approval in 2001, but was not recorded because of the bond for sewer. (At least that is my vague memory of it.) Unfortunately I cannot find records in the file documenting that review. Mr. Kelly says that Terry Brenner had approved it, so I am hoping that there is information in Engineering's files.

A state coastal management program review has been completed which has approved four residential fill pads for this subdivision. Also, Glacier Highway is a collector street, which allows access directly onto the road in this section.

Mr. Kelly is urgent to complete this, and again it seems that review was completed in 2001. So I am asking for your help to complete this just as quickly as your schedule allows, preferably within 3-5 working days (by end-of-business Friday August 4, or sooner).

Thank you for your help!

- ✓ Certificate of taxes
- Check Title ✓

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Teri Camery

From: Brendan Kelly [kelly_brendan@hotmail.com]
Sent: Friday, June 23, 2006 8:21 AM
To: Teri Camery
Subject: 4-lot minor subdivision

June 23, 2006

Teri Camery Planner II
City and Borough of Juneau
Community Development Division
155 S. Seward Street
Juneau, Alaska 99801

Hi Teri,

On Wednesday, I met with Jennifer Mannix, Tim Maquire, and Susana Montana and discussed the 4-lot minor subdivision I once applied for, and the project was assigned to you. Because 2-years had past, I incorrectly assumed that I had to re-apply. But it turns out, the time limit is only for major subdivisions, not 4-lot minor subdivisions. Jennifer found the project on the system and it had been flagged as "inactive", and Jennifer changed the status to "Active".

Terry Brenner approved the 4-lot subdivision but the last thing he requested were drawings of the sewer connections. But I waited because the National Guard Armory announced plans to build a facility bordering my property, so I was going to wait for them to bring the sewer and electrical utilities across Glacier Highway before I proceeded. But that project was later cancelled.

Today there is a question with the sewer stub-out to Lot #1. If that stub-out is 6-inches or greater, I can install a manhole in the Right-of-Way in front of Lot 1, then run a 6-inch sewer line to service Lots 2 and 3 with a clean-out positioned in front of Lot 3. If the stub-out is only 4 inches, it will be used to service Lot #1 and I will have to boar under the highway to the manhole in the highway shoulder across the street. I spoke with CBJ Public Works Sewer Manager Tom Trego and he has scheduled that stub-out to be located and sized by this coming Tuesday June 27th. When the stub-out size is determined, I will submit drawings of the sewer plans.

I submitted 5 copies of the plans (2' x 3') on Wednesday with Jennifer, and I stopped by your office yesterday afternoon to discuss this but you were out of your office. If there is anything you need from me, please let me know.

Thanks,

Brendan Kelly

2005-006974-0
Recording Dist: 101 - Juneau
7/29/2005 11:37 AM Pages: 1 of 2

ALASKA

File for Record at Request of:
First American Title Insurance Company
AFTER RECORDING MAIL TO:
Name: **Linda E. Kruger**
Address: **824 Second Street**
Douglas, AK 99824
File No.: **0231-628182 (GK)**

STATUTORY WARRANTY DEED

THE GRANTOR, **Michael J. Venner, a single person,** whose mailing address is **P.O. 240954, Douglas AK 99824,** for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION,** in hand paid, conveys and warrants to **Linda E. Kruger,** residing at **824 Second Street, Juneau Ak 99801,** the following described real estate, situated in the **Juneau** Recording District, **First** Judicial District, State of **Alaska:**

Lot 10, Block 32, Resubdivision of Block 32, Millsite Addition and fraction of Block 2 and 4, Douglas Townsite according to Plat 262, Juneau Recording District, First Judicial District, State of Alaska.

EXCEPT THEREFROM that part described as:

Begin at the Northeast corner of said Lot 10, run thence S 77° 42' W 65.50 feet; thence S 82° 33' E 61.81 feet to the Easterly line of said Lot 10; thence N 07° 02' E, along the Easterly line of said Lot 10, 22.13 feet to the point of beginning.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

Dated: 28 JULY, 2005.

Michael J. Venner

AUTHORIZATION TO SUBDIVIDE

This form allows for the appropriate property tax billing to occur when a parcel is subdivided between the dates of January 1 and June 30. Property taxes are assessed on January 1, however, the tax amount is not determinable until the millage rate is set, which can be as late as June 15.

If a landowner chooses to authorize the CBJ Assessor to divide the subject real property for the tax year, the assessment will be prorated from the old parcel to the newly created parcels based on their size. As a result, separate tax bills will be created for the new parcels, reducing the confusion when subdivided property is sold or transferred.

Example: Parcel A is 10,000 square feet. The assessed value on January 1 is $20,000. Upon subdivision, Parcel B (4,000 square feet) and Parcel C (6,000 square feet) are created. If the property owner authorizes the division of the property tax, then the assessed value will be allocated to the two newly created parcels: Parcel B will have an assessed value of $8,000, and Parcel C will have an assessed value of $12,000. Please note, a tax bill will not be created for Parcel A.

If the property owner has not identified a party to sell or transfer a newly created parcel to, or does not wish to split the property tax bill, then an authorization to combine the property tax for the year is necessary.

Tax bills are mailed on or before July 1 and are due September 30 of each year.

I, GREEN RIDGE DEVELOPMENT, the owner of the following described property:

Parcel Number/Legal Description: U.S. Survey 2476

Street Address: 7½ MILE GLACIER HWY

hereby authorize the CBJ Assessor to divide/combine the subject real property for the tax year 200___.

Future assessment notices and tax bills should be sent to:

Name: GREEN RIDGE DEVELOPMENT Name: _____

Address: 2160 FRITZ COVE RD Address: _____

JUNEAU, AK 99801

GENERAL PARTNER

Signature of Owner

Subscribed and sworn to before me this 5 **day of** JUNE, 2001.

STATE OF ALASKA
OFFICIAL SEAL
Georgianna Williams
NOTARY PUBLIC
My Commission Expires 4/26/05

Notary Public
My Commission expires 4-26-05

Application Number: _____

Douglas Finley Land Surveying

820 Sixth Street
Juneau, AK 99801

Phone (907) 586-4253
Fax (907) 586-3250

Tuesday, October 2, 2001

Brendan Kelly
2160 Fritz Cove Road
Juneau, AK 99801

STATEMENT FOR SURVEYING AND MAPPING SERVICES

SUBJECT PROPERTY:
US Survey No. 2476
Subdivision Plat

5-30-01	Computations for New Lots Draft new Preliminary Plat Plat Copies	$254
5-31	Submit Plat to CBJ for Review Discuss Proposed Subdivision with Planners Review Highway Sight Distances for Proposed Driveway Locations	$165
7-23-01	Revise Plat after Review Create Computation Data Sheets on Lot Closures for Engineering Review	$180
8-2 & 8-3	Set Lot Corners	$640
9-13-09	Plat Copies & Mylars for recording	$ 76
		$1315.00
	CBJ Sales Tax (omit if Bldg. Permit issued. Send No.)	$65.75
		$1380.75

#4635

SUBDIVISION OR PLATTING APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name (15 characters)	Case Number	Hearing Date	Date Received
	Greenridge R 4 LOT Subdivision	SUB01-24		6-5-01

LEGAL DESCRIPTION OF PROPERTY WHICH WILL BE SUBDIVIDED OR PLATTED:
U.S. ~~2469~~ 2476

Number of Existing Parcels 1 Total Land Area 4.7 Resulting Lots or Parcels 4

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED
(please see submittal requirements on reverse)

MINOR SUBDIVISION
(Changing or creating 4 or fewer lots)

- ☐ Zero Lot Line (Common Wall)
- ☐ "Panhandle" Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation
- ☑ Subdivision resulting in 4 or fewer lots
- ☐ Other _____

MAJOR SUBDIVISION
(Changing or creating greater than 4 lots)

- * ☐ Preliminary Plat
- ☐ Final Plat
- * ☐ Plat Amendment
- * ☐ Planned Unit Development - Preliminary Plan Approval
- ☐ Planned Unit Development - Final Plan Approval
- ☐ Other _____

* Public Notice Sign Required

Please attach cover letter to fully explain the project if there is not adequate space on this form.

PREVIOUS USE OF LAND OR BUILDING(S):
FARM

CURRENT BUILDING(S) OR STRUCTURES ON THE LAND: ☐ YES ☑ NO
If Yes, provide a site plan drawn to scale showing all improvements on the lot. An As-Built Survey may be required.

CURRENT USE OF LAND OR BUILDING(S):
VACANT

PROPOSED USE OF LAND OR BUILDING(S):
SINGLE FAMILY LOTS

UTILITIES AVAILABLE WATER: ☑ Public ☐ On Site SEWER: ☑ Public ☐ On Site

UNIQUE CHARACTERISTICS OF LAND OR BUILDING:

REVIEW APPROVALS

	Initials	Date
Buildings		
Engineering		
Planning		

SUBDIVISION/PLATTING/PUD FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 350.00			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Lease	$			
Total Fee	$ 350.00	V35526	11857	6/5/01

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 6-5-01
Project Name (City Staff to assign name)	GREENRIDGE DEVELOPMENT 4-LOT SUB	

PROJECT / APPLICANT INFORMATION

Project Description: MINOR SUBDIVISION RESULTING IN 4 LOTS

PROPERTY LOCATION 7170 GLACIER HWY.

Street Address	City / Zip
7170 GLACIER HWY	JUNEAU, AK 99801

Subdivision (if known)	Survey (if known)	Block / Tract (if known)	Lot (if known)
	USS 2476		D

Assessor's Parcel Number (if known): 5B1401DD0030

LANDOWNER /LESSEE

Property Owner's Name	Contact by E-Mail	Contact Person	Work Phone No.
GREENRIDGE DEVELOPMENT	KELLY-BRENDAN@HOTMAIL.COM	BRENDAN KELLY	723-3540
Mailing Address: 2160 FRITZ COVE ROAD		Home Phone No.: 790-5824	FAX No.

LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)

I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

Landowner/Lessee Signature — Date: 6/4/01

Landowner/Lessee Signature — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.

INITIAL ALL THAT MAY APPLY

APPLICATION TYPE	OWNER'S INITIALS
ALLOWABLE USE	
CONDITIONAL USE	
VARIANCE	
DESIGN REVIEW	
SUBDIVISION	
OTHER	

APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)

Applicant's Name	Contact by E-Mail	Contact Person	Work Phone No.
SAME			
Mailing Address		Home Phone No.	FAX No.

X Brendan Kelly — Applicant's Signature — X 6/4/01 — Date of Application

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS

CK	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	CK	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	ALLOWABLE USE APPROVAL					WATER PERMIT		
	CONDITIONAL USE APPROVAL					SEWER PERMIT		
	VARIANCE					GRADING PERMIT		
	DESIGN REVIEW APPROVAL (MINOR / MAJOR)					DRIVEWAY PERMIT		
X	SUBDIVISION (MINOR / MAJOR / PUD)		6/5/01	SUB01-24		RIGHT-OF-WAY PERMIT		
	STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
	SIGN APPROVAL (LOCATED IN HISTORIC DISTRICT? YES / NO)					OTHER - (Describe)		
	BUILDING PERMIT					Permit Intake Initials	KMP	

Zone: D-5 | Total Lot Area | Required Setbacks: Front ____ Back ____ Side ____ Other ____

COMMENTS:

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION
Date: October 14, 2009
File No.: MAP2009-00003

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Application For:	Planning Commission Recommendation to the City and Borough Assembly regarding a request to rezone Seven Mile Lot 4 from D-5 to LC.
Legal Description:	SEVEN MILE LT 4
Parcel Code No.:	5-B14-0-100-003-1
Hearing Date:	October 13, 2009

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 6, 2009, and recommended that the City and Borough Assembly adopt staff's recommendation for immediate zone change from D-5 to D-18. This regulatory map change would modify the current D-5 zone in the designated area to D-18, allowing 18 dwellings per acre, with the following conditions:

1. Future development of the site will have no more than one access point to the Glacier Highway.

Attachments: October 6, 2009 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding MAP2009-00003.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020 (b).

Project Planner: _____ _____
Beth McKibben, Planner — Maria Gladziszewski, Chair
Community Development Department — Planning Commission

_____ 10/15/09
Filed With City Clerk — Date

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended map change. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: October 6, 2009

TO: Planning Commission

FROM: Beth McKibben, Planner
Community Development Department

FILE NO.: MAP2009-00003

PROPOSAL: A Zone change request for Seven Mile Lot 4 from D-5 to LC.

GENERAL INFORMATION

Applicant:	Murray Walsh
Property Owner:	True North Federal Credit Union
Property Address:	7170 Glacier Hwy
Legal Description:	Seven Mile Lot 4
Parcel Code No.:	5-B14-0-100-003-1
Site Size:	4.03 acres
Zoning:	D-5
Utilities:	City water & sewer
Access:	Glacier Highway
Existing Land Use:	Vacant
Surrounding Land Use:	North - Vacant (Mental Health Trust) (D5) South - Vacant/Residential/Glacier Highway(D5) East - Public Works Facility (LC) West - Residential (D5)

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION

The applicant is requesting a zone change without any specific development plans for the immediate future. The site is currently zoned D-5. Immediately to the east is the new CBJ public works facility, which is zoned Light Commercial.

The following language is provided by the CBJ Land Use Code to describe the current zoning designations:

> *The D-5, residential district, is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D-5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.*

The applicant proposes that the parcel should be zoned Light Commercial (LC). The CBJ Land Use code describes Light Commercial as follows:

> *The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions.*

The site is located in Subarea 5 of the 2008 Comprehensive Plan (Map G). The plan shows this lot as MDR, or Medium Density Residential. Page 164 of the 2008 Comprehensive Plan describes MDR as follows:

> *These lands are characterized by urban residential lands for multi-family dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood.*

BACKGROUND

The site was zoned R-7 in 1969. R-7 zoning established a low density single family and two family district, with a minimum lot size of 7,000 square feet for a single family home. It was zoned D-5 with ordinance 87-49 in the major revisions completed borough-wide. Plat 2006-62 was recorded in November 2006 subdividing one larger lot into four smaller lots, including this one (attachment A). The lot is currently vacant.

ANALYSIS

Zone Change Initiation

CBJ §49.75.110. INITIATION. A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

1. Was the proposed zone change initiated by the property owner during the appropriate time frame?

Yes. The application for the subject zone change was made on July 31, 2009.

2. Has the director provided adequate public notice through newspaper advertising, property owner mailings and requiring a public notice sign to be posted on-site

Yes. The public was notified through newspaper advertising published on October 2, 2009 and October 12, 2009, as well as mailings to owners of all properties within 500 feet of the subject property, and a public notice sign posted on-site for two weeks prior to the Planning Commission hearing on the rezone request.

49.70.900-49.70.1097 COASTAL DEVELOPMENT, HABITAT, AND WETLANDS

There appears to be a small area of category D wetlands on the subject lot. This rezone request does not include any specific development plans. The applicant is advised that prior to development of the lot wetlands delineation by the US Army Corps of Engineers will be required.

ALASKA COASTAL MANAGEMENT PROGRAM (ACMP)

Not applicable. Rezoning does not require a state-coordinated ACMP review.

RESTRICTIONS AND PROCEDURE

CBJ §49.75.120. RESTRICTIONS ON REZONINGS. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall not allow uses which violate the land use maps of the comprehensive plan.

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request constitutes an expansion of the existing Light Commercial (LC) zone and is more than 4 acres, which exceeds the minimum lot size of 2 acres for a single lot rezone request.

2. No similar request has been made in the past year.

However, this request does NOT conform in that the request is not consistent with the land use maps of the 2008 Comprehensive Plan. The Comprehensive Plan designates this area as MDR (attachment B); page 164 of the 2008 Comprehensive Plan describes MDR as follows:

> *These lands are characterized by urban residential lands for multi-family dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood.*

The area immediately adjacent to the subject parcel is identified as Institutional and Public Use (IPU); page 163 of the 2008 Comprehensive Plan describes IPU as follows:

> *Lands that are in public ownership and dedicated for a variety of public uses, such as the University of Alaska Southeast; local, State and Federal government uses; and for such public facilities as community gardens, schools, libraries, fire stations, treatment plants, and public sanitary landfills. Included are potential sites for future boat harbors, schools, parks, farmers markets, publicly supported arts events, permitted arts or food-service kiosks or sales activities, parking facilities may also be accommodated within Transit Corridors. Transit Corridors can be expected to support Affordable Housing, and Transit Oriented Development overlay districts.*

Staff notes the lot adjacent to the requested rezone that is shown as IPU in the Comprehensive Plan is where the CBJ Public Works facility is being constructed. The Public Works site is currently zoned Light Commercial.

Unlike the Land Use Code, the Comprehensive Plan is a guiding document. Chapter 1, Introduction and Background of the Comprehensive Plan contains the following guidance (pg 1):

> *To be a meaningful and effective document the Comprehensive Plan must be considered regularly and used by residents, the Planning Commission, and the governing body to guide its decisions and resource allocations and it must be kept current to reflect community values, resources, constraints and opportunities. Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. This is not to say that the Plan will be infallible or that it is cast in concrete. It should, however, bring into focus sufficient information and data so that the best possible considered and objective judgments can be made, using the most current data available when the date in the Plan is out of date.*

In Chapter 11, Comprehensive Plan Land Use Maps (pg 159) the following guidance is made in regard to rezoning:

> *In considering re-zoning request, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration: in some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.*

Clearly the land use maps of the Comprehensive Plan are not "cast in concrete" and there is some flexibility in review, and the proposal as presented is an extension of an existing district. However, staff recommends that a rezone to D-18 be considered. Other alternative zoning districts that are consistent with the 2008 Comprehensive Plan maps that could be considered are: D-10-SF, D-10, and D-15. This staff report will evaluate rezoning to D-18 in accordance with the 2008 Comprehensive Plan. Staff will also evaluate rezoning to LC as requested by the applicant.

> *CBJ §49.75.130. PROCEDURE. A rezoning shall follow the procedure for a major development permit except for the following:*
>
> *1) The commission decision for approval shall constitute only a recommendation to the assembly.*

The action by the Planning Commission on a zone change request is different from action on a permit request. Action on a zone change request is discretionary. There is no assumption the zone change will be approved. Specifically, the Planning Commission action is to make a recommendation to the Assembly to change the zoning maps or deny the request.

Land Use

The subject parcel is located on Glacier Highway, adjacent to the Public Works Facility which is zoned Light Commercial. It is currently vacant. To the north is vacant land, zoned D-5 and currently owned by the Alaska Mental Health Trust. To the south is Glacier Highway. There are also three lots between the subject site and Glacier Highway. Two of these lots are vacant, one has a duplex, and they are all zoned D-5 (see Attachment C). Staff has contacted the owners of these three lots to see if they are interested in being included in this proposed rezone. At the time of the writing of this staff report, the owner of Lot 3, where the duplex is located, contacted staff. He would like his lot to be included in the rezone, and his preference would be to have the lot zoned Light Commercial. He further indicated that D-18 would be an acceptable alternative. To the west is single family residential, also zoned D-5.

Density

Current zoning for these lots will allow for 5 units per acre, with 1 dwelling per lot, and a possible maximum of 20 dwelling units. To achieve the maximum density in D-5, the lot would have to be

subdivided, and roads constructed. The staff recommended D-18 zone would allow for up to 18 dwellings per acre, for an increase of 52 dwellings. With D-18 zoning it is easier to achieve maximum density by using multi-family buildings because a subdivision would not be required. All these figures are approximate because of possible variations in development schemes and in the final lot size.

If the lot were zoned Light Commercial the minimum lot size for permissible uses would become 2,000 square feet. Residential uses could be permitted at 18 units per acre, as well as professional offices, clinics, restaurants and a variety of other, non-residential uses.

Comprehensive Plan

The Comprehensive Plan map designation of the subject site is MDR. As discussed above, MDR considers urban residential multi-family uses and small neighborhood scale commercial development options. On page 205 of the 2008 Comprehensive Plan, Subarea 5 is discussed in detail. There is a long list of guidelines and considerations for this subarea. Item 2 states, in part, "provide for additional medium to high density residential development in areas with access to arterial roadways from collector streets."

The Comprehensive Plan offers general guidance for residential development: Policy 10.1 (page 142) states "it is the policy of the CBJ to facilitate availability of sufficient land with adequate public facilities and services for a range of housing types and densities to enable the public and private sectors to provide affordable housing opportunities for all CBJ residents."

Standard Operating Procedure 10.1.SOP2 (page 143) states "Designate sufficient land on the Comprehensive Land Use Maps and zoning maps to provide for a full range of housing types and densities desired by CBJ households. Provide choices in residential neighborhood character such that residents can choose to live in urban, suburban and rural residential settings and neighborhoods."

Policy 10.3 (page 144) states "It is the policy of the CBJ to facilitate residential developments of various types and densities that are appropriately located in relation to site considerations, surrounding lands uses, and capacity of public facilities and transportation systems."

The Comprehensive Plan also offers general guidance for commercial and industrial development: Policy 10.7 (pg 150) states "it is the policy of the CBJ to designate on land use and zoning maps, and to provide services to, sufficient vacant land within the urban service area appropriately located to accommodate future commercial and industrial uses."

Standard operating procedure 10.7.SOP1 (pg 150) states "review local economic indicators and conduct periodic surveys and analysis of the space needs of commercial and industrial sectors in the CBJ and, when appropriate, allocate sufficient land and infrastructure to support the expansion and/or relocation needs of those sectors of the economy."

