# Agenda

## Planning Commission - Regular Meeting
## City and Borough of Juneau

August 10, 2021
Virtual Meeting Only
7:00 PM

This virtual meeting will be held by video and telephonic participation only. To join the webinar, paste this URL into your browser: https://juneau.zoom.us/j/98653571983. To participate telephonically, call: 1-346-248-7799 or 1-669-900-6833 or 1-253-215-8782 or 1-312-626-6799 or 1-929-436-2866 or 1-301-715-8592 and enter Webinar ID: 986 5357 1983.

**I. ROLL CALL**

**II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA**

**III. APPROVAL OF MINUTES**

- **A.** July 13, 2021 Draft Minutes Committee of the Whole Planning Commission - APPROVED
- **B.** July 13, 2021 Draft Minutes Special Planning Commission - APPROVED
- **C.** July 13, 2021 Draft Minutes Regular Planning Commission - APPROVED WITH MINOR REVISION

**IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION**

**V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

**VI. ITEMS FOR RECONSIDERATION**

**VII. CONSENT AGENDA**

**VIII. UNFINISHED BUSINESS**

**IX. REGULAR AGENDA**

- **A.** AME2021 0009: Rezone from Industrial to General Commercial - RECOMMENDED APPROVAL TO ASSEMBLY WITH AMENDMENT
- **B.** AME2021 0008: An ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.70.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment - FORWARD AME2021 0008 TO THE ASSEMBLY FOR DIRECTION ON NEXT STEPS FOR AN APPROPRIATE COMMUNITY REVIW AND ADOPTION PROCESS, INCLDUING FUNDING FOR STEPS WHICH ARE DEEMED NECESSARY. NEW LANDSLIDE AND AVALANCHE HAZARD MAPPING AND STUDY RESULTS SHOULD BE HELD WITHOUT ADOPTION, PENDING DEVELOPMENT OF ASSOCIATED HAZARD ZONE POLICIES AND REGULATIONS.

**X. OTHER BUSINESS**

**XI. STAFF REPORTS**

**XII. COMMITTEE REPORTS**

**XIII. LIAISON REPORT**

**XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

**XV. PLANNING COMMISSION COMMENTS AND QUESTIONS**

**XVI. EXECUTIVE SESSION**

**XVII. SUPPLEMENTAL MATERIALS**

**A.** Additional Materials for August 10, 2021 Planning Commission

**XVIII. ADJOURNMENT**

# PLANNING COMMISSION AGENDA
# THE CITY AND BOROUGH OF JUNEAU, ALASKA

July 13, 2021 Draft Minutes Committee of the Whole Planning Commission - APPROVED

## ATTACHMENTS:

| | Description | Upload Date | Type |
|---|---|---|---|
| | July 13, 2021 Draft Minutes Committee of the Whole Planning Commission | 7/29/2021 | Minutes |

Minutes
**Planning Commission**
***Committee of the Whole***
CITY AND BOROUGH OF JUNEAU
*Nathaniel Dye, Acting Chairman*
July 13, 2021

## I. ROLL CALL

Nathaniel Dye, Acting Chairman, called the Committee of the Whole Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 6:00 P.M.

**Commissioners present:** All Commissioners present via video conferencing – Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Josh Winchell; Erik Pedersen; Mandy Cole

**Commissioners absent:** Michael LeVine, Chairman

**Staff present:** Jill Maclean, CDD Director; Alexandra Pierce, CDD Planning Manager; Irene Gallion, CDD Planner; Michele Elfers, Parks & Rec Deputy Director

**Assembly members:** Loren Jones

**II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA** – None
**III. APPROVAL OF MINUTES** – None
**IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – None
**V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None
**VI. ITEMS FOR RECONSIDERATION** – None
**VII. CONSENT AGENDA** – None
**VIII. UNFINISHED BUSINESS** – None
**IX. REGULAR AGENDA**

A. Off Road Vehicle (ORV) and Montana Creek Recreation Master Planning Update from Parks & Recreation (P&R)

Michele Elfers, Deputy Director, CBJ Parks & Recreation Department, presented the current status of the ORV Master Plan. This is of importance because there is a good chance the issue will come before the PC in the form of conditional use permits in the future. Ms. Elfers explained there have been several ad hoc meetings with some of the interested ORV groups in

town including the Douglas Motocross Association, the Southeast Jeep Club, Juneau Off-Road Association. Ms. Elfers explained the various groups all had different ORV goals and it was likely that more than one site would need to be developed to meet those needs.

Several sites have been identified as potential ORV riding sites. Those garnering most attention are:

- 35-mile parcel – CBJ land. This could be managed via a Memorandum of Agreement with a local interest group similar to how the Harmon Rifle Range is managed.

Commissioner Winchell asked how they foresee tourism playing a part in ORV opportunities. Ms. Elfers said they had not looked at the tourism angle yet but it was an interesting question and she would bring it up to the working group.

Mr. Voelckers thought the terrain at the 35-mile site would be good for leisurely riding and asked if 'high energy' riding or racing was being considered for another location. Ms. Elfers agreed this would likely not be a site conducive to motocross or racing competition sports riding and said they are looking at other sites for that.

- Montana Creek Area – This area is highly utilized currently with the shooting range and Nordic skiing and other recreational activities. Challenges in this area include lack of parking and coordinating between agencies as portions of the area are owned by CBJ, some by State DNR and the rest is Federal Forest Service lands.
    - Mr. Arndt asked if the State were to transfer management of land in the area, would CBJ become the owner or would the State retain ownership with CBJ managing it. Ms. Elfers confirmed it would be the latter.
    - Mr. Winchell asked if Ms. Elfers foresees the need for CBJ to cover insurance costs for these lands if they were to move forward with a management agreement with the State. Ms. Elfers said they have not gotten far enough to have that discussion yet.

Other sites mentioned in the presentation slides but not discussed before time ran out were:

- S&S Pond in Lemon Creek – Privately owned
- Echo Cove – Owned by Goldbelt – There is already some illegal riding happening here
- Other privately owned areas are also being considered

**X.** **BOARD OF ADJUSTMENT** – None
**XI.** **OTHER BUSINESS** – None
**XII.** **STAFF REPORTS** – None
**XIII.** **COMMITTEE REPORTS** – None
**XIV.** **LIAISON REPORT** – None
**XV.** **CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None
**XVI.** **PLANNING COMMISSION COMMENTS AND QUESTIONS** – None
**XVII.** **EXECUTIVE SESSION** – None
**XVIII.** **ADJOURNMENT** – 6:29 P.M.

# PLANNING COMMISSION AGENDA
# THE CITY AND BOROUGH OF JUNEAU, ALASKA

July 13, 2021 Draft Minutes Special Planning Commission - APPROVED

## ATTACHMENTS:

| | Description | Upload Date | Type |
|---|---|---|---|
| 🗋 | July 13, 2021 Draft Minutes Special Planning Commission | 7/29/2021 | Minutes |

Minutes
**Planning Commission**
**Special Meeting**
CITY AND BOROUGH OF JUNEAU
*Nathaniel Dye, Acting Chairman*
July 13, 2021

## I. ROLL CALL

Nathaniel Dye, Acting Chairman, called the Special Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 6:32 P.M.

**Commissioners present:** All Commissioners present via video conferencing –Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell; Erik Pedersen

**Commissioners absent:** Michael LeVine, Chairman

**Staff present:** Jill Maclean, CDD Director; Alexandra Pierce, CDD Planning Manager; Sherri Layne, Law

**Assembly members:** Loren Jones

**MOTION:** *by Mr. Voelckers to suspend regular meeting protocols and adopt COVID Protocols.*

***The motion passed with no objection.***

**MOTION:** *by Mr. Voelckers to adopt Special Covid Protocols for the time period of June 30 through August 23, 2021.*

***The motion passed with no objection.***

## II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – None

## III. APPROVAL OF MINUTES – None

## IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Mr. Dye explained the procedures for participating via Zoom

## V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

## VI. ITEMS FOR RECONSIDERATION – None

## VII. CONSENT AGENDA – None

**VIII. UNFINISHED BUSINESS** – None

**IX. REGULAR AGENDA**

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| **AME2021 0007:** | Proposed text amendment to CBJ Land Use Code Title 49 to remove the lot depth requirement for all new lots regardless of zoning district |
| **Applicant:** | City & Borough of Juneau |
| **Location:** | Borough-wide |

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings, and recommend the Assembly **ADOPT** the proposed text amendment to remove lot depth requirements.

STAFF PRESENTATION – Alix Pierce, CDD Planner, presented the proposed amendment to Title 49.

COMMISSIONER COMMENTS & QUESTIONS

Mr. Voelckers commented about the table showing revised panhandle depths and suggested rounding the numbers. Ms. Pierce thought there were likely no major issues with slightly adjusting the numbers but preferred to defer to Director Maclean.

Mr. Arndt commented he thought the lot depths were going to be set to 300 feet. Ms. Pierce and Ms. Maclean remembered the discussion and were amenable to changing it if the commissioners preferred.

Mr. Pedersen thought "street side" was to be added to the section dealing with yard setbacks on substandard lots. Ms. Maclean agreed with Mr. Pedersen.

Mr. Arndt asked if they would need to consult with the Fire Department before going forward with a panhandle depth length to 300 feet. Ms. Maclean was comfortable adding it to the land use code saying the Fire Department would review the permits as they came in.

**MOTION:** *by Mr. Winchell to accept staff's findings, analysis and recommendations and approve* ***AME2021 0007****.*

**MOTION TO AMEND:** *by Mr. Arndt to change section 49.15.423 (A)(1)(c) to read "the panhandle portion of the lot shall not be longer than 300 feet" and to delete the corresponding table.*

***The motion to amend passed with no objection.***

**MOTION TO AMEND:** *by Mr. Pedersen to change page 5 line 15 to add Street Side to read "corresponding side, street side, or setbacks may be reduced"*

***The motion to amend passed with no objection.***

***The amended motion passed with no objection.***

**X.** **BOARD OF ADJUSTMENT** – None

**XI.** **OTHER BUSINESS**

A. Amended Rules of Order Regarding COVID-19 for 2021

**XII.** **STAFF REPORTS** – None

**XIII.** **COMMITTEE REPORTS** – None

**XIV.** **LIAISON REPORTS** – Mr. Jones reported several ordinances proposed by the PC have been introduced and are moving through procedures of the Assembly.

**XV.** **CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

**XVI.** **PLANNING COMMISSION COMMENTS AND QUESTIONS** – None

**XVII.** **EXECUTIVE SESSION** – None

**XVIII.** **ADJOURNMENT** – 6:57 P.M.

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# PLANNING COMMISSION AGENDA
# THE CITY AND BOROUGH OF JUNEAU, ALASKA

July 13, 2021 Draft Minutes Regular Planning Commission - APPROVED WITH MINOR REVISION

## ATTACHMENTS:

| | Description | Upload Date | Type |
|---|---|---|---|
| | July 13, 2021 Draft Minutes Regular Planning Commission | 7/29/2021 | Minutes |

Minutes
**Planning Commission**
***Regular Meeting***
CITY AND BOROUGH OF JUNEAU
*Nathaniel Dye, Acting Chairman*
July 13, 2021

## I. ROLL CALL

Nathaniel Dye, Acting Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:03 p.m.

**Commissioners present:** All Commissioners present via video conferencing –Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell; Erik Pedersen

**Commissioners absent:** Michael LeVine, Chairman;

**Staff present:** Jill Maclean, CDD Director; Laurel Christian, CDD Planner; Alexandra Pierce, CDD Planning Manager; Irene Gallion, CDD Planner; Sherri Layne, Law; Theresa Bowen, Law

**Assembly members:** Loren Jones

**II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA** – None
**III. APPROVAL OF MINUTES** – None
**IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Acting Chair Dye gave a description of procedures for public participation via Zoom format

**V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None
**VI. ITEMS FOR RECONSIDERATION**

Mr. Voelckers, Mr. Alper and Mr. Hickok were removed from the meeting as they were not present at the original hearing.

Mr. Arndt declared a conflict with hearing this item at this meeting as he has a similar case on tonight's agenda and was removed.

**AT EASE 7:09 p.m. to 7:15 p.m.**

**MOTION**: *by Ms. Cole to reconsider* ***VAR2021 0002.***

*Ms. Cole spoke to her motion saying the Title 49 Committee has put a lot of time into this and would like to reconsider the variance at this time.*

***The motion passed on Roll Call with no objection.***

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| **VAR2021 0002:** | A Non-administrative Variance to 49.70.310(a)(2) and 49.70.310(b)(1) to allow new construction within the 50-foot, no-development and 25-foot, no-disturbance buffer from Lemon Creek – Notice of reconsideration given at the June 22, 2021 Planning Commission meeting |
| **Applicant:** | Northern Lights Development |
| **Location:** | 1940 & 1941 Anka Street |

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** requested Non-Administrative Variance. The Non-Administrative Variance would allow for pedestrian trail relocation and revegetation within 50 feet of an anadromous stream.

**MOTION:** *by Ms. Cole to continue **VAR2021 0002** until September 28, 2021.*

Ms. Cole spoke to her motion saying the Title 49 committee has been working on a legislative fix that would change the need for the variance and it is the hope that they will have it completed by then.

***The motion passed with no objection.***

Commissioners Voelckers, Alper, Hickok and Arndt were returned to the meeting.

**VII. CONSENT AGENDA** – None

**VIII. UNFINISHED BUSINESS**

A. July 13, 2021 Special Planning Commission Meeting ordinance continued, if needed – Not Needed

**IX. REGULAR AGENDA**

Adjourned Regular Meeting and Reconvened Board of Adjustment at 7:25 p.m.

**X. BOARD OF ADJUSTMENT**

Mr. Arndt declared a conflict as he is the applicant and he was removed

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| **VAR2021 0004:** | A Non-administrative Variance to 49.70.310(a)(2) and 49.70.310(b)(1) to allow stream bank and stream restoration within the 50-foot, no-development and 25-foot, no-disturbance buffer from Duck Creek |
| **Applicant:** | TDLH, LLC |
| **Location:** | 3101 Mendenhall Loop Road (reassigned to 3221 Mendenhall Loop Road per CBJ GIS Analyst) & 9090 Cinema Drive |

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** Elements 1 and 2 of the requested Non-Administrative Variance with one condition. The Non-Administrative Variance to 49.70.310(a)(2) and 49.70.310(b)(1) would allow:

- Element 1: The installation of a culvert for a stream crossing.
- ~~Element 2: Stream channelization where the applicant owns both sides of the creek to improve habitat conditions.~~ (Removed on Amendment)

This approval is subject to the following condition:

1. Prior to the issuance of a grading permit for the proposed work, the applicant shall submit to the Department a revegetation plan for disturbed areas. The plan must be approved by ADF&G. The developer shall plant all exposed soil in grass or other soil-retaining vegetation and shall maintain the vegetation after planting.

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** Element 3 of the requested Non-Administrative Variance:

- Element 3: Stream bank stabilization where the applicant only owns one side of the creek.

STAFF PRESENTATION – by Planner Christian

QUESTIONS FOR STAFF

Mr. Voelckers asked for clarification for the finding on element #2. Ms. Christian cited Alaska Department of Fish & Game (DFG) comments saying "narrowing the channel will be beneficial for fish habitat at the proposed location". Mr. Voelckers noted another entity had a differing opinion and asked how staff chooses to rely on one entity over another. Director Maclean explained the comments from the DFG were considered agency comments whereas the Southeast Alaska Watershed Coalition (SEAWK) is not a government agency and their comments are considered public comments. Public comment is taken into account but when there is a difference, CDD tends to rely on the expertise from a local, state, or federal agency.

APPLICANT PRESENTATION – Travis Arndt, Backloop resident, said the variance was needed to make the land developable. Without it, there would be flooding problems. They are not looking to cut any more trees, only looking to grade the slope to make it less steep and more accessible. The proposals in the variance request resulted from his meetings with DFG and these are their suggestions on how to improve the creek.

QUESTIONS FOR APPLICANT

Mr. Voelckers asked for clarification on element #3. Mr. Voelckers' understanding was DFG liked the area as it is now. Mr. Arndt answered that DFG would like it one way and Mr. Arndt would like it a different way. However, their jurisdiction ends outside of the area in question.

Ms. Cole asked if the steep grade would be a safety hazard if the variance was not approved. Mr. Arndt answered that it would definitely be safer with the 10:1 grade he is proposing.

Mr. Dye asked Mr. Arndt to clarify how DFG was commenting outside of their jurisdiction. Mr. Arndt explained DFG jurisdiction is within the ordinary high-water mark and this would be outside of that.

PUBLIC COMMENT

Kathryn Cohen - 3241 Nowell Ave – Ms. Cohen is a managing member of Kodzoff Acres. She spoke against the variance saying this is coming through prior to the development plan. Ms. Cohen was concerned with the possibility of changing the path of the creek saying it could result in erosion and flooding.

Mr. Winchell asked Ms. Cohen if she felt this project was creeping into a larger development plan without proper permitting. Ms. Cohen answered saying the project is not being looked at as a whole development. Rather, only a small piece of it is before the PC this evening. She said they do not know how many homes will be built, how much area will be paved, or what the final plan will look like.

Mark Barnhill – 3040 Glacier Wood Dr – Mr. Barnhill owns land joining the property in question. Mr. Barnhill spoke against the variance saying they do not know what the plan is and there has been no communication regarding the property.

Dave Hanna – 11495 Mendenhall Loop Road – Mr. Barnhill said Duck Creek is not thriving and will never be good fish habitat. He spoke to say he feels the applicant is doing the right thing in this case.

Mr. Winchell asked if the channeling of the stream would be of benefit to the area. Mr. Hanna felt that was the case.

Chuck Cohen – 3241 Nowell Ave – Managing Director Kodzoff Acres – Mr. Cohen spoke against the proposed variance stating he saw multiple problems with the project and the processes so far in developing the project.

ADDITIONAL APPLICANT COMMENTS - Mr. Arndt spoke to public comments saying they want to do a good job and are trying to improve the area and the creek habitat for fish. He added they would prefer to have all three elements approved.

COMMISSIONER QUESTIONS

Mr. Alper said he was surprised to hear testimony that the trees were removed right up to the stream bed and wondered if the permit had been improperly granted or improperly interpreted. Mr. Arndt answered that he had consulted with CDD staff before applying for the permit and did not proceed with cutting the trees until the permit was granted and followed the permit.

Referring to public comment that the whole project was not yet known, Mr. Alper asked how important it is to get the variances now rather than at a later point in development. Mr. Arndt said the culvert (element 1) is needed now to access the site from the public right of way. The work for element number 2 will be time consuming and they cannot get started on that without a variance. As for element number 3, he said, he has an abundance of root wad that could be recycled and used as fill in the grading project. If that is put off, they will no longer have that for fill.

Mr. Pedersen asked why the permit was necessary. Mr. Arndt said the permit was needed because the streamside ordinance has not been revised and the State coastal management ordinance sunsetted in 2011 and is being removed from Title 49, they needed the variance until the new streamside ordinance is adopted.

Ms. Cole asked Mr. Arndt if he foresees coming before the PC again with more variance requests with the project. Mr. Arndt said the project would definitely need more variances as they began developing.

Mr. Voelckers asked for the limits of the work he is proposing. Mr. Arndt said the variance only applies to the 50 feet section. Grading outside of the limit would go on with or without the variance.

ADDITIONAL QUESTIONS FOR STAFF

Ms. Maclean said she takes responsibility for the variance being granted and explained at the time, it was the practice of CDD to allow the exception criteria from the coastal management section of code. When they became aware that it had been sunset, it was at leadership's discretion to keep using the exception criteria. Once they saw it could be problematic, they brought it before the Law department. In looking into it, they became aware it was being applied improperly and issued a stop order. Ms. Maclean added Mr. Arndt had proceeded in good faith based on the information given to him at the time. Ms. Pierce added the exception criteria are for things like stream crossings and it is moving through the Assembly but likely will not be passed and enacted in time for this summer building season.

Mr. Dye asked if permits would be granted during the 30-day period between Assembly adoption and enactment since permits were granted during that 30-day period. Ms. Maclean and Ms. Pierce explained that was not the case explaining that in the interim between Assembly passage and the 30-day period, the ordinance does not exist. Therefore, there is no permit or other legal avenue available to them.

Mr. Winchell asked Ms. Layne if the Assembly is able to address the issue without a PC decision. Ms. Layne said the presumption of the Assembly is the decision is to be made at the PC level. She reminded him that the decision of the PC would be appealable to the Assembly.

Mr. Alper said he was surprised to see the partial approval recommendation from staff and asked if Ms. Maclean had any concerns this would set an unintended precedent. Ms. Maclean said they have consulted with the Law department and are following the guidance given. Ms. Pierce explained that, in this case, the stream qualifies as a unique and special feature of the site allowing the variance.

Mr. Dye asked Ms. Pierce if the culvert would still be recommended if DFG did not recommend the channelization. Ms. Pierce said they relied on the expert comments like those of DFG and those of the Law department in this permit as well as others on the agenda tonight.

**MOTION:** *by Mr. Voelckers to continue **VAR2021 0004** to August 24 to allow the applicant to bring information regarding the location and the alignment of the culvert with detail of the proposed property lines and the proposed fill for items 2 and 3.*

Ms. Cole said she does not support Mr. Voelckers' motion saying she thinks they have enough information to make a decision.
Mr. Winchell supported the motion.

***Roll Call Vote***
***Yea: Voelckers, Winchell, Alper***
***No: Hickok, Pedersen, Cole, Dye***
***The motion failed on Roll Call 3-4***

**MOTION:** *by Mr. Pederson to accept staff's findings, analysis and recommendations and approve* ***VAR2021 0004****.*

*Mr. Pedersen said he feels Items #1 and #2 are supported but Item #3 seemed ambiguous.*

**MOTION TO AMEND:** *by Mr. Dye to accept staff's findings, analysis and recommendations except to approve Item #1 and remove #2 from* ***VAR2021 0004***

*Mr. Dye agreed with Item #1 but felt the ordinary water mark definitions are changing and he felt the Southeast Watershed Coalition opinion should be considered.*

*Mr. Voelckers, Mr. Alper, and Mr. Winchell spoke in support of the amendment.*

*Ms. Cole said she is torn on this amendment as she felt the applicant's intentions were to enrich the environment.*

***Roll Call Vote on the Motion to Amend***
***Yea: Dye, Voelckers, Winchell, Alper, Hickok, Pedersen***
***No: Cole***
***The motion passed on Roll Call 6-1***

***Roll Call Vote on the Amended Motion***
***Yea: Pedersen, Cole, Hickok, Alper, Winchell, Voelckers, Dye***
***No: (none)***
***The amended motion passed on Roll Call with no objection***

***At Ease 9:02 – 9:12 p.m.***

Mr. Arndt disclosed a conflict with hearing **VAR2021 0005, VAR2021 0003, VAR2021 0007** at this meeting as he has a similar case on tonight's agenda.

