

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: November 28, 2001

File No.: SUB2001-00034

Aniakchak, Inc.
10518 Fox Farm Trail
Juneau, Alaska 99801

Application For: RSH Subdivision III, a Preliminary Plat to create 32 lots from 3 existing lots, Lots 1, 2A, and 3, RSH Subdivision II, in the Lemon Creek area.

Legal Description: Lots 1, 2A and 3 RSH Subdivision II

Parcel Code No.: 5-B12-0-131-001-0, 002-0, & 003-1

Hearing Date: November 27, 2001

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 7, 2001 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. The words "Title 49, habitat based" were inserted into condition 4. by the commission.

1. The approval of this preliminary plat includes a waiver of street construction requirements for the extension the Anka Street right-of-way in pursuant to Section §49.35.130 (d) (6).
2. The applicant shall provide a rehabilitation plan for the stream bank associated with Lot 3 and 2A of RSH II consistent with CBJ §49.70.950 (e) including the removal of debris/abandoned machinery/ vehicles, grading and stabilization of banks, related clean up activities, the preservation and restoration of riparian vegetation and approval by the Alaska Department of Fish and Game and Community Development Department. The plan shall be submitted to the Community Development Department and implemented or bonded for to plat recording.
3. The applicant shall provide a plat note indicating the 100-year flood boundary according to The Federal Emergency Management Agency flood insurance program mapping and that development may be subject to development regulations for flood hazard. Wording of the plat note is subject to Community Development Department approval
4. The applicant shall provide a plat note on the final plat that advises Lemon Creek is a designated stream corridor and that development may be subject to Title 49, habitat based setback requirements. The stream setback or ordinary high water boundary should not be indicated on the plat. Wording of the plat note is subject to Community Development Department approval.

5. The developer shall submit plans for utility services and drainage. Any required shall be designed and completed in accordance with the CBJ and other applicable standards, as determined by the CBJ Engineering Department.
6. The final plat shall include the consolidation of Lots 18 through 21 into one parcel.
7. Consistent with CBJ §49.35.210 the applicant shall indicate on the final plat the extension of the Anka Street right-of-way to the boundary of Lot 2B, RSH Subdivision II.
8. The applicant shall adjust current lot dimensions or provide easements to accommodate a revised parking layout for the building on proposed Lot 23, if necessary.

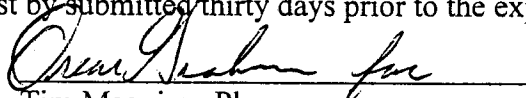
Attachments: November 7, 2001 memorandum from Tim Maguire, planner Community Development to the CBJ Planning Commission regarding SUB2001-00034.

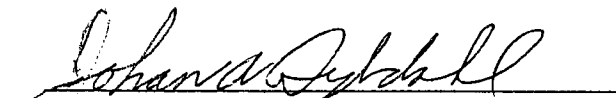
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030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

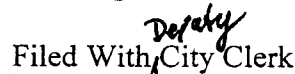
Effective Date: The permit is effective upon approval by the Commission
November 27, 2001

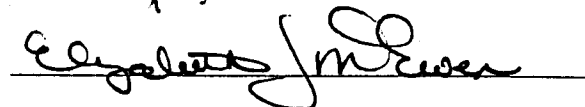
Expiration Date: The permit will expire 18 months after the effective date, or May 27, 2003 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Tim Maguire, Planner


Johan Dybdahl, Chairman
Planning Commission


Filed With, City Clerk


Deputy Clerk 12/3/01

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 1 (800) 949-4232, or fax (360) 438-3208.