MEMORANDUM

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

DATE: June 13, 2012

TO: Planning Commission

FROM: Laura A. Boyce, AICP, Planner
Community Development Department

FILE NO.: SMF2011 0001

PROPOSAL: Final Plat for Vista Del Sol subdivision - a major subdivision of 24 lots (originally proposed as 25 lots)

GENERAL INFORMATION

Applicant:	Duran Construction Co. LLC
Property Owner:	Duran Construction Co. LLC
Legal Description:	Vista Del Sol Lot I (VDS Phase I)
Parcel Code No.:	5-B14-0-101-002-3
Site Size:	308,171 Square Feet (7.08 Acres)
Zoning:	D-5
Comprehensive Plan Future Land Use Designation:	MDR (Medium Density Residential)
Utilities:	CBJ Water and Sewer
Access:	Glacier Highway
Existing Land Use:	Vacant/Under construction
Surrounding Land Use:	North – D-5, Single-family Residential, Vacant South – Glacier Highway Right-of-Way East – D-5, Single-family Residential, Vacant West – D-5, Single-family Residential, Glacier Gardens

ATTACHMENTS

Attachment A	Vicinity Map
Attachment B	Application Materials
Attachment C	Final Plat
Attachment D	EPA Letter, dated November 1, 2011
Attachment E	Schedule for Revegetation
Attachment F	Reconveyance Agreement
Attachment G	Notice of Decision for SUB2008-00014, Preliminary Plat

PROJECT PROPOSAL

The applicant requests final plat approval for Vista Del Sol Phase II, a major subdivision for 24-lots located on Glacier Highway. Two of the ten conditions approved as part of the preliminary plat are no longer required and it is requested that the Planning Commission remove these two conditions. Additionally, it is requested that the Planning Commission grant a waiver so that construction of the roadway from the Vista Del Sol Drive cul-de-sac to the neighboring subdivision not be constructed at this time. This waiver is requested as per CBJ §49.35.240(c). Additionally, the applicant has included a plat note (Note No. 6) requiring that within two years of plat recording, that the area currently dedicated for right-of-way to the neighboring property be vacated if development doesn't occur on the adjacent property. Staff recommends removal of this plat note as it is inconsistent with the Land Use Code. Additionally, staff recommends revised language regarding Plat Note No. 5. These issues will be discussed further below in the staff report.

BACKGROUND

The Vista Del Sol subdivision 25-lot preliminary plat was approved by the Planning Commission on July 8, 2008, with 10 conditions (SUB2008-00014). The final plat substantially conforms to the preliminary plat, with lot sizes and configurations similar to those on the preliminary plat; however, the applicant did file and get approved a minor subdivision creating one lot along Glacier Highway (previous proposed lot 25). That lot now includes a single-family home in fee-simple ownership by its current residents. Because of this, only 24 lots are now included in the final plat because this one lot was platted and sold off in a separate platting action (SMN2011 0019). Regarding the remaining 24 lots that are the subject of this final plat, the only differences in lot sizes are Lots 11, 12, 13, 14, and 24. Lot 11 was reduced from 19,725 sf to 19,715 sf. Lot 12 was reduced from 9,655 sf to 9,647 sf. Lot 13 was reduced from 10,746 sf to 10,744 sf. Lot 14 was increased from 9,653 sf to 9,673 sf, and Lot 24 was reduced from 10,150 sf to 9,132 sf.

ANALYSIS

Zoning- The subdivision is located in a D-5 zoning district. The lot sizes and configurations are consistent with Title 49 requirements for lots in the D-5 zoning district. As noted in the preliminary

plat staff report (SUB2008-00014), several of the lots surrounding the cul-de-sacs do not meet the minimum lot width requirement, but can be allowed under CBJ 49.15.460(4)(a)(i), which states:

> *"Subdivision lots shall meet the minimum dimensional standard established by chapter 49.25, article IV, provided that in cases of difficult topography or other circumstances rendering compliance impracticable, the director may approve other configurations if the lot:*
>
> *a. Meets the minimum lot size requirement;*
> *b. As drawn, is capable of containing a rectangle having two sides equal in length to the minimum lot width requirement and two sides equal in length to the minimum lot depth requirement;*
> *c. Has direct and practical access to a street maintained by an agency of government; and*
> *d. Has at least one practical building location.*

Utilities- CBJ sewer and water will serve the 24 lots. The installation of water and sewer are guaranteed by means of a Reconveyance Agreement, conveying a certain number of lots to the CBJ for security until the improvements are installed.

Drainage- CBJ Engineering staff has reviewed and approved the final drainage plans as part of the submitted and accepted final construction plan set. The conditions regarding drainage improvements have been met. Additionally, the drainage improvements are guaranteed by means of a Reconveyance Agreement, conveying a certain number of lots to the CBJ for security until the improvements are installed.

Wetlands- There are no mapped CBJ wetlands on the site; however, the original parcel had approximately 42% of forested wetlands on site, as delineated by the Army Corps of Engineers. Unpermitted activities by the applicant on the site previously led to an enforcement case with the Environmental Protection Agency (EPA). When the preliminary plat was reviewed in 2008, the EPA recommended conditions be applied to this subdivision to address wetlands restoration onsite. Since that time, a renegotiated settlement with the EPA no longer requires wetland restoration on site. As such, the EPA is no longer requesting Conditions No. 3 and 4. Staff is recommending that these conditions be removed as the wetlands issues have been resolved with the EPA. Please refer to the letter from the EPA, dated November 1, 2011, in Attachment D.

Waiver Request- *CBJ 49.35.240(c) (5) The commission may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property but does not provide any access within the subdivision. The commission can require provision of a roadbed or other appropriate improvements.*

The applicant is requesting the waiver of construction of the roadway from the temporary cul-de-sac on Vista Del Sol Drive to the neighboring property per CBJ §49.35.240(c). Staff supports this request as it is the neighboring property owner's obligation to build that portion of the road in the event of development on the adjacent parcel.