Mr. Voelckers disclosed a potential conflict as his firm is involved with the lodge but can be impartial and has no monetary connection with the variance.

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| **VAR2021 0005:** | Pedestrian trail relocation and revegetation within 50 feet of an anadromous stream in Amalga Meadows |
| **Applicant:** | City & Borough of Juneau |

**Location:** Amalga Meadows

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** requested Non-Administrative Variance. The Non-Administrative Variance would allow for pedestrian trail relocation and revegetation within 50 feet of an anadromous stream.

STAFF PRESENTATION – by Planner Gallion

APPLICANT PRESENTATION – Michele Elfers, CBJ Parks & Rec Deputy Director explained the variance is needed to allow replacement and relocation of the elevated walkway accessing the trail system and new cabin. Without the variance, the existing boardwalk trail is in danger of becoming a safety hazard.

**MOTION:** *by Mr. Winchell to accept staff's findings, analysis and recommendations and approve* ***VAR2021 0005****.*

Mr. Dye asked why this variance is needed when it was not needed for other similar projects. Ms. Maclean said the projects he was asking about met exception criteria that this does not. Mr. Dye asked if the Ordinance coming before the Assembly were to pass as written, would it allow this to go forward without a variance. Ms. Gallion said it would.

Mr. Dye asked if the trail was accessible by another parking lot. Ms. Pierce said the nearest parking lot was significantly further away and not ADA accessible.

Ms. Cole noticed DFG was consulted and she asked if they had any comment on the structure. Ms. Gallion said the only thing DFG has said was there would be a fish habitat permit required for this structure to be approved.

***The motion passed with no objection.***

**VAR2021 0003:** Pedestrian trail relocation and revegetation within 50 feet of an anadromous stream in Switzer Creek
**Applicant:** City & Borough of Juneau
**Location:** Switzer Creek

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** requested Non-Administrative Variance. The Non-Administrative Variance would allow for pedestrian trail relocation **between 25 feet to 50 feet on an anadromous stream** and revegetation within 50 feet of an anadromous stream.

STAFF PRESENTATION – by Planner Gallion

APPLICANT PRESENTATION – Michele Elfers, CBJ Parks & Rec Deputy Director explained the variance is necessary to move portions of Switzer Marriott Trail away from the creek. This creek is active salmon spawning area. Moving the trail would protect that habitat.

QUESTIONS FOR APPLICANT

Mr. Winchell asked if there are any vista points closer than twenty-five feet from the stream. Ms. Elfers said there is a portion of trail with a boardwalk that goes above the pond providing an opportunity to view the fish.

Mr. Alper asked the process for restoring the land if the trail is abandoned and relocated. Ms. Elfers explained this project includes a partnership with CBJ, Trail Mix and SEAWK. If this project goes forward, they would close off the section to pedestrian access and would revegetate the area.

**MOTION:** *by Voelckers to accept staff's findings, analysis and recommendations and approve VAR2021 0003 with an amendment adding the phrase "between 25 feet to 50 feet of an anadromous stream."*

Mr. Dye spoke to the motion saying he would prefer to avoid variances in favor of a legislative fix but in this case, he sees the safety concern and does support the variance.

***The motion passed with no objection.***

*Prior to hearing **VAR2021 0007**, Mr. Voelckers declared a conflict saying his firm is involved and they have a small direct contract assisting on the landscape and planning and recused himself.*

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| **VAR2021 0007:** | Pedestrian trail reconstruction and revegetation within 50 feet of an anadromous stream in Duck Creek |
| **Applicant:** | City & Borough of Juneau |
| **Location:** | Duck Creek |

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** requested Non-Administrative Variance. The Non-Administrative Variance would allow for pedestrian trail reconstruction and revegetation within 50 feet of an anadromous stream.

STAFF PRESENTATION – by Ms. Gallion

APPLICANT PRESENTATION – Michele Elfers, CBJ Parks & Rec Deputy Director explained the variance is needed because the current trail has crumbling asphalt and invasive weeds and there is a lack of riparian vegetation in the streamside.

QUESTIONS FOR APPLICANT

Mr. Dye asked if any part of the trail would be relocated or if there was a public safety urgency that would require this. Ms. Elfers said the urgency is caused by the extremely invasive Bohemian knotweed in the area.

PUBLIC COMMENT

Ryan O'Shaughnessy – 157 Gastineau Ave – Mr. O'Shaughnessy, Trail Mix Executive Director, spoke to add that there is an urgency to protect the newly created wetland in the area.

Mr. Winchell asked for Mr. O'Shaughnessy's input regarding the invasive plants. Mr. O'Shaughnessy said it is very important to control invasive species.

Dave Hanna - 11495 Mendenhall Loop Road – Spoke in support of the variance and stressed the importance of eradicating knotweed saying it is highly invasive and displaces native species then it dies back in winter allowing erosion to take place.

COMMISSIONER DISCUSSION

Mr. Dye said the variance does not mention the invasive species. Ms. Gallion said that is because the main purpose of this variance is to rehabilitate and revegetate the area where the old trail was.

Ms. Cole said she feels these issues are important but she said the criteria seem to have been 'stretched' to fit these variances. Ms. Pierce explained the variance methodology is the only option to the CDD for getting these issues addressed. Ms. Gallion added the difference with these variances from the two earlier ones are these are projects in progress and the two private variances are 'to be developed'. The fact that these are ongoing projects make them time sensitive.

**MOTION:** *by Mr. Winchell to accept staff's findings, analysis and recommendations and amend it to include "removal of invasive plant species" and approve* ***VAR2021 0007****.*

Mr. Dye spoke against the motion saying he felt there were good causes for the other variance requests this evening but for this variance there is already access and the wetlands has been created and can be maintained without the variance.

Mr. Winchell spoke to his motion saying this is within 25 to 50 feet of an anadromous stream. He cited the need to filter storm water and for eradication of the invasive plants during the growing season and the nearness of the trail to the anadromous stream as reasons he thinks this should be approved.

Ms. Cole said because habitat enrichment was not considered for the other variances this evening, she did not think it should be considered for this one.

Mr. Pedersen said he was conflicted as there is no relocation or change of use of the trail but he may support the variance.

***At Ease 1023 – 1028***

***Roll Call Vote***
***Yea: Winchell, Alper, Hickok, Pedersen***
***No: Cole, Dye,***
***The motion failed on Roll Call with less than 5 votes***

Board of Adjustment Adjourned; Reconvened Regular Meeting at 10:33 p.m.

**MOTION:** *by Mr. Winchell to accept as a new item of business* ***APL2021 0003***

***The motion passed with no objection.***

**OTHER BUSINESS**
Prior to hearing **APL2021 0003** Mr. Arndt declared a conflict as the appeal is about him.

A. **APL2021 0003**: An appeal related to **VAR2021 0004**

Attorney Bowen advised the Commissioners that they cannot hear this appeal because they acted on the affected variance so they cannot act on the appeal as they cannot review their own decision as an appeal body. According to Title 49.20.120 it can now only be heard by the Assembly.

Mr. Alper felt since the Commission will not be hearing the appeal the $400 filing fee should be returned to the applicant to be used on their appeal to the Assembly.

Appellant Statement - Chuck Cohen spoke to say if the PC had heard the appeal prior to Board of Adjustment, then they could have heard the appeal. As it stands now, he feels he was denied due process.

Mr. Winchell commented that during the variance hearing, he had asked if they could put forward the variance without making a decision and this situation is why he had asked that.

**MOTION:** *by Mr. Winchell to accept* ***APL2021 0003***

Mr. Winchell spoke to say he is sympathetic to the appellant but will be voting against his motion.

***Roll Call Vote***
***Yea: Alper***
***No: Winchell, Hickok, Pedersen, Cole, Dye,***
***The motion failed on Roll Call 1-5***

**XI.** **STAFF REPORTS** – None

**XII.** **COMMITTEE REPORTS** – None

**XIII.** **LIAISON REPORT** – None

**XIV.** **CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

**XV.** **PLANNING COMMISSION COMMENTS AND QUESTIONS** – None

**XVI.** **EXECUTIVE SESSION** – None

**XVII.** **ADJOURNMENT** - 10:54 P.M.

DRAFT

# PLANNING COMMISSION AGENDA
# THE CITY AND BOROUGH OF JUNEAU, ALASKA

AME2021 0009: Rezone from Industrial to General Commercial - RECOMMENDED APPROVAL TO ASSEMBLY WITH AMENDMENT

## AGENDA ITEM:

Case No.: AME2021 0009
Applicant: Bicknell, Inc. & GSA, LLC
Location: Honsinger Drive
Proposal: Rezone from Industrial to General Commercial

## ATTACHMENTS:

| | Description | Upload Date | Type |
|---|---|---|---|
| | Staff Report for AME2021 0009 - Part 1 | 8/3/2021 | Staff Report |
| | Staff Report for AME2021 0009 - Part 2 | 8/3/2021 | Staff Report |
| | Staff Report for AME2021 0009 - Part 3 | 8/3/2021 | Staff Report |
| | Staff Report for AME2021 0009 - Part 4 | 8/3/2021 | Staff Report |
| | Presentation for AME2021 0009 | 8/10/2021 | Presentation |
| | Notice of Recommendation for AME2021 0009 | 8/26/2021 | Notice of Recommendation |

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

**DATE:** August 3, 2021

**TO:** Michael LeVine, Chair, Planning Commission

**BY:** Irene Gallion, Senior Planner

**THROUGH:** Jill Maclean, Director, AICP

**PROPOSAL:** Applicant requests a rezone from Industrial to General Commercial on Honsinger Drive.

**STAFF RECOMMENDATION:** Staff recommends the Planning Commission forward a recommendation of APPROVAL to the Assembly.

**KEY CONSIDERATIONS FOR REVIEW:**

- General Commercial (GC) in high visibility area complies with the Comprehensive Plan.
- Industrial zoned land provided as a buffer between proposed GC and the airport.
- While GC creates opportunity for residential use, other commercial uses are more compatible with airport and wildlife concerns.

| GENERAL INFORMATION | |
|---|---|
| **Property Owner** | Bicknell Inc. & GSA, LLC |
| **Applicant** | Bicknell Inc. & GSA, LLC |
| **Property Address** | Honsinger Drive |
| **Legal Description** | Honsinger Pond Lots 2, 3, 4, 5, 6, 10, 11, 12, & 13 |
| **Parcel Number** | 5B1401050020; 030; 040; 050; 060; 100; 110; 120; 130 |
| **Zoning** | Industrial |
| **Land Use Designation** | Resource Development |
| **Area of Rezone** | 7.1 acres |
| **Water/Sewer** | CBJ |
| **Access** | Honsinger Drive |
| **Existing Land Use** | Vacant |
| **Associated Applications** | No |

**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:
  - 49.75.120
  - 49.10.170(d)
  - 49.80

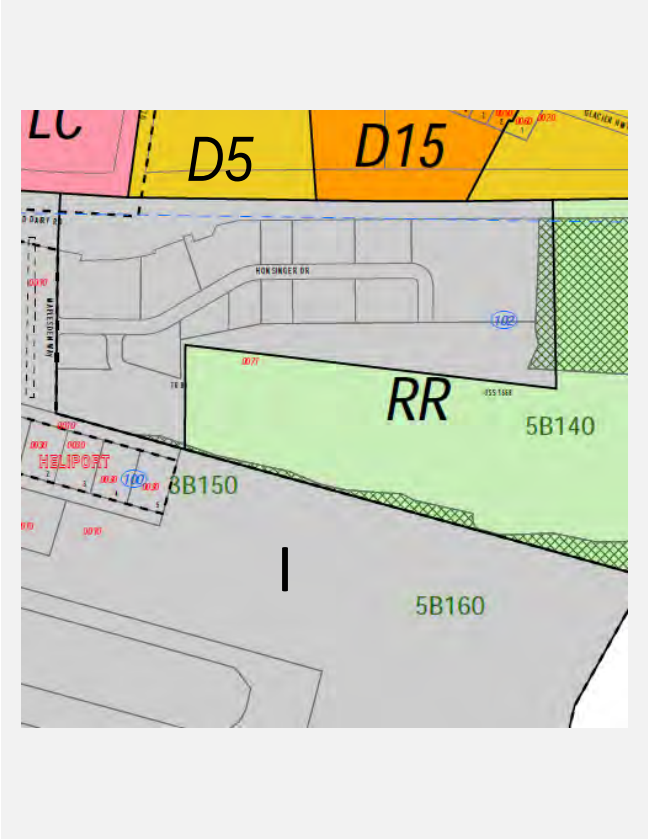
**The Commission shall hear and decide the case per *49.75.120 - Restrictions on rezoning*.** *Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request 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**

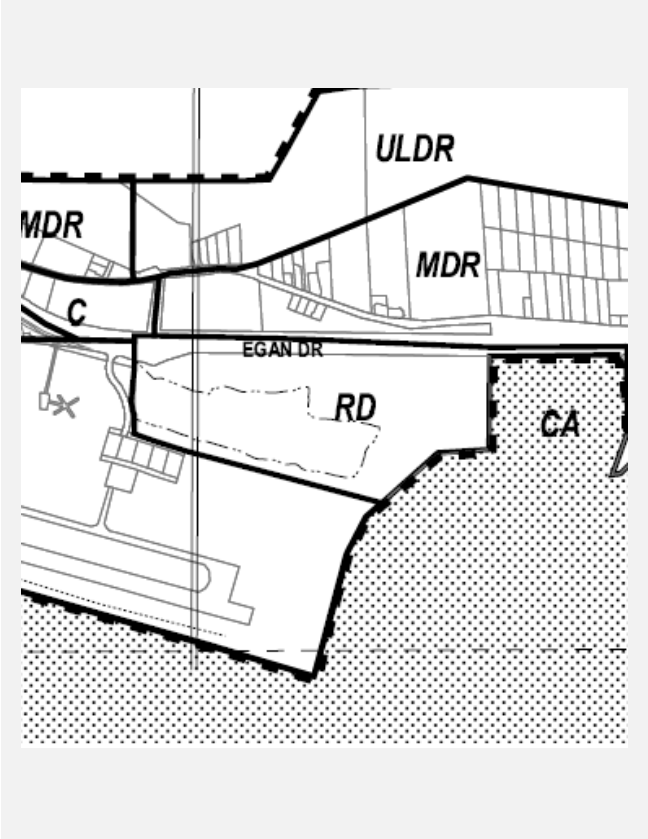
| SURROUNDING ZONING AND LAND USES | |
|---|---|
| **North** | Egan Drive/Juneau Christian Center |
| **South (I)** | Vacant |
| **East (I)** | Vacant |
| **West (I)** | Maplesden Way/Juneau International Airport |

| SITE FEATURES | |
|---|---|
| **Anadromous** | No |
| **Flood Zone** | AE |
| **Hazard** | No |
| **Hillside** | No |
| **Wetlands** | Yes |
| **Parking District** | No |
| **Historic District** | No |
| **Overlay Districts** | No |

**CURRENT ZONING MAP**




**LAND USE DESIGNATION MAP**




**BACKGROUND INFORMATION**

**Project Description –** The applicant proposes a rezone of nine lots, consisting of 7.1 acres, from Industrial to GC on Honsinger Drive near the Yandukin Drive and Egan Drive intersection (**Attachment A**).

The intent is to maintain an Industrial-zoned buffer between the GC lots and the airport property.

The GC zoning district conforms to the Comprehensive Plan Land Use Map Designation of Resource Development (RD). The 2013 Comprehensive Plan describes mapped RD lands:

> *Land to be managed primarily to identify and conserve natural resources until specific land uses are* ***identified and developed.*** *The area outside the study area of this Comprehensive Plan is considered to be designated Resource Development. As resources are identified and extracted from these lands, they should be re-designated and re-zoned appropriately. (Emphasis added)*

***Specific land uses have been identified, but not developed.*** The applicant has had multiple queries for commercial uses, some of which have more intense office use that are not permissible in the Industrial zoning district.

***Resources are still being extracted from the land.*** The applicant is continuing dredge and fill operations for further development.

When additional uses are identified, developed, and extraction has ceased, a map amendment would be appropriate.

Note that the Comprehensive Plan Land Use Maps were not updated after the last rezone from Rural Reserve (RR) to Industrial.

The proposal includes maintaining an Industrially-zoned buffer between the proposed rezone area and the airport. This accommodation sustains the Comprehensive Plan goal of new industrial land, while recognizing the need to provide expansion capability for heavy commercial and light industrial uses.

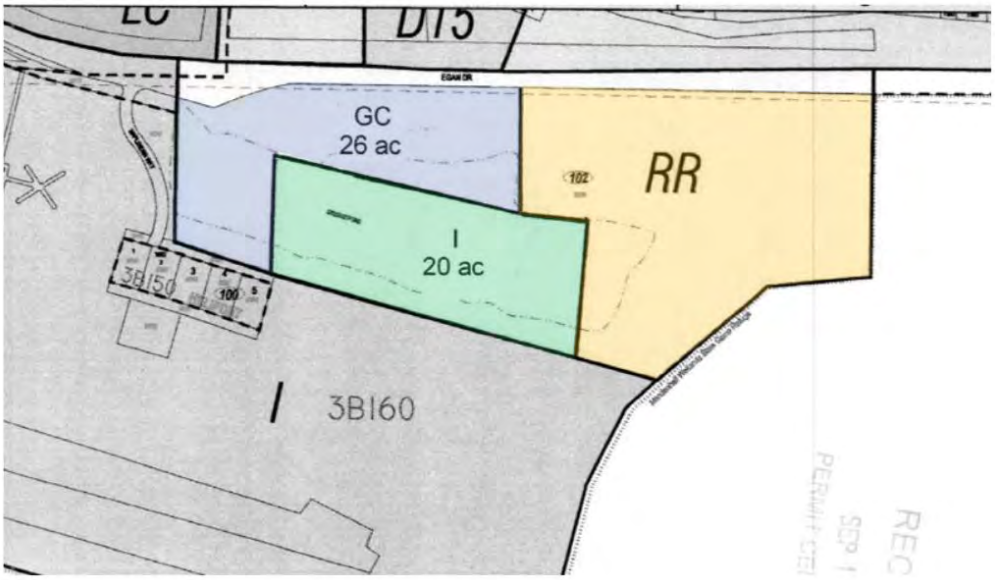
***Is this spot zoning?*** "Spot zoning" is when a small lot is zoned for a use altogether different from the surrounding area for the benefit of the owner and to the detriment of neighbors. This proposal is not spot zoning:

- The rezone encompasses 7.1 acres of land, and a minimum of 2 acres is required by the Land Use Code.
- As noted above, the current development is consistent with the Comprehensive Plan Land Use Map designation, and is a comparable use with the land around it.
- As the area is developed, the need for Industrial and GC land will be evaluated and balanced.
- The proposal maintains Industrial zoning adjacent to the airport property. This limits residential uses in close proximity to the airport to one caretaker residence per lot.
- While GC could allow more residential development near the airport, the height and use limitations are compatible with navigation safety.

**Background –**

In 2013, the Planning Commission (Commission) heard a proposed Comprehensive Plan Land Use Map amendment for a combination of Industrial, GC, and RD for the area. The vote was 3 to 3, and the map amendment failed. In their Findings, the Commission indicated that the current land use designation provided adequate development opportunity such as resource extraction, recreational uses, and residential uses. The Commission said development could occur while maintaining cherished community viewsheds. **Attachment B** includes the Notice of Decision, staff report, and minutes from two applicable Commission meetings. The map below illustrates the 2013 proposal:

In December of 2013 and January of 2014, a series of meetings were held where the Commission heard a proposed rezoning to a combination of Industrial, Light Commercial, and Rural Reserve. During those meetings, the Commission did not approve the rezoning, the vote was 5 to 2. The Commission also failed to approve a motion to request that the Assembly consider purchasing the property; they unable to get the five votes required to pass the motion. **Attachment C** includes the Notice of Decision, staff report, and minutes from two applicable Commission meetings. The map below illustrates this proposal:




The decision was appealed to the Assembly, who supported the Commission's decision to deny the rezone with a 5 to 4 vote (**Attachment D**).

In 2017, a rezone of 23 acres from RR to Industrial was approved (**Attachment E**).

**Permit and Parcel History –** The below table summarizes relevant history for the lot and proposed development.

| Item | Summary |
|---|---|
| **USE-CU66-04** | Permit for a borrow pit. |
| **USE-CU85-33** | Continuation as a borrow pit. |
| **USE1997-00023** | Continuation as a gravel pit. |
| **USE2007-00013** | Continuation as a gravel pit. While the previous Conditional Use Permit had a 10-year expiration, there was no explicit expiration for this permit. |
| **BLD2012 0410** | Stockpile for 8,000 cubic yards of fill. |
| **AME2012 0011** | An application to rezone the Honsinger Pond tract to a combination of Industrial and Light Commercial classifications. This application was withdrawn before the Planning Commission hearing. |
| **BLD2013 0252** | Grading permit to fill 150,000 cubic yards. |
| **AME2013 0007** | A request to amend the Comprehensive Plan Land Use Map G from RD to a mix of Industrial, GC, and RD in the area of Honsinger Pond. The Land Use Map amendment failed 3 to 3 at the Commission. This tie resulted in a denial recommendation, and the recommendation was appealed to the Assembly and withdrawn before it was heard. |
| **AME2015 0015** | A request to rezone 83 acres of Rural Reserve to a mixture of Industrial, Light Commercial, and Rural Reserve. The Commission denied the request. The Commission's decision was appealed to the Assembly. The Assembly declined to have an ordinance introduced to rezone the property at that time. |
| **AME2016 0007** | A request to rezone 23 acres of the 83 acre tract from RR to Industrial zoning was approved. |
| **SMP2019 0003** | Major Subdivision Preliminary Plat: Preliminary plat approval for a phased major subdivision creating 14 lots and 1 large tract for further subdivision (15 lots total). |
| **SMF2020 0002** | Major Subdivision Final Plat: A subdivision of Tract B1 within U.S. Survey 1568 into Honsinger Pond Subdivision Phase 1 comprised of 15 lots. |

**Zoning History –** The below table summarizes zoning history for the lot.

| Year | Zoning | Summary |
|---|---|---|
| 1969 | R40 | *…Also, it is recognized that much of the rural area of the city and borough has no pattern or trend of development established, therefore, this district may also be utilized as a reserve or holding zone from which changes may be made as the community grows or as needs for various types of land are determined… It is noted that the "reserve or unclassified" area designated on the comprehensive plan purposely do not attempt, at this time to anticipate and pre-set particular urban patters but are instead designed to provide a base from which changes may be made as definite planning objectives evolve or are formulated in light of a changing population or economy.* |
| 1987 | Rural Reserve | *The RR, rural reserve zoning district, is intended for lands primarily in public ownership managed for the conservation and development of* |

| Year | Zoning | Summary |
|---|---|---|
| | | *natural resources and for future community growth. In addition, recreation cabins, lodges, and small seasonal recreational facilities may be allowed.* |
| 2017 | 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.* |

**ZONING ANALYSIS**

**CBJ29.25.200 Zoning Districts Defined –**

| Current Zoning – Industrial | Proposed Zoning – General Commercial |
|---|---|
| *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.* | *The GC, General Commercial district, is intended to accommodate most commercial uses. Commercial activities are permitted outright in the zone except for those few uses that are listed as conditional uses to ensure compatibility. Residential development is allowed in mixed- and single-use developments in the General Commercial district.* |

**CBJ 49.25.300 Table of Permissible Uses Comparison –** The lots are undeveloped. No uses or properties will be made nonconforming through this rezone. A complete comparison of the Table of Permissible Uses for Industrial and GC zoning is in **Appendix F**.