Access

The site is accessed via Glacier Highway. The applicant's letter suggests that the access road serving the Public Works Facility could serve as the primary access for the site. The 2008 Comprehensive Plan identifies this as a "potential road alignment". However, Joe Buck, Director of Public Works and Mike Scott, Streets Superintendent both clarified that this is not a public right-of-way (Attachments D & E). Further, they indicate that there are no plans to dedicate a right-of-way or upgrade the access road. However, Mike Scott does say that at some point in the past there were some negotiations with the previous property owner to create a shared right-of-way. But negotiations were unsuccessful. Staff recommends as a condition of this rezone that future development of the site have no more than one access point to the Glacier Highway.

Traffic

Carolyn Morehouse, with AKDOT shared some concerns with the potential development of a high volume traffic business, and potential impacts to Glacier Highway (Attachment F). This is an important consideration if Light Commercial is considered. However, the requirement of limiting future development to no more than one access to the Glacier Highway would alleviate some of the traffic concerns whether the site is zoned Light Commercial or D-18. There is also potential that future development of the site could require a Traffic Impact Study. At this point there are no firm development plans for the site.

Public Comments

At the time of the writing of this staff report staff received an email (Attachment G) from Timothy Spernak, Senior Resource Manager for the Land Trust Office. The Land Trust Office represents the Alaska Mental Health Trust Authority (AMHT). AMHT is an adjacent property owner. AMHT objects to the rezoning request from D-5 to Light Commercial as it is not so identified in the Comprehensive Plan.

Summary

The requested rezone to Light Commercial is not consistent with the Comprehensive Plan. However, Light Commercial could be approved as it would be a boundary adjustment of an adjacent zoning district. Staff recommends rezoning to D-18 because this is the maximum density zoning that conforms to the recommendations and maps of the 2008 Comprehensive Plan.

FINDINGS

After review of the application materials, the CBJ Land Use Code and the CBJ Comprehensive Plan the Director makes the following findings:

1. The request meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.

2. D-18 zoning does not violate the Land Use maps of the Comprehensive Plan and is consistent with Map G.

3. The rezoning is larger than 2 acres.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend the Assembly approve the rezone the subject parcel from D-5 to D-18 with the following condition:

1. Future development of the site will have no more than one access point to the Glacier Highway.

ATTACHMENTS

A - Plat 2006-62
B - Map G, 2008 Comprehensive Plan
C - Map showing current zoning and location of requested rezone
D - Email from Joe Buck, Public Works Director
E - Email from Mike Scott, Streets Superintendent
F - Email from Carolyn Moorehouse, AKDOT Engineer
G - Email from Timothy Spernak, AMHT

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
PRJ09-129		7-31-09

Project Name (City Staff to assign name): SevenMile Lt 4 Rezone

PROJECT / APPLICANT INFORMATION

Project Description: Rezone the subject parcel to Light Commercial from D-5

PROPERTY LOCATION

Street Address	City / Zip
7170 Glacier Highway	Juneau, 99801

Subdivision (if known)	Survey (if known)	Block / Tract (if known)	Lot (if known)
Seven Mile L4, USS 2476			

Assessor's Parcel Number (if known): 5B1401000031

LANDOWNER/LESSEE

Property Owner's Name	Contact by E-Mail	Contact Person	Work Phone No.
True North Federal Credit Union	lmacvay@truenorthfcu.org	Lauren MacVay	523-4720

Mailing Address	Home Phone No.	FAX No.
PO Box 034157, Juneau, AK 998093		586-8078

LANDOWNER/LESSEE CONSENT

[Required for Planning permits not needed on Building/Engineer permits]

I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X [signature] Landowner/Lessee Signature — Date: 7-30-09

X _____ Landowner/Lessee Signature — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property and may do so during the weekend before the scheduled public hearing date.

INITIAL ALL THAT MAY APPLY

APPLICATION TYPE	OWNER'S INITIALS
ALLOWABLE USE	
CONDITIONAL USE	
VARIANCE	
DESIGN REVIEW	
SUBDIVISION	
OTHER: RE-ZONE	LM

APPLICANT

(If same as OWNER, write "SAME" and sign and date at X below)

Applicant's Name	Contact by E-Mail	Contact Person	Work Phone No.
True North FCU, Walsh Services, Agent	murray@acsalaska.net	Murray Walsh	586-4083

Mailing Address	Home Phone No.	FAX No.
2974 Foster Ave., Juneau, AK 99801	586-1106	586-4093

X Murray R. Walsh — Applicant's Signature

X July 31, 2009 — Date of Application

STAFF APPROVALS

(OFFICE USE ONLY BELOW THIS LINE)

CK	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.
	ALLOWABLE USE APPROVAL			
	CONDITIONAL USE APPROVAL			
	VARIANCE			
	DESIGN REVIEW APPROVAL — MINOR / MAJOR			
	SUBDIVISION — MINOR / MAJOR / PUD			
	STREET VACATION			
	SIGN APPROVAL — LOCATED IN HISTORIC DISTRICT? ☐ YES ☐ NO			
	BUILDING PERMIT			

CK	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	WATER PERMIT		
	SEWER PERMIT		
	GRADING PERMIT		
	DRIVEWAY PERMIT		
	RIGHT-OF-WAY PERMIT		
	PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
X	OTHER - (Describe) Rezone 7/31/09		MAP09-003
	Permit Intake Initials		

Zone	Total Lot Area	Required Setbacks
		Front ____ Back ____ Side ____ Other ____

COMMENTS:

(I:\FORMS\CDDFORMS\PERMFORM.XLS REV -2/18/99)

NOTE: DEVELOPMENT PERMIT APPLICATION *FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS*

ZONE CHANGE APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name	Case Number	Hearing Date	Date Received
PRJ09-129	SEVEN MILE LTH Rezone	MAP09-3		7-31-09

NEW ZONE REQUESTED: ~~Light Commercial~~

DESCRIBE LIMITS OF AREA TO BE REZONED:

Parcel #B1401000031, containing 175,620 square feet.

TYPE OF ZONE CHANGE: [X] Regular [ ] Transition

PURPOSE OF THE REQUESTED ZONE CHANGE:

See attached narrative.

TYPE AND DENSITY OF PROPOSED DEVELOPMENT:

None proposed at this time.

DESCRIBE IMPACTS TO ROADS AND ANY ADDITIONAL ROADS PROPOSED:

See attached narrative.

UTILITIES AVAILABLE **WATER:** [X] Public [ ] On Site **SEWER:** [X] Public [ ] On Site

DIMENSIONS OF SITE:
Width ____ ft. Depth ____ ft. Square Feet ____

REVIEW APPROVALS

	Initials	Date
Buildings		
Engineering		
Planning		

ZONE CHANGE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 500.00			
Adjustment	$			
Public Notice Sign	$ 50.00			
Public Notice Sign Deposit	$ 100.00			
Total Fee	$ 650.00	VD25690	28101	7-31-09

devappzc.xls 1/30/97

NOTE: MUST BE ACCOMPANIED BY **DEVELOPMENT PERMIT APPLICATION** *FORM*

JUL 3 1 2009

Narrative for Zone Change Request for Seven Mile, Lot 4
Parcel Number 5B1401000031

July 31, 2009

General

The subject parcel is now zoned D-5. It consists largely of forested wetlands and a portion of land adjacent to the roadway that has been affected by development of adjoining parcels. The eastern boundary of the parcel adjoins an area presently zoned LC and which is now under development by the CBJ. A new general shop is being built for the Public Works Department. There is a road, evidently built to CBJ street standards, that runs along the eastern boundary of the target parcel.

There is very little un-built commercial property in Juneau and virtually no parcels as large as this one. The presence of forested wetlands on the majority of the parcel means that any development proposal will require a permit from the Corps of Engineers and obtaining such a permit will require preservation of a substantial portion of those wetlands or some other form of mitigation that would be very difficult for individual home builders to provide if the parcel is subdivided for residential use.

Traffic

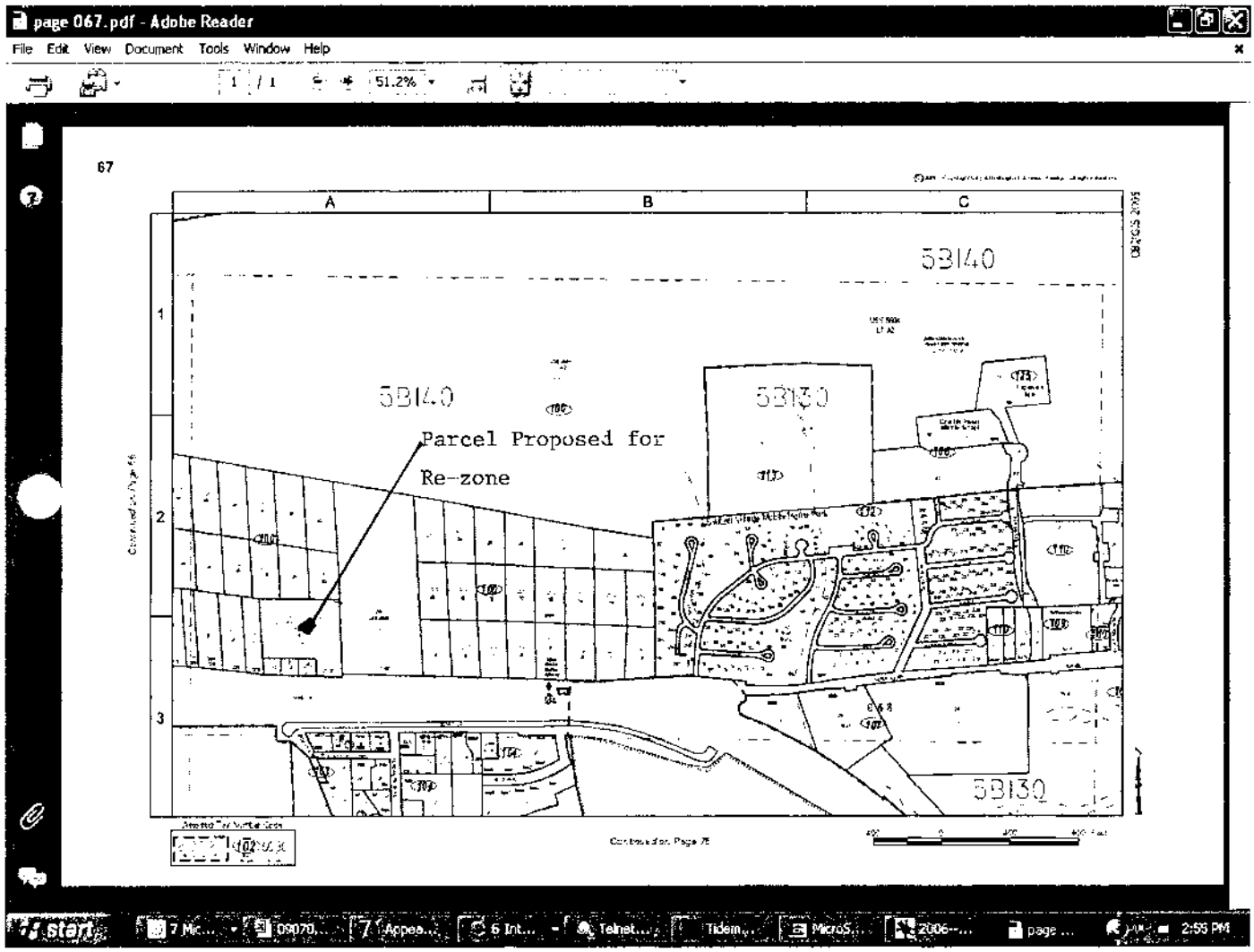
The first aspect to consider is that general access to the property could be provided via the access road to the new Public Works Facility if that road is designated as a city street – something we understand that the Public Works Department wants to do. Thus, all commercial traffic would enter and exit the property by that new street rather than directly on to Glacier Highway. This is seen as preferable.

The next aspect is to compare traffic generation. If the property was developed in residential use, it could host up to 34 dwelling units if developed in duplexes or zero-lot attached homes. Each dwelling unit, according to local and national trip generation observations, will generate seven trips per day or 238 for the development as a whole. This is the total of trips in and out. There is no way to forecast what a commercial development will generate without knowing what kind of commercial development is eventually proposed.

A furniture store generates very little traffic (6 trips per 1000 square feet per day) while a convenience store or carwash generates a great deal of traffic. The CBJ code provides for Traffic Impact Analyses at the time a specific commercial development is proposed and the developer is required to address traffic impacts that are found to be problematic. In this instance, the developer might be required to install a traffic signal at the intersection of Glacier Highway and the un-named access street.

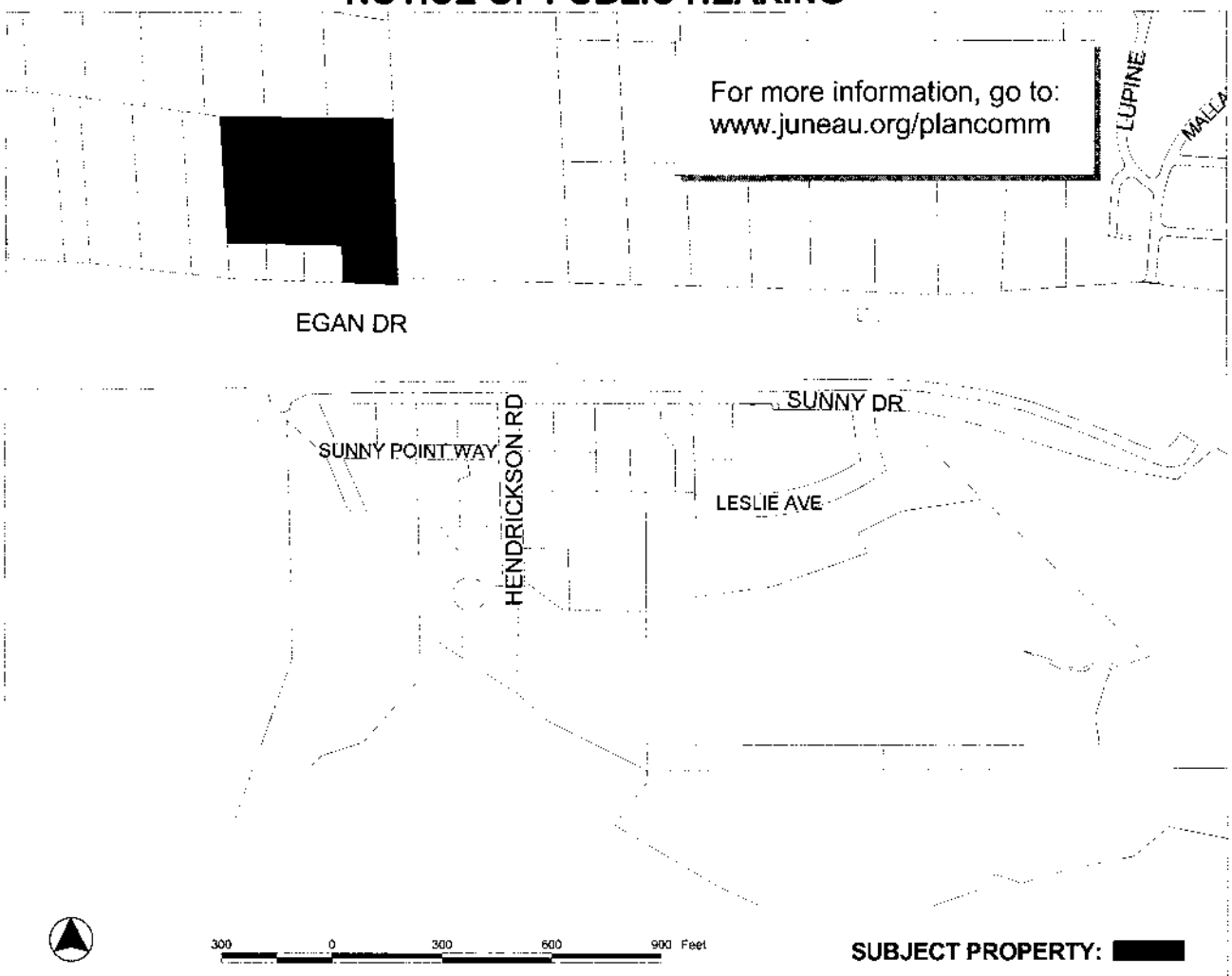
Buffering

There is no buffering between the new city shop and the target parcel as zoned today. Residential development would be affected by the 24/7 operations expected at the shop. This rezone request is an opportunity to provide buffering between commercial and residential uses. The target parcel had three residential lots subdivided from it a few years ago. No provision for buffering was included in that subdivision. Now, however, the applicant is willing to provide a definite buffer of vegetation and perhaps a berm to protect those three lots and the residential area to the west and make such a requirement a permanent obligation on the parcel. A more specific buffering provision can be designed and applied at the time a specific commercial development is proposed, but the *obligation* to impose such a requirement can be imposed as a part of this rezone request.



Thursday, Jul 02, 2009 02:55 PM

NOTICE OF PUBLIC HEARING



PROPOSAL: A Zone change request for SEVEN MILE LT 4 from D-5 to LC, and other zones may be considered.

FILE NO:	MAP2009-00003	**APPLICANT:**	MURRAY WALSH
TO:	**Adjacent Property Owners**	**PROPERTY OWNER:**	TRUE NORTH FCU
HEARING DATE:	September 22, 2009	**PROPERTY ADDRESS:**	7170 GLACIER HWY
HEARING TIME:	7:00 P.M.	**PARCEL CODE NUMBER:**	5-B14-0-100-003-1
PLACE:	**ASSEMBLY CHAMBERS** Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	**SITE SIZE:**	4.03 acres
		ZONING:	D5
		ACCESS:	GLACIER HWY

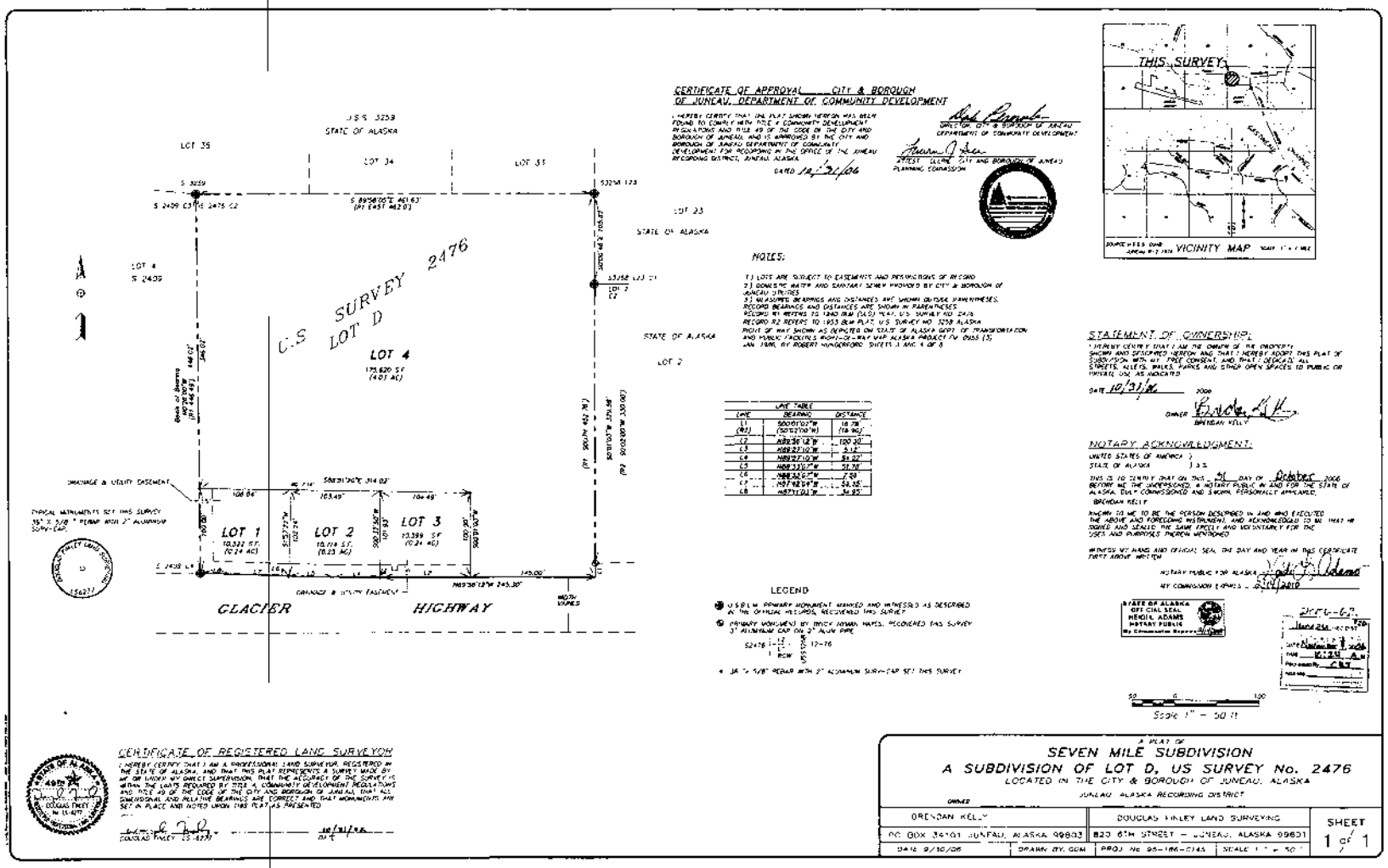
PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 5:00 P.M. on Monday, the week preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