Access- CBJ §49.35.210(a) requires that, *"The street system shall provide for connecting streets into adjoining unsubdivided lands."* Proposed Vista Del Sol subdivision plat shows connection of Vista Del Sol Drive to the adjacent parcel located to the east. That parcel is currently vacant. The applicant requests approval of a plat note (Note No. 6) that would automatically vacate that portion of the right-of-way in the event that development doesn't occur within two years of final plat approval. This plat note is inconsistent with the Land Use Code and staff recommends removal of it prior to final plat recording. Specifically, CBJ §49.15.450 outlines the process for street vacations, which is included below:

> ***49.15.450 - Street vacations.***
> *The following section applies to a subdivision in which any portion of an existing platted right-of-way to be is vacated.*
>
> *(1) Submittal and permit process.*
>
> *(A) Petition. No platted street may be vacated except upon petition of the municipality or the owners of the majority of the front footage of the land fronting that part of the street to be vacated. The petition shall be filed with the department accompanied by a copy of the existing plat.*
>
> *(B) Considered. All street vacations shall be considered by the commission after public notice according to section 49.15.230.*
>
> *(C) Simple street vacation. If the request involves a simple street vacation or one which includes the resubdivision of four or fewer lots, the submittal and platting requirements for a minor subdivision shall be met.*
>
> *(D) Complex street vacation. If the request involves a complex street vacation or the resubdivision of more than four lots the application must follow the procedures and platting requirements for approval of a major subdivision.*
>
> *(E) Order of street vacation. After a public hearing before the commission, the applicant shall furnish to the department a proposed order of vacation which shall contain the legal description of the area vacated and other relief requested. The order shall be accompanied by the appropriate plat showing the vacation.*

(F) Title to vacated area.

(i) Land lying within a vacated public area shall become part of the lots bordering on the vacated area in proportion, to the front footage thereof except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to. That portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the addition bordering on the street. If a public square is vacated, the title to it vests in the City and Borough. If the property vacated is a lot or tract, title vests in the owner of record.

(ii) If the City and Borough originally acquired the vacated area for legal consideration or by express dedication to and acceptance by the City and Borough other than required subdivision platting, then before final vacation the fair market value of the vacated area shall be deposited with the platting authority to be paid over to the City and Borough on final vacation.

A plat note cannot supersede a process outlined in the Land Use Code. While the applicant may petition in the future for this street vacation, a note on the plat cannot automatically vacate the street after a certain period of time. Staff recommends removal of this note as it is inconsistent with the Land Use Code.

It should be noted that this plat note was included on the preliminary plat that was approved in 2008; however, the revised plat that included this note was submitted approximately a week before the public hearing. The staff report that accompanied this version of the final plat does not address this note; in fact, the staff report discusses the requirement of the connection to the adjacent property and the importance of street connectivity. This preliminary plat was on the consent agenda and therefore this discrepancy with this issue was not discussed at the public hearing. Regardless of this, a plat note cannot supercede procedural requirements as codified in the Land Use Code. Staff recommends the removal of this note from the final plat before recording.

FINDINGS

CBJ §49.15.440(3) Commission Action, states that the "Planning Commission shall approve the final plat if the final plat substantially conforms to the approved preliminary plat, and all applicable conditions have been satisfactorily completed." The conditions of the preliminary plat are as follows:

1. The applicant shall include, in the final plat, any additional drainage and utility easements that are required by the CBJ Engineering Department, as a result of changes to the construction plans.

Comment: This has been addressed and this condition has been met.

2. Prior to final platting approval, the applicant shall make all required plat changes, per the comments made by the Community Development Department and the CBJ Engineering Department.

Comment: This has been addressed and this condition has been met.

3. Prior to final platting, the developer shall identify, with metes and bounds coordinates, the location of the "Drainage/Conservation Easements," per the Wetland Restoration Site Plan.

Comment: Has not been met. The EPA and the applicant have reached a renegotiated agreement (Administrative Order on Consent, EPA Docket No. CWA-10-2011-0126) that resolves the unauthorized activities in wetlands associated with this subdivision. The EPA is no longer requiring this condition be met for this project. As such, the applicant is requesting that this condition be removed. Staff concurs with this request as this condition was added at the request of EPA.

4. The Developer shall include a plat note, as required by the Environmental Protection Agency, identifying the guidelines of the "Conservation Easement".

Comment: Has not been met. The EPA and the applicant have reached a renegotiated agreement (Administrative Order on Consent, EPA Docket No. CWA-10-2011-0126) that resolves the unauthorized activities in wetlands associated with this subdivision. The EPA is no longer requiring this condition be met for this project. As such, the applicant is requesting that this condition be removed. Staff concurs with this request as this condition was added at the request of EPA.

5. The developer shall submit a development plan and schedule for re-constructing the streambed and the re-vegetation of the stream bank.

Comment: This condition has been met. The applicant has submitted a plan and schedule for re-constructing the streambed and re-vegetation of the stream bank. Please see Attachment E. The construction plans include the details for reconstruction and revegetation.

6. Prior to final platting, grading and drainage information will be incorporated into the final construction plans.

Comment: This condition has been met. The applicant has submitted final construction plans that include grading and drainage information which CBJ Engineering has approved.

7. The applicant shall construct step pools for that portion of the eastern stream being moved.

Comment: This condition is not yet met; however, the final construction plans incorporate plans for the step pools. Additionally, this improvement is guaranteed by means of the Reconveyance Agreement, conveying a certain number of lots to the CBJ for security until the improvements are installed.