With the rezone from Industrial to GC, developers will lose the ability to:

- Store explosives and ammunition (TPU 4.200)
- Process seafood (TPU 4.210)
- Operate shooting ranges (TPU 6.280)
- Commercial agriculture with more than three animals (TPU 14.210)
- Silviculture and timber harvesting (TPU 14.300)
- Mine (TPU 14.400)
- Operate an airport (TPU 15.200)
- Operate a crematorium (TPU 20.200)

**CBJ 49.25.400 Dimensional Standards –** Lot dimensional standards are the same for Industrial and GC zoning. The lots are undeveloped. No structures will be made nonconforming.

| Standard | | Industrial Zoning | General Commercial Zoning |
|---|---|---|---|
| **Lot** | Size, square feet | 2,000 | 2,000 |
| | Width, linear feet | 20 | 20 |
| | Depth, linear feet | 60 | 60 |
| **Setbacks, linear feet** | Front | 10 | 10 |
| | Rear | 10 | 10 |

| Standard | | Industrial Zoning | General Commercial Zoning |
|---|---|---|---|
| | Side | 0 | 10 |
| | Street Side | 10 | 10 |
| | | | |
| **Lot Coverage** | | No restriction | No restriction |
| | | | |
| **Height** | Permissible | No restriction | 55 |
| | Accessory | No restriction | 45 |

**CBJ 49.25.500 Density –** If the lots proposed to be rezoned GC were developed strictly with residential uses at a density of 50 units per acre, the rezone would yield 356 units.

| | | Possible Residential Units | |
|---|---|---|---|
| **Lot** | **Size** | **General Commercial** | **Industrial** |
| 2 | 52,007 | 60 | 1 |
| 3 | 53,468 | 61 | 1 |
| 4 | 21,779 | 25 | 1 |
| 5 | 43,558 | 50 | 1 |
| 6 | 39,188 | 45 | 1 |
| 10 | 21,779 | 25 | 1 |
| 11 | 21,819 | 25 | 1 |
| 12 | 21,842 | 25 | 1 |
| 13 | 35,058 | 40 | 1 |
| | TOTAL | 356 | 9 |

The lots are undeveloped, so rezoning would not make any residences nonconforming.

**Potential for Subdivision –** Industrial and GC zoning have the same minimum lot size of 2,000 square feet.

| Lot | Size | Subdivision |
|---|---|---|
| 2 | 52,007 | 26 |
| 3 | 53,468 | 27 |
| 4 | 21,779 | 11 |
| 5 | 43,558 | 22 |
| 6 | 39,188 | 20 |
| 10 | 21,779 | 11 |
| 11 | 21,819 | 11 |
| 12 | 21,842 | 11 |
| 13 | 35,058 | 18 |

**TRAFFIC AND TRANSPORTATION**

| Access | Roadway Classification | Current Level of Service |
|---|---|---|
| Honsinger Drive | Local | N/A |
| Yandukin Drive | Collector | Unknown |

Honsinger Drive has a 60 foot right-of-way with 12.5 foot lanes and sidewalk on one side of the street. This could accommodate up to 499 average daily trips. Honsinger Drive accesses Yandukin Drive.

**Non-motorized transportation –** Currently, the closest bus stop is across Egan Drive between Juneau Christian Center and Fred Meyer. Pending intersection improvements proposed by the Alaska Department of Transportation and Public Facilities will provide pedestrian access across Egan Drive (https://dot.alaska.gov/sereg/projects/egan-yandukin/). On the south side of Egan Drive, the closest bus stop is at Crest Street.

**Proximity to Transportation –** A historical concern has been the property's proximity to the airport, and how property development might impact airport operations.

The Federal Aviation Administration (FAA) produces Advisory Circulars for various topics. The documents are required compliance if an airport receives federal funding. They are currently developing an Advisory Circular for "Airport Use Compatibility Planning" (AC150/5190-4B). This discussion is based on that circular, which is publicly available in draft form:

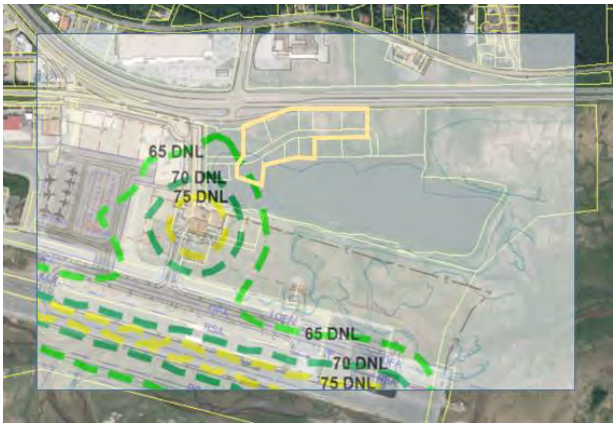
(https://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentnumber/150_5190-4 ).

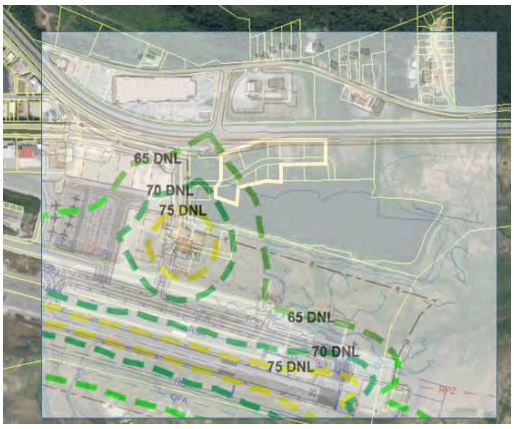
The FAA defines airport-compatible land uses as those that can coexist with a nearby airport without constraining the safe and efficient operation of the airport, or expose people living or working nearby to significant noise impacts or hazards. Concerns fall into three categories: Aircraft Noise, Airspace, and Wildlife and Bird Attractants.

***Aircraft Noise* –** Lot 13 may be incompatible with residential uses due to airport noise. Lots 2 and 12 may be incompatible with residential use in the future.

The FAA uses a term called "Day-Night Average Sound Level," or DNL. All uses are compatible with DNL below 65. Above 65 DNL is incompatible with residential uses and schools. From 65 DNL to 70 DNL is compatible with hospitals, nursing homes, churches, and auditoriums if designed for noise reduction **(Attachment G).**

The Juneau International Airport (JIA) has provided noise maps developed for the JIA Airport Sustainability Master Plan draft modeling noise levels (**Attachment H**). Below the 2015 (left) and 2035 (right) noise models are juxtaposed on the proposed project site.




DNL between 65 and 70 impacts Lot 13. Modeling for 2035 shows impacts to Lots 2 and 12.

CBJ building code does not currently require noise mitigation for any structure. The owner determines the need for constructed noise mitigation. Conditions could be placed upon Building Permits and Conditional Use Permits (if required) to ensure compliance with FAA advisory circulars.

***Airspace*** **–** GC zoning is more compatible with FAA airspace concerns due to zoned height restrictions and restricted uses.

When considering possible obstructions to air navigation, the FAA uses what they refer to as "imaginary surfaces." Imagine a stadium with the airport in the middle. The stadium seating is the imaginary surface. Any object off the airport and within that imaginary airspace may impact navigation and routing.

The center part of the stadium is 1,000 feet wide, and centers on the runway. The stadium seating along the side of the runway is at a 7 to 1 slope. JIA has an "airspace plan" representing imaginary surfaces (**Attachment I**) in the JIA Airport Master Plan.

For JIA, the imaginary surface for the runway extends to the edge of the taxiway. Lot 13 is approximately 900 feet beyond that. The height of a structure at Lot 13 would be limited to 128 feet in order to avoid penetrating the imaginary airspace. Height restrictions for GC are 55 feet for permissible uses, and 35 feet for conditional uses. Industrial zoning has no height limit.

The FAA has developed a tool for developers to enter dimensional information about their development to determine if they need to file notice with the FAA:
https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm

In addition to structures, the FAA is concerned with activities that produce:

- Dust or other particulate matter that impacts visibility
- Glare, pattered or strong light, or reflections
- Smoke, steam, and smog
- Electronic interference

Storage of explosives and ammunition, shooting ranges, towers and antennas more than 50 feet in height, and crematoriums are Industrial uses that may cause concerns for airspace, and are not permissible under GC.

***Wildlife and Bird Attractants*** **–** GC zoning limits activities that attract wildlife and are incompatible with airport operations.

One need only recall the "Miracle on the Hudson" to understand the importance of managing birds and wildlife near an airport. The FAA says that from 1988 to 2015, wildlife strikes killed more than 262 people and destroyed over 247 aircraft worldwide. The majority of the strikes were at or below 500 feet above ground level, and twice as many strikes occurred during landing as during take-off and climb.

Seafood processing, outdoor recycling storage, and sanitary landfill are uses that are attractive to wildlife. The Table of Permissible Uses allows these uses in Industrial zoning, and are not permissible in GC.

**COMMUNITY SERVICES**

The table below summarizes community services that may be affected by the proposed rezone.

| Service | Summary |
|---|---|
| Water/Sewer | Not impacted. |
| Fire Service | Not impacted. |
| Schools | Residential impact may impact. |
| Recreation | Not impacted. |

**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 | Mendenhall Wetlands are a Comprehensive Plan mapped Conservation Area. |
| Wetlands | Class B in the project area with enhancement potential in the Honsinger Pond area, enhancement potential with restrictions in the Mendenhall Wetlands. |
| Anadromous | Unnamed creek 180 feet from subdivision; 1,100 feet from rezone. |
| Historic | Unknown. |
| Archeological | Unknown. |

**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 -** | | | |
|---|---|---|---|
| **Chapter** | **Page No.** | **Item** | **Summary** |
| 10 | 135 | Text | Sufficient land is needed for commercial and industrial activities. Designated land use should be based on special needs and location criteria for each sector, as well as land characteristics. |
| 10 | 136 | D | Light industry such as contractors, repair services, and household services are compatible with industrial use. |
| 11 | 144 | Text | Project area is expected to be available for development in the long term. |
| 11 | 147 | Text | RD definition recognizes that land should be rezoned as developed. |
| 11 | 180 | Guidelines for Subarea 4: 2 | Provide increased commercial development close to existing commercial areas. |
| | 180 | Guidelines for Subarea 4: 2 | Seek new industrial areas. Designate areas with visibility from thoroughfares for heavy commercial and light industrial uses. |

| 2015 ECONOMIC DEVELOPMENT PLAN - | | | |
|---|---|---|---|
| **Chapter** | **Page No.** | **Item** | **Summary** |
| 2 | 17 | 3 | Land is needed for commerce and industry, as well as residential development. Provides foundational benefit. |
| Appendix | A-8 | 7 | Tax revenue generated per acre of industrial land is relatively low. |

JIA's Sustainability Master Plan (undated, approximately 2019) documents airport development goals and airspace needs. Improvements to the Northeast Development Area (proximate to the project) include joint use apron and tie-down construction, fencing, and security improvements. A section discusses imaginary surfaces and their importance in airport operations, and includes an airport land use plan (Chapter 9). The plan focuses on the airport rather than surrounding property.

## AGENCY REVIEW

CDD conducted an agency review comment period between July 19, 2021 and July 30, 2021. Agency review comments are in **Attachment J**.

| Agency | Summary |
|---|---|
| Juneau International Airport | Concerns regarding residential development, restricted uses, and restricted height. Requests covenants. |
| General Engineering | Covenants are unnecessary. Restrictions can be applied during the Building Permit process. |
| FAA | No comments provided. |

## PUBLIC COMMENTS

CDD conducted a public comment period between July 15, 2021 and July 30, 2021. Public notice was mailed to property owners within 500 feet of the proposed rezone (**Attachment K**). A public notice sign was posted on site two weeks prior to the scheduled hearing (**Attachment L**). No public comments were submitted.

## 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 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, and 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 2021.

2. ***Was adequate public notice provided in accordance with CBJ 49.75.110?***

   **Analysis**: CDD 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 rezone request is for 7.1 acres.

   **Finding: Yes.** The proposed rezone meets the minimum area requirement.

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:** Comprehensive Plan Land Use Map designations specify map changes after development is established. The combination of Industrial and GC land meet Comprehensive Plan goals.

   **Finding: Yes.** The proposed rezone is in substantial conformance with the Land Use Map 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 proposed rezone supports the purpose of Title 49 by maintaining Industrial land next to the airport, and providing GC land visible from Egan Drive.

   **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 APPROVAL to the Assembly for the requested rezone from Industrial to GC on Honsinger Drive.

**STAFF REPORT ATTACHMENTS**

| Item | Description |
|---|---|
| **Attachment A** | Application Packet |
| **Attachment B** | AME2013 0007 Documents |
| **Attachment C** | AME2013 0015 Documents |
| **Attachment D** | AME2013 0015 Assembly Appeal |
| **Attachment E** | AME2016 0007 Documents |
| **Attachment F** | Table of Permissible Uses: Industrial and General Commercial Comparison |
| **Attachment G** | Draft AC 150/5190-4B: Table 2-1. Land Use Compatibility with Yearly Day-Night Average Sound Levels (DNL) |
| **Attachment H** | Noise Models for Juneau International Airport: 2015 and 2035 |
| **Attachment I** | Juneau International Airport Airspace Plan |
| **Attachment J** | Agency Comments |
| **Attachment K** | Abutters Notice |
| **Attachment L** | Public Notice Sign |
| **Attachment M** | Draft Ordinance and Map |

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.**

To be completed by Applicant

**PROPERTY LOCATION**

Physical Address
Honsinger Dr.

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)
Honsinger Pond LT 2,3,4,5,6,10,11,12,13

Parcel Number(s)
5B1401050020,5B1401050030,5B1401050040,5B1401050050,5B1401050060,5B1401050100,5B1401050110, 5B1401050120,5B1401050130

☐ This property located in the downtown historic district
☐ This property located in a mapped hazard area, if so, which _____

**LANDOWNER/ LESSEE**

Property Owner
Bicknell Inc

Contact Person
David Blommer

Mailing Address
PO Box 33517, Juneau, AK 99803

Phone Number(s)
907-789-5727

E-mail Address
dblommer@bicknellinc.com

**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: July 9 2021

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 _____ Applicant's Signature — Date of Application: _____

----DEPARTMENT USE ONLY BELOW THIS LINE----

| Intake Initials | |
|---|---|
| JPM | |
| Case Number | Date Received |
| AME 21-009 | 7/9/21 |

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.

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
Honsinger Drive

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)
Honsinger Pond Lot 10

Parcel Number(s)
5B140101050100

☐ This property located in the downtown historic district
☐ This property located in a mapped hazard area, if so, which _____

**LANDOWNER/ LESSEE**

Property Owner
GSA LLC

Contact Person
Lucas Chambers

Mailing Address
PO Box 33322 Juneau AK 99803

Phone Number(s)
9077804004

E-mail Address
lucas@proHNS.com

**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 Lucas Chambers — Landowner/Lessee Signature — Date 7/6/21

X [signature] — Landowner/Lessee Signature — Date 7/6/21

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 _____ Applicant's Signature — Date of Application

----------DEPARTMENT USE ONLY BELOW THIS LINE----------

| Intake Initials | |
|---|---|
| JPM | |
| Case Number | Date Received |
| | 7/14/21 |

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.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
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 7.1 Acres of Industrial land to General Commercial.

**IS THIS AN EXPANSION OF AN EXISTING ZONE?** ○ Yes ◉ No

Total Land Area of Proposed Change 7.1 acres

Comprehensive Plan Land Use Designation RD

Current Zone(s) I

Comprehensive Plan Map Letter G

New Zone Requested GC

**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** - N/A per Jill
- ☐ **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 | $_____ | | | |
| Admin. of Guarantee | $_____ | | | |
| Adjustment | $_____ | | | |
| Pub. Not. Sign Fee | $_____ | | | |
| Pub. Not. Sign Deposit | $_____ | | | |
| **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 |
|---|---|
| AME 21-009 | 7/9/21 |

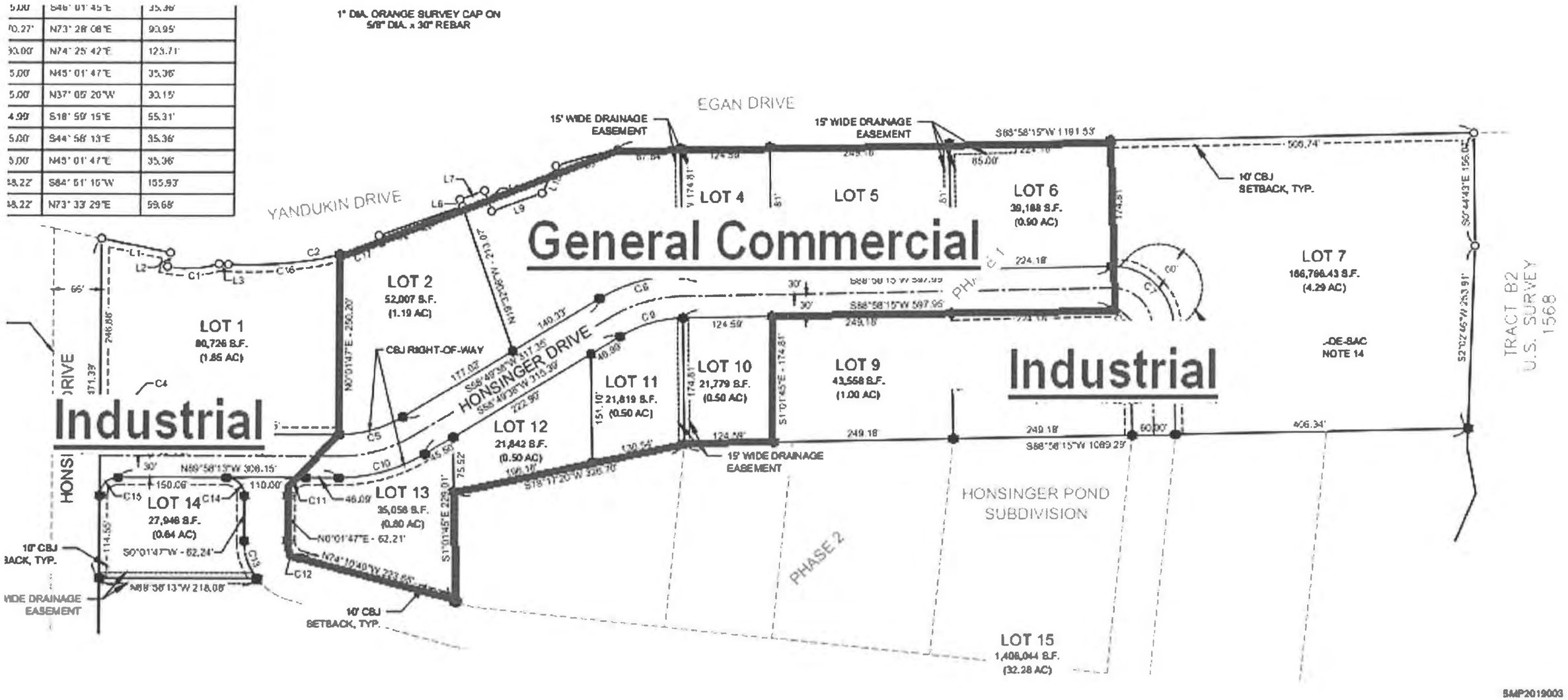
This rezone request is for a portion of the Honsinger Pond Subdivision. The total area to be rezoned is approximately 7 acres (See attached "Exhibit A'). The Honsinger Subdivision is located along Egan Dr. across from Fred Meyers and the Juneau Christian Church and adjacent to the Juneau Airport. The land is currently zoned Industrial and we would like to rezone a portion to General Commercial. This rezone would add around 7 acres of much needed commercial property to Juneau.

The property as it is currently zoned does not allow the property to be used to its highest and best use. As we have been developing the property, we have had various companies approach us about purchasing a lot only to find out the use is not allowed in industrial. The Comprehensive plan encourages development of Industrial but this location does not necessarily fit that need. The area to be rezoned is visible from Egan Dr., which is highly desirable for commercial uses. Industrial users typically want to be less visible and a less desirable area.

By rezoning a portion of the Honsinger Subdivision, we believe we can meet the need for Commercial and Industrial uses.

Honsinger Pond Subdivision is brand new and up to date on the latest CBJ standards. There would be no impact to the public infrastructure.

| | | |
|---|---|---|
| 5.00' | S46° 01' 45"E | 35.36' |
| 70.27' | N73° 28' 08"E | 90.95' |
| 93.00' | N74° 25' 42"E | 123.71' |
| 5.00' | N45° 01' 47"E | 35.36' |
| 5.00' | N37° 05' 20"W | 30.15' |
| 4.99' | S18° 59' 15"E | 55.31' |
| 5.00' | S44° 58' 13"E | 35.36' |
| 5.00' | N45° 01' 47"E | 35.36' |
| 88.22' | S84° 51' 15"W | 155.93' |
| 88.22' | N73° 33' 29"E | 59.68' |



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

**PLANNING COMMISSION**
**NOTICE OF DECISION**
Date: May 17, 2013
File No.: AME2013 0007

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 to amend the Comprehensive Plan Map G from *Resource Development* to mix of *Industrial, General Commercial,* and *Resource Development* in the area of Honsinger Pond. |
| Legal Description: | USS 1568 TR B |
| Property Address: | Glacier Hwy |
| Parcel Code No.: | 5-B14-0-102-007-0 |
| Hearing Date: | April 9, 2013 |

The Planning Commission, at its regular public meeting, did not adopt the analysis and findings listed in the attached memorandum dated April 4, 2013 by a vote of three yes and three no votes. No other motions or motions to reconsider were made, no further action was taken on AME2013 0007, and consequently the request for the map amendment has been denied. At the regular meeting on May 14, 2013 the Planning Commission adopted the findings below to support the action. The findings are:

1. The parcel, as it is zoned today, has development opportunities. The current zoning does not prohibit it from being used or developed. Current uses can include resource extraction, recreation, visitor-oriented, and residential uses.