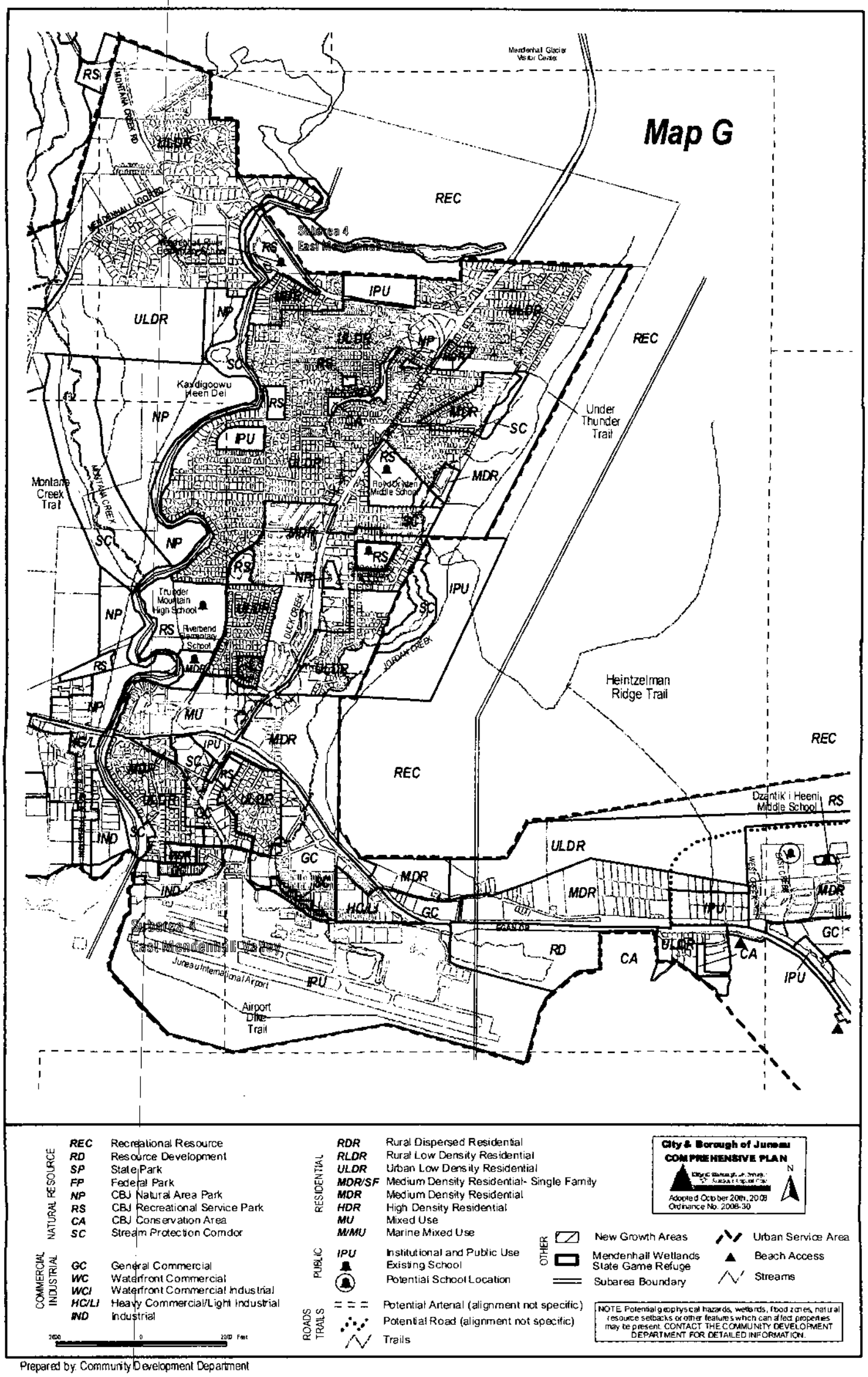
If you have questions, please contact Beth McKibben at (907)-586-0736 or e-mail: beth_mckibben@ci.juneau.ak.us

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: September 8, 2009

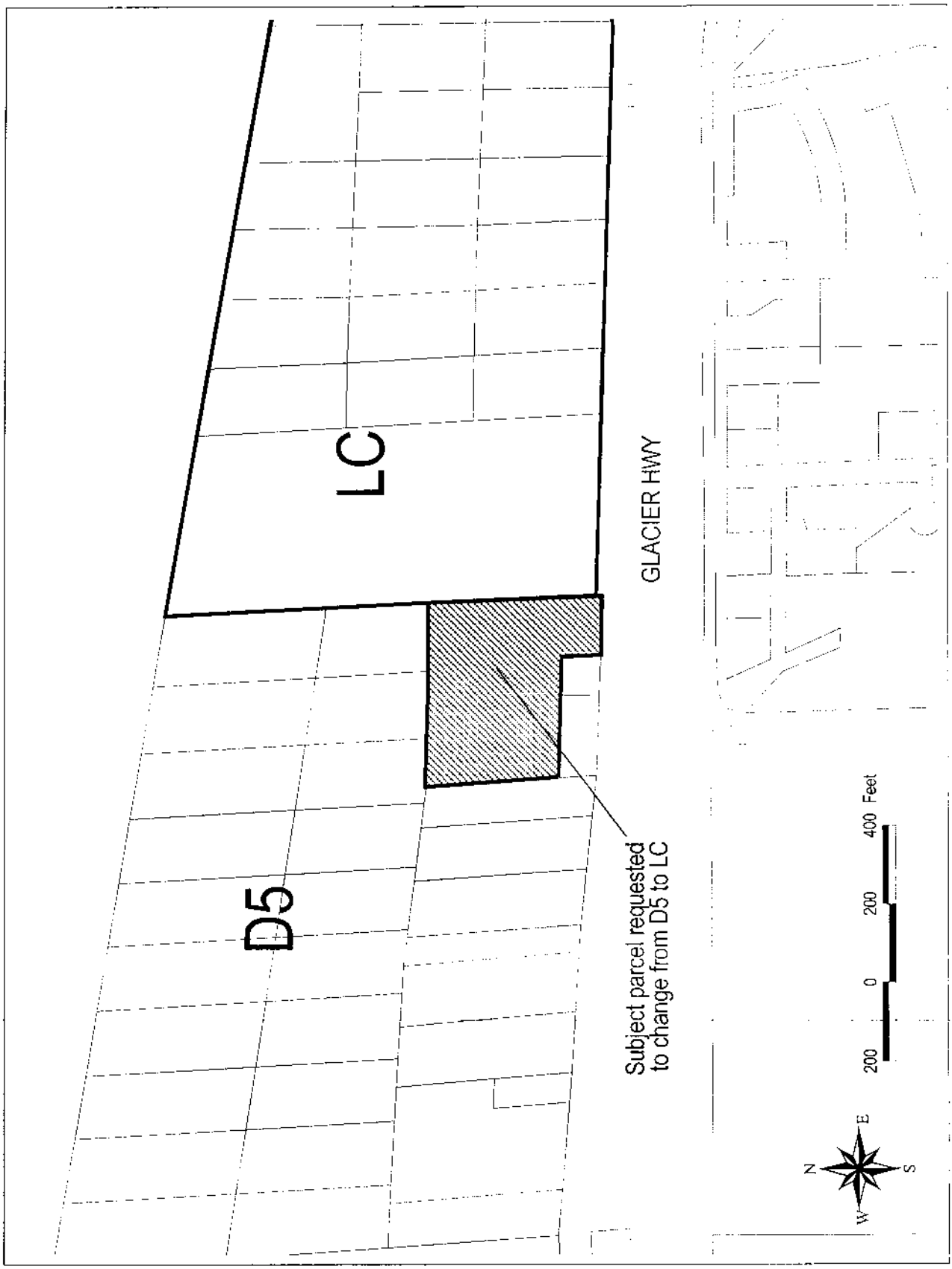


ATTACHMENT A



Map G

ATTACHMENT B



ATTACHMENT C

Beth McKibben

From: Joe Buck

Sent: Thursday, September 03, 2009 4:26 PM

To: Mike Scott; Beth McKibben; Brad Flynn, USFS ; Carolyn Morehouse; Chris Meade; Dan Jager; Debra Purves; Eric Eriksen, AEL&P; Fred Thorsteinson, DOT; Greg Browning; Heather Holman, JCVB; Jackie Timothy, DNR; Joe Myers; John Leeds, Army Corps or Engineers; Marc Matsil; Mike Eberhardt, DNR; Monty Williams, ACS; Peggy Cowan, CBJ School District; Richard Enriquez, US Fish & Wildlife; Sally Wanstall, DEC; Scott Jeffers; Steve Brockmann, US Fish & Wildlife; Susan Walker, NOAA; Ted Anderson; Tom Lawson, Division Director; Tom Trego; William Groom

Subject: RE: Review Requested MAP2009-0003

Mike makes a very good point. The driveway to the new shop is ***not*** a public street or right-of-way – it is a portion of the new Street & Fleet Maintenance Shop Facility.

There are no plans to provide access or utilities from the shop facility to adjacent properties.

Joe

From: Mike Scott
Sent: Thursday, September 03, 2009 1:34 PM
To: Beth McKibben; Brad Flynn, USFS ; Carolyn Morehouse; Chris Meade; Dan Jager; Debra Purves; Eric Eriksen, AEL&P; Fred Thorsteinson, DOT; Greg Browning; Heather Holman, JCVB; Jackie Timothy, DNR; Joe Buck; Joe Myers; John Leeds, Army Corps or Engineers; Marc Matsil; Mike Eberhardt, DNR; Monty Williams, ACS; Peggy Cowan, CBJ School District; Richard Enriquez, US Fish & Wildlife; Sally Wanstall, DEC; Scott Jeffers; Steve Brockmann, US Fish & Wildlife; Susan Walker, NOAA; Ted Anderson; Tom Lawson, Division Director; Tom Trego; William Groom
Subject: RE: Review Requested MAP2009-0003

While I am not opposing or supporting the proposed zone change I will clear up some confusion regarding the "general" and "traffic" statements as put forth.

There is no road access to the new City Shop. It is a driveway as constructed with no plans at this point to upgrade it to a standard city street. It is not currently designed to meet the needs of the adjoining property. Negotiations with the previous property owner and other affected properties were unsuccessful in creating a shared ROW that would have served both properties and provided future access for the other locations.

Mike Scott

From: Beth McKibben
Sent: Thursday, September 03, 2009 11:42 AM
To: Brad Flynn, USFS ; Carolyn Morehouse; Chris Meade; Dan Jager; Debra Purves; Eric Eriksen, AEL&P; Fred Thorsteinson, DOT; Greg Browning; Heather Holman, JCVB; Jackie Timothy, DNR; Joe Buck; Joe Myers; John Leeds, Army Corps or Engineers; Marc Matsil; Mike Eberhardt, DNR; Mike Scott; Monty Williams, ACS; Peggy Cowan, CBJ School District; Richard Enriquez, US Fish & Wildlife; Sally Wanstall, DEC; Scott Jeffers; Steve Brockmann, US Fish & Wildlife; Susan Walker, NOAA; Ted Anderson; Tom Lawson, Division Director; Tom Trego; William Groom
Subject: Review Requested MAP2009-0003

Applicant seeks to rezone one 4.03 parcel from D-5 to Light Commercial

Beth McKibben

ATTACHMENT D

Beth McKibben

From: Mike Scott

Sent: Thursday, September 03, 2009 1:34 PM

To: Beth McKibben; Brad Flynn, USFS ; Carolyn Morehouse; Chris Meade; Dan Jager; Debra Purves; Eric Eriksen, AEL&P; Fred Thorsteinson, DOT; Greg Browning; Heather Holman, JCVB; Jackie Timothy, DNR; Joe Buck; Joe Myers; John Leeds, Army Corps or Engineers; Marc Matsil; Mike Eberhardt, DNR; Monty Williams, ACS; Peggy Cowan, CBJ School District; Richard Enriquez, US Fish & Wildlife; Sally Wanstall, DEC; Scott Jeffers; Steve Brockmann, US Fish & Wildlife; Susan Walker, NOAA; Ted Anderson; Tom Lawson, Division Director; Tom Trego; William Groom

Subject: RE: Review Requested MAP2009-0003

While I am not opposing or supporting the proposed zone change I will clear up some confusion regarding the "general" and "traffic" statements as put forth.

There is no road access to the new City Shop. It is a driveway as constructed with no plans at this point to upgrade it to a standard city street. It is not currently designed to meet the needs of the adjoining property. Negotiations with the previous property owner and other affected properties were unsuccessful in creating a shared ROW that would have served both properties and provided future access for the other locations.

Mike Scott

From: Beth McKibben
Sent: Thursday, September 03, 2009 11:42 AM
To: Brad Flynn, USFS ; Carolyn Morehouse; Chris Meade; Dan Jager; Debra Purves; Eric Eriksen, AEL&P; Fred Thorsteinson, DOT; Greg Browning; Heather Holman, JCVB; Jackie Timothy, DNR; Joe Buck; Joe Myers; John Leeds, Army Corps or Engineers; Marc Matsil; Mike Eberhardt, DNR; Mike Scott; Monty Williams, ACS; Peggy Cowan, CBJ School District; Richard Enriquez, US Fish & Wildlife; Sally Wanstall, DEC; Scott Jeffers; Steve Brockmann, US Fish & Wildlife; Susan Walker, NOAA; Ted Anderson; Tom Lawson, Division Director; Tom Trego; William Groom
Subject: Review Requested MAP2009-0003

Applicant seeks to rezone one 4.03 parcel from D-5 to Light Commercial

Beth McKibben
Senior Planner, CDD
City & Borough of Juneau
(907)586-0465 phone
(907)5863365 FAX

ATTACHMENT E

Beth McKibben

From: Morehouse, Carolyn H (DOT) [carolyn.morehouse@alaska.gov]
Sent: Thursday, September 03, 2009 1:10 PM
To: Beth McKibben
Cc: Epstein, David B (DOT)
Subject: RE: Review Requested MAP2009-0003

It is unfortunate that those three parcels were split off from a larger one. That was a good opportunity for a city street with multiple residences off it.

Traffic wise there needs to be some zoning to limit the types of businesses. Concrete Way is a perfect example of a development that was supposed to be low volume traffic (light retail). The first business was a convenient store. If a condition could be placed to limit high volume traffic business that would help but I am not sure the City can do that.

Thanks for the opportunity to comment.

From: Beth McKibben [mailto:Beth_McKibben@ci.juneau.ak.us]
Sent: Thursday, September 03, 2009 11:42 AM
To: Brad Flynn, USFS ; Morehouse, Carolyn H (DOT); Chris Meade; Dan Jager; Debra Purves; Eric Eriksen, AEL&P; Thorsteinson, Fredrik J (DOT); Greg Browning; Heather Holman, JCVB; Timothy, Jackie L (DFG); Joe Buck; Joe Myers; John Leeds, Army Corps or Engineers; Marc Matsil; Eberhardt, Michael W (DNR); Mike Scott; Monty Williams, ACS; Peggy Cowan, CBJ School District; Richard Enriquez, US Fish & Wildlife; Wanstall, Sally S (DEC); Scott Jeffers; Steve Brockmann, US Fish & Wildlife; Susan Walker, NOAA; Ted Anderson; Lawson, Thomas W (DFG); Tom Trego; Groom, William M (DNR)
Subject: Review Requested MAP2009-0003

Applicant seeks to rezone one 4.03 parcel from D-5 to Light Commercial

Beth McKibben
Senior Planner, CDD
City & Borough of Juneau
(907)586-0465 phone
(907)5863365 FAX

ATTACHMENT F

Beth McKibben

From: Spernak, Timothy J (DNR) [timothy.spernak@alaska.gov]
Sent: Tuesday, September 22, 2009 3:09 PM
To: Beth McKibben
Cc: Menefee, Marcia M (DNR)
Subject: my contact information

Beth,

Good to speak to you earlier in the day regarding the credit union's rezone and CBJ's Public Notice.

The Trust Land Office, as representative of the Alaska Mental Health Trust Authority, objects to the rezoning request of True North Federal Credit Union from D-5 to Light Commercial (LC): as that zoning classification is not a permitted principle use in the CBJ comprehensive plan for that area.

I look forward to reviewing the Staff Packet and hope to have that analysis sent to me before the scheduled Public Hearing of October 13, 2009.

Again, thank you for the Public Notice and I look forward to speaking to you again in the near future,

Tim Spernak

Timothy J. Spernak
Senior Resource Manager
Trust Land Office
718 "L" Street, Suite 202
Anchorage, Alaska 99501
Tel: (907) 269-8688
Fax: (907) 269-8905
E-Mail: timothy.spernak@alaska.gov

ATTACHMENT G

There being no objection, it was so ordered and USE2009-00044 was approved with a modification to Condition 3.

Mr. Miller returned to his seat on the PC.

MAP2009-00003
A Zone change request for Seven Mile Lot 4 from D-5 to LC.
Location: 7170 Glacier Hwy.
Applicant: Murray Walsh

Staff report
Beth McKibben said the application is for a Map Amendment request for a zone change for Seven Mile Lot 4 from D-5 to Light Commercial (LC). She noted that immediately to the east is the new CBJ public works facility, which is zoned LC. She said the site is located in Subarea 5 of the 2008 Comprehensive Plan (Comp Plan), Map G, which shows this lot as Medium Density Residential (MDR). She referred to Attachment C where it reflects this existing zoning, and noted that across the street is zoned D-5. She stated that Title 49 sets out restrictions regarding how rezonings can be considered, which states that a rezoning request has to be more than two acres or an expansion of an existing zone. She said this request is both more than two acres and an expansion of an existing zone. However, a rezone request cannot be substantially the same as the rezoning request that was rejected within the previous year, and it shall not allow uses that violate the Land Use Maps of the Comp Plan. She stressed that this is important, noting that she previously showed the PC Map G of the Comp Plan where it reflects this as being zoned MDR. She also referred to Page 2 of the report regarding Page 164 of the Comp Plan that describes MDR [which she cited]. She said staff is requesting the PC forward to the Assembly a recommendation of approval for the rezone from D-5 to D-18, subject to the condition outlined in the report. She noted that two Blue Folder items were presented, and one e-mail is from the property owner of Lot 3 [Phao Nguyen, dated October 8, 2009], stating that he is willing to have his lot rezoned to LC. She noted that while driving down Glacier Highway this site is where a blue duplex is located. She said she recently held a telephone conversation with Mr. Nguyen and he indicated that he is still willing to have his lot rezoned to LC, plus he is also not opposed to having it rezoned to D-18. She said she provided letters to the landowners of Lots 1 and 2, but they have not yet responded. She noted that the applicant's representative Murray Walsh also provided a letter to the PC who is requesting Lot 4 be rezoned to LC, which is different than staff's recommendation to D-18.

Ms. Bennett asked staff to elaborate regarding the objection of this proposal by the Alaska Mental Health Trust Authority (AMHTA). Ms. McKibben said the AMHTA received a copy of the report once it was completed, and she has not heard from them since that time. She explained that the AMHTA comments were received when the notices regarding this case were distributed, which was when AMHTA stated that they support the rezoning if it is consistent with the Comp Plan.

Mr. Rue said he is concerned regarding the potential of spot zoning by applying uses zones might not be consistent with adjoining neighborhoods. Therefore, he asked staff if this same concern was part of the rationale regarding their recommendation for a rezone from D-5 to D-18, rather than LC. He noted that it appears a fair amount of commercially zoned land is within

close proximity to the proposed site. Ms. McKibben explained that with the exception of the CBJ public works facility, most of the surrounding uses are residential.

Public testimony

Murray Walsh, representing True North Federal Credit Union (TNFCU), and *Lauren MacVay* the President/CEO of TNFCU. Mr. Walsh said this property has had an awkward past, explaining that TNFCU had to take this property back from a person who secured a loan on it, and therefore the bank is attempting to figure out what their options are with it. He said he provided a letter in response to staff's recommendation. He explained that staff makes a recommendation to the PC who in turn makes a recommendation to the Assembly. He said the Assembly has discretion in making their decision, but they are not necessarily bound by past decisions. In the past, he said the Assembly has granted rezones that were not consistent with the Comp Plan, which is what he is asking the PC to do tonight. He said the current zoning where the CBJ public works facility is located to the east of this property was zoned LC to reflect the types of development that has existed in this area for a long time. He said this is going to be a 24/7, 365 days of the year facility, which will be operating year-round. He said a rezone from D-5 to LC will ensure that they are a much better neighbor to this commercial area, versus a residential rezone at whatever density. Therefore, he believes the request to rezone this property to LC makes sense from a practical standpoint, noting that his letter states five reason for doing so. He said #1 relates to the current use, including that the Institutional and Public Use (IPU) designation in the Comp Plan states that this property can be utilized for any type of public use. For example, if this was a park it would be designated in the Comp Plan as IPU, but it would not be zoned LC, and instead, it would be designated as a Natural Park. He said there is some multi-family zoned land available for further development surrounding the subject site, including that there will be much more elsewhere when the North Douglas rezone takes effect. However, he stressed that there is a shortage of well-located commercial and industrial zoned property in the borough. He noted that there is only one other such parcel, but it is located on important wetlands across from Grant's Plaza. Therefore, this site is the only commercially zoned property of this size in the borough that is vacant, which is located on the transit corridor, but it is not the best place for residential development. He said he is puzzled how the adjacent Lots 1, 2, and 3 were recently created given the CBJ's rules regarding development on transit corridors. He noted that the owner of the lease of one of these lots is willing to rezone to LC, but if all three were willing to rezone to LC this would provide an opportunity to install a good buffer between the LC and residential areas. He explained that this is especially true since Lots 1 & 2 are not yet developed. He said the PC should place their mindset in that of the Assembly while they are contemplating the rule about uses that are inconsistent with the Land Use Maps in the Comp Plan, because it is their own rule and the PC can choose not to employ it as the Assembly has done in the past. He believes it would be best if the PC cleaned up the Land Use Code, and then provide the Assembly the overt discretion to do this so they are not placed in this awkward situation in the future. Furthermore, he said the Comp Plan is a good plan, including its enforcement, but in this instance it does not make sense, and therefore the PC should forward a recommendation to rezone this property to LC to the Assembly, including another recommendation to amend the Land Use Code. He explained that it takes the same Assembly action for both of these.