8. The applicant shall construct stream-bank slopes to a maximum of 2 to 1 (2 horizontal to 1 vertical).

Comment: This condition is not yet met; however, the final construction plans incorporate the design and construction of the stream-bank slopes. Additionally, this improvement is guaranteed by means of the Reconveyance Agreement, conveying a certain number of lots to the CBJ for security until the improvements are installed.

9. The applicant shall install an oil/water separator on the storm-drain prior to discharge into adjacent waterways.

Comment: This condition is not yet met; however, the final construction plans incorporate the installation of the oil/water separator as required by this condition. Additionally, this improvement is guaranteed by means of the Reconveyance Agreement, conveying a certain number of lots to the CBJ for security until the improvements are installed.

10. The applicant shall submit a final drainage plan to the CBJ Engineering Department for approval, prior to final platting.

Comment: This condition has been met. The applicant submitted final drainage plans as part of the final construction plans which have been approved by CBJ Engineering.

RECOMMENDATION

Since the plat is generally consistent with the preliminary plat, and the conditions of approval have been met, staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the requested Final Plat. We further recommend that the approval be subject to the following conditions:

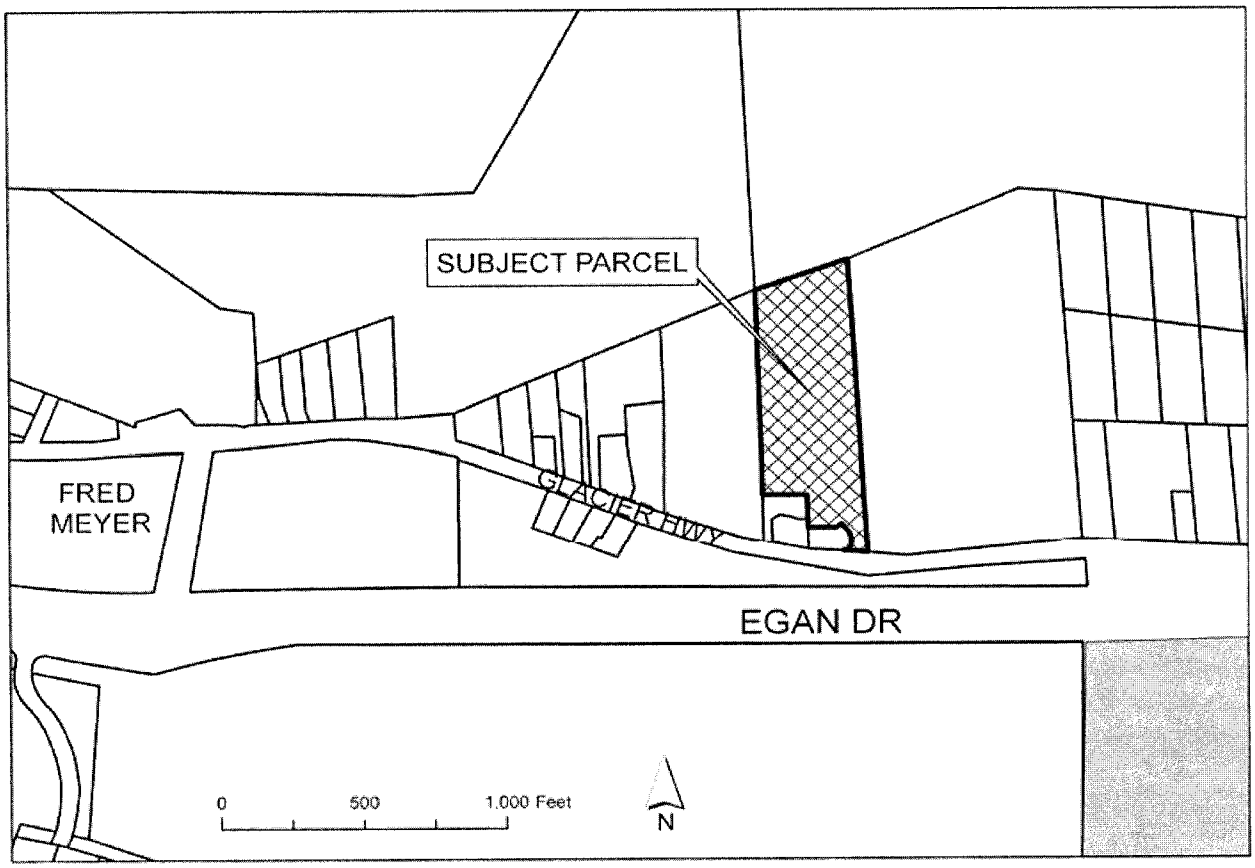
1. A waiver is granted to waive the requirement for full construction of a roadway within a right-of-way from the north end of the Vista Del Sol Drive cul-de-sac to the neighboring property line to the east, per CBJ 49.35.240(c).

2. Note 6 must be removed from the final plat. The final plat will not be recorded until this note is removed from the plat.

3. Note 5 will be revised to state the following: ***Vista Del Sol Subdivision Phase I access and utility easement vacated Deed Book XXX, Page XX and dedicated as right-of-way this plat.***

4. Preliminary plat (SUB2008-00014) conditions No. 3 and No. 4 are no longer required to be met per the EPA letter dated November 1, 2011.