2. The City has missed an opportunity by not purchasing the property to maintain the scenic and habitat values.

3. Industrial uses so close to a sensitive habitat area is a concern.

4. General commercial is not appropriate for the area.

5. Working with the situation we can maintain the view shed.

6. The Comprehensive Plan shows the need for industrial land and also shows intent to acquire the land for public purposes, for a park and viewshed protection.

7. This parcel of land is an important scenic corridor and iconic viewshed that defines the community.

8. The wetlands and the parcel have value to the community of Juneau. We can't allow further degradation of the wetlands. The loss of 39 percent of the wetlands over time, per public comment, is credible and concerning.

9. This parcel of land, as it is currently zoned has social, environmental, and financial value to future generations.

10. There has been a significant amount of public comment in opposition to both this map amendment and the prior withdrawn rezoning proposal. There hasn't been any public support shown for this development concept.

11. Large water fowl create safety concerns for the airport, but there is a float plane pond adjacent to the airport. And, there is a water canal system that has been developed between the airport and the airport dike trail. These water systems also attract birds and are very close to the airport.

12. The Wetlands Review Board recommended the best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. The benefits of this approach would be to increase the safety of the airport by removing the pond that attracts large birds and also to provide additional buffer for the Mendenhall State Game Refuge.

Attachments: April 4, 2013 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2013 0007.

May 10, 2013 memorandum from Beth McKibben, Community Development to the CBJ Planning Commission regarding AME2013 007.

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).

Project Planner: Beth McKibben, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

Filed With City Clerk Deputy

5/21/13
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:** April 4, 2013

**TO:** Planning Commission

**FROM:** Beth McKibben, Planner
Community Development Department

Greg Chaney for Beth McKibben

**FILE NO.:** AME2013 0007

**PROPOSAL:** Amend the comprehensive plan map – "Map G" from *Resource Development* to mix of *Industrial, General Commercial*, and *Resource Development* in the area of Honsinger Pond.

The City and Borough of Juneau Land Use Code states in CBJ §49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

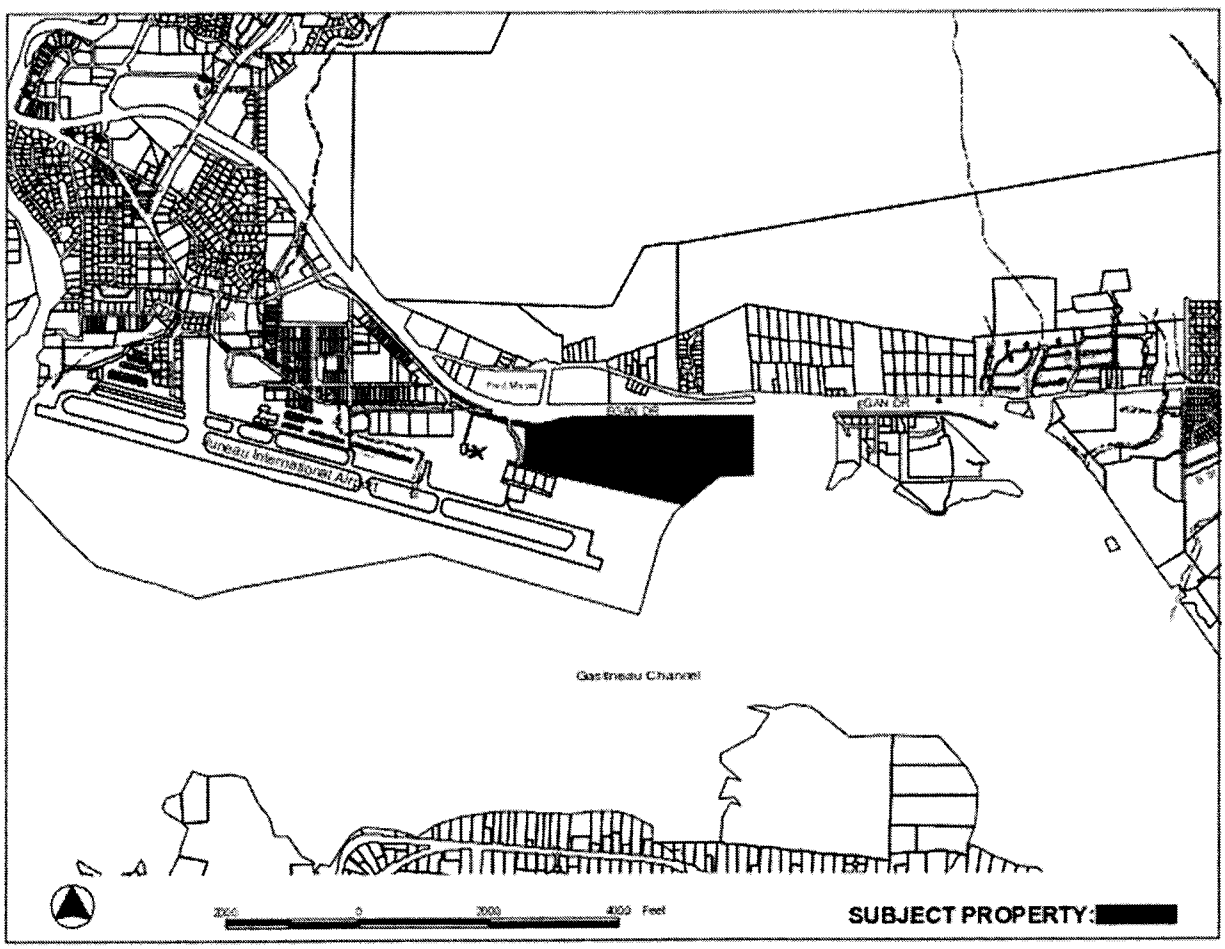
| | |
|---|---|
| Applicant: | Bicknell Inc |
| Property Owner: | Bicknell Inc |
| Property Address: | Glacier Hwy |
| Legal Description: | USS 1568 TR B |
| Parcel Code No.: | 5-B14-0-102-007-0 |
| Site Size: | 82.66 acres |
| Zoning: | RR, Rural Reserve |
| Comprehensive Plan Future Land Use Designation: | RD (Resource Development) |
| Utilities: | City water & sewer |
| Access: | Yandunkin Way/Egan Drive |

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Existing Land Use: vacant/dredge pond

Surrounding Land Use:

North-(D-5) Juneau Christian Church
N.W. -(LC) Fred Meyer of Alaska
South -(Industrial) Juneau Municipal Airport
East -Mendenhall Wetlands State Game Refuge
West -(Industrial) Juneau Municipal Airport



## ATTACHMENTS

- **A-** Map showing proposed amendments to Map G of Comprehensive Plan
- **B-** Current zoning map
- **C-** Proposed amendments shown overlaying an aerial photo
- **D-** Letter and photos from Jackie Triplette
- **E-** Email and photo submitted by Frank Rue
- **F-** Map showing staff's recommendation

## PROPOSAL

The proposed ordinance would amend Map G of the 2008 Comprehensive Plan as it relates to this specific parcel. The area is currently RD, or Resource Development. The applicant is requesting the map be amended as shown in attachment A to a mix of Industrial, General Commercial and Resource Development.

If the comprehensive plan map amendment is approved the applicant intends to apply for a rezone of a portion of the parcel to Industrial and General Commercial. The area shown as remaining in Resource Development would remain zoned Rural Reserve.

The proposed amount of land would be approximately 26 acres of General Commercial and 30 acres of Industrial. This leaves approximately 37 acres of Rural Reserve.

## BACKGROUND

The site has a long history of sand and gravel extraction and the operation was extended with USE2007-00013. According to the staff report for that conditional use permit the site served as a sand and gravel extraction site since the late 1970s. Ownership of the parcel has changed since that permit was issued.

The site abuts the airport on the east, Egan Drive on the north and south, and the Mendenhall Wetlands State Game Refuge on the south and west. While the site is adjacent to Egan Drive, physical access is via Yandunkin Way.

In July 2012 the applicant submitted an application to rezone the subject parcel from Rural Reserve to a combination of Industrial and Light Commercial zones. This rezone request was scheduled for a public hearing in front of the Planning Commission in December of 2012. When the applicant realized the Comprehensive Plan maps did not support the application he withdrew the proposal and has instead brought forward a request to amend comprehensive plan Map G.

### Comprehensive Plan

As discussed above, the site is currently designated as Resource Development in the 2008 Comprehensive Plan. Furthermore, the Plan recommends CBJ purchase of a portion of this site.

It specifically states the area outside the pond. This generally corresponds to the area which the applicant is proposing to leave as RD. The Comprehensive Plan also addresses the Honsinger Pond area elsewhere. In Chapter 11, Comprehensive Plan Land Use Maps, the plan states:

> *Industrial districts were designated according to the type of industrial use therein or based on the location criteria of industrial businesses. Due to the incremental, yet significant, encroachment of commercial retail, office and service uses into industrially-zoned districts in Lemon Creek and near the airport, these areas were re-designated from industrial use to heavy commercial/light industrial use. Other lands that had previously been designated for future park use near the airport (an abandoned land and gravel pit) and for resource development in Lemon Creek (an active gravel pit) were designated Resource Development; these areas are expected to be available for development in the long-term.* (emphasis added)

Chapter 10, Land Use discusses commercial and industrial land use as well as the availability of land for these uses. Juneau is far from national markets and serves as a regional hub for goods and services. This section of the plan says that much of Juneau's industrially zoned land within the urban service area contains wetlands and are largely unsuitable for development. The buildable lands inventory that was done for the 2008 plan found that lands suitable for development in the near future include current and former gravel extraction sites.

Chapter 5, Economic Development also discusses commercial and industrial development. This chapter also articulates the need for additional industrially zoned lands and again suggests that "areas around gravel extraction activities can convert to industrial districts once the land is leveled and the gravel extraction on those lands is complete." Furthermore, Standard Operating Procedure 5.7.SOP2 states:

> *When additional land is needed for commercial or industrial uses or when there are particular locational requirements for certain activities, initiate appropriate amendments to the Comprehensive Plan and Zoning maps to accommodate this need. These new commercial and industrial zones should be evaluated in relation to all applicable policies of the Comprehensive Plan.*

The area under discussion is within Subarea 4. There are a number of guidelines and considerations for Subarea 4 listed in the 2008 Comprehensive Plan. On page 204 of the plan guideline/consideration 12 specifically mentions this site:

> *The Parks and Recreation Comprehensive Plan, Chapter 8, recommends a number of parks, trail, community garden and stream corridor improvements. Those recommendations include... (i) acquisition of Smith/Honsinger parcel outside of the pond area for natural area and scenic corridor conservation; (j) develop a community garden site; and (k) review the area for suitability for mini-parks. Work with the FAA to ensure that these projects do not negatively affect flight safety due to impacts on bird habitat.* (emphasis added)

The 2013-2018 CBJ Capital Improvement Plan shows $750,000 in the Parks and Recreation budget in FY15 for land acquisition of Smith/Honsinger Property.

Subarea 4, Guideline/consideration 7 addresses industrially zoned land:

> *Seek new industrial zoning districts to compensate for the encroachment of existing industrial districts by retail, office and other non-industrial commercial uses. Designate the industrial districts that have a visual connection from and vehicular access to major thoroughfares and that have already been encroached upon by retail and office uses as heavy commercial/light industrial districts within each industry may remain and non-industrial commercial uses can expand. In other industrial districts, prohibit retail, office, residential and other non-industrial on non-Public uses.*

When considering this request it is important to understand what the Comprehensive Plan intends when describing land use designations. The plan states the designations are intended to describe the overall character of development for each land use category and are not intended to be firm or restrictive definitions, such as with zoning district permitted and conditional uses. The designations are to be used to guide the formation of zoning regulations. The land use categories and their uses reflect cultural values and economic and societal needs, and over time, the Comprehensive Plan descriptions of land use categories will change to reflect changing values and circumstances.

As mentioned above, the parcel is currently designated as Resource Development (RD). The applicant proposes that the comprehensive plan maps be amended and that the undisturbed portion of the site remain RD. The remainder of the parcel would be designated General Commercial and Industrial.

The intent of the RD designation:

> *Land to be managed primarily conserve natural resources are identified and developed. Such specific uses may include, where appropriate, resource extraction and development, recreational and visitor-oriented facilities, and residential uses. The area outside the study area of this Comprehensive Plan is considered to be designated Resource Development.*

The intent of the Industrial designation:

> *Land to be developed for heavy industrial uses such as large scale flood production and/or processing; large scale or industrial-related repair activities; metal fabrication; wholesale trade; manufacturing processes; warehousing; outdoor storage; trucking; animal kennels; crematoria; repair and maintenance uses; resource extraction and processing such as gravel pits, rock crushing facilities, cement batch plants, asphalt plants, fuel tanks, stump dumps, salvage yards, landfill sites, aircraft facilities; and other*

> *similar large scale or noisy and or noxious industrial activities. Some recreational uses should be permitted, including sport vehicle, all-terrain vehicle (ATV) or snowmobile motor course facilities, shooting ranges and other similar noise generating uses. Residential, office, retail and personal service uses are not allowed.*

The intent of the General Commercial designation:

> *Lands devoted to retail, office, food service or personal service uses, including neighborhood retail and community commercial centers, such as shopping centers and malls, office complexes or other large employment centers. Mixed retail/residential/office uses are allowed and encouraged. Residential and non-residential uses could be combined within a single structure, including off-street parking. Residential densities ranging from 18-60 units per acre are appropriate in this area. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.*

The site is not appropriate for residential uses due to its proximity to the airport runway and adjacent airport/heliport.

The Mendenhall Wetlands State Game Refuge immediately adjacent to this parcel is an identified Scenic Viewshed/Corridor (SVC) in the 2008 Comprehensive Plan. The plan states that this designation is suitable for CBJ owned and other public land. Page 162 of the 2008 Comprehensive Plan describes SCV areas as follows, with emphasis added:

> *This designation is suitable <u>for CBJ owned and other public lands whose views of, or whose near and/or distant views from the locale, are deemed as spectacular and/or represent a significant and important representation of the visual character of the CBJ.</u> The views of, or from, the designated SCV land area toward public vista points or viewscapes; demonstrate a scenic view of great natural beauty, a spectacular landscape, an important historic building, or site; provide views of the aurora borealis, sea, harbors, or of cityscape that is a "signature" viewscape of the CBJ; and is valued by residents and visitors alike and conveys the CBJ as a special place. Lands in the scenic corridor or veiwscape should be protected from visual intrusion or obstructions from structures, night light and glare, invasive flora and/or other similar elements that would diminish the visual prominence of the viewscape. Lands within the SCV designations may be zoned for a mix of zoning districts, most particularly the same district as the surrounding lands; however, any new zoning request or rezoning application should identify specific view corridors that would be protected by any new development therein. Land uses that do not require view-blocking structures should be permitted, such public vista plazas and seating areas, community gardens, boat launch facilities, fishing areas or utility poles.* (emphasis added)

The map and definition refer to both Scenic Corridor and Viewshed (SCV), however only the scenic corridor is specifically mapped; the viewshed is not. Neither the definition nor the map

state or demonstrate which views are subject to protection. It seems unlikely that the intention of the Planning Commission and the Assembly would have been to apply viewshed protection to all areas visible from mapped scenic corridors, since this would encompass large privately-owned areas within Borough, including the airport and areas with expanding commercial development.

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.*

Although not specifically listed, the airport is a public facility and is an appropriate use in this area.

Agency Comments

The Wetlands Review Committee discussed this site at the May 17, 2012 meeting. They made the following motion:

> *The Wetlands Review Board recommends that the best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. The benefits of this approach would be to increase the safety of the airport by removing the pond that attracts large birds and also to provide additional buffer for the Mendenhall State Game Refuge.*

For the original rezone request The Alaska Department of Fish and Game did not offer any comments. However, they did provide copies of a letter and memorandum regarding their Habitat Division's investigation of Honsinger Pond as juvenile salmonid overwintering habitat (attachment E). This investigation was done at the request of Murray Walsh on behalf of Bicknell Inc. The conclusion of this investigation is that Honsinger Pond is not suitable as overwintering habitat for juvenile salmonids.

In a telephone conversation, an airport representative told staff that the pond is a bird attractant and creates a safety issue for the airport.

Public Comment

At the time of the writing of this staff report the following public comments have been received:

Jackie Triplette –provided photos of high tide in the vicinity as well as a letter (attachment D) expressing disappointment about development in wetlands.

Frank Rue – email and photo of high tide in the vicinity (attachment E).

Mary Lou King- telephone call – primarily with questions and requested a copy of the staff report when it became available.

LAND USE

As discussed above, this site has historically been used for gravel extraction. This resulted in the borrow pit that is locally known as Hongsiner Pond. The site is vacant. The current zoning of Rural Reserve (RR) allows a wide variety of land uses.

The airport is the nearest use of land. It is zoned Industrial and are shown as Institutional and Public Use (IPU) in the Comprehensive Plan. There are commercial, church, and residential uses across Egan Drive from this site. Egan Drive in this location is four travel lanes, two turn lanes and two acceleration lanes, creating a significant delineation between the areas and also prohibiting pedestrian crossing. The Mendenhall Wetlands State Game Refuge was established in 1976 to protect habitat and game populations and to provide recreation.

Discussion

The 2008 Comprehensive Plan clearly identifies a need for additional industrial and commercial lands. The plan also specifically recommends CBJ purchase of a portion of this site for natural area and scenic corridor conservation. It specifically states the area outside the pond. The Wetlands Review Board has recommended that the best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. This is further supported by the safety concerns of the airport staff that the pond attracts large waterfowl which are a serious hazard to low flying aircraft.

Staff received large amount of public comment when the applicant requested rezoning the entire parcel. The majority of those comments identified the wetlands as being important and expressed concerns with developing the wetlands.

With this requested comprehensive plan amendment, the applicant is proposing to leave the wetland portion of the site in its current RD designation. Only the disturbed areas of the site would be designated Industrial and General Commercial.

Because of the proximity to the airport residential uses are not appropriate. Residential uses are anticipated in General Commercial areas. Therefore the request to change a portion of this site to General Commercial on the Comprehensive Plan Map G is, in staff's opinion, unsuitable. Staff recommends that the area the applicant has proposed to be designated in the comprehensive plan as Industrial and be amended as requested. Staff further recommends the line delineating the area between the proposed Commercial and Resource Development be adjusted so that it runs contiguous with the existing berm. This minor adjustment would leave all of the undisturbed areas in the current RD designation.

As Standard Operating Procedure 5.7.SOP2 states new commercial and industrial zones should be evaluated in relation to all applicable policies of the Comprehensive Plan and staff has attempted to review all the applicable policies. The proposed Comprehensive Plan map amendment is consistent with maintaining the undisturbed wetland areas in their current state, which will facilitate scenic corridor conservation. It will further facilitate development of additional industrial land which is noted as necessary throughout the plan.

Findings

Maintaining RD is appropriate in the undisturbed area per Subarea 4, Guideline/Consideration 12, and Chapter 11(page 160).

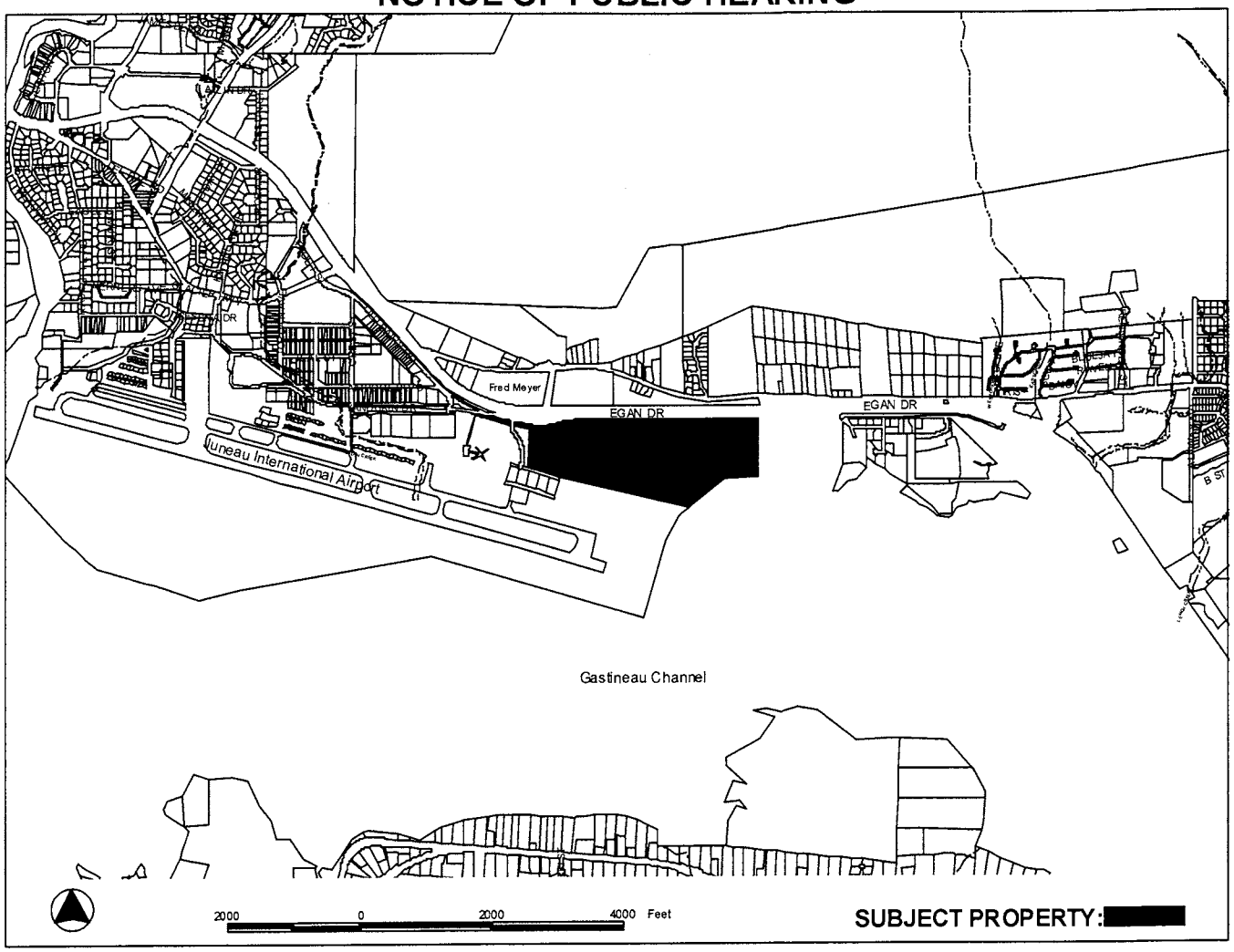
Converting undisturbed areas to Industrial is appropriate per Chapter 5 (page 56) and 5.7SOP2.