Ms. MacVay said TNFCU wishes to provide due diligence for its members so they want to move this property in a reasonable fashion. She stated that given the current real estate market and the lack of available commercial and industrial land, rezoning this property to LC will be good for

the community and assist them in doing something positive with it. She said she has real concerns trying to sell this property if it were to remain residentially zoned, including impacts from the CBJ public works facility. She explained that per her conversations with CBJ personnel, gravel is going to be transported, snowplows and trucks will be operating, and the facility will be utilizing bright lights during wintertime months, which she does not believe are very desirable activities to reside next to. She explained that she instead prefers that the PC recommend a condition that the applicant is required to provide buffering to protect the neighboring residential areas from such impacts. She said she understands that the AMHTA has a problem accessing their parcel from Glacier Highway, which is located above this one, and although she is not attempting to assume a motive in their objection to this rezone, however if AMHTA were to at some point in the future acquire this land it would provide them improved access to Glacier Highway. Mr. Walsh added that the motive for AMHTA might have to do with future property transactions, which they might anticipate having with TNFCU. Mr. Rue asked if they anticipate any particular type of commercial development. Mr. Walsh said no, adding that there are commercial prospects that need larger sites and this is the only one available.

Steve Haavig, 7260 Glacier Hwy., said he moved to this location before Fred Meyer was constructed, and has resided in this area for 27 years. He opposes the rezone request to LC, which he feels would be a mistake. He said he has not been provided a good rationale regarding how much commercial property is actually available, versus residential. He said the subject property is located on a transit corridor, and the residents are able to walk to Wal-Mart so it does have advantages of being residentially zoned. He explained that he attended previous public meetings when CBJ proposed the public works facility. Following these meetings, he noted that the CBJ incorporated changes due to some of the concerns voiced by adjacent residential property owners. In doing so, he explained that the development was set further back from the road, and the residents were provided more buffering, but unfortunately about that time the development of the other lots started occurring. He does not feel that anyone anticipated such a gaping hole this area now has since CBJ developed the public works facility site. He said granted they tried to be a good neighbor, however any argument that the CBJ public works facility lessens the value of the TNFCU property as being residentially zoned is false. In addition, this particular lot has proven to be very difficult to build on. He explained that many mistakes that have happened with this subject lot is because it mostly consists of muskeg. He said the reason why TNFCU now owns it is because the previous owner could not feasibly develop it into large lots that he was proposing. Therefore, in order for TNFCU to get their money back, they are now proposing to rezone this property to LC. He said this is the only economic benefit to it because with it being rezoned to LC they could probably spread gravel over the soil where they could provide for bus/boat parking, commercial storage sheds, etc. He said all of these uses would not be too attractive to the neighbors, but this is what TNFCU is proposing. He is not against the property being rezoned to a higher density in terms of multi-family zoning from D-5, as this property has some value in doing so, however he does not know what D-18 zoning actually consists of. Even so, he does know that in order to develop the property for either commercial or multi-family residential it is going to take a lot more work than what has been done to date. He said he does not understand why the previous property owner pushed muskeg around on this property for two years, and instead, they should have noticed early on what was taking place. Therefore, TNFCU now has a situation where adjacent residential property is located in the center, which consists of two lots that may not be sold, including an access issue to the AMHTA property. He stressed that he is against this property being utilized to provide access by AMHTA to the road that was constructed for the CBJ public

works facility. He explained that during the public hearings he previously mentioned, the CBJ access road was not considered to encompass other adjacent lots to it or in the fashion that is being proposed tonight. As a taxpayer, he does not want TNFCU making money by providing further access to others via this road. He also does not agree with the proposed rezone just because the CBJ public works facility is located nearby, and therefore TNFCU representatives are stating that LC would allow them to be a better neighbor. He said they also mentioned that there are concerns about equipment noise and lights from the CBJ facility, but these concerns were already addressed by CBJ during the early development stages of that project. He stated that since the subject property is so visible and close to Glacier Highway it will continue to be a difficult site to develop, and therefore he hopes extra caution is provided to do it right. He said he does not want this site to have an inadequate design so it poses drainage issues later on such as the nearby property where homes were recently constructed. Mr. Satre stated that a couple of e-mails from CBJ personnel were provided in the report, and one specifically addresses the use of the CBJ access road, which states that it is not to be utilized as an access for other adjacent properties. In addition, he said rezoning from D-5 to D-18 encompasses a four-acre lot so they can potentially construct 52 to 53 dwelling units. Mr. Haavig said there was a lot of muskeg that was removed from the CBJ site when it was developed, and therefore it is going to be very difficult for any landowner to develop this property, including installing water/sewer utilities and foundations. He noted that there was instances where the muskeg was found to be as deep as 30', which may all have to be removed, but if it is not handled properly it will create a huge mess.

Mr. Walsh and Ms. MacVay. Mr. Walsh said the use of the CBJ's access road adjacent to this site is apparently not an option, which they do not intend to pursue. He noted that staff recommends a limitation of one access point to Glacier Highway, which they intend to abide by. He said he does not believe the adjacency of the CBJ public works facility can be easily dismissed. He stated that although equipment noise and lighting issues may have been previously discussed when the CBJ proposed their development, but the point is that this property will make a better neighbor as a commercial development to the nearby residential neighbors. He said the challenges of the property is that it consists of forested wetlands in the section that has not yet been torn up, which will require a Corps permit before they are able to do so. He said this will entail minimizing the loss of wetlands, including addressing some other challenges. He explained that the more valuable the development is the more economic weight it can provide in terms of its design, and therefore a better chance for its success. He said they would be able to do this with the property being rezoned to LC, but less so if it is rezoned to D-18. He said he knows that they can cause this property to be developed with a plan between TNFCU and the CBJ so they are able to protect the residential values of the surrounding neighborhood. He noted that this property abuts Glacier Highway, and across the highway is where a vegetated strip abuts Egan Dr. Therefore, although Sunny Pt. is on the other side of Egan Dr., there is a freeway and an arterial highway between that residential area and this property so there is plenty of opportunity to provide sufficient buffering.

Public testimony was closed.

Commission discussion

Mr. Miller said staff has previously presented zoning boundary changes to the PC, but he does not believe all of those coincided with the Comp Plan. Mr. Pernula said the Comp Plan boundaries are not 'hard' boundaries. However, he explained that in the cases when areas are

rezoned, assuming that the Comp Plan boundaries were not 'hard', usually the adjoining property has an underlying commercial designation, but in this case it does not, and it has an IPU designation instead. Mr. Miller stated that hypothetically if CBJ purchased the TNFCU property to expand the CBJ public works facility, staff could recommend that it be rezoned to LC. Mr. Pernula said this is possible, but it would be have to be utilized for institutional-type purposes so it might encompass a small amount of the IPU boundary. Ms. Gladziszewski asked where the IPU boundary is located. Ms. McKibben noted that the boundary line is between the IPU (the CBJ site) and the MDR (the subject site) on Attachment B. Ms. Gladziszewski asked why the adjacent property was zoned IPU. Mr. Pernula said the reason is that just to the east is where the DOT facility is located, including the CBJ public works facility as well so those properties were designated IPU.

Mr. Rue asked staff to list the permissible uses in D-18 zoning. Ms. McKibben cited the Use Descriptions allowed in D-18 Zones from the Table of Permissible Uses (CBJ §49.25.300), as follows:

> "Single-Family Dwellings; Duplexes; Multifamily Dwellings; Group Homes; Childcare Homes up to 12 people; Rooming Houses; Boarding Houses; Home Occupations; Mobile Home Parks and Subdivisions by CUP; Common Wall Developments; Professional Offices of not more than 2,500 sq. ft. or four full-time employees by CUP; Schools, Elementary, College & Universities by CUP; Churches & Synagogues by CUP; Libraries, Museums & Art Galleries by CUP; Indoor Tennis & Racquetball/Squash Courts, Skating Rinks, and Exercise Facilities by CUP; Outdoor Recreational Facilities; Parks and Open Space by CDD approval, Aerial Conveyances & Appurtenant Facilities by CUP; Nursing Care, Immediate Care, and Childcare Institutions by CUP; Care Centers by CUP; Penal or Correctional Facilities by CUP; Temporary Contractor's Storage by CUP; (not applicable to this site is Private Moorage); Enclosed Collection Structures by CDD approval or by CUP; Emergency Services by CUP; Aquaculture, Agriculture, Silvaculture, Mining, Quarrying Operations, Spring Water Bottling by CUP; Public and Semi-Public Facilities by Allowable Use permit (AUP) or CUP; Transit Center by CUP; Transit Station by CDD approval; Park and Ride by CUP; Minor Utility Facilities by AUP; Major Utility Facilities by CUP; Access Driveways by AUP; Towers and Antennas; and Nurseries and Commercial Greenhouses-Retail and Nonretail."

Mr. Rue said they are allowed mixed-uses, including other professional uses under D-18 zoning, but not a department or convenience store or a restaurant. Ms. McKibben said yes. Mr. Rue said when the PC reviewed and updated the Comp Plan, they discussed increasing residential densities along transit corridors and D-18 fits within this notion, which is a good idea. In reviewing rezoning this property to LC, he wonders if doing so will hurt the adjacent residential areas if they allow additional commercial facilities to be placed amongst these homes. He noted that Mr. Walsh indicated that this would be an improvement to the neighborhood, but he also heard Mr. Haavig's concerns regarding the quality of the subject site and its potential impacts to adjacent homeowners.

Mr. Miller said he prefers rezoning from D-5 to D-18. He stated that depending upon the development, a LC facility might provide a much better or a bad transition to the residential area. However, the PC recently reviewed several permit applications when commercial buildings were being proposed to be constructed on limited commercial property available in the borough. He explained that one was when they were able to squeeze a fairly large building onto a small commercial lot. Further, he noted that there was a similar case behind McDonald's where they

were attempting to do the same, but the building just would not fit. He believes there is a definite need in this community for more LC property, therefore perhaps the PC should request the Assembly to consider what Mr. Walsh is suggesting.

Mr. Rue asked what the required side yard setback is between the LC and residential lots because this has often been brought forth to the PC by the neighbors who generally do not feel these buffers are sufficient. Mr. Chaney said it would be a 10' setback. Mr. Rue commented that this does not allow much transition between commercial and residential areas.

Mr. Satre said this is a refreshing zoning discussion because too often the commissioners are reviewing cases that already have architectural building plans. He said when this happens the PC tends to become dazzled with what is proposed to be built on the property, versus viewing the underlying land use and its potential impacts over the long-term. He said this is the first rezone case that he can remember where the PC does not have a building proposal, and instead it is just a rezone request, therefore the PC is obligated to address all the potential issues in relation to this particular piece of property. He said if they were to rezone it to LC the applicant could still build it to D-18 density, but they might have restrictions on lot size due to its topography so they probably would not be able to obtain full D-18 density. He wonders why the PC is unable to include any retail activities in very dense development areas such as a corner restaurant or a small bakery, which makes residential neighborhoods more appealing. He explained that he is not sure the PC will ever witness this in Juneau given the method in which the zoning is laid out, but doing so would provide developers more options. He is somewhat bothered about rezoning to LC because of the adjacent residential Lots 1, 2, & 3 located in front of this property, but it might make sense if this property was one big block to rezone it to LC if the PC were able to get past the Comp Plan map issue. Mr. Pernula said he recommends that if the PC wants to rezone this property from D-5 to LC, they should first change the Comp Plan, as this plan has to have some meaning. He said whether or not the Assembly might rezone this property even though it is not the designation provided for in the Comp Plan, he believes the entire Comp Plan update process the PC went through over a two- to three-year period is important. He noted that during the Comp Plan review process, the PC was constantly told that affordable housing was a crisis. Mr. Satre clarified that he just wished to provide comments for the record regarding rezoning this property from D-5 to LC, versus staff's recommendation to D-18. He said when the PC completed the update to the Comp Plan, there was a big move to locate high-density development on transit corridors in locations such as this. He noted that a previous rezone was for an area in Twin Lakes not too long ago, which was a push for high-density development along the transit corridor. He said this was to move forward and contribute towards affordable housing movements and initiatives. However, he believes the PC is somewhat limited by the rules in terms of what they can recommend to the Assembly regarding this case. Even so, he feels it is good that the PC has discussed some of the D-18 options that the applicant might contemplate as they move forward.

Mr. Miller said an affordable housing idea in the Comp Plan would be for an professional building that has office space on the ground-level floor with residences or apartments above it, which provides for mixed-use. He said this would allow the applicant to be a better neighbor and still meet the affordable housing criteria, which is opposed to another potential contractor building where they might operate heavy equipment.

Mr. Rue said he prefers rezoning from D-5 to D-18, stressing that the Comp Plan is an important document. He said more discussion by staff and the PC needs to take place regarding the zoning of this entire stretch of Glacier Highway. He recalls that the PC already held a discussion regarding the Mendenhall Valley businesses so they might contemplate adding height to their commercial structures by adding mixed-use residential units above, but have not discussed rezoning residential areas such as this. Therefore, he believes this area in the long-term can potentially be a mix of commercial and residential in a mixed-use zone. For the short-term however, he believes D-18 is a good zoning designation, which allows for some professional uses associated with residential. In addition, if they add office space, he said it would make the development economically more appealing, which abides with the Comp Plan, including that it is on a transit corridor.

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and recommend the Assembly approve the rezone the subject parcel from D-5 to D-18 with the following condition:

1. Future development of the site will have no more than one access point to the Glacier Highway.

Commission action

***MOTION**: by Mr. Rue, that the Planning Commission adopts the Director's analysis and findings and recommends the Assembly approve the rezone from D-5 to D-18 for Lot 4, MAP2009-00003. The approval is subject to the condition outlined by staff, as presented.*

Ms. Bennett said she prefers rezoning Lot 4 to D-18, which is unless there is a real need for more commercial facilities within this area between neighboring residences. She explained that there is a limited amount of commercial property available in the borough, but rezoning Lot 4 into LC would more or less split Glacier Highway and create a new commercial activity zone that would probably push the residential neighborhood out of balance. She explained that over time, the area on the other side of the airport experienced a slow evolution to commercial, but it started out consisting of mostly residential. Therefore, she believes rezoning Lot 4 from D-5 to D-18 will allow this area to develop with residential and other professional uses, and then potentially further commercial uses might be appropriate in the future.

Ms. McKibben asked if the PC wishes to include the Lot 3 in the motion, which the owner has agreed to, plus the possibility of adding Lots 1 & 2 as well. Chair Gladziszewski stated that Lots 1, 2 & 3 were not noticed. Mr. Pernula agreed, but explained that before long they will need to review these three lots, and perhaps the parcels behind them to determine what the proper zoning should be. He said doing so would not be considered spot zoning because it would be a continuation of this rezone the PC is acting on tonight.

Mr. Satre said the LC rezone proposal has merit, but the Comp Plan that the PC diligently worked on does not allow them to do so, which is the method in which this commission operates. He appreciates staff being able to derive an alternative zoning designation to D-18, which steers the PC in the direction they anticipate for this area, rather than the commission denying this rezone request. He said the PC has to contemplate developing this area in the best interest of Juneau in accordance with the Comp Plan, and therefore he supports the motion.

Chair Gladziszewski said she supports the motion, and is appreciative of Mr. Walsh's memorandum. She explained that because she is not an absolutist she did consider rezoning this property to LC. However, due to the configuration of this property and it adjacency to Lots 1, 2 & 3, including the many comments provided tonight, and because the PC worked for such a long time revising the Comp Plan, she would be amenable to sometime in the future contemplating revising the Comp Plan, but at this particular time the PC is unable to do so.

Ms. Taug said she supports the motion. She noted that although she was not serving on the PC during the Comp Plan revision process, she believes rezoning this property from D-5 to D18 includes many permissible uses, plus the density of 18 units per acre will serve to address the shortage of affordable housing in Juneau.

There being no objection, it was so ordered, and MAP2009-00003 was approved, as presented.

BREAK: 8:15 to 8:22 p.m.

INQ2009-00043
CBJ Mitigation Options under the new Corps of Engineers Compensatory Mitigation Rule.
Location: Boroughwide
Applicant: City & Borough of Juneau

Staff report
Teri Camery said the wetland mitigation is a new issue for several commissioners so she will briefly summarize major points of the report and provide an update, and then she will respond to questions of the PC. She explained that the CBJ Mitigation Options under the new Corps Compensatory Mitigation Rue does not require formal action by the PC, and instead, she is just presenting it because the mitigation bank has been on the PC's list if priorities for quite sometime. She said although the federal government has full jurisdiction over wetlands through the Clean Water Act, CBJ has played an active role since the Juneau Wetland Management Plan (JWMP) studies were first conducted in the 1980s. She stated that the CBJ has continually monitored the regulations and policies of the federal government, including attempting to adapt local policies in response to these. With this in mind, she said the CBJ obtained Corps wetland-permitting authority over JWMP low-value Category C and D wetlands in 1994 though a General Permit, which has been continuously renewed. She explained that the JWMP regulations for high-value A & B and uncategorized wetlands are enforced through planning and building permits, plus through the Alaska Coastal Management Program (ACMP).

Since 1992, she said the Land Use Code, the JWMP, and the Comp Plan have all called for development of a mitigation bank to be utilized for Category C wetlands. Further, she noted that the Land Use Code also calls for development of a mitigation strategy.

In 1997, she explained that the CBJ was awarded an Environmental Protection Agency (EPA) grant for development of a mitigation-banking instrument, which is what lead them where they are today. She explained that when staff initially worked on obtaining this EPA grant, it was built around a preferred mitigation bank site owned by Juneau Youth Services (JYS). However, JYS rescinded their offer and therefore the CBJ was no longer able to purchase that land, which delayed development of the mitigation-banking instrument for quite sometime. She stated that the CBJ eventually settled on the Nancy Street Wetland Enhancement Project (the old gravel

his concern about clearing the sidewalks leading to the visiting Coast Guard ship, to ease their route into town.

VI. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

Dixie Hood requested that Resolution 2510 be removed from the consent agenda for public comment.

B. Assembly Requests for Consent Agenda Changes

Mr. Anderson requested that Resolution 2509 be removed from the consent agenda for discussion.

C. Assembly Action

MOTION, by Anderson, to adopt the consent agenda, as amended with the removal of Resolution 2509 and Resolution 2510. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2009-25
An Ordinance Amending The Official Zoning Map Of The City And Borough Land Use Code To Change The Zoning Of Lot 4, Seven Mile, Glacier Highway, Currently Zoned D-5, To D-18.

Administrative Report: Attached. The manager recommended Ordinance 2009-25 be introduced and set for public hearing at the next regular meeting.

2. Resolutions

a. Resolution 2503
A Resolution Approving The Nomination Of The X'unáxi (Auke Cape - Indian Point) Located In The Auke Bay Area Of Juneau To The National Register Of Historic Places And Authorizing The Alaska State Office Of History And Archaeology To Submit The Nomination To The National Park Service.

Administrative Report: Attached. The manager recommended Resolution 2503 be adopted.

b. Resolution 2505
A Resolution Authorizing The Manager To Apply For A Community Development Block Grant From The Alaska Department Of Commerce, Community And Economic Development, In Cooperation With Aiding Women In Abuse And Rape Emergencies, To Be Used For Construction Of A New Building Adjacent To The Existing AWARE Shelter.

Administrative Report: Attached. The manager recommended Resolution 2505 be adopted.

b. Resolution 2512
A Resolution Certifying That In 2008 The City And Borough Suffered Significant Effects From Fisheries Business Activities, Such Certification Being For The Purpose Of Participating In The Fiscal Year 2010 Alaska Shared Fisheries Business Tax Program.

Administrative Report: Attached. The manager recommended Resolution 2512 be adopted.

VII. PUBLIC HEARING

A. Ordinance 2009-25
An Ordinance Amending The Official Zoning Map Of The City And Borough Land Use Code To Change The Zoning Of Lot 4, Seven Mile, Glacier Highway, Currently Zoned D-5, To D-18.

Administrative Report: Attached. The manager recommended Ordinance 2009-24 be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Doll, to adopt Ordinance 2009-25. Hearing no objection, it was so ordered.

VIII. UNFINISHED BUSINESS – None.

IX. NEW BUSINESS

A. Docks and Harbors Regulations
Amendment To Title 05, Chapter 20, Small Boat Harbor Fees and Regulations

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, for orders of the day. Hearing no objection, the Regulations were adopted.