VICINITY MAP



Attachment A

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 3/16/11
Project Name (City Staff to Assign Name)	24	

PROJECT / APPLICANT INFORMATION

Project Description: 7/5 lots sub division

PROPERTY LOCATION

Street Address	City/Zip
7522 Glacier Hwy	Juneau

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): USS 1568 Tract B Lot 5

Assessor's Parcel Number(s): 5B1401010028

LANDOWNER/LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Mariano Duran	Mariano	780-6161
Mailing Address	**Home Phone:**	**Fax Number:**
POBox 32634		780-6162
E-mail Address	**Other Contact Phone Number(s):**	
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 _____ Landowner/Lessee Signature — Date: 3/16/11

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" and sign and date at X below)

Applicant's Name	Contact Person:	Work Phone:
Mariano Duran	Mariano	780-6161
Mailing Address	**Home Phone:**	**Fax Number:**
POBox 32634		780-6162
E-mail Address	**Other Contact Phone Number(s):**	
mduran@acsalaska.net	321-6161	

X _____ Applicant's Signature — Date of Application: 3/16/11

STAFF APPROVALS

OFFICE USE ONLY BELOW THIS LINE

✓	Permit Type	Fee Collected	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
X	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		3/16/11	SMF 2011 0001
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zoning Verification Application			
	Other (Describe)			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials:

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT

Attachment B

MAJOR SUBDIVISION OR PLATTING APPLICATION

(CHANGING OR CREATING 5 OR MORE LOTS)

Project Number	Project Name (15 characters)	Case Number	Date Received
	Vista del Sol Sub	SMF 2011-0001	3/16/11

TO BE COMPLETED BY THE APPLICANT

TYPE OF MAJOR SUBDIVISION OR PLATTING APPROVAL REQUESTED

(please see submittal requirements on reverse)

- ☐ Preliminary Plat (SMP)
- ☒ Final Plat (SMF)
- ☐ Planned Unit Development- Preliminary Plan Approval (PDP)
- ☐ Planned Unit Development - Final Plan Approval (PDF)
- ☐ Other _____

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

LEGAL DESCRIPTION(S) OF PROPERTY TO BE SUBDIVIDED OR PLATTED:

USS 1564 Tract B Lot 5

Number of Existing Parcels ____ Total Land Area _____ Number of Resulting Lots or Parcels _____

EXISTING BUILDING(S) OR STRUCTURES ON THE LAND: ☒ YES ☐ NO

CURRENT USE OF LAND OR BUILDING(S):

Single family house Lot 25

PROPOSED USE OF LAND OR BUILDING(S):

25 lot sub division

UTILITIES AVAILABLE:

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

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):

See plans

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

SUBDIVISION/PLATTING/PUD FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ Combine & fee already paid			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50			
Pub. Not. Sign Deposit	$ 100			
Total Fee	$ 150	8908	CD 1093	3/16/11

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

LEGEND

- ⊕ PRIMARY T&N ENG. MONUMENT RECOVERED THIS SURVEY
- ◎ PRIMARY DOT MONUMENT IN CASING RECOVERED THIS SURVEY
- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY 3" ALUM. JW BEAN
- ● SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
- ○ SECONDARY JW BEAN MONUMENT RECOVERED THIS SURVEY

- SURVEYED
- UNSURVEYED
- CENTERLINE
- SURVEY TIE LINE
- EASEMENT
- DRAINAGE EASEMENT
- STREET VACATION AREA

J.W. BEAN L.S. 3650 — TYPICAL SECONDARY MON. 1-1/4" YELLOW PLASTIC CAP 5/8" REBAR, 36" LONG

R=PLAT NO. 2011-16

RECORD DIMENSIONS DIFFERENT FROM MEASURED OR CALCULATED DIMENSIONS ARE SHOWN IN PARENTHESIS. ALL RECORDED INFORMATION THIS SURVEY FROM PLAT NO. 95-56 AND VISTA DEL SOL SUBDIVISION, PHASE I, PLAT NO. 2011-16 UNLESS OTHERWISE NOTED.

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH FROM A FOUND 3" ALUMINUM MONUMENT BEING THE SOUTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 TO A FOUND 3" ALUMINUM MONUMENT BEING THE NORTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 AS SHOWN ON RECORD PLAT NO. 95-56.

CORPORATE OWNERSHIP CERTIFICATE:

I HEREBY CERTIFY THAT DURAN CONSTRUCTION CO. LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS MANAGER/ MEMBER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Date _____, 2012

Owner _____
MARCIANO G. DURAN
MANAGER/ MEMBER

NOTARY ACKNOWLEDGMENT:

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

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2012 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED
MARCIANO G. DURAN, MANAGER/ MEMBER

TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT 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.

Notary Public for Alaska _____

My Commission Expires _____

PLANNING COMMISSION CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO._____ DATED: _____, 2012, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

DATED:_____, 2012.