General Commercial is not appropriate due to proximity to the airport.

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend the Assembly approve amending Comprehensive Plan Map G as shown on attachment F, which changes the disturbed areas of the site to Industrial and leaves the undisturbed areas as Resource Development.

# NOTICE OF PUBLIC HEARING




**PROPOSAL:** Amend the Comprehensive Plan map from Resource Development to mix of Industrial, General Commercial, and Resource Development in the area of Honsinger Pond.

| | | | |
|---|---|---|---|
| **FILE NO:** | AME2013 0007 | **APPLICANT:** | BICKNELL INC |
| **TO:** | **Adjacent Property Owners** | **Property PCN:** | 5-B14-0-102-007-0 |
| **HEARING DATE:** | Apr 09, 2013 | **Owner:** | BICKNELL INC |
| **HEARING TIME:** | 7:00 PM | **Size:** | 82.66 acres |
| **PLACE:** | **ASSEMBLY CHAMBERS**<br>Municipal Building<br>155 South Seward St<br>Juneau, Alaska 99801 | **Zoned:** | Rural Reserve |
| | | **Site Address:** | GLACIER HWY |
| | | **Accessed via:** | 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 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 Beth McKibben at beth_mckibben@ci.juneau.ak.us or at 586-0465.**

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

Date notice was printed: March 27, 2013

# DEVELOPMENT PERMIT APPLICATION

| Project Number: Ame 13-007 | CITY and BOROUGH of JUNEAU | Date Received: |
|---|---|---|
| Project Name (City Staff to Assign Name) | | |

## PROJECT / APPLICANT INFORMATION

**Project Description**
Amendment to the Comprehensive Plan Land Use Maps

**PROPERTY LOCATION**

| Street Address | City/Zip |
|---|---|
| 0 Glacier Hwy | Juneau 99801 |

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

**Assessor's Parcel Number(s)**
5B1401020070

**LANDOWNER/ LESSEE**

| Property Owner's Name | Contact Person: | Work Phone: |
|---|---|---|
| Bicknell Inc | David Blommer | 907-789-5727 |
| **Mailing Address** | **Home Phone:** | **Fax Number:** |
| PO Box 33517 Juneau, AK 99803 | | 907-789-2644 |
| **E-mail Address** | **Other Contact Phone Number(s):** | |
| Sales@bicknellinc.com | | |

**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: 2-4-13

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: |
|---|---|---|
| David Blommer | David | 907-789-5727 |
| **Mailing Address** | **Home Phone:** | **Fax Number:** |
| PO Box 33517 Juneau, AK 99803 | | 907-789-2644 |
| **E-mail Address** | **Other Contact Phone Number(s):** | |
| dblommer@bicknellinc.com | | |

X _____ Applicant's Signature — Date of Application: 2-1-13

---OFFICE USE ONLY BELOW THIS LINE---

## STAFF APPROVALS

| ✔ | Permit Type | Fee | 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) | | | |
| | Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change) | | | |
| | Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment) | | | |
| | Variance Case (De Minimis and all other Variance case types) | | | |
| | Wetlands Permits | | | |
| ✔ | Zone Change Application | | 2/4/13 | AME 13-007 |
| | Other (Describe) _____ | | | |

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

Comments:

Permit Table Initials

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

David Blommer
Bicknell Inc
PO Box 33517
Juneau, AK 99803
January 28, 2013

Hal Hart
Director
City and Borough of Juneau
230 South Franklin St
Juneau, AK 99801

Mr. Hart:

I am writing to ask you to initiate an amendment to the Comprehensive Plan. This is in accordance with 5.7 SOP2 on page 57 in the Comprehensive Plan. We are requesting that the existing Resource Development land use encompassing Parcel # 5B1401020070 (also known as the Honsinger Pond property) be changed to a more appropriate designation. Our proposed plan includes changing the land use to a mixture of General Commercial, Industrial and Resource Development (see attachment A). There is currently a shortage of industrial and commercial land in Juneau and this land would help meet the need for this type of development.

Sincerely,

David Blommer

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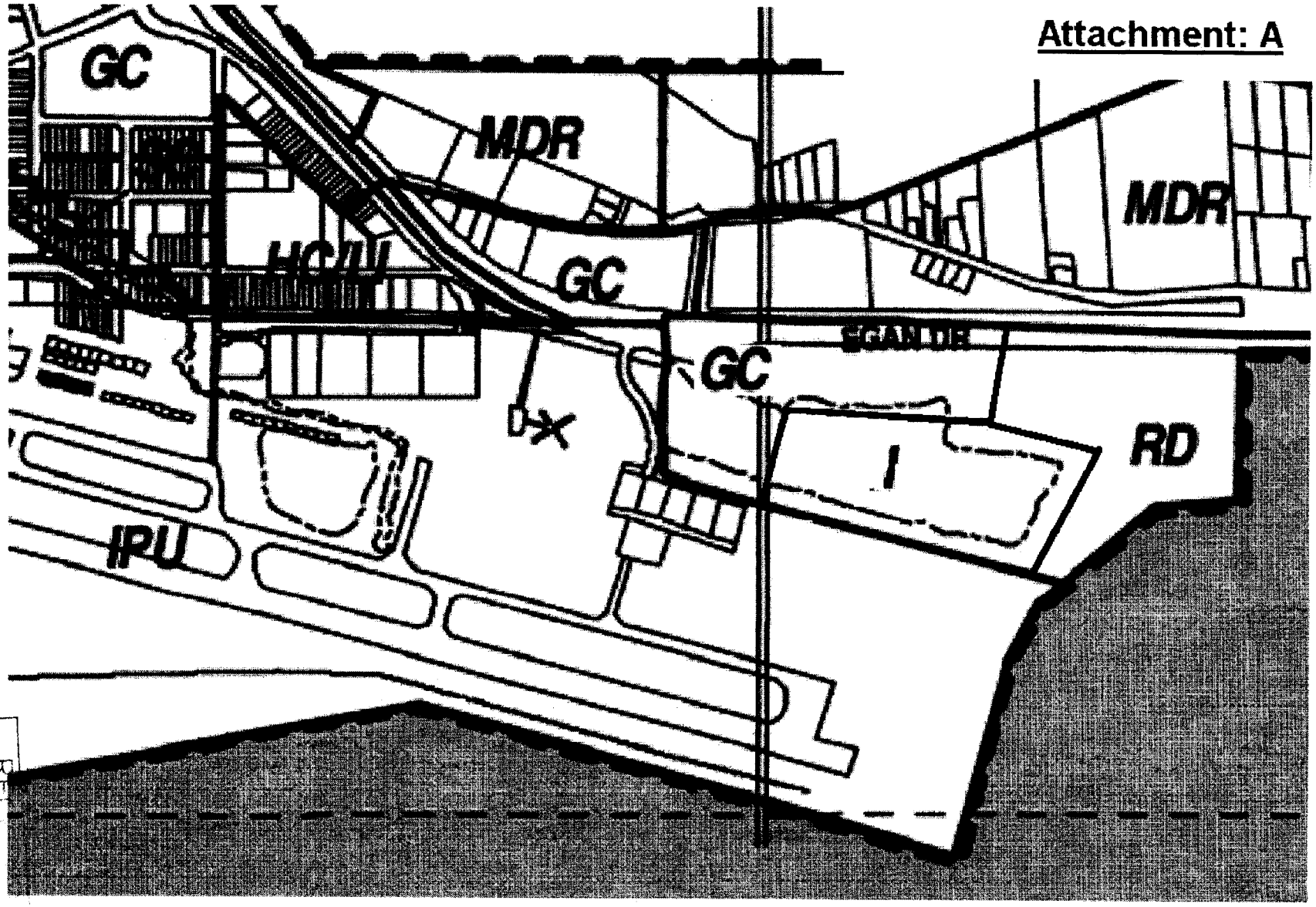
FEB 0[illegible] 2013
PERMIT CENTER/CDD




RECEIVED
FEB 0 2 2013
PERMIT CENTER/GUID

David Blommer
Bicknell Inc
PO Box 33517
Juneau, AK 99803
February 20, 2013

Hal Hart
Director
City and Borough of Juneau
230 South Franklin St
Juneau, AK 99801

Mr. Hart:

Please see attached narrative addressing the proposed change of the Comprehensive Plan Land Use Maps.

Sincerely,

David Blommer
Bicknell Inc.

We have requested that the city amend the Comprehensive Plan Land Use Maps to have the current land use of Resource Development be changed to a mixture of General Commercial, Industrial and Resource Development (See attachment A). With this amendment to the Comprehensive Plan, it would open up approximately 20 acres of General Commercial and 30 acres of Industrial land.

It is well known that there is a shortage of General Commercial and Industrial zoned land available for development. The need for this type of land is discussed in the Comprehensive Plan (Policy 5.7) and is shown below:

> *POLICY 5.7. IT IS THE POLICY OF THE CBJ TO DESIGNATE SUFFICIENT AND SUITABLE LAND FOR ANTICIPATED COMMERCIAL AND INDUSTRIAL DEVELOPMENT AS PART OF ITS OVERALL ECONOMIC DEVELOPMENT PROGRAM.*

The standard operating procedure when suitable land is available is found in 5.7 SOP2 of the Comprehensive Plan:

> *5.7.SOP2 When additional land is needed for commercial or industrial uses or when there are particular locational requirements for certain activities, initiate appropriate amendments to the Comprehensive Plan and Zoning maps to accommodate this need. These new commercial and industrial zones should be evaluated in relation to all applicable policies of the Comprehensive plan.*

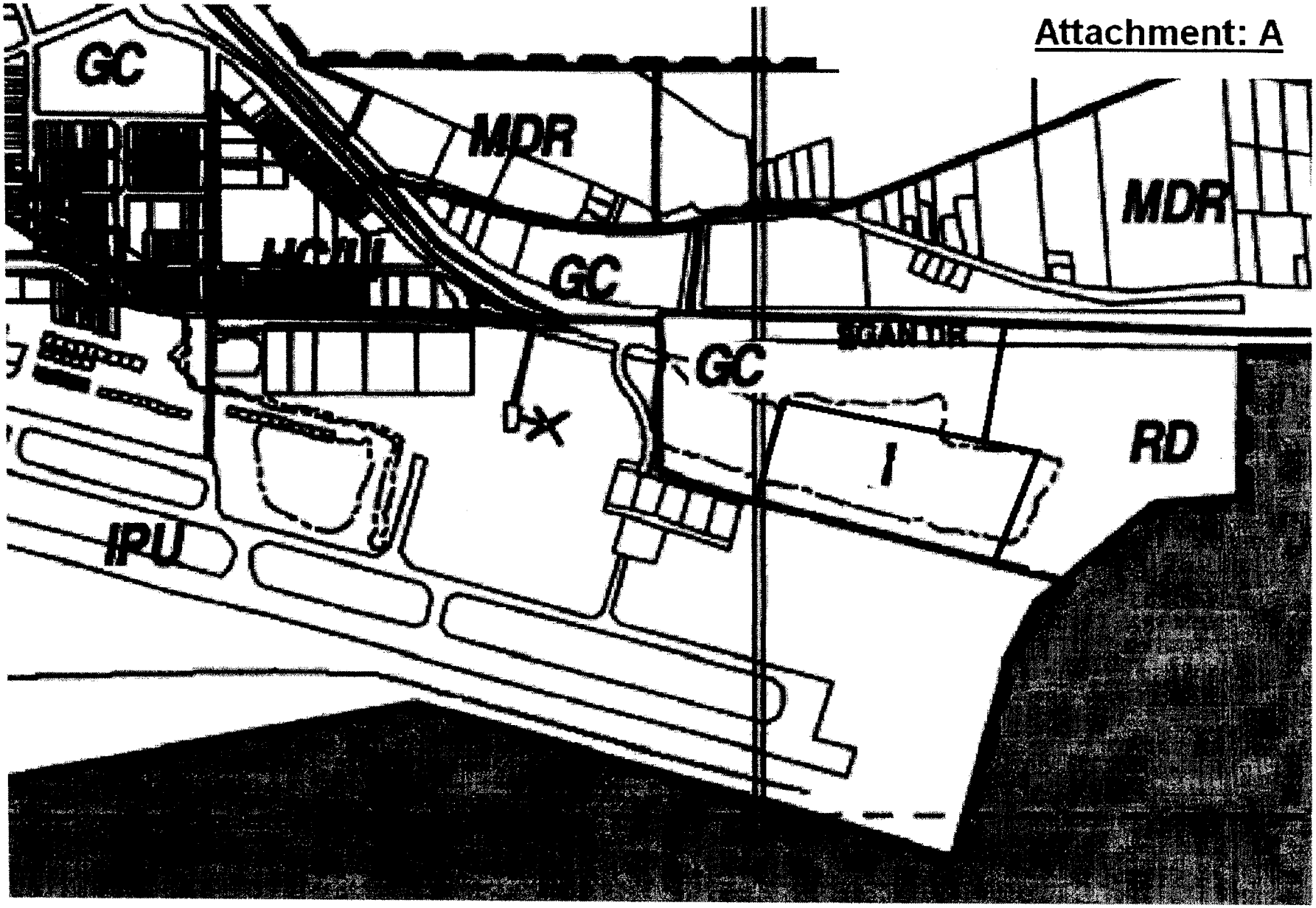
The location of this property is ideal for industrial land as it is close to the airport, close to the highway and noise will not be a concern. The airport has had some concerns about waterfowl from the Honsinger Pond creating a safety issue. By allowing the pond to be filled in, it would alleviate these concerns. Also, mentioned on Page 149 of the Comprehensive Plan, it states that current and former sand and gravel areas are suitable for development in the near future.

> *Pg 149 Comp Plan*
> *"Unfortunately, about half of the industrially-zoned lands within the Urban Service Area are or contain wetlands and are largely unsuitable for development. Unfortunately, too, the search for buildable lands conducted for this Plan Update identified very little potential industrial land suitable for development in the short-term;* ***lands found to be suitable for development in the near future include current and former gravel extraction areas."***

Not only does the Comprehensive Plan address the need for Industrial and Commercial land, it specifically mentions the Honsinger Pond and former sand and gravel areas as land that would be suitable for development.

> *Pg 159 Comp Plan*
> *"Industrial districts were designated according to the type of industrial use therein or based on the location criteria of industrial businesses. Due to the incremental, yet significant, encroachment of commercial retail, office and service uses into industrially-zoned districts in Lemon Creek and near the airport, these areas were re-designated from industrial use to heavy commercial/light industrial use.* ***Other lands that had previously been designated for future park use near the airport (an abandoned sand and gravel pit) and for resource development in Lemon Creek (an active gravel pit) were designated for Resource Development; these areas are expected to be available for development in the long-term."***

From the Comprehensive Plan it seems the best use of this land would be Commercial, Industrial and Rural Reserve. This amendment would add approximately 50 acres of Commercial and Industrial land for development. This amount of land would meet the current need for this type of land and also meet the need future development.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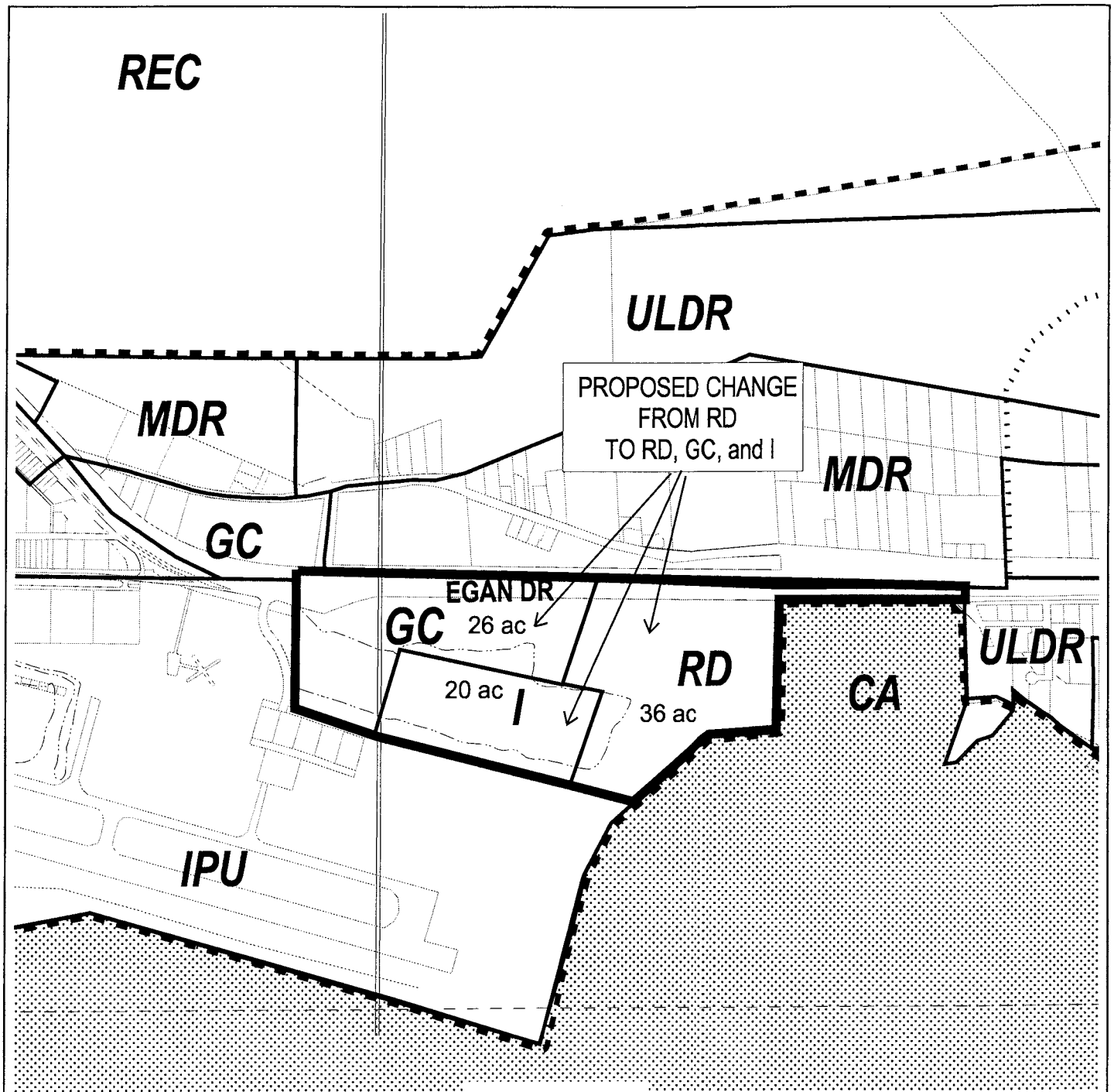



NATURAL RESOURCE
- REC Recreational Resource
- RD Resource Development
- SP State Park
- FP Federal Park
- NP CBJ Natural Area Park
- RS CBJ Recreational Service Park
- CA CBJ Conservation Area
- SC Stream Protection Corridor

COMMERCIAL INDUSTRIAL
- GC General Commercial
- WC Waterfront Commercial
- WCI Waterfront Commercial Industrial
- HC/LI Heavy Commercial/Light Industrial
- I Industrial

0 7000 Feet

RESIDENTIAL
- RDR Rural Dispersed Residential
- RLDR Rural Low Density Residential
- ULDR Urban Low Density Residential
- MDR/SF Medium Density Residential- Single Family
- MDR Medium Density Residential
- HDR High Density Residential
- MU Mixed Use
- MMU Marine Mixed Use

PUBLIC
- IPU Institutional and Public Use
- Existing School
- Potential School Location

ROADS TRAILS
- Potential Arterial (alignment not specific)
- Potential Road (alignment not specific)
- Trails

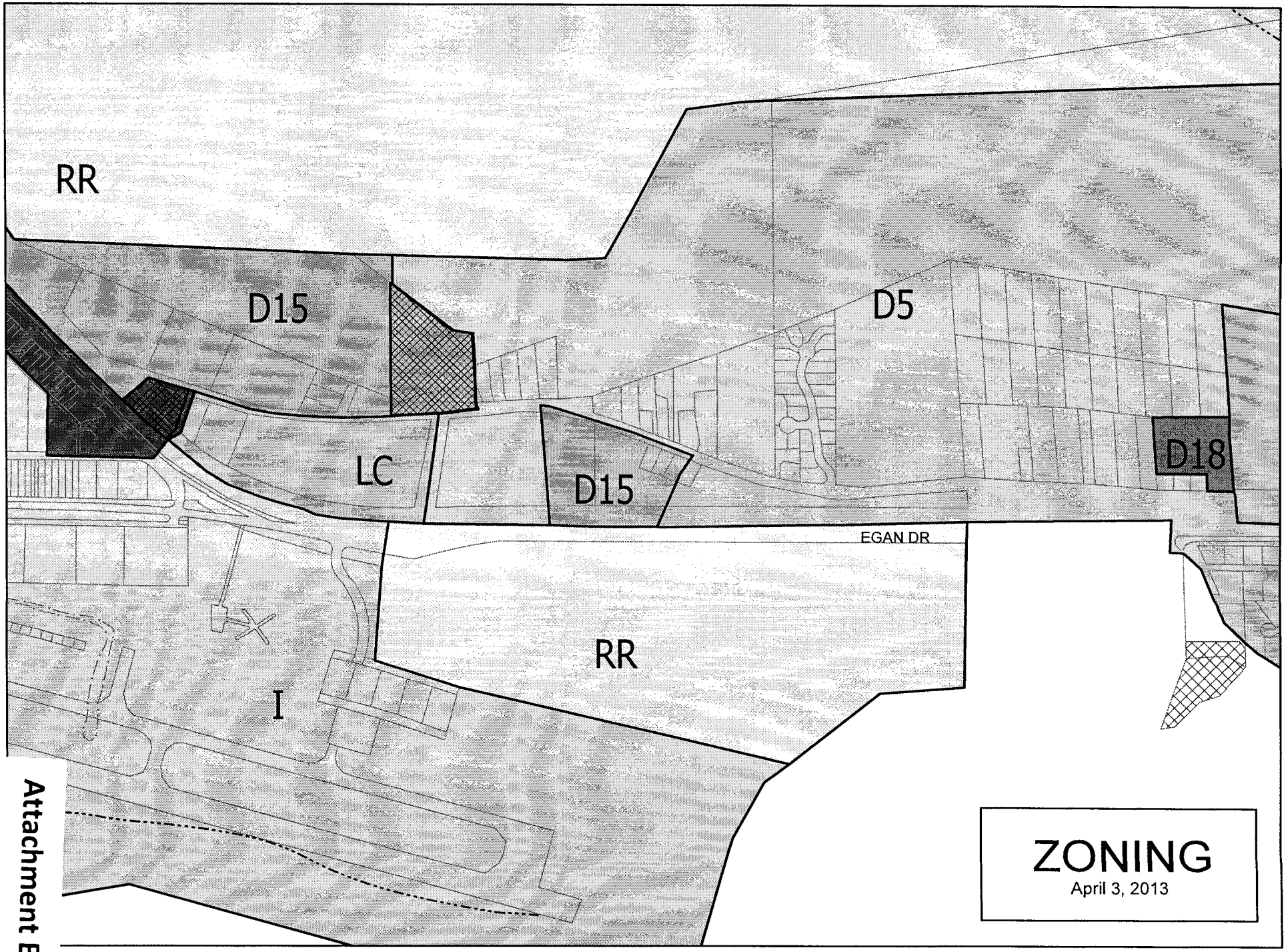
OTHER
- New Growth Areas
- Mendenhall Wetlands State Game Refuge
- Urban Service Area
- Beach Access
- Streams