B. Docks and Harbors Regulations
Amendment To Title 05, Chapter 45, Small Boat And Port Facilities Use Regulations

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, for orders of the day. Hearing no objection, the Regulations were adopted.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: State of Alaska Mental Health Trust Land Office

STAFF PERSON/TITLE: Katie Vachris, Project Manager

Katie Vachris

DATE: 9/9/2025

APPLICANT: Duran Construction Co, LLC

TYPE OF APPLICATION: Zone Change Application

PROJECT DESCRIPTION:

Proposed rezone of 4.03 acres at 7170 Glacier Highway from D18 to Light Commercial.

LEGAL DESCRIPTION: Seven Mile Lot 4

PARCEL NUMBER(S): 5B1401000031

PHYSICAL ADDRESS: 7170 Glacier Hwy

SPECIFIC QUESTIONS FROM PLANNER:

N/A

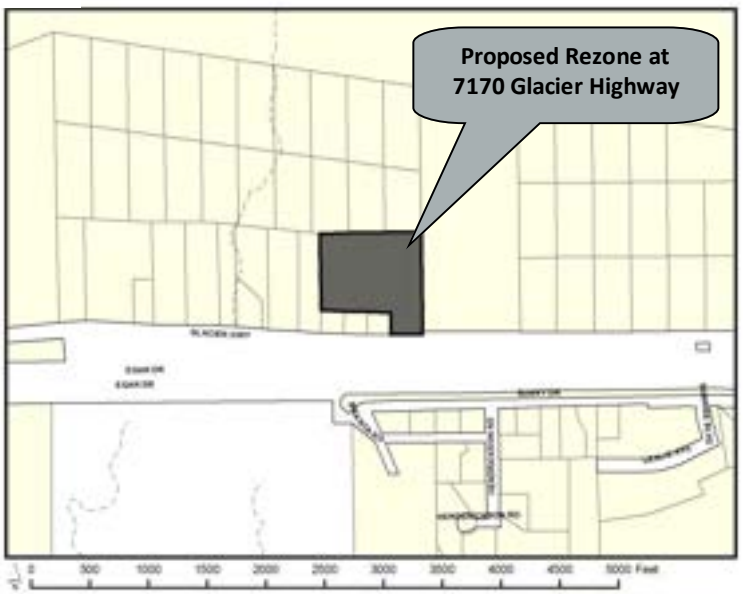
AGENCY COMMENTS:

The Trust supports development in this area. Although the property to the East is zoned LC, the remainder of the surrounding area is residential, including Trust property directly adjacent. High density housing is needed and the current zoning for the property supports this need for density already. While we generally understand a mixed use zoning could also support achieving residential density, simply rezoning to LC does not guarantee a residential use. Given the vague purpose provided on the application, and no provided development plan, it is possible a rezone could result in strictly commercial rather than mixed use or residential and we do not support that use or believe it is in the best interest of the Trust or community. If a development plan is forthcoming, a rezone could occur at such a time as that is filed with the Borough and noticed. We would be willing to consider a rezone at that time; however, given the limited information available presently, we do not support a change from D18 to LC.

Please Come to a Meeting

About a Rezone in Your Neighborhood

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

155 Heritage Way Juneau, Alaska 99801

TO

The Community Development Department is hosting an opportunity for the community to discuss an application to **rezone 4.03 acres from D18 to Light Commercial** at **7170 Glacier Highway**. This meeting will be held virtually over Zoom. Your questions, comments and concerns are welcome.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

NEIGHBORHOOD MEETING

September 24, 2025 at 6-8pm

Call In:1 253 215 8782

Webinar ID: 813 7001 1983

If you are not able to attend this meeting but have questions or comments, please contact **Justin Smith,** CDD Planner, at (907) 586-0753 ext. 4129 or justin.smith@juneau.org

*This project is **PENDING** to be scheduled for review by the Planning Commission. All property owners within 500 feet of the proposed rezone will receive a separate notice with details on how and where to submit comments or testify before the Commission.*

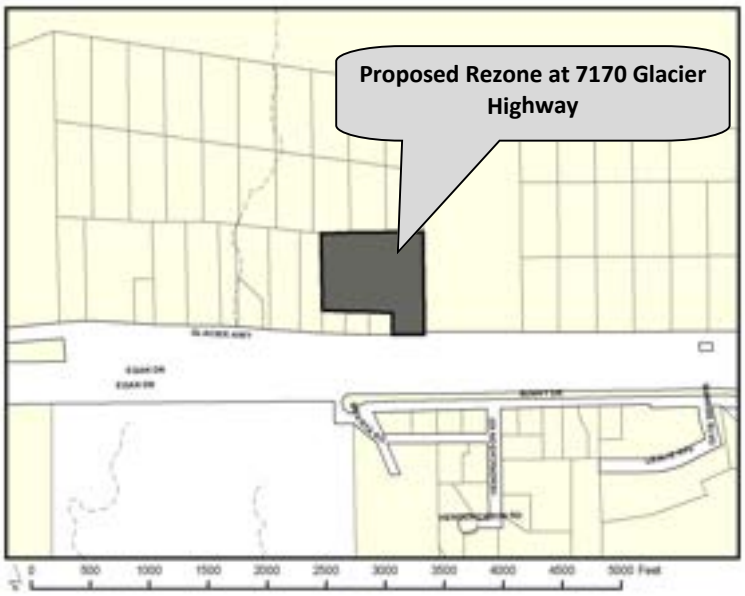
Case No.: AME2025 0003
Parcel No.: 5B1401000031
CBJ Parcel Viewer: http://epv.juneau.org

Printed August 14, 2025

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 Heritage Way Juneau, Alaska 99801

TO

A rezone application has been submitted for consideration and public hearing by the Planning Commission to **rezone 4.03 acres from D18 to Light Commercial** at **7170 Glacier Highway**.

PROJECT INFORMATION:
Project Information can be found at:
https://juneau.org/community-development/short-term-projects

PLANNING COMMISSION DOCUMENTS:
Staff Report expected to be posted **October 20, 2025** at
https://juneau.org/community-development/planning-commission
Find hearing results, meeting minutes, and more here, as well.

Now through Oct. 6

Comments received during this period will be sent to the Planner, Justin Smith, to be included as an attachment in the staff report.

Oct. 7— noon, Oct. 24

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 6:00 pm, Oct. 28, 2025

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting https://juneau.zoom.us/j/85421744892 and use the Webinar ID: 854 2174 4892 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.

Oct. 29

The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: **(907)586-0753 ext. 4129**
Email: **pc_comments@juneau.gov or Justin.Smith@juneau.gov**
Mail: **Community Development, 155 Heritage Way, Juneau AK 99801**

Case No.: AME2025 0003
Parcel No.: 5B1401000031
CBJ Parcel Viewer: http://epv.juneau.org

Printed September 25, 2025

Attachment I – Planning Commission Abutters Notice



Attachment J – Public Notice Sign

Planning Commission
(907) 586-0715
PC_Comments@juneau.gov
www.juneau.org/community-development/planning-commission
155 Heritage Way • Juneau, AK 99801

PLANNING COMMISSION
NOTICE OF RECOMMENDATION

Date: October 25, 2024
Case No.: AME2024 0003

City and Borough of Juneau
City and Borough Assembly
155 Heritage Way
Juneau, AK 99801

Proposal:	Planning Commission Recommendation to the City and Borough Assembly regarding a rezone of 2.3 acres at the end of Davis Avenue from D10 to D15.
Property Address:	1925 Davis Avenue
Legal Description:	MENDOTA PARK PARCEL 1B
Parcel Code Number:	5B1201070043
Hearing Date:	October 22, 2024

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 9, 2024, and recommended that the City and Borough Assembly adopt staff's recommendation for a rezone of 2.3 acres at the end of Davis Avenue from D10 to D15.

Attachments: October 9, 2024, memorandum from Irene Gallion, Community Development, to the CBJ Planning Commission regarding AME2024 0003.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).

acting chair for



Mandy Cole, Chair
Planning Commission

11/5/24
Date



Filed With City Clerk

11/6/2024
Date

cc: **Plan Review**

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

PLANNING COMMISSION STAFF REPORT
REZONE: AME2024 0003
HEARING DATE: OCTOBER 22, 2024

(907) 586-0715
CDD_Admin@juneau.gov
www.juneau.org/community-development
155 Heritage Way • Juneau, AK 99801

DATE: October 9, 2024

TO: Mandy Cole, Chair, Planning Commission

BY: Irene Gallion, Senior Planner

THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Applicant requests a rezone of 2.3 acres at the end of Davis Avenue from D10 to D15.

STAFF RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation of APPROVAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- If rezoned, an additional 11 units could be constructed on the lot. A conditional use permit would be required.
- The Alaska Department of Corrections is concerned about increasing density. Detailed mitigation could be considered under the conditional use permit process.

INFORMATION	
Property Owner	William Heumann
Applicant	Chilkat Vistas LLC
Property Address	1925 Davis Ave
Legal Description	MENDOTA PARK PARCEL 1B
Parcel Number	5B1201070043
Zoning	D10
Land Use Designation	Medium Density Residential
Lot Size	2.2885 acres, 99,685 square feet
Water/Sewer	CBJ / CBJ
Access	Davis Avenue
Existing Land Use	Residential
Associated Applications	None

ALTERNATIVE ACTIONS:

1. **Amend:** recommend an amended rezone boundary; recommend an alternative zoning district; or recommend conditions.
2. **Deny:** recommend denial of the requested rezone. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this rezone.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - CBJ 49.75.120
  - CBJ 49.10.170(d)
  - CBJ 49.80

The Commission shall hear and decide the case per CBJ 49.75.120 - Restrictions on rezoning. *Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.*

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D5/D15)	Institutional/Residential
South (I)	Light Commercial
East (I)	Industrial
West (D10)	Residential

SITE FEATURES	
Anadromous	Lemon Creek
Flood Zone	AE 35.1 feet
Hazard	No
Hillside	No
Wetlands	Yes
Parking District	No
Historic District	No
Overlay Districts	None

CURRENT ZONING MAP



LAND USE DESIGNATION MAP



BACKGROUND INFORMATION

Project Description – The Applicant requests a rezone from D10 to D15 (**Attachment A**). The proposed rezone is for 1925 Davis Avenue, to the east of Riveredge Park Condominiums. Currently 23 apartment units are constructed on the property. The rezone would allow 11 more units.

A proposed ordinance is attached (**Attachment B**).

The property currently has a conditional use permit for 23 units (USE2013 0005). If additional units are added, a new or updated conditional use permit will be required.

Background – The permitting documents associated with this project can be found at the "Short Term Projects" web site: https://juneau.org/community-development/short-term-projects

1925 Davis and the Riveredge Park Condominiums used to be on one lot (red line in image below).



In 2003, the lot was approved for transitional zoning to D15. "Transitional" means the rezone could happen once certain improvements were made. In this case, the improvements included pedestrian accommodation construction along Davis Avenue, and a traffic study that showed the Davis Avenue/Glacier Highway intersection would operate effectively after full-build out.

The Developer was unable to meet requirements for the Davis Avenue/Glacier Highway intersection performance. In 2005, the Developer revised the rezone request from D15 to D10. Less density means less traffic, and reduces impacts on the intersection. The Planning Commission approved the revision, requiring a pedestrian easement along Lemon Creek, and $25,000 to be applied to neighborhood park construction.

In 2005, the developer got a conditional use permit to develop a driveway in the unused portion of the Davis Avenue right-of-way. The conditional use permit recognized the driveway would be used for up to 50 units.

Development of 21 Riveredge Park Condominiums began in 2005.

In 2013 the lot was subdivided, creating Lot 1A (Riveredge Park Condominiums), and Lot 1B (1925 Davis Avenue). A variance was required to subdivide a lot on a right-of-way that was not publicly maintained.

The Commission also approved 23 apartments on the newly created Lot 1B (1925 Davis Avenue).

1925 Davis Avenue currently has two multi-family structures, with a total of 23 units.

Permit and Parcel History - The below table summarizes relevant history for the lot and proposed development.

Item	Summary
MAP2003 0002	Approval for transitional zoning to D15.
MAP2005 0003	Approval for zoning to D10.
USE2005 0017	Permission to develop a driveway in the unused portion of Davis Avenue right-of-way.
VAR2012 0031	Variance to subdivide a lot without access to an improved right-of-way (not allowed under current code).
Plat 2013-8	Subdivision into Lot 1A and Lot 1B. The plat includes access and utility easements.
USE2013 0015	Approval of 23 apartments on Lot 1B (1925 Davis Avenue).

Zoning History – The below table summarizes zoning history for the lot.

Year	Zoning	Summary
1969	RML	Low Density Multi-family residential district. This district provides areas for the development of low density multi-family housing. It is designed to be located adjacent to single-family areas and will often be used as a buffer to provide for an orderly transition of development adjoining high density multi-family, commercial or industrial districts or along major streets where such areas, because of traffic, noise, or other characteristics, may not be conducive to the development of desirable single-family environments.
1987	RR(T)D10	The RR, rural reserve zoning district, is intended for lands primarily in public ownership managed for the conservation and development of natural resources and for future community growth. In addition, recreation cabins, lodges and small seasonal recreational facilities may be allowed. With construction of utilities, the lot could transition to D10. The D-10 and D-15, residential districts, are intended to accommodate primarily multi-family residential development at ten and 15 units per acre respectively. These are relatively low-density multi-family districts.
2003	D15	See above.
2005	D10	See above.

ZONING ANALYSIS

The 2013 Comprehensive Plan has mapped this lot Medium Density Residential, urban residential lands for multi-family dwelling units at densities ranging from 5 to 20 units per acre. Commercial development of a scale consistent with a residential neighborhood is allowed [Table of Permissible Uses, CBJ 49.25.300].

Zoning Districts Defined – The intent for D10 and D15 zoning are combined in CBJ 49.25.210(e).

Current Zoning – D10	Proposed Zoning – D15
The D-10 and D-15, residential districts, are intended to accommodate primarily multi-family residential development at ten and 15 units per acre respectively. These are relatively low-density multi-family districts.	The D-10 and D-15, residential districts, are intended to accommodate primarily multi-family residential development at ten and 15 units per acre respectively. These are relatively low-density multi-family districts.

CBJ 49.25.300 Table of Permissible Uses Comparison – The existing use on this lot is multi-family residential. The use is allowed in D10 and D15.

Differences between D10 and D15 are summarized below.

Blank – not allowed
1 – allowed
3 – conditional use permit required

	Use Description		D-10	D-15
4	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS [G]			
4.05	Light manufacturing			3
6	RECREATION, AMUSEMENT, ENTERTAINMENT			
6.1	Indoor activity conducted entirely within building or substantial structure			
	6.13	Theaters seating for 200 or fewer		3
7	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES			
7.15	Health care clinics, other medical treatment facilities providing out-patient care			3
14	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING			
14.25	Personal use agriculture			
	14.253	Hens, 6 maximum	1	3
20	CEMETERY, CREMATORIUM, MORTUARY			
20.3	Funeral home		3	

Note G states that all uses subject to additional performance standards, chapter 49.65, article VIII.

Manufacturing, light, means the processing and/or fabrication of materials or products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties [CBJ 49.80].

CBJ 49.25.400 Dimensional Standards –

Standard		Current Zoning (D10)	Proposed Zoning (D15)
Lot	Size, square feet	6,000	5,000
	Width	50	50
Setbacks	Front	20	20
	Rear	20	15
	Side	5	5
	Side	5	5
	Street Side	13	13
Lot Coverage		50%	50%
Height	Permissible	35	35
	Accessory	25	25

A 50-foot no development setback from Lemon Creek is required [CBJ 49.70.330(a)].

Foundation Setback Verification forms signed by CBJ inspectors document setback compliance for both structures. No as-built is provided for the project.

Each structure is approximately 33 feet deep by 129 feet long, for total lot coverage of 8,514 square feet, or nine percent.

The roof ridge is 27 feet high.

CBJ 49.25.500 Density –

	Current Zoning D10 (10 units/acre)	Proposed Zoning D15 (15 units/acre)	Existing
Maximum Number of Dwelling Units	23	34	23

Potential for Subdivision – Under current code, the lot is not subdividable. CBJ 49.35.250 (a) requires that subdivided lots directly access a publicly-accepted right-of-way. CBJ 49.35 cannot be varied [CBJ 49.20.200]. Code has changed since the variance for access was approved in 2012.

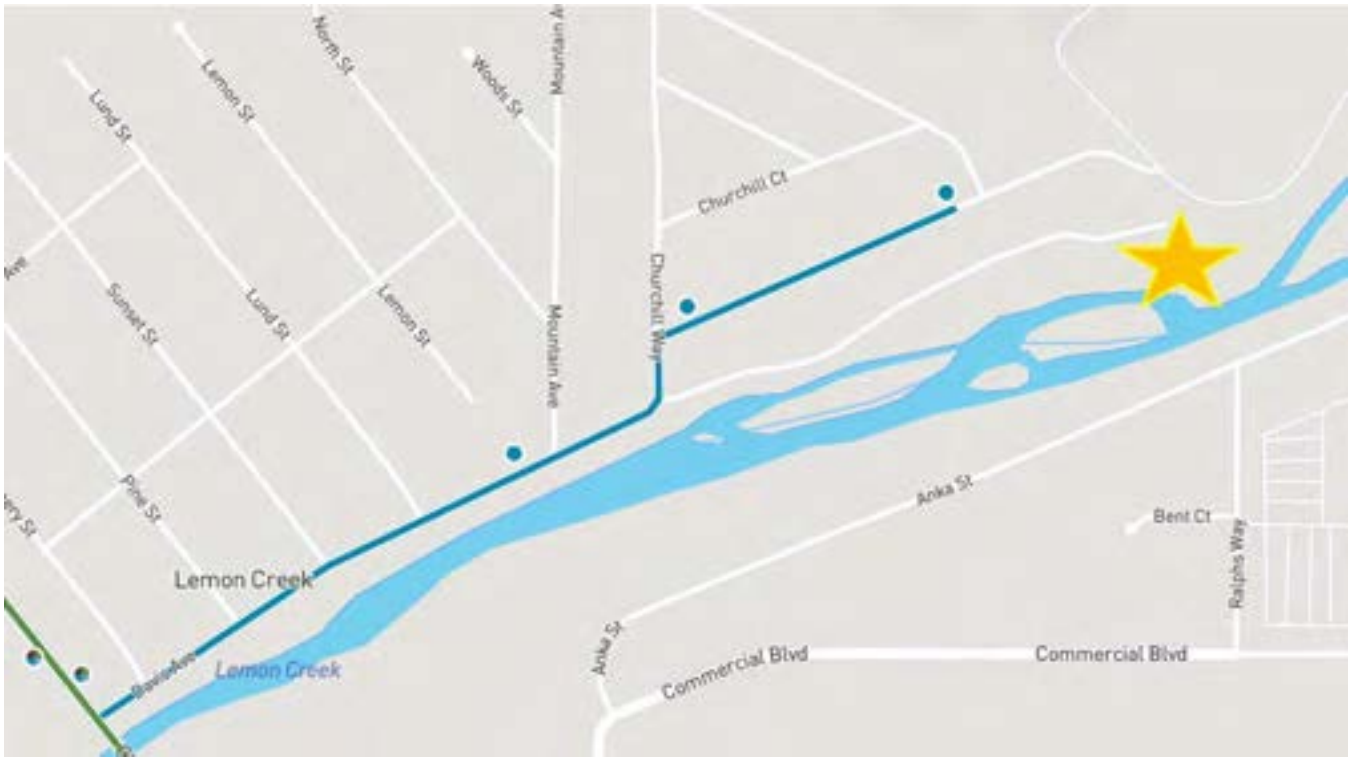
TRAFFIC AND TRANSPORTATION

Access	Roadway Classification	Current Level of Service
Davis Avenue	Local	
Old Glacier Highway	Collector	

The intersection of Davis Avenue and Old Glacier Highway was signalized in 2022.

Non-motorized transportation – Davis Avenue has sidewalks on the northwest side, and a trail on the southeast side.

Proximity to Public Transportation – Nearby bus stops have one morning departure into town, and two afternoon arrivals.



COMMUNITY SERVICES

The table below summarizes community services that may be affected by the proposed rezone.

Service	Summary
Water/Sewer	Water/sewer in the Davis Avenue right-of-way is considered a "private system" where the utilities cross the lot line.
Fire Service	Not impacted.
Schools	Not impacted.
Recreation	The trail along Davis Avenue continues onto the rezone property.

ENVIRONMENTAL, CONSERVATION, HISTORIC, AND ARCHEOLOGICAL RESOURCES

The table below summarizes conservation, historic, and archeological resources which may be affected by the proposed rezone.