ATTEST: _____
CHAIRMAN
CITY & BOROUGH OF JUNEAU
PLANNING COMMISSION

_____
CLERK
CITY & BOROUGH OF JUNEAU

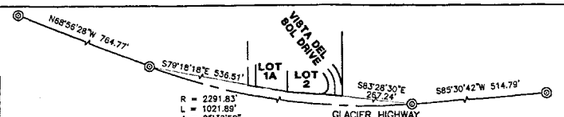
CERTIFICATE OF REGISTERED LAND SURVEYOR

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 _____

STATE OF ALASKA 49TH — J.W. BEAN No. 3650-S — REGISTERED PROFESSIONAL LAND SURVEYOR

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



GLACIER HIGHWAY

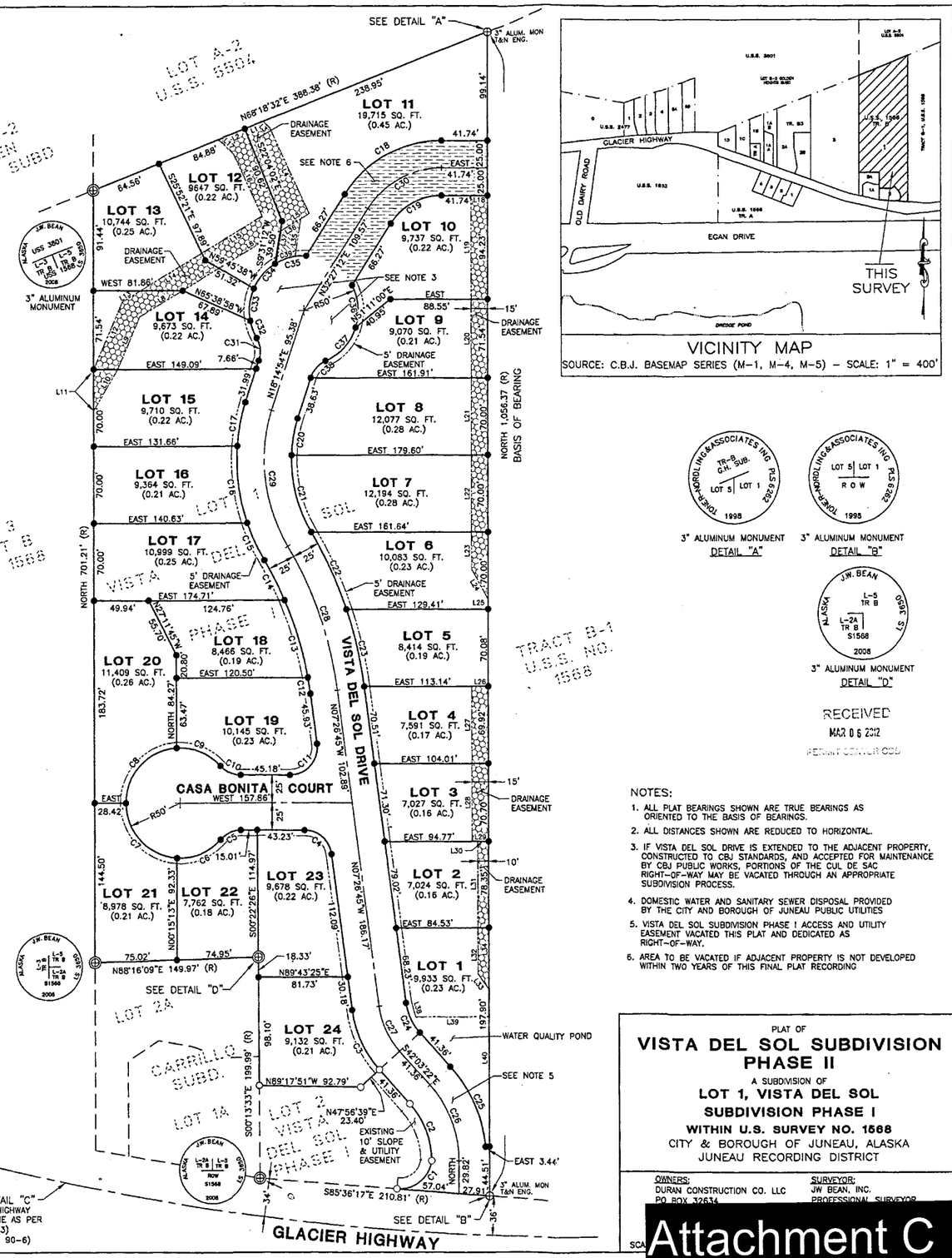
DETAIL "C"
N.T.S.

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC LENGTH	CHORD BEARING & DISTANCE	
C1	85°22'28" (85°21'42" R)	30.08	44.82	N51°23'34"E	40.79'
C2	42°03'22"	77.00	56.52	N21°01'41"W	55.26'
C3	34°36'37"	100.00	60.41	S24°45'03"E	59.49'
C4	82°33'15"	25.00	36.02	N48°43'36"W	32.99'
C5	48°11'30"	25.00	21.03	S65°29'24"W	20.41'
C6	51°26'59"	50.00	44.90	N67°44'34"E	43.41'
C7	86°31'57"	50.00	75.51	S43°15'58"E	68.54'
C8	86°32'03"	50.00	75.52	S43°16'01"W	68.54'
C9	51°26'55"	50.00	44.90	N67°44'18"W	43.40'
C10	48°11'17"	25.00	21.03	S65°29'57"E	20.41'
C11	97°26'45"	25.00	42.52	N41°16'38"E	37.58'
C12	2°40'11"	317.07	14.77	N08°46'51"W	14.77'
C13	13°18'20"	317.07	73.63	N16°46'06"W	73.47'
C14	7°19'23"	317.07	40.52	N27°04'57"W	40.50'
C15	12°01'43"	178.33	37.43	S24°43'48"E	37.37'
C16	22°49'30"	178.33	71.04	S07°18'11"E	70.57'
C17	12°58'41"	178.33	40.39	S10°35'54"W	40.31'
C18	57°32'48"	105.00	105.46	S61°13'36"W	101.08'
C19	57°32'48"	55.00	55.24	S61°13'36"W	52.95'
C20	15°07'28"	128.33	33.88	S09°31'31"W	33.78'
C21	32°42'28"	128.33	73.26	S14°23'26"E	72.27'
C22	12°03'02"	367.07	77.20	N24°43'08"W	77.06'
C23	11°14'51"	367.07	72.06	N13°04'11"W	71.94'
C24	34°36'37"	50.00	30.20	S24°45'03"E	29.75'
C25	36°23'09"	127.00	80.65	N23°51'47"W	79.30'
C26	42°03'22"	102.00	74.87	N21°01'41"W	73.20'
C27	34°36'37"	75.00	45.30	S24°45'03"E	44.62'
C28	23°17'54"	342.07	139.10	N19°05'42"W	138.14'
C29	47°49'54"	153.33	128.00	S06°49'42"E	124.32'
C30	57°32'48"	80.00	80.35	S61°13'36"W	77.02'
C31	48°58'57"	25.00	21.37	N05°28'42"W	20.73'
C32	19°12'28"	50.00	16.76	S20°20'05"E	16.68'
C33	34°23'05"	50.00	30.01	S06°27'41"W	29.56'
C34	34°22'19"	50.00	30.00	S40°50'23"W	29.55'
C35	34°25'40"	50.00	30.04	S75°14'22"W	29.59'
C36	45°27'02"	50.00	39.66	N04°49'17"W	38.63'
C37	48°43'10"	50.00	42.52	N42°15'50"E	41.25'
C38	48°36'24"	25.00	21.21	S41°47'05"W	20.58'