**City & Borough of Juneau**
**COMPREHENSIVE PLAN**
City & Borough of Juneau
A Great Capital City
N
Adopted October 20th, 2008
Ordinance No. 2008-30

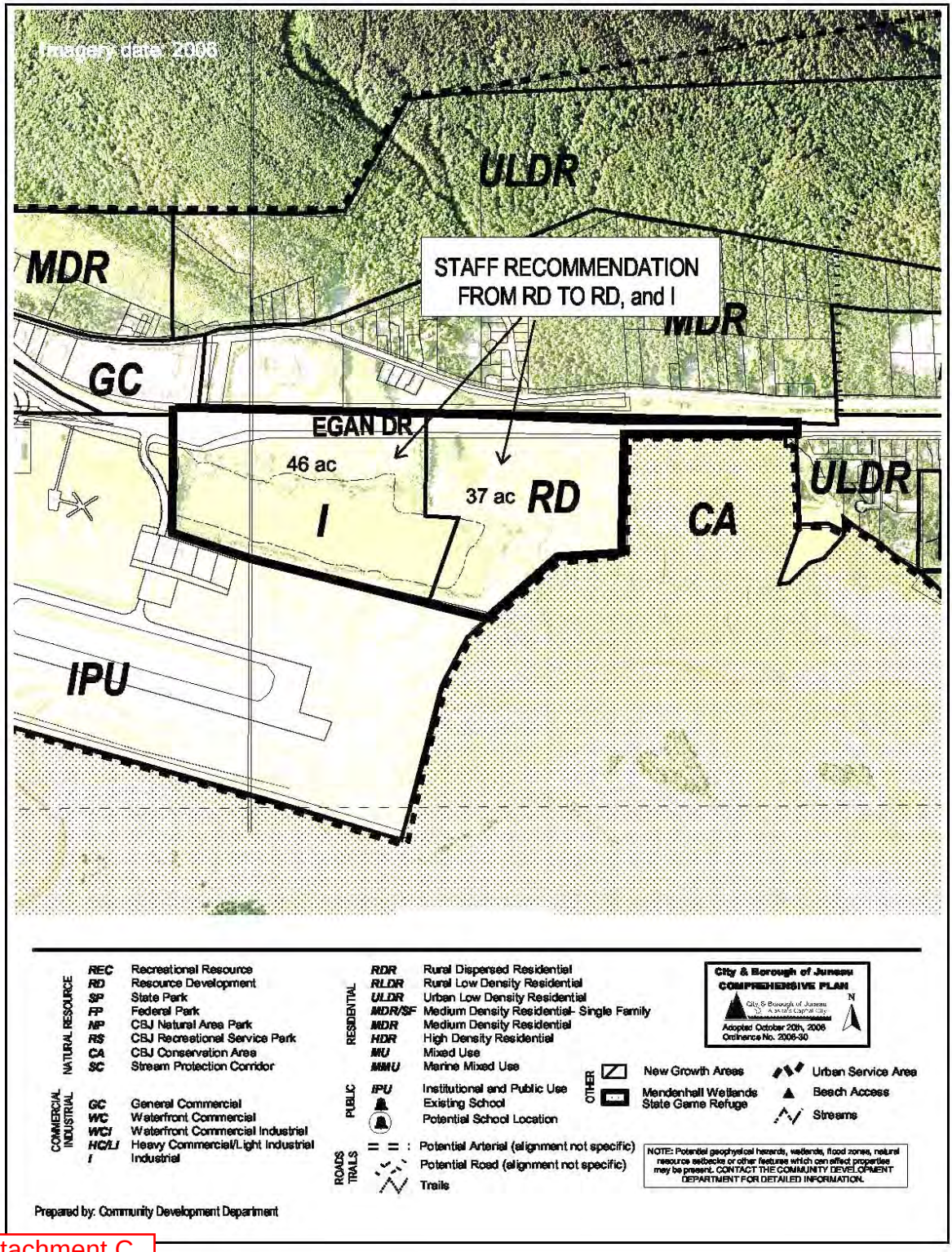
NOTE: Potential geophysical hazards, wetlands, flood zones, natural resource setbacks or other features which can affect properties may be present. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR DETAILED INFORMATION.

Prepared by: Community Development Department

**Attachment A**




Attachment B




Attachment C

P O. Box 20610
Juneau, AK 99802
Phone 789-2669

April 3, 2013

Beth McKibben
City/Borough of Juneau
Marine View Building

Dear Beth,

This disk contains pictures at high tide in December 2012 of wetlands near or in the planned development of the Honsinger Pond property. These pictures were taken from Sunny Point and the road and highway adjacent to the property. I have also furnished some of these pictures to Diane Mayer at the Southeast Land Trust.

It is very disappointing that we are continuing to develop these important areas that encroach upon the wetlands. Surely there are better locations for industrial, general commercial and resource development. All shorelines are important.

Jackie Triplette

Jackie Walden - Triplette

**Attachment D**

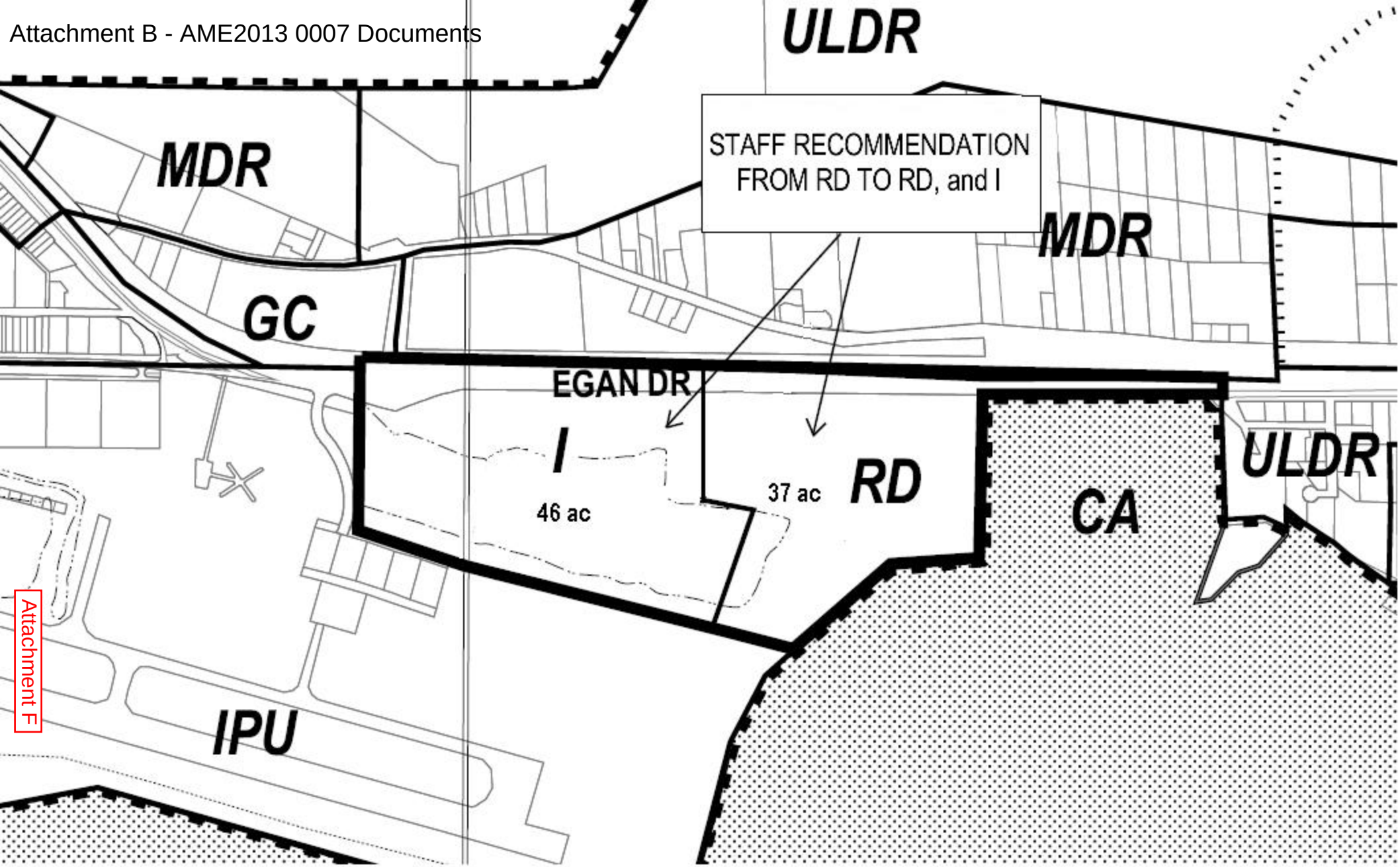
## Beth McKibben

**From:** Frank and Sally Rue <rues@gci.net>
**Sent:** Wednesday, April 03, 2013 9:47 AM
**To:** Beth McKibben
**Subject:** high tide and Honsiger parcel
**Attachments:** IMG_0628.jpg

Dear Beth, Attached please find a picture of high tide this past December and its relation to the Honsiger parcel. The photo is too small to show all of the geese and ducks using the area. I hope this helps the planning commission visualize what the area is like. Sincerely, Frank Rue

**Attachment E**

Attachment B - AME2013 0007 Documents




Attachment F

MINUTES

**PLANNING COMMISSION**
CITY AND BOROUGH OF JUNEAU
Michael Satre, Chair

REGULAR MEETING
April 9, 2013

## I. ROLL CALL

Chairman, Michael Satre, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7 pm.

Commissioners present: Dennis Watson, Dan Miller, Nathan Bishop, Jerry Medina, Michael Satre (Chair), Nicole Grewe, Karen Lawfer, Benjamin Haight

Commissioners absent: Marsha Bennett

A quorum was present

Staff present: Beth McKibben, Planner; Teri Camery, Senior Planner; Hal Hart, Director; Greg Chaney, Planning Manager; Benjamin Lyman, CDD Planner

## II. APPROVAL OF MINUTES

- February 26, 2013 – Regular Planning Commission Meeting.

***MOTION:*** b*y Mr. Miller to approve the February 26, 2013, PC minutes with any changes by staff or fellow commissioners.*

There being no objection, the minutes from February 26, 2013, was approved.

## III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

## IV. PLANNING COMMISSION LIAISON REPORT

Mr. Carlton Smith spoke regarding the Assembly's initiation of its budget review for 2014. The school board budget is first on the list. He asked if any of the commissioners would like to join the Wednesday night meetings until June.

From the Comprehensive Plan review, he spoke regarding the summary narrative that Commissioner Bennett put together, which was looked at last week. That summary deals with the history of the native community in Juneau. He shared that it was a fair and positive

representation of that history. For now, he suggested that it be marked as draft. He complimented Commissioner Bennett's work.

In terms of the Comprehensive Plan and presentation to the Assembly, he suggested that they consider developing a cover memo offering an executive summary on the suggested changes. He asked for comment on reducing the size of the document because of the input already received. For ease of review by the Assembly, he suggested color coding, in one color, all those sections which have been amended, changed, or added to, so that it can be quickly seen where the document has changed. He also asked that they comment how a future rewrite might be accomplished in an efficient way.

Last night, the Development Community, the Builders Association offered some suggestions of how the Assembly could influence the construction of more homes in Juneau. They informed that the Commission needs to offer the manager some specific direction. He encouraged everyone to look at the document provided by the association. He noted the Ad Hoc Committee is going to be meeting next week to discuss how all this information can be put together in a way that the Assembly will actually be able to see the implementations.

The evaluations process looking at the performance of the City Manager is underway.

Chair Satre thanked Mr. Smith. He voiced appreciation for the attendance and comments on the Comprehensive Plan. He hoped that Mr. Smith would stay for the Comprehensive Plan portion of the meeting to address some minor housekeeping issues with the intent of turning it back to staff and having them create a clean copy for the Board and the Assembly.

Mr. Miller and Mr. Haight expressed a conflict of interest and stepped down for the item.

Mr. Medina referenced Page 7 of the staff report, under Question 6, he believed the answer should be yes, that it complies with the Land Use Code.

Staff was noted that was correct.

***MOTION****: by Mr. Watson to approve SMF2013 0001 with the change recommended by Mr. Medina, accept staff findings and recommendations, and asked for unanimous consent of the Commission.*

There being no objection, SMF2013 0001 was approved.

## VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

## VIII. UNFINISHED BUSINESS

## IX. REGULAR AGENDA

AME2013 0007: Amend the Comprehensive Plan map from Resource Development to a mix of Industrial, General Commercial, and Resource Development in the area of Honsinger Pond.
Applicant: Bicknell Inc.
Location: Honsinger Pond Area.

Staff Recommendation:
Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend the Assembly approve amending Comprehensive Plan Map G, as shown on attachment F, which changes the disturbed areas of the site to industrial and leaves the undisturbed areas as Resource Development.

Chair Satre acknowledged that Mr. Miller and Mr. Watson have a conflict on this item so, they will step down.

Ms. Grewe commented on prior volunteer activities, noting that she has seen some correspondence, but it wasn't anything more than what was in their packet.

Staff Report
Beth McKibben, Planner, explained that the request was to amend the Comprehensive Plan Map G from Resource Development to a mix of Industrial, General Commercial, and Resource Development in the area of Honsinger Pond. She presented a map of the location. She noted a small area that also belonged to the parcel. The proposal is only for the bigger portion. Nothing is being proposed to be changed with the small area. It is currently zoned industrial. The site is 82.66 acres; it is zoned Rural Reserve primarily. The definition in the Comprehensive Plan is Resource Development. City Water & Sewer are available, and access is via Yandunkin and Egan Drive.

Ms. McKibben wanted to clarify because there had been some confusion, particularly in the newspaper article - The applicant submitted an application to amend the Comprehensive Plan Map G. Staff has reviewed it and made a recommendation. Ms. McKibben explained where they were in the process - The Planning Commission's recommendations from today's meeting after the public hearing will go to the Assembly. There will be a second public hearing. If that is approved, the applicant intends to apply for a rezone. There will be another application that will again be reviewed by staff. There will be public notice. It will come before the Planning Commission again for another public hearing. It will then go to the Assembly for final action and there will be yet another public hearing. Then, potentially, after that, a development proposal may be obtained. That developed proposal may just be approved by staff or it may require approval from the Planning Commission; it depends on the proposal.

Ms. McKibben presented the Comprehensive Plan Map G that they are proposing to amend. The area in question shows Resource Development. The current zoning is Rural Reserve. There is light industrial at the airport, light commercial at Fred Meyer, D5 where the church is, and some D15 property just past that. The applicant has proposed that a portion of the property be reclassified on the Comprehensive Plan as General Commercial and another area be reclassified as industrial on the Comprehensive Plan map [pointed to map]. The area outward would remain

as Resource Development. Staff has recommended, through a lot of review that roughly 46 acres would be industrial and roughly 37 acres would be Resource Development. The primary reason staff is recommending that they are not put in General Commercial is because the description of General Commercial in the Comprehensive Plan talks a lot about the residential uses that can take place there and it talks a lot about mixed uses, such as mixed residential and commercial uses.

Ms. McKibben commented regarding whether or not it was appropriate for residential uses to be that close to the airport. She spoke regarding the conflicts and concerns that have happened in Anchorage, particularly where there has been a lot of residential development near the airport, which spurred noise complaints.

She stated the reason they are supporting the industrial is that it is supported quite thoroughly through the Comprehensive Plan. There is a portion of the site which has been used for gravel extraction since the 70s and in the 90s, was the most recent renewal for that application and pointed to the map where those were done. She demonstrated disturbed pieces of properties. The Comprehensive Plan talks a lot about reusing previous gravel extraction sites as gravel pits. It actually speaks specifically in one location to this particular site. The Comprehensive Plan speaks to gravel extraction sites being used for industrial purposes after they are closed and that message is in the Comprehensive Plan at several different locations.

The plan talks about Scenic Resources and Scenic View Corridor, which is actually shown on the maps. The plan also talks about retaining a portion of this particular site for purchase and it talks specifically about the undisturbed areas outside the pond area.

Ms. McKibben presented a slide which was submitted by Jackie Triplett showing high tide, the berm that separates the undisturbed areas from the disturbed areas, and the pond. A number of public comments and some of the phone calls that she had had were concerning the Christmas tree. Upon reviewing the aerial photos, they think the Christmas tree is in the area that was suggested for industrial rezoning.

The findings that staff has made is that maintaining the resource development areas on the Comprehensive Plan map is appropriate per subarea 4 guideline, consideration number 12, and chapter 11, page 168. She clarified the staff report for the Planning Commission, pointing out that “undisturbed” was intended to be “disturbed” areas to industrial as appropriate per chapter 5, Standard Operating Procedure 5.7 SOP 2, and that General Commercial is not appropriate due to the proximity of the airport. Staff is recommending the Planning Commission adopt the Director's findings and analysis and recommend approval to the Assembly for the amendment to the Comprehensive Plan Map G, which was shown as attachment F.

Ms. McKibben mentioned several blue folder items which represented a large number of comments in opposition to this proposal. There seems to be some confusion related to the Comprehensive Plan _____ rezoning.

She specifically addressed a set of comments, which stated that this area is in a floodway. She wanted to clarify that this is not in a floodway; it is in the map as a flood plain, which will

require, through the permitting process, that construction be above the base flood elevation. She noted that it is on the current maps, but there may be some changes when the flood plain maps change, as to exactly where those lines are. Most of the site appears to be in zone A, some in zone B, and that's where the changes will most likely occur with the new maps. She offered to answer any questions.

Mr. Medina had a question [Page 5 of 9 in the staff report, the very last paragraph] regarding large scale flood productions and asked if that would be **D ____.** Ms. McKibben replied, 'Yes.'

Ms. Grewe noted that there were several pictures at the end of the staff report that did not come in very clear. She asked if screen shots were available. Ms. McKibben replied that she did have that available.

While Ms. McKibben was bringing up the pictures, Chair Satre spoke about private parcels adjacent to wetlands and asked whether the Comprehensive Plan maps would not change.

Mr. Chaney replied that the zoning maps specifically say that anything that is accreted or is outbound of the zone, the zoned area takes on the upland zone if it is not specifically laid out. He noted that they would have to do the research on the Comprehensive Plan maps. He was not sure if they would follow the same thing.

Ms. McKibben presented the photographs.

Chair Satre opened up public testimony on this item.

Applicant Testimony:
*Murray Walsh* represented the applicant, Bicknell Incorporated. He had anticipated spending most of his time talking about the staff recommendation, but noted there was a considerable amount of misunderstanding over what they are proposing now versus what was proposed last year. Last year, they proposed reclassifying the entire parcel, they are not doing that this time. The part that is shown as RD on the map would not change at all. He stated there was another seven to eight acres that would accrete to this parcel, if they went through the process. They are not asking to change that either. He noted that a lot of the letters do not make that distinction. What is important is that the wetlands that are of such value are in the RD portion of the property that is shown. The part of the parcel that is between the pond and the highway does have some rudimentary wetlands there, that area is lifting and the wetlands there will disappear. Mr. Walsh said that they are not proposing to change the classification for any intertidal wetlands. He emphasized the importance of the wetlands to the biological agencies and such.

Mr. Walsh noted though that the pond itself is a hazard. The pond creates problems for the airplanes because it is attracting wild birds. He noted it is a public hazard and needs to be dealt with. He reiterated that they are not talking about the important wetlands, but rather about a pond that is a danger to society and an area that is essentially mostly dry land with a few wet spots in the jurisdictional wet spots on it.

They would prefer to keep their original application, which is a combination of industrial near the airport and commercial near the highway. The concern that staff has brought up is noise from the airport. He commented that it is probably noisier on the highway, but there are plenty of things that can be done to address noise. He asked for the same treatment the Planning Commission had given Aspen Suites (pointed to the map where Aspen Suites was and where the proposed property for commercial development was – saying they were about equal distances). He thought more noise came from the highway than from the airport.

Mr. Walsh discussed the appearance of industrial development, making reference to Concrete Way, the most recently developed industrial subdivision, presumably one of the most heavily regulated according to the modern code. He gave examples regarding industrial zone additions - presented photographs of Old Dairy Road, which was built largely 30 or 40 years ago when the code was far less stringent. It noted it was much more pleasant to look at than Egan Drive.

Mr. Walsh referenced the code with regards to vegetative cover. Industrial zones have a 5% vegetative cover requirement and commercial zones have 10%. In addition, the Planning Commission will have a third review of this proposed subdivision. There will be plenty of lots. It is an opportunity for the planning commission to propose conditions over and above those that are in the code and will have the discretion to impose additional landscaping and visual conditions.

Mr. Walsh noted that they want to stick with their original request. They are not too finicky on the lines just yet. They are asking for a recommendation to the Assembly that a mix of the industrial nearer the airport and commercial nearer the highway be the amendment to this Comprehensive Plan map. They want to work with staff in the preparation of that to refine the lines and the lines could be refined further after the rezone process. He said they have had a lot of guidance from other planning documents and applauded staff for their analysis vis-à-vis the conversion to industrial but he thought staff stopped a little short in really considering the distinctions between industrial and commercial zoning. He agreed to deal with the noise issues easily, noting it is certainly going to be far easier to present a good face to the traveling public. He emphasized that this is far from the same proposal that they were about to present last year. This is half of the applicant's potential property that is being proposed for change, not all of it. Clearly, the Comprehensive Plan leans toward this kind of improvement and they will be mitigating hazards to the traveling public. He opened for any questions.