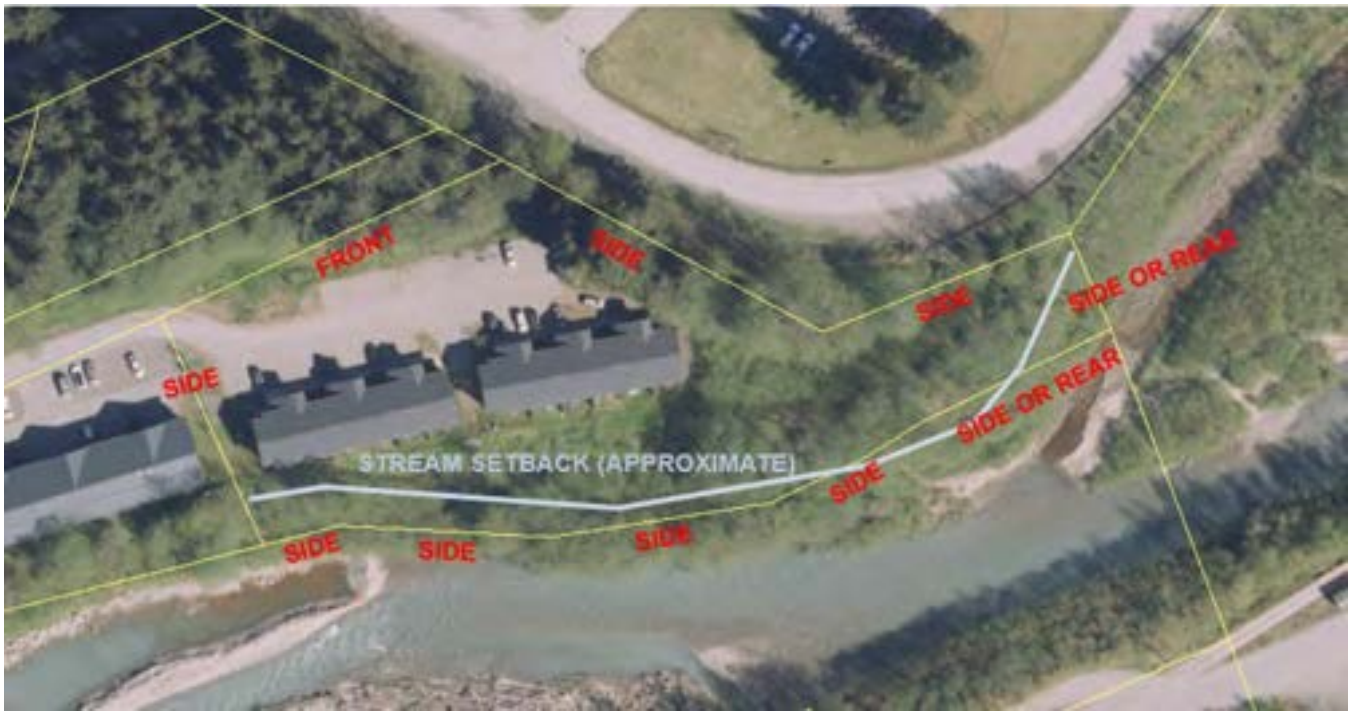
Resource	Summary
Conservation	None.
Wetlands	Protected (50' anadromous setback).
Anadromous	Protected (50' anadromous setback).
Historic	None known.
Archeological	None known.

Lot 1B south lot line is mapped with a one percent annual chance of inundation flooding (AE) by the Federal Emergency Management Agency.



Lemon Creek is listed in the Alaska Department of Environmental Conservation Impaired Water Bodies (AK_R_1030106_017_001) for sedimentation, siltation, and turbidity. The 2007 Lemon Creek Watershed Recovery and Management Plan suggests assessing and improving stormwater and runoff water quality (Objective 1.4) by working with landowners, improving riparian buffers, and maintaining habitat.

Lemon Creek is an anadromous water body with a 50-foot development setback. Staff will delineate the setback when development is proposed. The image below estimates the 50-foot setback based on GIS imagery available, to show where the anadromous setback would be controlling for development.



CONFORMITY WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN - The proposed amendment conforms to the 2013 Comprehensive Plan.			
Chapter	**Page No.**	**Item**	**Summary**
7	84	Table 7.1	Lemon Creek is a 2011 impaired water body due to turbidity, sediment, and habitat modification from debris.
	96	Gravel Resources	Lemon Creek is a source of gravel. Note that SECON has annual permitted gravel extraction from the creek adjacent to this development.
8	118	Implementing Actions	Improve nonmotorized transportation facilities to address high average annual daily traffic and industrial traffic. ADOT&PF completed an improvement project along Glacier Highway in 2022, with sidewalks on both sides and refuge islands in the middle. Davis Avenue has curb and sidewalk on one side, and a multi-use trail on the other.
11	182	Subarea 5	3. Restrict residential development that would be impacted by gravel extraction uses.
			11. The Commission considers if the development will impact volume, velocity, cleanliness, and overall water quality of Lemon Creek.

2018 Lemon Creek Area Plan - The proposed amendment complies with the 2018 Lemon Creek Area Plan			
Chapter	**Page No.**	**Item**	**Summary**
5/6	47	Goal 3 Action	Advocate for intersection improvements at Davis Avenue and Glacier Highway (complete in 2022).
			Advocate for pedestrian access across Lemon Creek between industrial area and Davis Avenue.
			New trail on both sides of Davis Avenue, from the top to the wetlands (completed north of Glacier Highway, along Davis Avenue).

2016 HOUSING ACTION PLAN - The proposed amendment complies with the 2016 Housing Action Plan			
Chapter	**Page No.**	**Item**	**Summary**
	23		Higher density in Lemon Creek could help address housing.
	47		Consider upzoning.
	2		Streamline permitting to encourage density.

AGENCY REVIEW

CDD conducted an agency review comment period between August 12, 2024 and September 23, 2024. Agency review comments can be found in **Attachment C.**

Agency	**Summary**
Alaska Department of Transportation and Public Facilities	No comment.
Alaska Department of Corrections	Security concerns about development proximity to security perimeter. Mitigation requested, but challenges to preferred mitigation are noted.

Alaska Department of Corrections concerns may impact proposed development and would be considered under a subsequent Conditional Use Permit.

PUBLIC COMMENTS

CDD conducted a public comment period between August 19, 2024, and October 20, 2024.

An informational meeting was held via ZOOM on September 12, 2024 (**Attachment D**). One member of the public attended, and no questions were asked. Meeting materials and a recording of the meeting can be found at the Short Term Planning web site: https://juneau.org/community-development/short-term-projects

Public notice was mailed to property owners within 500 feet of the proposed rezone (**Attachment E**). A public notice sign was also posted on-site two weeks prior to the scheduled hearing (**Attachment F**). Public comments submitted at time of writing this staff report can be found in **Attachment G**.

Name	Summary
Sue Trivette	Informational, caution about shared infrastructure.
Kathy Ensor	Strongly opposed due to disagreements about shared infrastructure.

ZONE CHANGE OPTIONS AND ALTERNATIVES

As stated in CBJ 49.75.130(a), the Commission may recommend approval, approval with modifications or denial of a rezone request. The Commission may recommend approval to the Assembly for different zoning districts than requested by the applicant or recommended by staff. Additionally, the Commission can recommend modifications to the boundaries of the area to be rezoned. This means that if the Commission wishes to do so, the zoning district boundary line may be moved from its current location, if it conforms with the Comprehensive Plan and Title 49 – Land Use Code. Zoning district boundary lines are intended to follow property lines, centerlines of streets, alleys, streams (CBJ 49.25.110(f)).

FINDINGS

In accordance with CBJ 49.75 the Director makes the following findings on the proposed rezone:

1. ***Was the rezone application filed timely in accordance with CBJ 49.75.110?***

   Analysis: No additional analysis required.

   Finding: Yes. The rezone application was filed in July of 2024.

2. ***Was adequate public notice provided in accordance with CBJ 49.75.110?***

   Analysis: CDD staff held a public meeting on September 12, 2024; mailed written notice to property owners within 500 feet of the proposed rezone for the public meeting and the Commission hearing; and a public notice sign was posted on-site two weeks prior to the Commission hearing.

   Finding: Yes. Adequate public notice was provided in accordance with CBJ 49.75.110.

3. ***Is this request for an area covering more than two acres or an expansion of an existing zoning district as required by CBJ 49.75.120?***

   Analysis: The rezone request is for 2.2885 acres.

   Finding: Yes. The proposed rezone meets the minimum area.

4. ***Has a similar request been made within the previous 12 months, contrary to CBJ 49.75.120?***

   Analysis: No additional analysis required.

   Finding: No. A similar rezone request has not been filed within the previous 12 months.

5. ***Is the proposed zoning district and the uses allowed therein found to be in substantial conformance with the land use maps of the comprehensive plan and policies of the comprehensive plan, in accordance with CBJ 49.75.120?***

   Analysis: No additional analysis required.

   Finding: **Yes**. The proposed rezone conforms with the land use maps and policies of the 2013 Comprehensive Plan, the 2018 Lemon Creek Area Plan, and the 2016 Housing Plan.

6. ***Is the proposed zoning district and the uses allowed therein conforming with Title 49 – Land Use Code, in accordance with CBJ 49.75.120?***

   Analysis: No further analysis needed.

   Finding: Yes. The proposed rezone conforms with Title 49 – Land Use Code.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL to the Assembly for the requested rezone of 2.3 acres at the end of Davis Avenue from D10 to D15.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet.
Attachment B	Proposed ordinance.
Attachment C	Agency Review Comments.
Attachment D	Informational meeting items.
Attachment E	Abutters information.
Attachment F	Public Notice sign posted.
Attachment G	Public comments.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant

PROPERTY LOCATION

Physical Address: 1925 DAVIS AVE

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot): Mendota Park Parcel 1B

Parcel Number(s): 5B1201070043

☐ This property is located in the downtown historic district

☐ This property is located in a mapped hazard area, if so, which _____

LANDOWNER/ LESSEE

Property Owner: William Heumann

Contact Person: William Heumann

Mailing Address: 6000 Thane RD

Phone Number(s): (907)723-4540

E-mail Address: chilkatvistas@gmail

LANDOWNER/ LESSEE CONSENT

Required for Planning Permits, not needed on Building/ Engineering Permits.

Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.

I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.

William Heumann — Landowner

Landowner/Lessee (Printed Name) — Title (e.g.: Landowner, Lessee)

X _____ 7/30/24

Landowner/Lessee (Signature) — Date

_____ _____

Landowner/Lessee (Printed Name) — Title (e.g.: Landowner, Lessee)

X _____ _____

Landowner/Lessee (Signature) — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.

APPLICANT If same as LANDOWNER, write "SAME"

Applicant (Printed Name) | Contact Person

Mailing Address: SAME | Phone Number(s)

E-mail Address

X _____ _____

Applicant's Signature — Date of Application

---DEPARTMENT USE ONLY BELOW THIS LINE---

Intake Initials	
7/31	
Case Number	Date Received
AME24-003	7/31/24

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Attachment A - Application Packet.

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

ZONE CHANGE APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.
NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY Rezone D10 to D15 to allow additional units

IS THIS AN EXPANSION OF AN EXISTING ZONE? (X) Yes ( ) No

Total Land Area of Proposed Change 2.3 acres

Comprehensive Plan Land Use Designation MDR

Current Zone(s) D10

Comprehensive Plan Map Letter H

New Zone Requested D15

TYPE OF ZONE CHANGE REQUESTED (X) Regular ( ) Transition

Has this or a similar zone change been requested in the previous 12 months? ( ) Yes Case # _____ (X) No

UTILITIES AVAILABLE WATER: [X] Public [ ] On Site SEWER: [X] Public [ ] On Site

ALL REQUIRED MATERIALS ATTACHED

- [ ] **Complete application**
- [X] **Pre-Application Conference notes**
- [ ] **Narrative including:**
  - [ ] Purpose of the requested zone change
  - [ ] Any potential impacts to public infrastructure (streets, water, & sewer)
  - [ ] How the requested zone change comply with the maps and policies of the Comprehensive Plan
- [ ] **Site Plan and/or map of proposed zone change** (details on reverse side)

---DEPARTMENT USE ONLY BELOW THIS LINE---

ZONE CHANGE FEES	Fees	Check No.	Receipt	Date
Application Fees	$ 600			
Admin. of Guarantee	$			
Adjustment	$ 100			
Pub. Not. Sign Fee	$ 50			
Pub. Not. Sign Deposit	$			
Total Fee	$ 750			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
AME24-003	7/31/24

Attachment A - Application Packet.

1. Zone Change: $600.00
2. Public Notice Sign: $150, with $100 refundable if the sign is brought back by Monday following the Planning Commission meeting.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/community-development.

Submit your Completed Application
You may submit your application(s) online via email to permits@juneau.gov
OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Web: www.juneau.org/community-development

Attachments:
49.70 Article IV – if in a flood zone

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

HOUSING PROGRAMS

Juneau Affordable Housing Fund (JAHF)

up to $50,000 per unit

The Juneau Affordable Housing Fund was created to promote the creation of affordable housing in the Capital City. This program runs annually in the Fall.

To review the requirements and guidelines and to learn more about the next funding competition round, please visit:

juneau.org/community-development/grants-juneau-affordable-housing-fund

Mobile Home Down Payment Assistance (MHDPA)

up to $10,000

CBJ has partnered with True North Federal Credit Union (TNFCU) to create a program that will provide low interest loans to qualified residents for up to 50% of the down payment. Residents must be able to match the other 50%. Loans will be available at 1% interest. The borrower will have up to five (5) years to pay back the loan.

juneau.org/community-development/grants-mobile-home-down-payment-assistance

Accessory Dwelling Unit Grant program (ADUG)

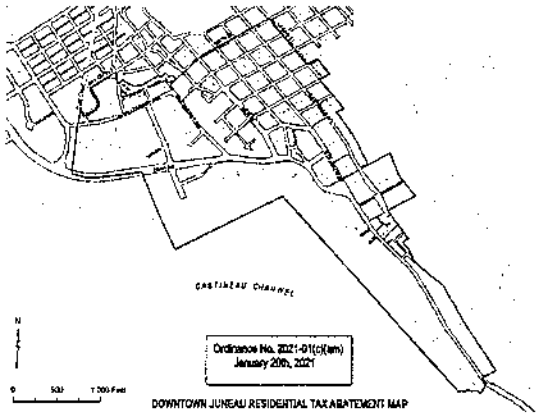
Amount to be determined; program pending approval

The Accessory Apartment Grant Program is a one time grant to homeowners creating an eligible accessory apartment. The resulting unit cannot be used as a short-term rental for three years.

https://juneau.org/community-development/grants-aapgp

Tax Abatement Programs

- ***Downtown Tax Abatement:*** Provides 12-year tax abatement for projects that develop four or more new residential units in the mapped area.



- ***Senior Assisted Living Tax Abatement:*** Provides 12-year tax abatement for projects that provide at least 15 new residential units of assisted living for senior citizens in the urban service area.

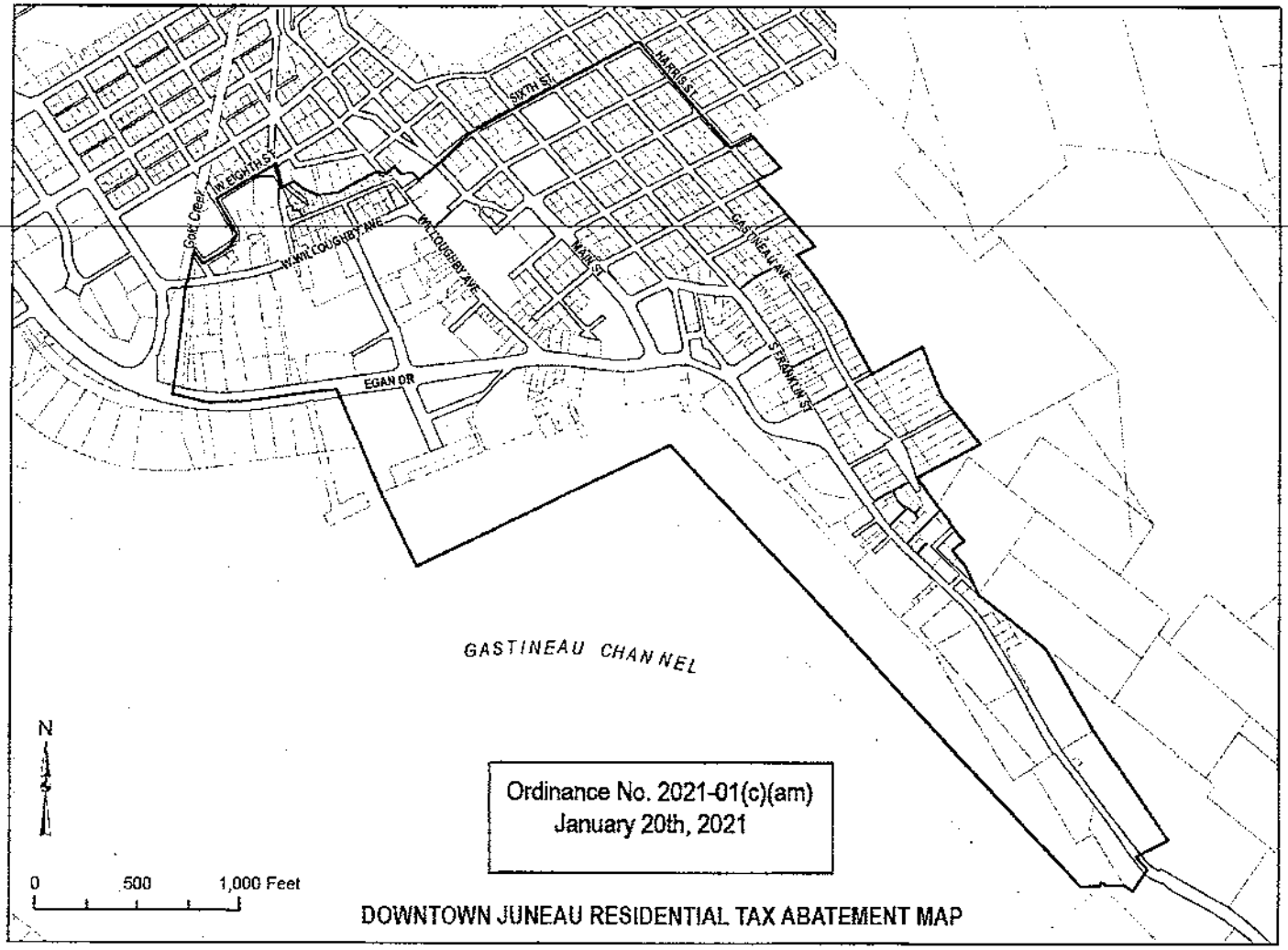
- ***Subdivision Property Tax Abatement:*** 5-year tax abatement program for improvements related to subdivision of one lot into three or more lots.

- ***High Density Tax Abatement:*** 12-year tax abatement for projects that develop at least four new residential units within the Urban Service Area.

For more information on CBJ tax abatement program eligibility criteria and to apply, please visit:

juneau.org/community-development/grants-cbj-tax-abatement-programs

For more information on CBJ Housing programs, please contact:
Joseph Meyers, Housing & Land Use Specialist at:
joseph.meyers@juneau.gov
(907) 586-0752 x4200


SIXTH ST
HARRIS ST
GOLD CREEK
W EIGHTH ST
N MILLOUGHBY AVE
MILLOUGHBY AVE
MAPLE ST
GASTINEAU AVE
S FRANKLIN ST
EGAN DR
GASTINEAU CHANNEL
N
Ordinance No. 2021-01(c)(am)
January 20th, 2021
0
500
1,000 Feet
DOWNTOWN JUNEAU RESIDENTIAL TAX ABATEMENT MAP

1925 Davis Avenue Rezone Narrative

7-29-2024

The Purpose of this rezone is the allow for the construction of additional residential units on a parcel that is currently at maximum density but has lots of space left for additional units. This parcel, along with a neighboring parcel developed in the same era, is spot-zoned D-10, sandwiched between D-15 and industrial. As we call know, Juneau has a crisis-level housing shortage and this parcel has existing, underutilized, infrastructure that could be used to address the crisis. Impacts to the existing infrastructure would include slightly more use of the existing water, sewer and street system. A traffic light was recently added at the nearest intersection with Glacier Highway which alleviates that issue.

The requested zone change complies with the comprehensive plan as the current map allows for up to 20 units/acre and we are only requesting 15. As mentioned above, multiple studies of Juneau's housing issues have all pointed to maximizing infill development and upzoning wherever possible in order to make full use of the existing infrastructure.

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS

SURVEY CONTROL NOTES

1. THE BASIS OF BEARING UTILIZED TO CONDUCT THIS SURVEY WAS BETWEEN A RECOVERED U.S.F. PRIMARY MONUMENT FOR CORNER 2, U.S. SURVEY NO. 2557 AND A T & N PRIMARY MONUMENT LOCATED AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LIMITS OF DAVIS AVENUE WITH THE COMMON BOUNDARY BETWEEN U.S. SURVEY NO'S. 204 AND 2557, AS DELINEATED ON PLAT 2009-12, HAVING A RECORD BEARING OF S73°40'17"W.
2. THE BASIS OF VERTICAL CONTROL FOR THIS PROJECT IS GASTINEAU CHANNEL TIDAL DATUM (NAVD 1988) MEAN LOWER LOW WATER = 0.00'.
3. FIELD SURVEY WAS CONDUCTED BY CONVENTIONAL ON-THE-GROUND SURVEYING METHODS UTILIZING A TOPCON GTS-3000 SERIES TOTAL STATION AND RANGING PRISM.
4. THE RECORD INFORMATION UTILIZED TO CONDUCT THIS SURVEY WAS "A PLAT DEPICTING MENDOTA PARK, A SUBDIVISION OF PARCEL 1, MENDOTA PARK, WITHIN U.S.S. 2557 & U.S.M.S. 699" DATED MARCH 13, 2013 ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE AS PLAT 2013-8.