EASEMENT CURVE TABLE					
CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING & DISTANCE	
C39	020°52'39"	50.00'	18.22'	S70°18'46"W	18.12'

EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L1	N68°18'32"E	17.94'
L2	N68°18'32"E	25.82'
L3	S45°38'42"E	8.78'
L4	S24°46'51"E	85.56'
L5	S59°02'23"W	30.79'
L6	S59°02'23"W	54.47'
L7	S59°02'23"W	39.78'
L8	S59°02'23"W	46.31'
L9	S23°08'50"W	51.99'
L10	S28°56'07"W	43.89'
L11	NORTH	37.77'
L12	N23°08'50"E	66.92'
L13	N59°02'23"E	19.45'
L14	N59°02'23"E	65.87'
L15	N59°02'23"E	64.44'
L16	N24°46'51"W	62.43'
L17	N45°38'42"W	19.18'
L18	EAST	15.00'
L19	NORTH	94.23'
L20	NORTH	71.54'
L21	NORTH	70.00'
L22	NORTH	70.00'
L23	NORTH	33.85'
L24	S28°48'39"E	31.13'
L25	NORTH	8.87'
L26	NORTH	15.00'
L27	NORTH	69.92'
L28	NORTH	70.70'
L29	EAST	15.00'
L30	EAST	10.00'
L31	NORTH	78.35'
L32	NORTH	41.81'
L33	S35°02'56"E	17.41'
L34	NORTH	56.05'
L35	S82°21'23"W	34.46'
L36	N59°02'23"E	20.67'
L37	N10°15'31"E	29.88'
L38	S16°23'08"E	13.99'
L39	EAST	66.78'
L40	NORTH	117.48

50' 0 100'
Scale in feet
SCALE: 1"=50'



VICINITY MAP

SOURCE: C.B.J. BASEMAP SERIES (M-1, M-4, M-5) – SCALE: 1" = 400'

RECEIVED
MAR 06 2012
PERMIT CENTER CBJ

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. IF VISTA DEL SOL DRIVE IS EXTENDED TO THE ADJACENT PROPERTY, CONSTRUCTED TO CBJ STANDARDS, AND ACCEPTED FOR MAINTENANCE BY CBJ PUBLIC WORKS, PORTIONS OF THE CUL DE SAC RIGHT-OF-WAY MAY BE VACATED THROUGH AN APPROPRIATE SUBDIVISION PROCESS.
4. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES
5. VISTA DEL SOL SUBDIVISION PHASE I ACCESS AND UTILITY EASEMENT VACATED THIS PLAT AND DEDICATED AS RIGHT-OF-WAY.
6. AREA TO BE VACATED IF ADJACENT PROPERTY IS NOT DEVELOPED WITHIN TWO YEARS OF THIS FINAL PLAT RECORDING

PLAT OF
VISTA DEL SOL SUBDIVISION PHASE II
A SUBDIVISION OF
LOT 1, VISTA DEL SOL SUBDIVISION PHASE I
WITHIN U.S. SURVEY NO. 1568
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNERS:
DURAN CONSTRUCTION CO. LLC
PO BOX 32634

SURVEYOR:
JW BEAN, INC.
PROFESSIONAL SURVEYOR

SCA

Attachment C

D:\Bean\18751-Vista-Del-Sol\18751-Vista-Del-Sol-Ph2.dwg 3/05/2012 11:16:16 PM ADT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
ALASKA OPERATIONS OFFICE
Room 537, Federal Building
222 W. 7th Avenue, #19
Anchorage, AK 99513-7588

November 1, 2011

Ms. Laura A. Boyce, Planner II
City and Borough of Juneau
Community Development Department
155 South Seward Street
Juneau, Alaska 99801

RE: Preliminary Plat for the Vista del Sol Subdivision, Juneau, Alaska

Dear Ms. Boyce;

This letter is in regards to your inquiry regarding the Vista del Sol Subdivision in Juneau, Alaska. In April 2005, the Environmental Protection Agency issued to Marciano and Josette Duran, and Duran Construction Company, Inc. (Durans) a Compliance Order (EPA Docket No. CWA-10-2005-0132) associated with the unauthorized discharge of fill material into wetlands for the construction of the Vista del Sol Subdivision. The Compliance Order required the Durans to prepare a Wetlands Fill Removal and Restoration Work Plan (Plan), and to complete wetlands restoration work under the Plan. The EPA approved Plan included requirements to identify a Drainage/Conservation Easement on a subdivision plat map for the Vista del Sol Subdivision, and to include special notes identifying the guidelines of the "Conservation Easement."

EPA has renegotiated the terms of resolving the unauthorized activities in wetlands associated with the Vista del Sol Subdivision. EPA and the Durans have entered into an Adminstrative Order on Consent (EPA Docket No. CWA-10-2011-0126) which became effective on September 29, 2011. The Administrative Order on Consent requires that no later than six months after the effective date (March 2012), the Durans shall pay $20,000 to the Southeast Alaska Land Trust for the purpose of off-site wetland compensatory mitigation. This Administrative Order on Consent replaces the Compliance Order (EPA Docket No. CWA-10-2005-0132). Any requirements specified under the Compliance Order are no longer required by the EPA.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at (907) 271-3411 or jen.mark@epa.gov.