Mr. Bishop asked Mr. Walsh if he investigated the airport's sound parameters set for development next to the airport or if he had worked with staff on that.

Mr. Walsh replied they did not work with staff, but have certainly looked at the sound contours at the airport. He noted the worst parts are off either end, stating that by the time one gets to Egan Drive, the airport is not being heard in a meaningful way.

Mr. Bishop asked if Mr. Walsh could or could not speak to any restrictions put on the contour mapping.

Mr. Walsh replied that there are no restrictions that the airport imposes nor are there any restrictions that the City imposes. It is just something that people need to be aware of. He noted some kind of notice requirement could be imposed in some areas, but would not bother this proposal. The airport has no authority to impose requirements on developments that are nearby.

Ms. Lawfer proposed a question regarding Page 4 and 5 of the staff comments, the Comprehensive Plan mentions Parks and Recreation acquiring parts of this land.
Mr. Walsh illustrated on the map what the boundaries of such an acquisition would be.

No other questioned were raised.

Ms. McKibben came forward to expound on the question that Commissioner Lawfer had previously addressed to Mr. Walsh regarding the Comprehensive Plan's description of the acquisition of the Smith/Honsinger parcel outside the pond area for natural area and scenic corridor conservation. There is no map that defines that. When the lines were drawn, she interpreted it as being similar to the RD, but it may also include the undisturbed areas that are in the industrial area, but there is no map that gives exact information.

Ms. Grewe followed up saying that had some difficulty discerning what was intended to be park space for CBJ. She referenced the first paragraph, "…these other lands have previously been designated for future park use near the airport and abandoned land and gravel pit…" That includes the gravel pit, which she assumed would be the pond, noting that was older Comprehensive Plan text. Nevertheless, that land has been in its current state presumably for decades. The two do seem to conflict somewhat. It is unknown if it was the whole area that Bicknell now owns or part of it.

Chair Satre stated they could discuss that at a later point in time. He moved ahead to public comment.

Public Testimony:
*Pat O'Brian*, 9690 Moraine Way - Last December, she was informed of possible changes and wrote a letter to the editor encouraging people to come and comment. When it was considered last December, people really felt strongly about it, but they did not get a chance to get those messages to the Commission. When Mr. Bicknell pulled his application at noon that day, he never saw any of those comments. Ms. O'Brian felt somewhat responsible because she had encouraged people to comment, so she acquired copies of all the comments, read through them, figured out some topics, and wanted to give the Commission an idea of where the people of Juneau stand on this issue.

Chair Satre commented that the Commission had the highlighted items in the packet.

Ms. O'Brian went on speak about comments that were submitted in the last round, which included a lot of photographs of wildlife and other things that may not otherwise be seen. She did not think it was fair because she knew the Commission would only get a few minutes to look at this before they came to the meeting. She wanted the Commission to be aware of what people

were going to say. The newspaper ran an article the previous day and a few more comments were gathered.

Ms. O'Brian spoke regarding the issues surrounding the wetlands. She commented that most people look at the entire area as being wetlands, even though it is known that some of it is actually the uplift and uplands. She noted that Mr. Armstrong had provided a copy of this to each of the members of the committee. She referenced Page 45 - a drawing that shows the various levels and their importance, the top two levels - uplift spruce and the uplift meadow. A lot of people commented on the value of those particular areas. She thought it important not to just look at it as wetlands. Wetlands are very wet, but there is a lot of value to the wetlands and to the animals and creatures that live there. She thought most people were talking about the entire area being preserved. She shared a few of the summary areas where people expressed the most concern. She pointed out Laurie Craig's comment on Honsinger Pond - "It's a prize scenic vista of spruce forest and brilliant fireweed in late summer. It is not the eye sore it once was". That is an important thing to consider. Only three people specifically spoke about Honsinger Pond, but an additional seven people wrote about losing a lot of wetlands habitat when the airport expands largely and fills ponds.

She spoke regarding migrating birds losing a large area and the safety of the airport. This is a little further removed, but a vast amount of habitat has been removed. She spoke of the one of the comments questioning whether they should be holding on to as much of the remaining land-filled areas as possible. Ms. O'Brian estimated ten people expressed genuine concern about loss of habitat.

Lack of mitigation of wetlands already lost - Nine people spoke regarding that really worried because mitigation does not really happen. Sometimes an environmental organization gets some money to do something nice, but once it's gone, it's gone, and they are going to be losing more on this project.

She referenced Denise McPherson's comments, "Loss of the wetlands to development has been a consistent theme since I moved to Juneau in 1961 and there has been virtually nothing done to mitigate this loss." Ms. O'Brian commented that she spoke with a scientist the previous day, who pointed out that as soon as wetlands get uplifted, cities prematurely start building. Wetlands are the least available types of land, they fill an important niche for wildlife and for the creatures that live there and it is just disappearing not only in Juneau, but throughout Southeast Alaska.

On the adjacent Mendenhall refuge, a total of twelve people commented on that, including Moran Scott, who is the area biologist. He wrote a letter conveying that while the proposed zone change is not specific to an identified project, future activity allowed by the change has the potential to impact the refuge and its users. He did point out a large number of animals and birdlife there too. Eighteen people supported this and said it is a very valuable bird area. One of them pointed out that Mendenhall Wetlands is designated as an international important bird area. A scientist pointed out that he conducts an annual breeding bird survey in Juneau that includes two survey points, especially in this area. He stressed the importance of the area to the wetland meadow nesting birds, migrating and resting resident ____and waterfowl. Even though the habitat will be reduced, she felt strongly that it should not be wiped out completely.

Wildlife - Eighteen people spoke on that. She then spoke of a comment from John Hyde, and noted that these comments were representative of the larger stack of comments. 'We also need to include avenues and corridors for safe travel along their borders that will help insulate them from human activities that can threaten them and that occur immediately adjacent to those wild lands; in effect buffer zones without which the value of these lands set aside for wildlife is diminished".

Some people expressed strong dismay that this was going to be considered because of the beauty etc. Susie Fowler wrote, "It's one of the most beautiful approaches to a City I've ever seen." She spoke regarding keeping the capital issue, tourism issue, conservation issue, and quality of life issue, noting that people are not talking about just one part of it.

The Viewshed got the most comments. She stated that the Viewshed is one of the things in the Comprehensive Plan that they should be looking at. Per the staff report, it was not very clear regarding whether this should be considered an important Viewshed. Ms. O'Brian noted the importance of this Viewshed to many people and she got at least 25 comments on that. Tourism was specifically mentioned by 12 of those people. She quoted Richard Stokes, "Those are the type of resources that sets Juneau apart and costs something close to a million visitors to come and enjoy and spend money in Juneau." Twenty-four people mentioned beauty; that was the thing that struck most who commented. She quoted Mark Schwann, "For more than twenty-five years, I drove past this parcel of land on my way to work, coming around at the end and passing the airport fill and then ____ the trees bordering the pond, the expansive view across the property and beyond was always a spiritual experience."

Thirteen noted quality of life issues - that is part of why they live here, this beauty surrounding them, and they do not want to see Alaska become like the Lower 48. This is a unique community to have these wild places right within the city limits and everyday life.

Linda Nickam wrote, "When people actually work and live here, competent professionals are attracted. Residents look to how they can stay and wealth is created."

It is an emotional attachment for a lot of people. Michelle Siberman wrote, "This is the first time I have ever written to the Commission. That should speak to the intensity of my desire to see this area remain in an undeveloped state." A significant number of members wrote that when Bicknell Inc. purchased the land, it was RD.

Roman Matayka wrote, "The current owner purchased the property with a Rural Reserve Zoning and the Resource Development Comprehensive Plan designation in place. Retaining the current zoning in the Comprehensive Plan designation provides a reasonable expectation for use of the property."

She was surprised that seven people said that the City should buy the property and they did not mean just a piece of it; they meant the whole thing.

Rye Bennert wrote, "The applicant brought the property knowing it was zoned as rural development. Giving its proximity to Juneau's main arterial road, the property to industrial and lot commercial would no doubt result in a substantial increase in its monetary valuation. Keep the option of purchasing it from the applicant open and then adding it to the refuge".

Ms. O'Brian hoped the comments she shared would be useful to the Commission and give them an idea of how people feel. She noted that since last December, a lot more people have commented than what was originally presented.

Chair Satre thanked Ms. O'Brian. He opened for questions.

Ms. Grewe wanted to clarify regarding the number of opposing comments. Ms. O'Brian said there were actually 60 comments. Ms. Grewe noted that the old comments were not in the blue folder and Ms. O'Brian clarified that 53 are definitely new and the old ones were part of the previous application process.

*Tina Brown*, 19400 Beardsley Way - Represented the Alaska Wildlife Alliance along with their strong chapter, Alaska Wildlife Alliance Southeast, which is based in Juneau. They strongly oppose this proposed amendment. She stressed that they had heard this evening that this is far from the same thing that was proposed in December, but it doesn't mean it's good and/or right for the community.

In order to have a healthy ecosystem, all components have to remain as undisturbed as possible. Fragmenting an ecosystem is harmful to the flora and fauna supported by that ecosystem. It is detrimental to the ecosystem as a whole. More specifically to this issue, there is high value in and a strong need for a buffer zone to protect the adjacent wetlands. Just because this property is not technically wetlands does not mean it isn't very important.

The area in question is a marsh transition zone and that's very, very valuable to the ecosystem as a whole. What is ecologically and biologically good for the uplands is good for the wetlands. It was pointed out that much land in this area has already been developed and Ms. Brown disagreed. That was the point that many people whom Ms. O'Brian represented in her testimony were trying to make. She stated that if more and more land continues to be taken away, nothing would be left of these valuable and beautiful lands that are treasured by the community. As a matter of fact, she stated at least 39% of the original Mendenhall wetlands have disappeared. The continued loss of these wetlands could result in a lot of fish and wildlife reduction, both year round and migratory - All of this could be disturbed.

The proposed change in the Comprehensive Plan sets a precedent. If approved, more and more land could be taken from this area. It plays a critical role in the quality of life and in the large and growing tourism industry. Visitors come to see wildlife, broad vistas, beautiful scenery, and fireweed fields and Alaskan landscapes.

Ms. Brown stated that almost all the visitors who come to Juneau who visit Mendenhall Glacier, the shrine, the arboretum, and Eagle Beach go by that area; everyone that takes a charter trip, whether it be whale watching or fishing, drive by this area twice. Tourism operators speak about

this area, talk about the change of seasons, and how different it is from the change of seasons where these folks may have come from. They talk about the fact that it is an important bird area. They look for wildlife out there as they are driving by. She noted that the ride from a downtown cruise ship to Auke Bay could be a long one if they didn't have something beautiful to look at.

She asked how many state capitals and/or cities can boast of having such accessible world class sceneries, such gorgeous vistas right in the area where all can enjoy regularly. She pointed out that it is a joy for her to drive all the way down here. She spoke of the beauty with every changing season.

While the applicant says it's just one small parcel, Ms. Brown asked them to think about how much would be changed with the viewing experience there, not just for visitors, but for the residents who go by this area every day. These are quality of life, economic, and wildlife issues. She beseeched them to preserve the character of the city and treasure the uplands and wetlands that remain, even the ones that may have been disturbed already; just because they were disturbed years ago, does not make them less valuable. She opposed the change in the Comprehensive Plan and suggested preserving the beauty and value of these lands.

*Patricia Wherry*, 5875 Lemon Creek area, stated that her comments echo what was already said. She encouraged the Commission to resist approving actions that would result in disturbance along the wetlands. The wetlands are a major avian migration corridor and a national breeding area for birds. The fill-in of gravel and infrastructure along and in the wetland area is a very poor practice. Many residents of Juneau value the visible wetland of Juneau as a public pleasure and treasure.

The visibility of the wetlands and the beauty of the area is an important feature for tourist attraction, which brings in new customers. The drive view to a destination spot is an important part of that road's physical attraction. It is a little bit of land, it's not community property, but it does make a tangible difference to the community as a whole.

*Mark Kelley*, 437 Park Street, a photographer, presented a photograph of the area and questioned staff if the area was undisturbed or disturbed.

Ms. McKibben replied that the area was marginally undisturbed.

Mr. Kelley countered that it was mostly undisturbed because he thought staff had called it a disturbed area. Ms. McKibben replied that the area that is shown as industrial is mostly disturbed.

Mr. Kelley clarified that the area he was referring to was not. Ms. McKibben replied that was correct.

Mr. Kelley then spoke regarding an area photograph which he had shot from the church looking across into the mountains. He referenced an event in the 80s when there was a significant fight over whether or not to save the undeveloped side of the Mendenhall River. Against all odds and tremendous pressure from developers, the City ended up buying the river. He spoke of the

property in question tonight, the wetlands with a cherished viewshed and an unobstructed view of mountains in the background, stating that the introduction of an unspecified industrial zone would ruin this view. He asked for careful consideration with regarding to voting for this change, noting that the area in the photograph would disappear.

*Leslie Lyman*, 808 Fritz Cove Road, a summer tour guide, spoke regarding tours she had led coming over that hill and the awe on the people's faces was priceless. Ms. Lyman stated that she hoped that the loss of value in view would be taken under consideration. She expressed a desire for the land to remain as is.

Chair Satre thanked Ms. Lyman and asked for questions. There were none. He had the applicant come back to address the questions.

Mr. Walsh stated they are trying to follow the law, comply with the Comprehensive Plan, and the needs of the community. He felt that most of the comments that were made tonight do not comply with any part of the Mendenhall plats area. If no development were done, there would not be an airport or anything else out there. He noted there is not much private land left, this is a unique parcel in that regard. Other private land that is out there, is for the most part all developed. The City has gone on record plenty of times stating the need for more industrial and commercial land; part of it has been avoided because it seemed to be valuable because it is intertidal – that too will eventually become uplifted and become a fireweed habitat.

Mr. Walsh wished there had been some acknowledgment that they had cut the size of the reclassification in half but there was nothing they could do. There is no recognition of the hazard the pond creates. He thought they are doing the best they can do, given this is a piece of private land. He felt it is worth remembering that even in Rural Development, this property can still be developed, even though there are limits which other classifications do not have. He felt at some point, a line has to be drawn and Mendenhall wetlands refuge is one such line, and so is the jurisdiction line created by the intertidal wetlands. It would be much more difficult to get a development permit for the wet part of this property, the intertidal part, the part they were asking for a change. He hoped that the Commission would find a way to grant what has been asked.

Chair Satre asked for clarification as to whether Mr. Walsh was still advocating for the original request as an applicant as opposed to what staff has recommended.

Mr. Walsh replied that was correct, that they were asking for a mix of industrial near the airport and commercial near the highway. The final lines should be worked out in the future, but asked that the recommendation made to the Assembly have some flexibility.

Mr. Bishop asked if it was an acceptable change for the final line to follow the berm.

Mr. Walsh thought they could live with it, as opposed to nothing at all.

Mr. Medina addressed Mr. Walsh with regard to his commercial designation, asking if he had any residential uses planned for that.

Mr. Walsh replied that there was plan as yet; however, if they are granted what they are asking for, they would expect to see a rezone follow-on and then a subdivision proposal. The street layout would be in that subdivision proposal. What might be then built on individual lots would be up to whoever buys them.

Chair Satre thanked Mr. Walsh as there were no further comments and opened up for discussion. Mr. Bishop asked staff how the sound contours put together by the airport impacts the area.

Staff replied that the same contours were not used.

Ms. Grewe spoke regarding the iconic view on the highway toward the valley downtown and all the way down to Douglas Bridge and that area overlooks the Honsinger pond. When emerging on to the highway from the airport, people could see all the way down to Gastineau Channel. She tried to envision what commercial activity would occur in relation to the view all the way down Gastineau Channel because that was the breathtaking view spoken about in public comments. Douglas Island is a beautiful sight as well. She asked if Ms. McKibben had a photograph.

Ms. McKibben replied that she did not have a photograph. She did have the viewshed that is shown in the Comprehensive Plan.

Mr. Chaney (pointed to the map) and spoke regarding an area that was recently filled where some very large buildings are going to be built. Unfortunately, this area is going to have some buildings. He went on to explain where the viewshed was and how it would affect the view.

Ms. Grewe understood saying that it was after the berm that the really long viewscape was.

Chair Satre asked for the will of the Commission. He went on to ask what the rules of order were if there weren't five people for a quorum to vote, especially because they had to step down due to a conflict of interest. Mr. Chaney said that Mr. Hart was checking on it.

***MOTION:*** by Mr. Bishop to approve AME2013 0007 as proposed by the applicant with conditions appropriate for this area and with the exception of following the boundary proposed by staff following the and analysis carried by staff, with the exception of staff's discussion on General Commercial not being berm between the LD and the GC in this case.

Mr. Bishop stated that he was not quite ready to speak to, for, or against this motion at this point. He noted it's hard because it is a private property and right now, they could stake it, fill it and they do not need to go through this General Commercial application to do that. They have the right to do it with the fill permit and could get rid of the beautiful viewscape that everyone loves, but that is not what this application is about. He opined this one is about a missed opportunity that the City had not taken advantage of up until this point. There have been a lot of Comprehensive Plan policies that have supported the purchase and acquisition of this property, but it has not taken place. Now the situation has changed and somebody wants to do something with the property that does conform to the Comprehensive Plan, it does meet the need to provide industrial and commercial land. On the one hand, it is meeting a need; on the other hand, it is

taking away something that all hold very dear. He admitted mixed feelings about this, expressing a desire to hear others' comments about this before he confirms his own thoughts on it.

Chair Satre asked if staff could provide a map to better clarify Mr. Bishop's motion.

Mr. Bishop (pointing to the map) recommended following staff's map with the exception of allowing the General Commercial line to be in a different area rather than going straight across diagonally as they recommended - that line would follow the one that was proposed by the applicant and the line separating the RP from the General Commercial would be the one proposed by staff.

Mr. Chaney stated that they were able to contact the City Attorney. Mr. Chaney conveyed his understanding of the rules. There were two members present who were recused for conflict, that reduces the requirement for a positive vote by one - in this case, four votes are required for a positive action.

Chair Satre opened for questions and discussion on the motion.

Ms. Lawfer agreed that it was a missed opportunity and an excellent point. With the way the lines were set up, her concern was more on the Industrial rather than the General Commercial because of what could be going on in an industrial area since it is so close to a sensitive habitat area. She spoke in support of that motion.

Mr. Medina did not believe that General Commercial was appropriate and he would be in favor of the recommendations by staff. He opposed Mr. Bishop's motion as stated.

Mr. Haight agreed with Commissioner Bishop's comments in that they do not have full control of that area. He suggested working on the situation, by continuing to do something that is workable at maintaining that viewshed area. In that respect, he voiced his support.

Ms. Grewe spoke in opposition to the motion, not just the change in the lines, but the whole request to amend the Comprehensive Plan maps. She discussed the following:
Comprehensive Plan itself - She read the staff report multiple times and while there is a need for more industrial land in the community, at the same time the history has shown the City and Borough's intent to acquire land for public use in this area. There was a little bit of confusion about exactly where it is, but just taking a common sense approach, she did not think it is a far stretch to think that the entire area could easily become public space. It is noted in some of the financial documents as well for acquisition. The Comprehensive Plan is a guiding document that evolves all the time, and right now, they were saying industrial lands are needed, but in a prior moment, they were saying this area should be used for a public recreation space. In ten more years, it could be something different. But, either way, the Comprehensive Plan, as it applies to this, she sees mixed messages, and also a missed opportunity with the City and Borough and voiced her frustration with that.

Viewshed / scenic corridor - She thought that this was an important scenic corridor, an iconic viewshed that really helps define the community.

Wildlife and ecosystem - There are a lot of comments in the packet. Over time, she has every confidence in that 39% number. Just in the ten years that she had been there, the wetlands has been encroached upon, as well as the surrounding buffers and it is all one ecosystem and it is Juneau's front yard – the value of the wetlands and the adjacent property.

She spoke about the identity of this place and of the people. She referenced Marsha Bennett's comments (from a previous meeting) as to why she might find conflict with this because she had wrote at length about the variety of people that live in the community and the variety of forums that the community has taken on over time. Ms. Grewe considered this area to be a core to their identity as a community.

Ms. Grewe felt the area was important to future investing. She spoke against allowing the continued degradation of the refuge or adjacent properties. She noted the property is their front yard, it has great curbside appeal with regard to the real estate market, and it was worth investing in.

Ms. Grewe then said there were 80 written pieces of opposition to include the 53 that were part of the packet last time before the application was pulled, along with 4 people that spoke in opposition tonight. She emphasized the significance of the opposition.

She referenced the issue of the water and birds on Honsinger pond. This was noted a couple of times, between the application and staff report. At the same time, there is a floodplain swamp right next to the runway also the airport guided trail, a whole canal system of waterways that has been constructed over the past few years. She admitted that it was another pond in the area, an added risk, but there are other waterways as well that seem to be encouraging early construction along the way.

Ms. Grewe noted that the Wetlands Review Board recommended, "The best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. The benefits of this approach will be to increase the safety of the airport by removing the ponds (by not removing the pond per se) that attracts large birds and also to provide an additional buffer for the refuge." She reiterated that the Wetland Review Board felt the best use of this parcel would be to restore and developed the portions to their natural state.

She informed that was an important factor in her decision.

Ms. Grewe added about the land is zoned now, it is not rendered unusable; it is usable for resource extraction, recreation, visitation, and residential uses; just as the representative applicant noted tonight, they are not allowed to do as much with the land, but they are not prohibited from using it. Her vote tonight would be to honor what they already have in their Comprehensive Plan maps.

Ms. McKibben spoke on Mr. Bishop's motion and asked for clarification if the industrial line be as shown as on the applicant's proposal and the General Commercial to align with the berm. She went on to ask if the findings were amended as well.

Mr. Bishop replied that any use in the General Commercial would have to go through a conditional or allowable use permit but a residential zoning was not appropriate.

Ms. McKibben asked if Mr. Bishop would want to further amend the second finding which speaks only to industrial property.

Mr. Bishop replied that he did not think that was necessary.

Ms. McKibben wanted to clarify if the recommendation would be amended as the map would be amended.

Mr. Bishop replied that was correct.

**Roll Call Vote:**
Ayes: Lawfer, Bishop, Satre
Nays: Medina, Grewe, Haight

Motion fails 3:3.

Chair Satre confirmed that the motion by Mr. Bishop with the original applicant's request has failed and asked for confirmation.