Lemon Creek CORRECTIONAL FACILITY

SYMBOLS

- CBJ PRIMARY MONUMENT (RECOVERED)
- T & N PRIMARY MONUMENT (RECOVERED)
- 7570-S SECONDARY MONUMENT (RECOVERED)
- 7570-S PRIMARY MONUMENT (RECOVERED)
- 7570-S SECONDARY MONUMENT (ESTABLISHED)
- NO MONUMENT RECOVERED OR ESTABLISHED THIS SURVEY
- PROPERTY/BOUNDARY LINE
- EASEMENT LINE
- WATER LINE
- SANITARY SEWER LINE
- DITCH

BASIS OF BEARING S73°40'17"W-1,752.96'

T&N PRIMARY MONUMENT

U.S.S. 204 (U.S.S. 2557)

D-15

DELTA=35°11'00" R=85.00' L=52.23' T=26.95' CHORD=S34°09'46"E CL=51.38'

50'

RIGHT-OF-WAY/ PROPERTY LINE

7570-S PRIMARY MONUMENT

(2) 4" ELECTRIC LINES
(2) 3" COMMUNICATION LINES STUBBED UP

N66°30'00"E-317.60'

RIGHT-OF-WAY/ PROPERTY LINE (TYPICAL)

32.54'

ASPHALT SURFACE

P/L 20' EMERGENCY ACCESS EASEMENT

N78°14'44"E-190.12'

114.64'

75.34'

R=20'

6" D.I.P.

6" D.I.P. CAP

6" PVC

6" PVC

PROPERTY LINE

S63°02'14"E-212.20'

GRAVEL SURFACE

RIGID INSULATION

RIGID INSULATION

2" HDPE

PARCEL 1B

D-10

N25°49'48"W-164.22'

100.99'

BUILDING C
CONCRETE FOUNDATION
F.F. EL.=46.46'

120.1'

BUILDING D
CONCRETE FOUNDATION
F.F. EL.=48.02'

120.1'

45.4'

N66°23'06"E-167.24'

WOOD FENCE

WC-65.25'

ABOVE GROUND HEATING OIL TANK

PROPANE TANKS

50' STREAM SETBACK

CABLE RISER
PHONE RISER
TRANSFORMER

63.8'

CBJ PRIMARY MONUMENT (BASIS OF POSITION)

52.32'

EXISTING BRICK WALL

12' WALKING PATH EASEMENT

50' STREAM SETBACK

N88°13'44"W-138.66'

S81°55'54"W-148.18'

S65°27'15"W-66.61'

S58°43'41"W-46.02'

25' INGRESS/EGRESS MAINTENANCE EASEMENT PER DOCUMENT 2007-007783-0, JUNEAU RECORDING DISTRICT

EXISTING 60' NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS TO PARCEL 1, MENDOTA PARK PER PLAT 2005-13, JUNEAU RECORDING DISTRICT

GRAPHIC SCALE
0' 10' 20' 40' 80'

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT LIMITED AS-BUILT SURVEY PLAT OF A PORTION OF PROPOSED LOTS 1A & 1B, MENDOTA PARK SUBDIVISION, AND THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS APPEARING ON THE LAND ARE AS SHOWN, AND THERE ARE NO ENCROACHMENTS OR OVERLAPS OF IMPROVEMENTS THEREON.

STATE OF ALASKA
REGISTERED PROFESSIONAL LAND SURVEYOR
BRUCE A. JOHNSON
15 / 1570

INTERIM
LIMITED AS-BUILT CONDITIONS OF PARCEL 1B, MENDOTA PARK

WITHIN THE CITY & BOROUGH OF JUNEAU.

OWNER:
ANKATEKWA, INC.
10518 VOX TAIYA TRAIL
JUNEAU, ALASKA 99801

SURVEYOR:
R&M ENGINEERING, INC.
9305 GLACIER HIGHWAY
JUNEAU, ALASKA 99801
R&M PROJ. NO. 131739

SHEET 1 OF 1

DATE: SEPTEMBER 10, 2013 SCALE: 1"=20'

Attachment A - Application Packet.

CITY AND BOROUGH OF
JUNEAU
ALASKA'S CAPITAL CITY

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

Case name Davis ReZone

Case Number:	PAC2023 0035
Applicant:	Chilkat Vistas LLC, William Heumann
Property Owner:	William Heumann
Property Address:	1925 Davis Ave
Parcel Code Number:	5B1201070043
Site Size:	99,685 sq ft. Or 2.2885 acres
Zoning:	D10
Existing Land Use:	23 Apartment Units

Conference Date:	16 August 2023
Report Issued:	**23 August 2023**

DISCLAIMER: Pre-application conferences are conducted for the purpose of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application and are not a guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
William Heumann, Mike Heumann, and Cassandra Suryan	Applicant	chilkatvistas@gmail.com
Irene Gallion	Planning	irene.gallion@juneau.gov
Forrest Courtney	Planning	forrest.courtney@juneau.gov
David Sevdy	Permitting	David.sevdy@juneau.gov

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.
The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Applicant requested the definition of development: CBJ 49.80.120

Development means any of the following:
(1) Construction, reconstruction or enlargement of a structure involving more than 120 square feet;
(2) A subdivision;
(3) Conduct of a home occupation;
(4) Change in use of a lot, including any structure thereon;
(5) Installation or emplacement of a mobile or modular home;
(6) Removal of substantial vegetative cover;
(7) Excavation, dredge or fill activity;
(8) Installation of a sign;
(9) For the purposes of chapter 49.65, article I, the work performed in relation to a deposit, subsequent to exploration but prior to extraction of commercial quantities of a mineral commodity, aimed at, but not limited to, preparing the site for mining, defining an ore deposit, conducting pilot plant operations, and construction of roads or ancillary facilities;
(10) Any site work in preparation or anticipation of the above;
(11) For the purposes of chapter 49.70, article IV, flood hazard areas, means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Structure means anything which is constructed or erected and located on or under the ground, or attached to something fixed to the ground, including the following:
(1) A building, regardless of size, purpose, or permanence;
(2) A tower, sign, antenna, pole or similar structure;
(3) A basement, foundation, or mobile home pad;
(4) A fence;
(5) A sign;
(6) A street, road, sidewalk, driveway, parking area, or storage area.

Applicant said their intention was to construct affordable units for Juneau's workforce. Applicant discussed applying for the Juneau Affordable Housing Fund. Applicant's narrative for this project should include how this project and JAHF funds will meet requirements for rent or sale prices meet workforce level income. Some tax and loan programs are run through different departments, see attached information sheet for details.

Project Overview

The applicant is requesting the rezoning of Mendota Park Parcel 1B (1925 Davis Ave) from D10 to D15. There are presently 23 apartment units on site. The intention of the rezone is to accommodate additional apartment construction. With D15 zoning, up to 11 units could be added to the property.



History

In 2005 Parcel 1 of Mendota Park was rezoned to D10, Multi-Family Residential. Rezone required dedication of easements for pedestrian walkways, parks, playgrounds, storm-water drainage facilities, and fire apparatus access.

Mendota Park Parcel 1 was subdivided into 1A and 1B in 2013. 23 apartments were constructed.

Documents

USE2003-00048: Construction of a driveway in the undeveloped section of Davis Avenue.

USE2005-00017: Extending the length of the driveway in the undeveloped section of Davis Avenue.

SMN2013 0003: Subdivision of Parcel 1 into 1A and 1B.

USE2013-0015: 23-unit apartment complex.

REZONE PROCESS

- Apply for the rezone in January or July [CBJ 49.75.110].
- Work with Community Development on organizing a public meeting. Community Development would present on the regulatory details, and Chilkat Vistas would be able to present based on the vision for the area. Note that CBJ is unable to participate in the meeting until an application has been received.
- Modify the proposal as warranted by public comments.

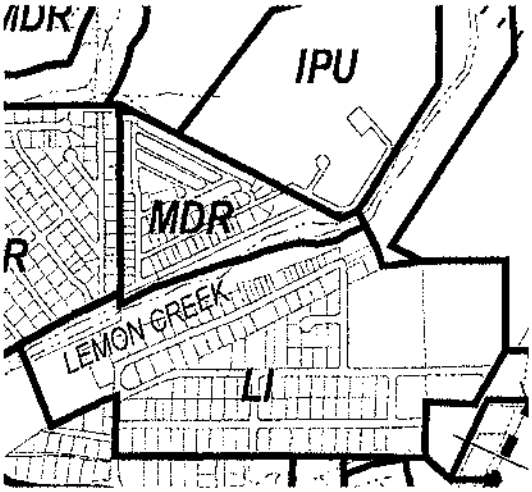
- Present the proposal to the Planning Commission. They will forward to the Assembly, and:
  - Recommend approval, OR
  - Recommend approval with conditions, OR
  - Recommend denial, OR
  - If they need more information, they will "continue."
- The Assembly will most likely consider the rezone:
  - At a subcommittee, probably Lands, Housing and Economic Development.
  - At a Committee of the Whole (work group), then
  - At a regular Assembly Meeting, where the rezone will be voted on.

Planning Division

1. **Zoning –**

   Parcel 1B is presently zoned D10, intended to accommodate multifamily residential development [CBJ 49.25.210(e)].

   Map H of the CBJ Comprehensive Plan (2013) shows lot is planned for Medium Density Residential.



   The Comprehensive Plan defines Medium Density Residential:

   These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

   The adjacent lot to the West is zoned D10 and the lot to the Northwest across Davis Avenue is zoned D15.

2. **Table of Permissible Uses –**

   1.300 Multi-family dwellings: A major development requires a Conditional Use Permit (CUP). Additional units would require update of an existing CUP. A pre-application conference specific to that development would be required [CBJ 49.25.300].

3. **Setbacks** – CBJ 49.25.400

Feature	D10	D15
Front Setback	20'	20'
Side Yard Setback	5'	5'

Rear Yard Setback	20'	15'
Street Side Setback	13'	13'

4. **Height** – CBJ 49.25.400

Feature	D10	D15
Permissible	35'	35'
Accessory	25'	25'

5. **Access –**

   The property is accessed via Davis Avenue through the Riveredge Condominium driveway (recorded document 2013-001962-0).

6. **Parking & Circulation–**

   Parking is not directly related to rezoning.

   Multifamily units require 1 space per one-bedroom unit, 1.5 spaces per two-bedroom unit, and 2 spaces per three or more bedroom units [CBJ 49.40.210(a)].

7. **Lot Coverage** – CBJ 49.25.400

Feature	D10	D15
Permissible	50%	50%
Conditional	50%	50%

8. **Vegetative Coverage** –

   30% vegetation coverage is required for both D10 and D15 zoned lots [CBJ 49.50.300].

9. **Lighting** –

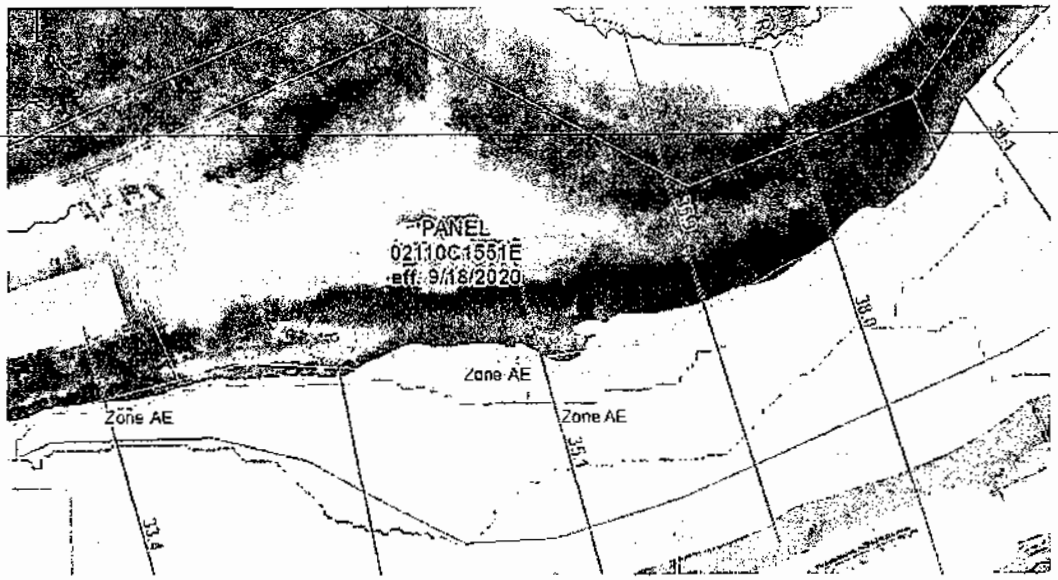
   Not applicable to this application. Lighting is reviewed during the building permit process. Lighting should be downward cast and not on neighboring lots.

10. **Noise** –

    The noise difference between D10 and D15 is not expected to be substantial.

11. **Flood** –

    The south lot line appears to be in an AE floodway. Any development in this area would have to comply with CBJ floodway standards. Please contact this office if you are going to be developing anything in this area.



12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement –**

    The property is not in a mapped hazard area.

13. **Wetlands –**

    A wetlands fill may require a United States Army Corps of Engineers permit, you can contact them at 907-753-2689 for additional information.

14. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling.

    Lemon creek is an anadromous waterbody. No disturbance is allowed within 25ft and no development within 50ft of the waterbody [CBJ 49.70.310].

15. **Plat Restrictions – Plat 2013-8**

    1. Stormwater runoff drainage as presently exists may not be modified without CBJ engineering approval.
    2. Water and sewer disposals systems are private utilities and are managed by the existing maintenance and hold harmless agreement.
    3. Lot 1B is responsible for the extension of private water and sewer lines as needed.
    4. Special regulations may apply to the lot as parts of the subdivision may be located in a special flood hazard area according to community panel #0200098858.

16. **Traffic** A Traffic Impact Analysis is not required [CBJ 49.40.300].

    If zoning is changed, up to 11 units could be added to the property. Per unit Average Annual Daily Traffic (AADT) is 6.65 (Institute of Traffic Engineers' Trip Generation Manual, 9th Edition, Volume 2, page 333). If the maximum allowed units were built it would provide an additional AADT of 73.15. Considering the existing 23 units, AADT would go as high as 226.

17. **Nonconforming situations** – Not applicable.

Building Division

18. **Building –**
19. **Outstanding Permits –** None

General Engineering/Public Works

20. **Engineering –**
21. **Drainage –**
22. **Utilities –** (water, power, sewer, etc.)

Fire Marshal

23. **Fire Items/Access –**

Other Applicable Agency Review

24. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...
25.

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. **Development Permit Application**
2. **Zone Change Application**
3. (Add notes as necessary)

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. (Add any necessary supporting documents required in the application forms OR that may be useful supporting information)

Exceptions to Submittal Requirements

Submittal requirements that staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. (Add any items required with the forms that are not applicable to the Conditional Use application)
2.

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

Presented by:
Introduced:
Drafted by: CDD Gallion

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2024-XX DRAFT

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Mendota Park Parcel 1B; Located on Davis Avenue.

WHEREAS, the area of the proposed rezone to D15, located on Davis Avenue, is currently zoned as D10; and

WHEREAS, the CBJ Comprehensive Plan maps this area for Medium Density Residential; and

WHEREAS, the proposed rezone conforms to the Medium Density Residential; and

WHEREAS, in 2005 the lot was downzoned from D15 to D10 due to concerns about the performance of the Davis Avenue intersection with Glacier Highway; and

WHEREAS, a 2022 project by the Alaska Department of Transportation and Public Facilities installed a light at the intersection; and

WHEREAS, housing is the Assembly's top priority;

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment to the Official Zoning Map. The official zoning map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Mendota Park Lot 1B; located on Davis Avenue**,** from D10, to D15.

The described rezone is shown on the attached Exhibit "A" illustrating the area of the proposed zone change.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

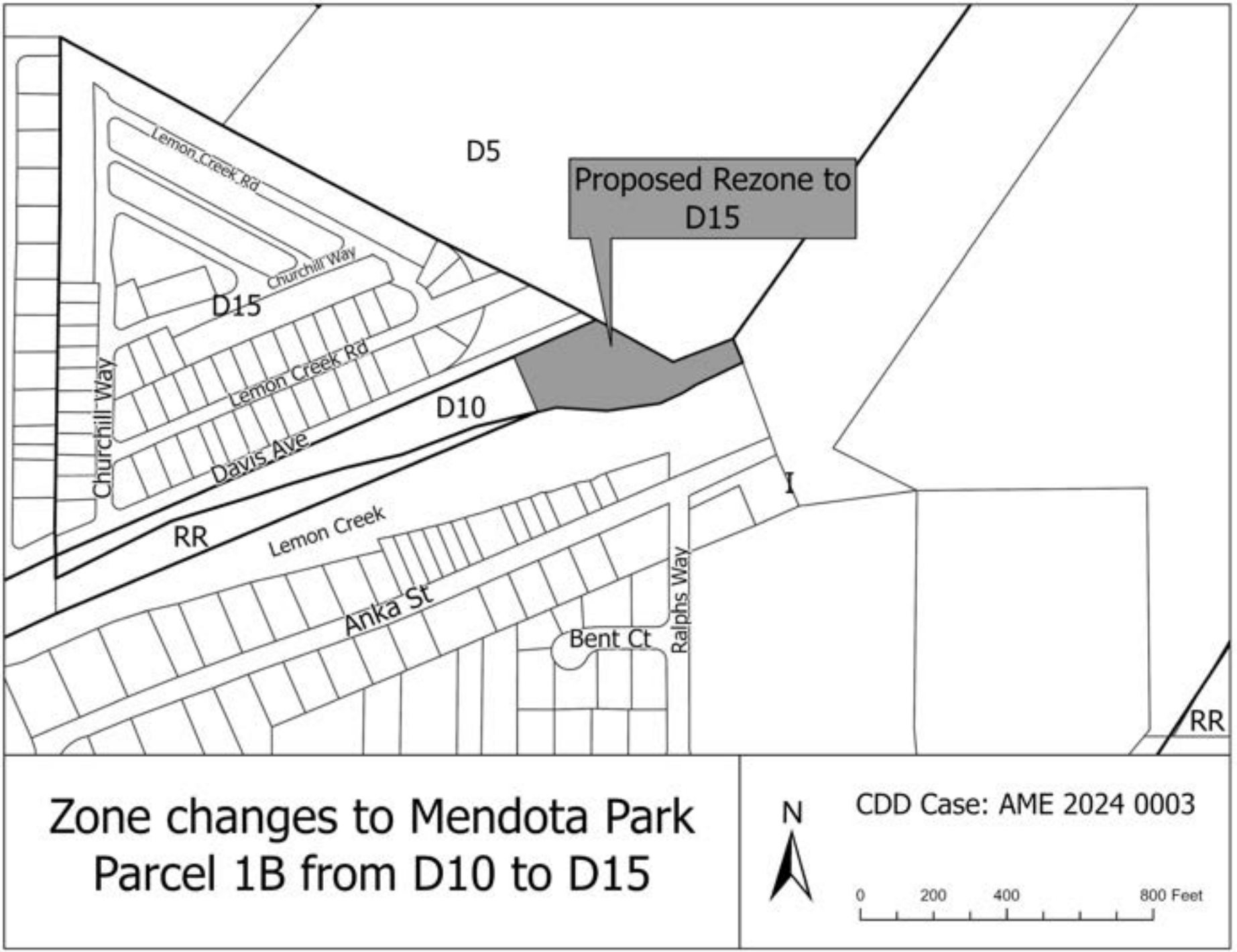
Adopted this _____ day of _____, 2024.

Beth Weldon, Mayor

Attest:

Beth McEwen, Municipal Clerk

Attachment B - Proposed ordinance.



Attachment B - Proposed ordinance.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.gov
www.juneau.org/community-development
155 Heritage Way • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: DOT&PF

STAFF PERSON/TITLE: Arthur Drown, Right of Way Property Management

DATE: 09/10/2024

APPLICANT: William Heuman

TYPE OF APPLICATION: Rezone

PROJECT DESCRIPTION:

Applicant requests a rezone of 2.3 acres at the end of Davis Avenue from D10 to D15.

LEGAL DESCRIPTION:

PARCEL NUMBER(S): 5B1201070043

PHYSICAL ADDRESS: 1925 Davis Avenue

SPECIFIC QUESTIONS FROM PLANNER:

AGENCY COMMENTS:

AGENCY COMMENTS (CONTINUED):

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

(907) 586-0715
CDD_Admin@juneau.gov
www.juneau.org/community-development
155 Heritage Way • Juneau, AK 99801

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Alaska Department of Corrections

STAFF PERSON/TITLE: Daryl Webster, Superintendent

DATE: 9/5/2024

APPLICANT: William Heuman

TYPE OF APPLICATION: Rezone

PROJECT DESCRIPTION:

Applicant requests a rezone of 2.3 acres at the end of Davis Avenue from D10 to D15.

LEGAL DESCRIPTION:

PARCEL NUMBER(S): 5B1201070043

PHYSICAL ADDRESS: 1925 Davis Avenue

SPECIFIC QUESTIONS FROM PLANNER:

AGENCY COMMENTS:

While DOC supports, in principle, additional housing in communities like Juneau, rezoning in the vicinity of Lemon Creek Correctional Center raises significant security concerns, due to the potential for increased traffic and additional residential housing in very close proximity to the institution's security perimeter and inmate housing units. Should rezoning lead to additional housing in the area adjacent to the security perimeter, significant structural mitigation would be required to reduce the risk of residents being in the line of fire from the institution's security tower and to prevent the introduction of contraband into the institution.