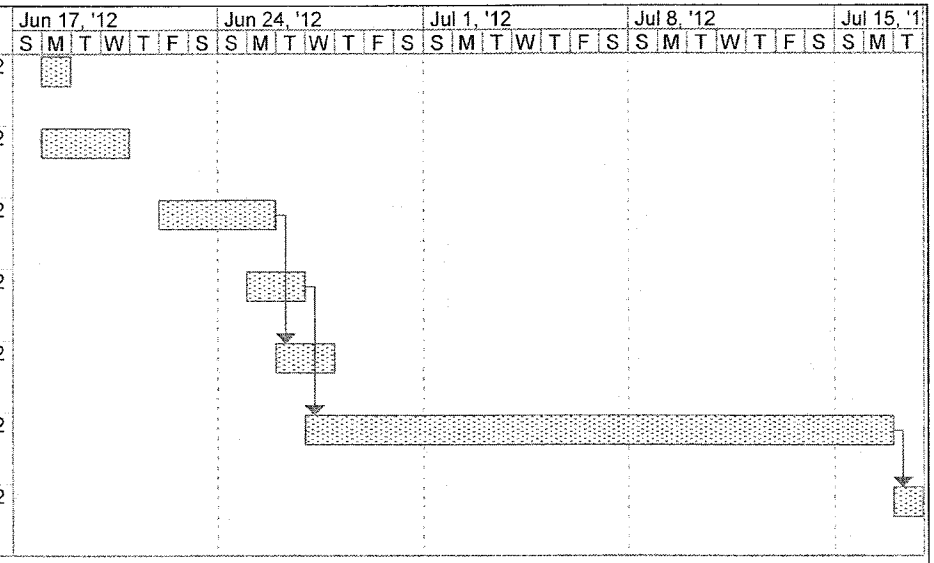
Sincerely,

Mark Jen
EPA Inspector

cc: Marciano Duran, Juneau

Attachment D

ID	Task Name	Duration	Start	Finish
1	Install additional BMPs	1 day	Mon 6/18/12	Mon 6/18/12
2	Excavate to re-shape stream	3 days	Mon 6/18/12	Wed 6/20/12
3	Grade side slopes	2 days	Fri 6/22/12	Mon 6/25/12
4	Install Check dams	2 days	Mon 6/25/12	Tue 6/26/12
5	Re-vegitate	2 days	Tue 6/26/12	Wed 6/27/12
6	Monitor vegitation	14 days	Wed 6/27/12	Mon 7/16/12
7	Streambed complete	1 day	Tue 7/17/12	Tue 7/17/12



Project: Vista del Sol Streambed Recc
Date: Thu 5/31/12

Task
Progress
Milestone
Summary
Rolled Up Task
Rolled Up Milestone
Rolled Up Progress
Split
External Tasks
Project Summary
Group By Summary
Deadline

Attachment E

RECONVEYANCE AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____, 2011, by and between DURAN CONSTRUCTION COMPANY, LLC, P.O. Box 32634, Juneau, Alaska 99803, ("Grantor") and the CITY AND BOROUGH OF JUNEAU, 155 South Seward Street, Juneau, Alaska 99801 ("Grantee").

WHEREAS, the Grantor did convey and warrant unto Grantee by Warranty Deed the following lot(s) ("above-described property"), legally described as:

Lots 10, 11, 12, 13, 14, 20 & 21 , Vista del Sol Subdivision Phase II, according to Plat No. _____, Juneau Recording District, First Judicial District, State of Alaska.

as guarantee for construction of road, drainage, and other improvements in Vista del Sol Subdivision Phase II which are conditions to receive final subdivision plat approval pursuant to CBJ 49.15.440, and

WHEREAS, the terms and conditions whereby the Grantor must complete the subdivision improvements must be set forth, 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;

THEREFORE, IT IS HEREBY AGREED:

1. Conditions to be Performed by Grantor.

a. Within two (2) years of the date at which the subdivision plat is filed with

Attachment F

the State Recorder's Office in the Juneau Recording District, or as extended by the commission pursuant to 49.55.010(10), the subdivision improvements shall be completed in conformance with:

(i) The Grantee's duly adopted subdivision construction standards as set forth in CBJ 49.35, inclusive, and

(ii) The construction plans and profiles presented by the Grantor along with the final plat for this subdivision pursuant to CBJ 49.15.440, the same having been accepted by the engineer for the Grantee.

b. The Grantor shall inform the Grantee of the completion of the subdivision improvements within a sufficient period of time prior to the expiration of the performance period subsequent to the filing of the subdivision plat so that the engineer for the Grantee can review the subdivision improvements for conformance with the subdivision construction standards and construction plans. In the event the Grantor receives a written memorandum from the Grantee that the subdivision improvements do not conform, Grantor shall forthwith take whatever action is necessary to comply with the subdivision construction standards and construction plans, and upon completion of the modifications of the improvements, it shall again notify the engineer of the Grantee that the subdivision improvements have been completed and are again ready for inspection.

c. Upon final acceptance of the subdivision improvements by the Grantee, the Grantor will post a maintenance bond as required by CBJ 49.55.010(7).

d. The Grantor will pay all real property taxes on the above-described property as if the conveyance to Grantee has not occurred.

e. To reimburse the Grantee for its administrative costs in utilizing reconveyance agreements, Grantor will pay an administrative fee of $140 for the first lot and $25 for each additional lot conveyed, substituted or reconveyed to Grantee.

2. Conditions to be Performed by Grantee.

a. The Grantee will not pledge, encumber, transfer, or otherwise hypothecate the above-described property except in the event of default by Grantor pursuant to 49.55.010(8).

b. Upon receipt of notice of completion of the subdivision improvements required in order to receive subdivision approval from the Grantor, the engineer or director for the Grantee will review the subdivision improvements and advise the Grantor of his or her acceptance or refusal to accept the subdivision improvements as they exist. If the decision by the engineer or director for the Grantee is not to accept the subdivision improvements, the modifications required to bring the subdivision improvements up to the subdivision construction standards and construction plans shall be transmitted to the Grantor in a written memorandum. After the Grantor notifies the engineer or director for the Grantee that the subdivision improvements have been so modified, the engineer or director for Grantee shall re-inspect the subdivision improvements. The engineer or director for the Grantee shall then notify the Grantor and law department of Grantee, in writing, that the subdivision improvements have been accepted.

c. Upon Grantor's request, conditional acceptance of a part of the required improvements shall be given after installation and written approval thereof from the Grantee's engineer or director. Partial releases shall be made in installments no smaller than ten percent of the amount originally posted. The value of the released lots shall not exceed the value of the approved improvements, with the values being established by the Grantee's assessing department

and engineer in preparing this agreement. The Grantee shall reconvey to Grantor the released lots by quitclaim deed. The final ten percent or such other amount as may be remaining upon completion of the improvements shall be retained by the department until a maintenance bond is posted in accordance with CBJ 49.55.010(7).

d. Simultaneous with the Grantor's posting of the maintenance bond required in CBJ 49.55.010(7), the Grantee shall reconvey to Grantor the remaining above-described property by quitclaim deed.

e. In the event all required subdivision improvements have not been installed in accordance with Grantee's standards and requirements within the performance period, pursuant to 49.55.010(8) the assembly may declare the guarantee forfeited and sell the above-described property and use the proceeds derived therefrom for the purpose of construction of the required subdivision improvements. Proceeds of the sale not used for the construction of the subdivision 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.

f. Grantee shall not be subject to any covenants, conditions, or restrictions applicable by private agreement to owners of property in Vista del Sol Subdivision Phase II, 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 thereby, and each term and provision of this agreement shall be valid and enforced to the fullest extend 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.

5. Expiration. Upon reconveyance pursuant to Paragraph 2 of real property previously conveyed, 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 that 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:

DURAN CONSTRUCTION COMPANY, LLC

By: _____
Marciano G. Duran
Manager/Member

GRANTEE:

CITY AND BOROUGH OF JUNEAU

By: _____
Rod Swope
City-Borough Manager

Approved as to form:

_____
John Hartle
City-Borough Attorney

ACKNOWLEDGMENT

STATE OF ALASKA)
: ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of _____, 2011, before me, the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared MARCIANO G. DURAN, to me known to me to be the Manager/Member of DURAN CONSTRUCTION COMPANY, LLC, and known to me to be the person who executed the foregoing instrument and he acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in the certificate first above written.

_____
Notary Public for the State of Alaska
My Commission expires:_____

(Seal)

CITY ACKNOWLEDGMENT

STATE OF ALASKA)
: ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of _____, 2011, before me, the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared ROD SWOPE, to me known to me to be the CITY-BOROUGH MANAGER of the CITY AND BOROUGH OF JUNEAU, ALASKA, a municipal corporation, the 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 on behalf of said corporation for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in the certificate first above written.

_____
Notary Public for the State of Alaska
My Commission expires:_____

(Seal)

STATUTORY WARRANTY DEED

THE GRANTOR, DURAN CONSTRUCTION COMPANY, LLC, for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration to them in hand paid, convey and warrant to the CITY AND BOROUGH OF JUNEAU, ALASKA, a municipal corporation, the following described real property:

> Lots 10, 11, 12, 13, 14, 20 & 21, Vista del Sol Subdivision Phase II, according to Plat No. _____, Juneau Recording District, First Judicial District, State of Alaska.
>
> SUBJECT, HOWEVER, to easements, restrictions, reservations, notes, exceptions, covenants, conditions and subdivision agreements, if any, of record.

DATED: _____, 2011

_____
Duran Construction Company, LLC
By: Marciano G. Duran
Its': Manager/Member

STATE OF ALASKA)
: ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2011, before me, the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared MARCIANO G. DURAN, to me known to me to be the Manager/Member of DURAN CONSTRUCTION COMPANY LCC, and known to me to be the person who executed the foregoing instrument and he acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in the certificate first above written.

_____
Notary Public for the State of Alaska
My Commission expires:_____

(Seal)

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: July 9, 2008
File No.: SUB2008-00014

Marciano Duran
PO Box 32634
Juneau, AK 99803

Application For:	A Preliminary Plat for a new 25-lot subdivision on USS 1568 Tract B Lot 5.
Legal Description:	USS 1568 Tract B Lot 5
Parcel Code No.:	5-B14-0-101-002-1
Hearing Date:	July 8, 2008

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum, dated July 1, 2008, and approved the preliminary plat for a new 25-lot subdivision on USS 1568 Tract B Lot 5 to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:

1. The applicant shall include, in the final plat, any additional drainage and utility easements that are required by the CBJ Engineering Department, as a result of changes to the construction plans.
2. Prior to final platting approval, the applicant shall make all required plat changes, per the comments made by the Community Development Department. and the CBJ Engineering Department.
3. Prior to final platting, the developer shall identify, with metes and bounds coordinates, the location of the "Drainage/Conservation Easements," per the Wetland Restoration Site Plan.
4. The Developer shall include a plat note, as required by the Environmental Protection Agency, identifying the guidelines of the "Conservation Easement."
5. The developer shall submit a development plan and schedule for re-constructing the streambed and the re-vegetation of the stream bank.
6. Prior to final platting, grading and drainage information will be incorporated into the final construction plans.
7. The applicant shall construct step pools for that portion of the eastern stream being moved.
8. The applicant shall construct stream-bank slopes to a maximum of 2 to 1 (2 horizontal to 1 vertical).
9. The applicant shall install an oil/water separator on the storm-water drain prior to discharge into adjacent waterways.
10. The applicant shall submit a final drainage plan to the CBJ Engineering Department for approval, prior to final platting.

Attachment: July 1, 2008 memorandum from Daniel J. Sexton, Community Development to the CBJ Planning Commission regarding SUB2008-00014.

This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.

Attachment G