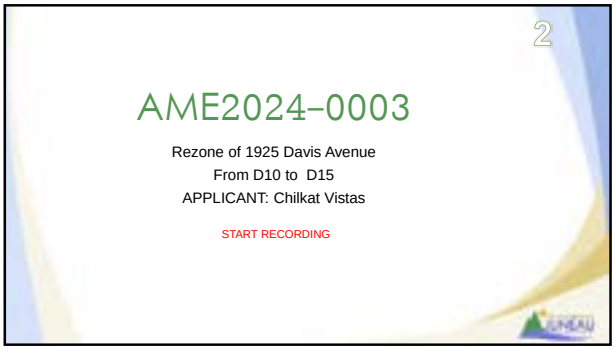
At a minimum, an approximate 15 foot berm or wall, similar in appearance to a noise-cancelling highway wall, would need to be erected between the institution and new development, as a protective barrier. This barrier, spanning the length of any new development, would be difficult to erect on the Institutional side of the property line without impinging on the institution's perimeter service road. It would be a challenge to erect the necessary barrier on the private property side of the property line, due to the steep topography, which declines at a sharp angle to the Lemon Creek riverbed.

We urge due consideration of these concerns, as the present re-zoning application is considered.

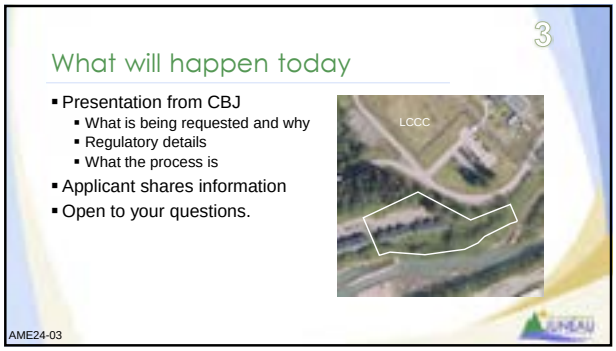
Full size slides can be found at the Short Term Planning web site: https://juneau.org/community-development/short-term-projects



1



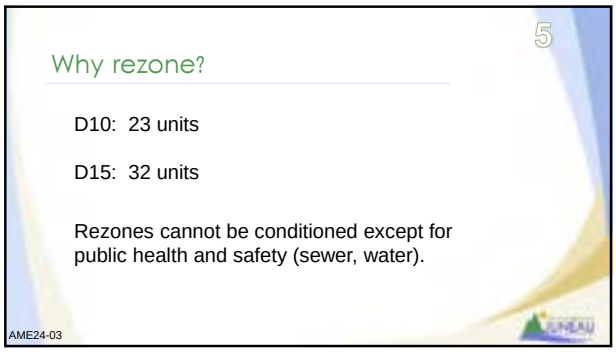
2



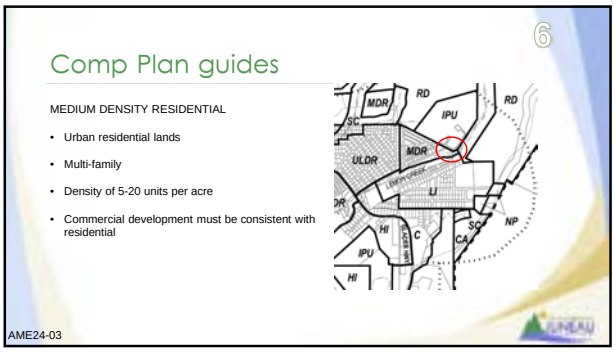
3



4



5



6

Attachment D - Informational meeting items.

2018 Lemon Creek Area Plan

7

- Intersection improvements at Davis Avenue and Glacier Highway (complete in 2022).
- Advocate for pedestrian access across Lemon Creek between industrial area and Davis Avenue.
- New trail on both sides of Davis Avenue, from the top to the wetlands (completed north of Glacier Highway, along Davis Avenue).



AME24-03

7

Table of Permissible Uses

8



Residences	Commercial Structure	Commercial Land
>8	5,000 sf	10,000 sf

Major Development

AME24-03

8

To find the details...

9



9

To find the details...

10



AME24-03

10

Similarities between D10 and D15

11



AME24-03

11

D10 & D15: Requires Conditional Use Permit

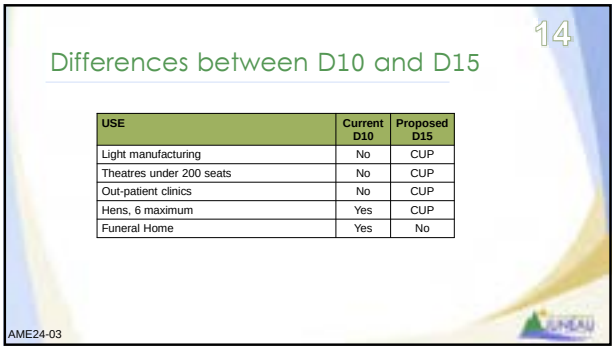
12



12

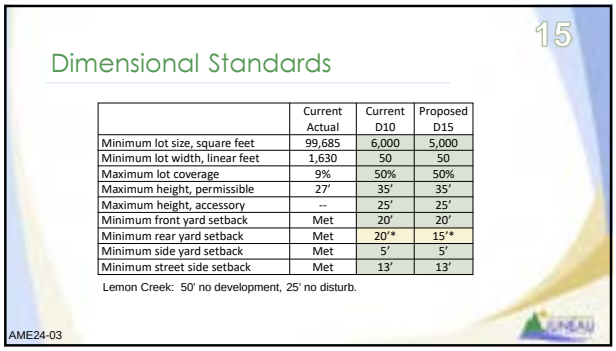


13



USE	Current D10	Proposed D15
Light manufacturing	No	CUP
Theatres under 200 seats	No	CUP
Out-patient clinics	No	CUP
Hens, 6 maximum	Yes	CUP
Funeral Home	Yes	No

14

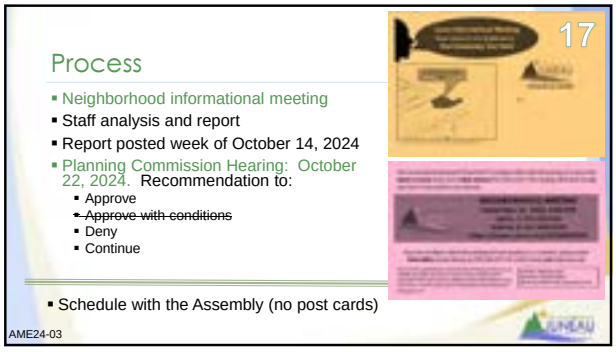


	Current Actual	Current D10	Proposed D15
Minimum lot size, square feet	99,685	6,000	5,000
Minimum lot width, linear feet	1,630	50	50
Maximum lot coverage	9%	50%	50%
Maximum height, permissible	27'	35'	35'
Maximum height, accessory	--	25'	25'
Minimum front yard setback	Met	20'	20'
Minimum rear yard setback	Met	20'*	15'*
Minimum side yard setback	Met	5'	5'
Minimum street side setback	Met	13'	13'

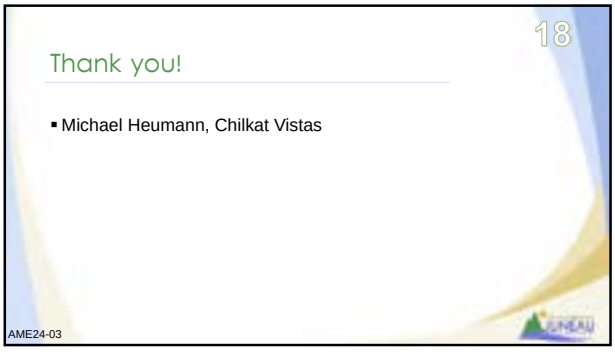
15



16



17

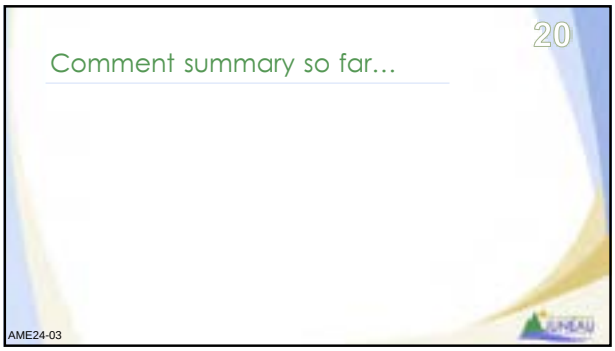


18

Attachment D - Informational meeting items.


19
To comment:
https://juneau.org/community-development/short-term-projects
(907) 586-0753 x4130
AME24-03

19

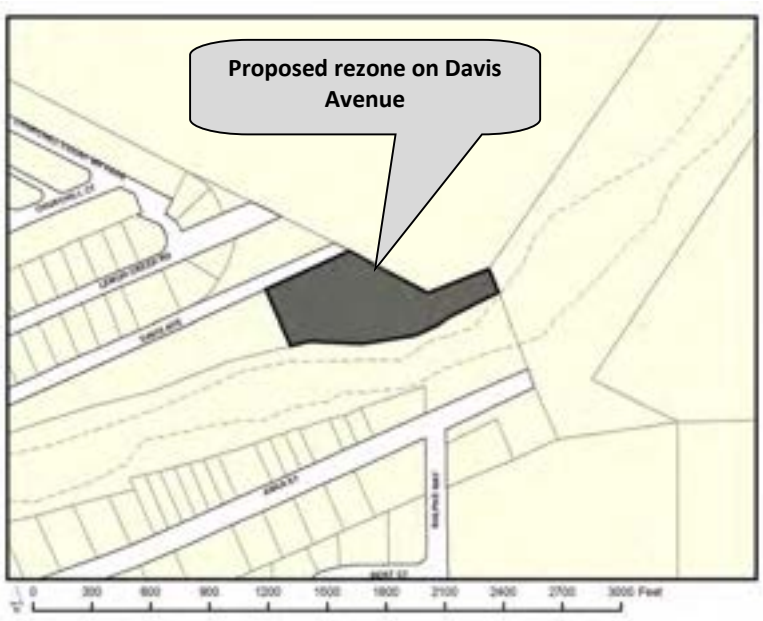

20
Comment summary so far…
AME24-03

20

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 Heritage Way Juneau, Alaska 99801

TO

Rezone application has been submitted for consideration and public hearing by the Planning Commission to **rezone 2.3 acres** at the end of **Davis Avenue** from **D10 to D15**.

PROJECT INFORMATION:
Project Information can be found at:
https://juneau.org/community-development/short-term-projects

PLANNING COMMISSION DOCUMENTS:
Staff Report expected to be posted **October 14, 2024** at
https://juneau.org/community-development/planning-commission
Find hearing results, meeting minutes, and more here, as well.

Now through Sept. 23

Comments received during this period will be sent to the Planner, **Irene Gallion**, to be included as an attachment in the staff report.

Sept. 24— noon, Oct. 17

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 6:00 pm, Oct. 22 2024

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting https://juneau.zoom.us/j/87288626638 and use the Webinar ID: 872 8862 6638 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.

October 23

The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: **(907)586-0753 ext. 4130**
Email: **pc_comments@juneau.gov or irene.gallion@juneau.gov**
Mail: **Community Development, 155 Heritage Way, Juneau AK 99801**

Case No.: AME2024 0003
Parcel No.: 5B1201070043
CBJ Parcel Viewer: http://epv.juneau.org

Printed September 25, 2024

Attachment E - Abutters information.

Irene Gallion

From: Chilkat Vistas <chilkatvistas@gmail.com>
Sent: Monday, October 7, 2024 4:50 PM
To: Irene Gallion
Subject: Re: I saw you picked up the sign

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Attachment F - Public Notice sign posted.



Attachment F - Public Notice sign posted.

Irene Gallion

From: Sue Trivette <susietriv@gmail.com>
Sent: Monday, September 9, 2024 9:04 AM
To: Irene Gallion
Subject: Re: Case No: AME20240003, Parcel No: 5B1201070043

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Ms Gallion--

I got a chance to read the detailed rezoning application; thanks for being patient with me in finding it!

Since, as you say, this is just preliminary to doing any development of the property, I think I'll just attend Thursday's Zoom meeting as a listener, with no participation planned. Even though I gave you some background info on what transpired during & after the development of the 1925 Davis Ave apartments, that's been several years ago & I don't want to just rely on my memory of what happened. At that time, I was the secretary on our Board of Directors & had available all our board minutes as well as annual meetings. I've since resigned that job & given my paper copies of these records onto the property manager. I also had file copies in my computer I could access as a backup, but unfortunately, I have a new computer. So, I'm not sure without searching if those files got transferred over.

If this application does get approved, I can then take the time to search for the files, or ask our property manager to help out.

Thanks again for your help,

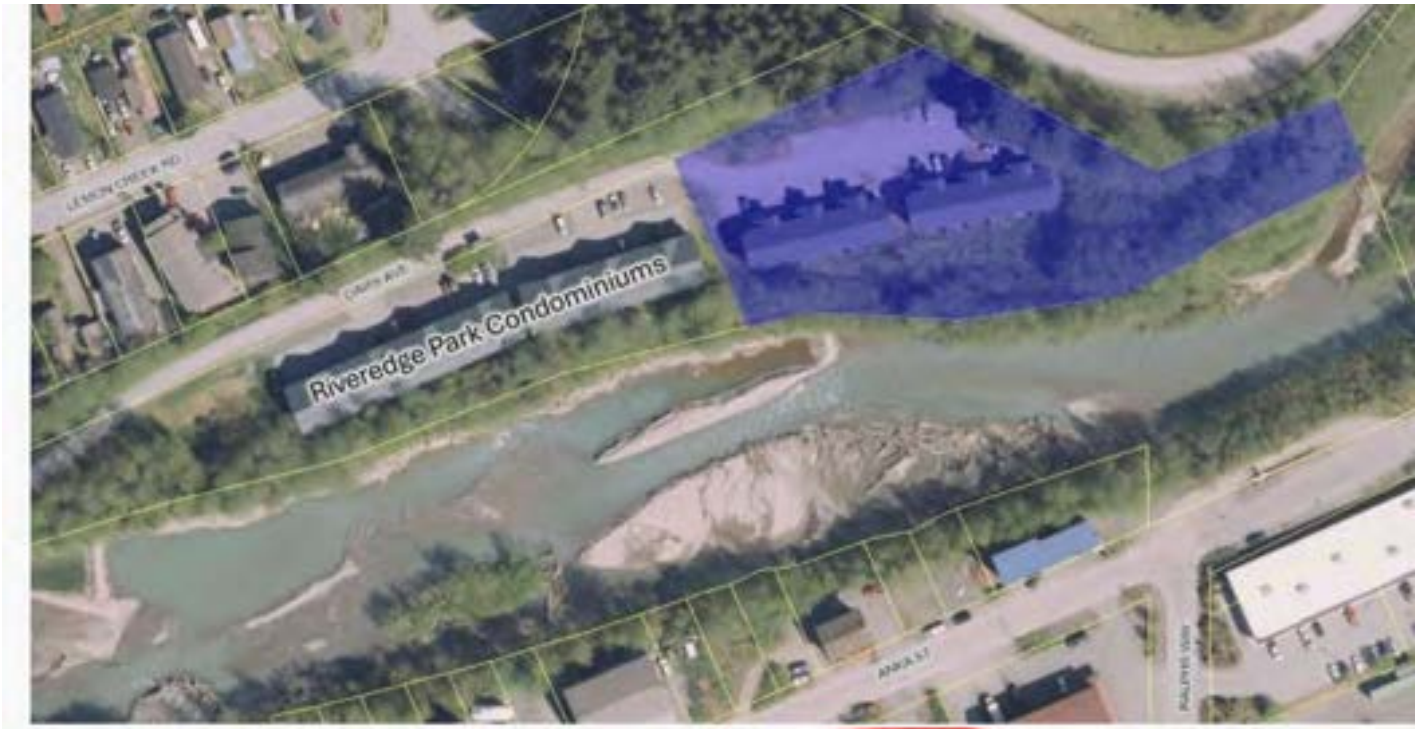
Have a great day!

Sue

On Wed, Sep 4, 2024 at 3:08 PM Irene Gallion <Irene.Gallion@juneau.org> wrote:

> Hi Sue, glad to see you are back at the computer!
>
> You are looking for the link circled in the image below. Keep in mind this application is just for the ability to expand, not for the expansion itself. If this rezone is approved, the applicant will need to apply for a building permit and have his plans reviewed.
>
> I will not be in the office on Thursday, but am in on Friday. Do you want to make some time for a chat, or are you still working through the materials? I have a meeting from 10-11 but would otherwise be available.

Thanks!



Application: AME2024 0003

History:

The proposed rezone is for 1925 Davis Avenue, to the east of Riveredge Park Condominiums.

In 2003, 1925 Davis and the Riveredge Park Condominiums were on one lot. The lot was approved for transitional zoning to D15. "Transitional" means th
happen once certain improvements were made. In this case, the improvements included pedestrian accommodation construction along Davis Avenue, a
study that showed the Davis Avenue/Glacier Highway intersection would operate effectively after full-build out.

From: Sue Trivette <susietriv@gmail.com>
Sent: Wednesday, September 4, 2024 2:53 PM
To: Irene Gallion <Irene.Gallion@juneau.org>
Subject: Re: Case No: AME20240003, Parcel No: 5B1201070043

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Ms Gallion--

I don't know if you've tried to follow thru the steps you outlined on your website. I followed your directions and carefully clicked where you indicated; there's nothing new under the project image since 2013 when William Newmann was applying for building of the "new" apartments at 1925 Davis which were subsequently built. I see no evidence of more recent applications regarding this case number.

Did I miss something?

Thanks, Sue

PS: hope you're doing better; my typing is rough, but my hand is healing well.

On Tue, Aug 27, 2024 at 9:14 AM Irene Gallion <Irene.Gallion@juneau.org> wrote:

> Likewise to you. Get well soon!
>
> IMG
>
> ---
>
> **From:** Sue Trivette <susietriv@gmail.com>
> **Sent:** Tuesday, August 27, 2024 9:13 AM
> **To:** Irene Gallion <Irene.Gallion@juneau.org>
> **Subject:** Re: Case No: AME20240003, Parcel No: 5B1201070043
>
> EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Thanks for the info, Ms Gallion. I'm about to report to Bartlett Hospital for trigger finger release surgery, so I'll most likely be away from my computer for a little while. I'll be sure to check the website out in a few days.

I hope you feel better soon,

Thanks, Sue

On Tue, Aug 27, 2024 at 8:40 AM Irene Gallion <Irene.Gallion@juneau.org> wrote:

> Hi Sue,
>
> You can find the information we have available at this web site: https://juneau.org/community-development/short-term-projects
>
> Right now, AME2024 0003 is the third plus-sign down. Click the plus sign to expand. The application packet is under the project image.
>
> When thinking about addressing the Commission, consider:
>
> - Are you opposed to the project based on its merits?
> - Are there conditions you'd like to see imposed on the expansion?
>
> Even if opposing the project, you might want to consider conditions that could mitigate impacts. Access is certainly something the Commission will be concerned with.
>
> Take a look at that, and then let's chat. I'm out of the office today, but am hopeful about being in tomorrow (I'm a little under the weather at the moment).

Thank you,

Irene Gallion | Senior Planner

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street | 4th Floor Marine View Building

Office: 907.586.0753 x4130

Fostering excellence in development for this generation and the next.

From: Sue Trivette <susietriv@gmail.com>
Sent: Monday, August 26, 2024 10:32 AM
To: Irene Gallion <irene.gallion@juneau.org>
Subject: Case No: AME20240003, Parcel No: 5B1201070043

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello Mx. Gallion--

I've lived at 1901 Davis Ave (the Riveredge Condo complex), since 2012. I've tried for more than 30 minutes searching in the CBJ website for more details on this proposed development. I definitely plan to participate in the zoom meeting scheduled for 9/12/24. So I can better prepare for this meeting, would it be possible to view some details about what is planned & who the developer is? I was on the Board of Directors during the time the adjacent apartments were being planned & constructed. To say the communication & cooperation between our complex/property management & the developer was

anything but contentious would be misleading. There is more than 1 example but the most egregious was the verbal promise from the developer that as soon as he got the apartments electricity hooked up, he would certainly establish a separate account with A E L & P, only "borrowing" our utilities for a short period of time. It took nearly taking this person to court to get this to happen. I'm not sure we ever got the many months refund of the time he used our electricity beyond his having his own power. If there's any way to view any details about this development, I would greatly appreciate being apprised of the website/source of getting this information. And I won't even go into the disintegration of the shared pavement from the construction vehicles which were not addressed.

Thanks for your time & consideration on this matter.

Sue Trivette

1901 Davis Ave #B9

Irene Gallion

From: Kathy Petraborg Ensor <sitkakat@gmail.com>
Sent: Sunday, September 22, 2024 1:34 PM
To: PC_Comments; Irene Gallion
Subject: Case No: AME2024 0003

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello,

As a homeowner in the Riveredge Condos, I am writing to express my strong opposition to the proposal that has been put forward to rezone and add additional apartment units at the end of Davis Avenue.

The installation of a traffic signal on Glacier and Davis Avenues has been suggested as addressing the traffic issue, but the private road leading to the units has been overlooked. This road is very narrow and heavily impacted by traffic to the apartments. There is a caved-in section at the top of the road and numerous large potholes along this road, which pose a significant risk to our vehicles. It is unjust that the maintenance of this road is funded by our Riveredge Condo HOA dues while the owner, Bill Heuman, has failed to fulfill his commitment to assist with road maintenance.

These issues will only worsen if the proposed additional apartments are added. Perhaps we could consider installing a toll gate for payment at the top of the road for the right to drive on this road to ensure we have funds for maintenance.

Thank you for your consideration of this matter.

Sincerely,

Kathy Ensor
Riveredge Condo's B-8