Mr. Chaney replied that if it were rejected, it would not be approved.

Chair Satre adjourned as the Planning Commission and reconvened as the Board of Adjustment.

## X. BOARD OF ADJUSTMENT

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| VAR2013 0007: | A Variance to reduce the rear yard setback from 20' to 10' for construction of a single-family dwelling |
| Applicant: | Northwind Architects |
| Location: | 540 West Eighth Street |

Staff Recommendation:
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2012 0007, which would allow for construction of a single-family dwelling 10 feet from the rear property line where 20 feet is required.

Staff report:
Teri Camery, Senior Planner, stated that the proposal was to reduce the rear yard setback in the D5 zoning district from 20 feet to 10 feet, the construction of a single-family dwelling. She (pointing to the map) spoke regarding Lot 7 that has a constructed commercial warehouse on the

site, a legally non-conforming use in the D5 zoning district. The vacant lot next to that is the lot under consideration tonight, the vacant lot where the applicant proposes to build a single-family dwelling, reducing the rear yard setback from 20 feet to 10 feet. She presented the site plan that was included in the staff report.

Lot 8 is a two-story, 2400 square foot dwelling (dwelling on the upper floor). The applicant stated purpose for the variance is to move it 10 feet farther to the rear of the lot from what is allowed for the apartment's setback, to allow for parking of three regular-sized vehicles and one commercial vehicle that is used for the adjacent lot with a non-conforming commercial use.

She referenced a letter from the adjacent neighbor, which stated that they have no concerns with the variance. The form is generally designed to match the work line in the existing building on the adjacent lot. They have gone through any concerns about compromised views or other issues with the surrounding neighbors.

The lot is substantially undersized for a D5 zoning district, approximately half the known size, because no building has been constructed on the lot yet due to substandard setbacks. Staff has recommended against the proposal on the basis of criteria number 5.

She briefly mentioned the other criteria saying that staff recommended against criteria number 1, on the basis that the applicant has other options for leaving the setback of the property, such as reducing the size of the home. There are also other options available for moving the proposed parking spaces all the way to the very front of the property line and adjusting the building that much further. Another comment in the staff report was that the Land Use Code requires only two spaces for a residential, not three. On that basis, staff recommended against meeting criteria number 1.

Criteria number 2 addresses the purpose and intent of Title 49, staff recommended in favor of that because they did not see any negative impacts on the proposed variance.

Criteria number 3, staff did not see any negative impacts to nearby property, it was met.

Criterion 4, staff was in favor.

Staff has recommended against Criteria number 5 because they could not find that the applicant met any of the four sub-criteria. Compliance with the existing standards would reasonably prevent the owner from using the property for municipal activities. It was noted that the applicant could construct a smaller building _____ adjustments to the proposed development that would allow construction of a single-family dwelling, which is the primary permissible use.

Sub-criteria 5B has a very similar argument. The applicant can construct a single-family dwelling, which is comparable in size to other homes in the area, noting the 20 feet rear setback.

Criteria number C would be unnecessarily burdensome because there are no physical features. It is an undersized lot, but that in itself does not make for a unique feature.

Final sub-criteria 5D is because of pre-existing, non-conforming conditions on the subject parcel which would gradually not result in a net decrease in the overall compliance. Again, this is an undersized lot. There are no sub-standard setbacks because nothing has been built. If a building is constructed with sub-standard setbacks, the overall market compliance is increased. She stated that was the reason they recommended against that sub-criteria.

Final criteria is that grant of the variance would result in more benefits than detriments to the neighborhood. They found in favor of that criteria. The proposal does provide off-street parking, which is a benefit in this neighborhood. The applicant described in the application about how there is a significant problem with overflow parking throughout this area - heavy use of the federal building and commercial uses in the area. There is a comment from the adjacent neighbor stating that they do not oppose it. Work lines are compatible. No other impacts were noted. Staff is recommending against the variance based on not meeting criteria number 1 and criteria number 5.

Chair Satre opened for questions for staff.

Ms. Lawfer commented regarding criteria number 5, conveying her understanding of D5, but she noted a warehouse right next to the parcel. She asked when the existing development is evaluated, do they actually look at what is standing and what is present to date.

Ms. Camery answered that certainly the immediate adjacent use is a legal non-conforming commercial use; it is not typical of D5 buildings and not generally comparable for the neighborhood.

Mr. Miller asked about lot 9 and what was behind lot 8, asking how those buildings would line up with setbacks - if they met the setbacks for D5.

Ms. Camery was unable to give any details.

Mr. Watson spoke regarding community development.

Ms. Camery replied that this would certainly be discussed with other planners.

Mr. Miller asked for the alternatives to the design.

Ms. Camery stated that one option would be to reduce the size of the structure, take it 10 feet back, it would still be a decent sized home. Another thing would be to move the placement of vehicles all the way up to the front property line which would allow an additional 2-3 feet. The building could be orientated in a different direction, which could potentially reduce the size.

Mr. Watson asked why there was a lack of consistency.

Ms. Camery stated there were three residential parking spaces there. It is quite unusual to accommodate commercial uses in a residential lot. They could reduce the number of residential

parking spaces to two, which is the parking requirement code. These are all somewhat unusual factors that are not typical of other homes in the neighborhood.

Mr. Watson felt that this project was ____.

Ms. Camery felt they would have the same analysis in a different angle with similar things like reducing the size of the home, move the structure forward...
Mr. Haight asked for clarifications as to the conditions that apply. He referenced other applications that they have looked at, such as the Douglas application in particular, in which they looked at setbacks based on existing, non-conforming setbacks. He asked if the current situation was applicable to that.

Mr. Chaney stated that provision of codes for front yard setbacks does not apply to rear yard setbacks. He felt that is the reason for some of the confusion. With a residential lot that is wide and open, with no unique features, and no constraints on construction - they recommend the rear yard setback.

Chair Satre asked for other questions for staff. Seeing none, he opened for public comments.

*Applicant Testimony:*
*James Bibb*, representative for the applicant said that he appreciated staff working with the zone issues. The unique situation is the existing use of that area. There is a small warehouse. The setback has a lot to do with how that space is used now. He spoke regarding appropriate parking and having enough parking options. He admitted that they could pull the building back, but noted that they want to maintain the existing use, the way that lot is used now is for parking. _____

Mr. Miller asked about the code for parking spaces.

James Bibb replied that they use a standard parking stall of 18.5 feet, noting that some of these are probably larger. There is a narrow sidewalk to begin with. The idea was to get as much as possible off the sidewalk and maintain at least a few parking spaces for the musicians that likely use that area.

Mr. Miller referenced the staff report and a comment from the neighbor about the view and building it 10 feet lower – and asked Mr. Bibb if he had spoken to the neighbor.

Mr. Bibb stated that Ron Muss, who was in the audience, was careful to make sure he talked to them prior to even going for an application. It was made clear that there was an opportunity for him to write a letter and/or have a discussion.

Mr. Haight asked what the apartments look like on the backside of this property.

Mr. Bibb replied that he could not comment on that, other than noting that there may be a partially vacant lot somewhere in the vicinity of property 7, 8 or 9. He did not know the setback of the house behind it; the only thing that is known is that it sits up approximately 3 feet against

the retaining walls. There is a bit of a height difference for that lot as it moves back. He presented a picture to further explain this.

Mr. Miller noted that the blue building is almost right up to the back property line. The barn style, light green building looks pretty close to the retaining wall. He asked if the picture displayed visual accuracy.

Mr. Bibb replied that he could not recollect exactly where the building was at.

Public testimony was closed.

Chair Satre asked for the will of the Commission.

Mr. Watson asked if this was the only photograph that is available of the subject area.

Mr. Chaney ____ replied he could try to come up with something.

BREAK: 9:06 to 9:10 PM.

Mr. Watson had some questions regarding the spacing of the backyard.

Ms. Camery replied that it appears to be about 20 feet from the property line and explained the lot measurements and such.

Mr. Miller thought that the staff analysis on criterion #1 does a good enough job. The relaxation plat as specified would give substantial relief to the owner of the property involved and would be more consistent with justice for the property owners. He discussed options for consistency – would it be more consistent and just to force some parking spots out on to the streets or make the property owner strictly conform to the rear setbacks so that the only way they can build would be to go an extra floor? He thought it would be more consistent and just to the neighborhood and the property owners to grant the variance. Mr. Miller read 5B and said that first paragraph of staff's analysis says that 'the Casey-Shattuck Neighborhood in general and the adjacent lots in particular had many non-conforming features, including sub-standard setbacks and undersized lots. This often provides support for a variance request in the area. In addition, the variance does not appear to create adverse impacts on surrounding properties…' He thought that was reason enough for 5B. 5C, Mr. Miller thought about the physical features of the neighborhood and thought it was too much of a stretch.

***MOTION:*** b*y Mr. Miller to approve VAR2013 0007 with the alternate findings as stated.*

Chair Satre asked for any discussion and/or objection on the motion: Mr. Medina had an objection. There was no further discussion.

**Roll Call Vote**

Ayes: Miller, Grewe, Haight, Lawfer, Bishop, Watson, Satre

Nays: Medina.

Motion passes 7:1.

Chair Satre adjourned as Board of Adjustment and reconvened as Planning Commission to take up the Comprehensive Plan.

## IX. REGULAR AGENDA

| | |
|---|---|
| AME2012 0006 | A Text Amendment of Title 49 and the Comprehensive Plan for the 2013 update |
| Applicant: | City and Borough of Juneau |
| Location: | Boroughwide |

Chair Satre voiced appreciation of everybody's efforts at the last Committee of the Whole, noting they worked through incredible amounts of material in the Comprehensive Plan. At the end of the evening, there were only two items left undone on which they would focus the conversation on this meeting - Commissioner Miller was supposed to work on some proposed language changes to Chapter 11. Mr. Miller also had provided Chair Satre with an e-mail on some language change for the history section, which the Planning Commission liaison, Mr. Smith, had some comments about. There may be one or two other small items remaining that may be addressed. A clean copy of all the edits will be made to bring back for a final discussion for approval.

Mr. Chaney noted that the material was in the blue folder last time and he had handed them out earlier and wanted to know if everyone had a copy.

Chair Satre wanted to make sure that everyone had the same version because he did see two versions. He asked Mr. Lyman if he had anything that needed to be addressed.

Mr. Lyman replied that there was nothing to report other than they were continuing to work diligently through the document making sure that all changes have been documented.

Mr. Miller made comments regarding the first three paragraphs. Mr. Miller did not think it was saying what he thought it should say. On Page 185, he changed one word in the second sentence of the first paragraph, changing the word 'translate' to 'rendered'. He had a problem with the second paragraph, second sentence, noting that it just did not fit in that paragraph. This paragraph talks about land uses shown are expressed in a range of development intensities. If that second sentence is taken out, the whole rest of the paragraph makes sense because they are talking about what the land use has shown and the range of development intensities; it gives examples of that. The third paragraph, is where it talks about considering rezoning requests – that's what the second sentence from paragraph 2 is talking about, so that is where he inserted it. Essentially, he did not change any wording. He only reordered it. He felt it now made better sense and conveyed better accuracy of what was intended to be said. In the second sentence, he did change, "all new zoning or rezoning designations are required to be substantially consistent with the Comprehensive Plan maps." He did not think that they need to say "maps." He thought

that instead they should say '…substantially consistent with the Comprehensive Plan'. He provided the new third paragraph (blue folder item).

Mr. Watson thought that Mr. Miller's changes made it a lot smoother with better wording and made more sense. He agreed with not using the word "map."

Ms. Grewe opined that the plan is obviously the guiding document, but the maps are the execution of the document; assuming that all of the zoning is up-to-date. She asked if there was a preference on this.

Mr. Lyman stated that personally, he did not have a preference. With the maps, he noted that it is difficult with Juneau being a whole new municipality because the way that the Comprehensive Plans authorize some state laws a little bit differently. Generally speaking, the maps are very important, legally required components of a Comprehensive Plan. That said, there is no legal requirement where they must have a transportation plan map and that is where their investments will be going forward. Ultimately, the maps are part of the plan. The plan is certainly much more comprehensive overall than the maps themselves.

Ms. Grewe voiced concern regarding the Comprehensive Plan maps being part of the plan. She noted that other commissioners that may come after her may consider them as two different things and may literally interpret what they have written in the plan. She agreed with all the changes, but stated that she was unsure about the map one. She felt that maps were for land use regulations, exactly where the rubber meets the road, but admitted that there are some problems with regard to land use maps.

Mr. Watson recognized what Ms. Grewe was saying. When the official rewriting is accomplished, it will be more accurate.

Ms. Grewe stated that she agreed with everything Commissioner Miller said except about the map reference. She suggested leaving the tinkering language for the later update, instead of vice-versa.

Mr. Bishop stated that he was going to support his previous position and just say that it has to be consistent with the Comprehensive Plan maps. This is specifically addressing the Comprehensive Plan maps in this particular chapter and he thought it was appropriate to state that. He did not see that anything would be lost by doing so.

Mr. Miller thought that the rezone being denied and then getting appealed was due to the ambiguity of the maps. While the land use designations on the maps are specific, the way the borders have been painted on to the maps has been by broad strokes and general ideas, even the property lines are very thick. Mr. Miller has had an ongoing concern regarding this. If these things are going to be absolute, then more attention needs to be paid to the maps. The maps have not been critically analyzed, so he thought by keeping the map off the end of that sentence, it still does everything that they want it to do, because that is what the Comprehensive Plan is. They have gone through all of the chapters of the Comprehensive Plan with a critical eye.

Chair Satre commented that certainly have a code language that allows them some flexibility.

Chair Satre went on to ask if there was any objection to the first two edits. There were none.

***MOTION:*** *by Mr. Miller to change the third paragraph as written in his recommendations that were in the blue folder item.*

Mr. Bishop spoke against the motion, noting this is a significant change. This is not a change that he felt was supported by a number of the Assembly members. There is a fair amount of concern regarding weakening the language substantially. Quite a few members of the Assembly did not like the edits that were made. They wanted conformance with the ____ plans. It was felt that ambiguity was needed to allow them to have some deference to higher industrial uses and providing for more flexibility to decision making. By taking it to the next step, they would be going beyond what was previously discussed and beyond what may be the comfort level of the Assembly members.

Mr. Haight felt that if they take the sentence off, as has already been agreed upon, in the second paragraph, they should not re-insert it back in the third paragraph.

Mr. Miller clarified, asking if they should eliminate the sentence altogether.

Chair Satre commented that if they do not accept Mr. Miller's edit, then that sentence goes away.

Mr. Miller noted that they have already accepted 1 and 2.

Ms. Grewe asked for clarification on what was accepted.

Chair Satre clarified that there were three sets of edits- there was consensus on the edits to the first paragraph, second sentence. The second portion appeared to have consensus. There was discussion on the third, so to formalize that, they would need to put a motion on the table for the third.

Chair Satre asked if everyone was clear on the paragraph edit. He asked if it was appropriate to put these two items back together for a motion.

Mr. Miller still thought that if it needs to be in there, it had to go to the third paragraph. He opined it should be in there without the work “map” at the end. He conceded that if the majority believed that it should in there, then he thought that the sentence needs to be there, whether it has ‘map’ at the end or not.

Mr. Medina requested clarification if Mr. Miller meant, ‘….Comprehensive Plan’ and not ‘Comprehensive Plan maps’. Mr. Miller stated that was correct.

Chair Satre stated that perhaps it may be appropriate for someone to suggest modifying Mr. Miller’s reordering of the maps, noting that would clarify the process.

Mr. Lyman commented that the second sentence in the second paragraph does not work in that paragraph. All agreed to inserting it into the third paragraph in the location that Commissioner Miller suggested makes sense linguistically. The question is whether or not to put 'maps' at the end. Aside from that, when a rezoning is considered, it is being considered under the provisions of Title 49, the Land Use Code, which says that the rezoning has to substantially conform with the Comprehensive Plan Land Use Maps. That is not being reviewed against this paragraph. Whatever is decided, the next time a rezoning request comes in, this paragraph will not be consulted; the same ordinance that the Commissioners were looking at today would be referenced.

Mr. Bishop suggested keeping the current language consistent with both the Comprehensive Plan and accompanying maps.

Mr. Miller stated that he would accept a change of wording to, 'Land Use Maps' as a friendly amendment.

Chair Satre asked for any discussion or objections on that. None were raised.

Historical Notes

Referencing the blue folder items, Chair Satre noted that there were some concerns with this because there were three different versions to this including the one from Ms. Bennett (e-mail April 5, 2013 at 6 p.m.)

Ms. Grewe said that the one on top from Ms. Bennett was the final copy along with the staff disclaimer, and a discussion of each separately.

Chair Satre clarified that he had two pages from staff and also had a third page.
He addressed Mr. Smith, asking what the staff had given.

Mr. Smith noted that at last week's meeting, he scanned what Ms. Bennett had written at the meeting. He offered approximately 7 small additions in an effort to highlight some of the organizations that she had referenced to and some she had missed. He suggested adding a footnote that said a full consultation would be done for the next update.

Chair Satre commented that he thought that there was some agreement towards that.

Mr. Medina addressed Mr. Smith, noting that his greatest concern was that it had been reviewed by central council and other organizations. He asked Mr. Smith, in his opinion, if he felt comfortable with what was written. He asked if there might be retribution because of improper review and because it had not been vetted by organizations that have a vested interest in this.

Mr. Smith felt that there were several organizations / tribes that need to be added on to the list; may be only one or two may object or say anything.

Chair Satre noted that there was a proposed footnote from staff, but asked what version of the draft language they were looking at.

Mr. Smith commented that he was referring to the document dated April 5, 2013.

Chair Satre confirmed that was the e-mail that came out at the 6 p.m.

Mr. Medina had a question regarding the second page, third paragraph. He quoted, "corporations and nonprofit organizations of ….. operate today in Juneau." He stated he was confused and asked the meaning of that.

Discussion ensued clarifying that it referred to _____ that are based in Juneau. Mr. Lyman noted that staff had not gotten a copy of that. Chair Satre stated that Brenwynne and Cordova had received it in terms of staff.

Mr. Bishop stated that he was happy with what Commissioner Bennett had written. He referenced a drawing. He suggested some wording change to, "The Planning Commission acknowledges that the brief history above may not be entirely accurate nor complete," rather than, "it's not necessarily appropriate." He did not feel that they wanted to say that they were not being appropriate. He suggested striking the whole next sentence, "At the time of the 2013 Compressive Plan update, I was not available to provide a more suitable history of Juneau's original inhabitants." He felt that sounded like an excuse. He suggested instead writing, "However, the Planning Commission is committed to revising the historical section….."

Ms. Grewe felt they need a good history. The Comprehensive Plan is supposed to be the complete history of the community. It is supposed to be respectful and accurate and she thought it was as currently written. It made her a little uneasy to say that they have been doing the update for two years, but have still not had the time to get the history right. She thought the history was correct in Ms. Bennett's statement.

Chair Satre noted that the largest concern they had originally was the earlier portion of the history. Now they would have to completely rewrite that part. He asked if they were just doing introductions or if they would be replacing the entire history chapter.

Mr. Miller said that a disclaimer may not necessary, but in lieu of a disclaimer may be they could send out a request as an alternative; sending out a request now to different organizations, asking for the history which can be incorporated at any time. He was in favor of Mr. Bishop's changes. He referenced the community history, pointing to the first paragraph, the second to last sentence, which said that people were joined from other tribes, by Asians and other migrants who married their daughters. He felt this part may be somewhat distasteful. He wanted that part edited out.

Mr. Medina agreed that they did not need to include that part.

Chair Satre recognized that there were portions that were hard to carve out. He went on to ask if they were just replacing the pre-1880 portion or eliminating it.

Mr. Watson agreed with Mr. Bishop's edits regarding the disclaimer. He suggested that they leave the chapter as is and improve the disclaimer rather than trying to rewrite something.

Chair Satre thought that they have had some very positive comments to Ms. Bennett's contributions, but there were certainly some edits that commissioners have started to point out. He asked for a motion.

***MOTION:*** *by Mr. Miller to adopt the April 5, 2013 rewrite of the community history section of the introduction and insert it in its entirety into Page 3 of the orange book. He recommended striking 'who married their daughters' on the first paragraph, second sentence.*

Ms. Grewe asked for a friendly amendment regarding capitalization issues.

Mr. Chaney requested clarification on the motion. He asked if they were striking everything that is currently in community history and replacing it. He specifically asked if all of what was in there now would go away and what is on the sheet will be replacing it; with edits as appropriate. There was agreement from the members.

Chair Satre noted that the commissioners would provide the technical, punctual, and address minor inconsistencies. He asked for further discussion and/or objection on the motion. Seeing no objections, he moved on to disclaimers.

***MOTION:*** *by Mr. Miller to not have a disclaimer.*

Ms. Grewe acknowledged that it is a planning document to support the Comprehensive Plan. She noted that it really does go beyond that. She would like to see a more comprehensive review by native organizations and other cultural groups. She thought they need to look at the native history but also other cultural groups because it does affect how for example, the historical district is viewed, like there are no cultural standards or anything like that. She felt there was an impact on planning and suggested that they have to address that. She was okay with the disclaimer that was proposed by Commissioner Bishop.

Mr. Miller withdrew the motion.

Chair Satre announced that the motion was withdrawn. There were some good comments about Mr. Bishop's changed language.

***MOTION:*** *Mr. Bishop suggested incorporating Mr. Chaney's proposed disclaimer with his (Mr. Bishop's) edits at the end of Chapter 1 – Cultural History.*

Mr. Medina asked for a verbal review of the edits.

Mr. Bishop read, "The Planning Commission acknowledges that the brief history above may not be entirely accurate nor complete; however, the Planning Commission is committed to revising the historical section of the Comprehensive Plan in consultation with scholars, appropriate native organizations, and other cultural groups prior to amended Comprehensive Plan revisions."

Chair Satre asked for any discussion or objection. Motion passes unanimously.

Mr. Watson stated that at the Public Works Committee meeting on Monday, they spoke about the CIP list. They do not want to continue using the word "second crossing." They are recommending highly that the Commission reference anything regarding this as "North Douglas crossing," and remove "second crossing" throughout the Comprehensive Plan, and refer to it as the "North Douglas Crossing."

Chair Satre forwarded that request to Mr. Lyman.

Mr. Lyman replied that they had made that change in 2008. There was actually only one reference after Chairman Satre brought that to his attention. He did a search and found one reference where it was referred to as the North Douglas Crossing. Below that in the same paragraph, it said, 'a second crossing is necessary because…' and Mr. Lyman went ahead and made a technical edit to the policy.

Chair Satre asked for anything else on the Comprehensive Plan updates. He thanked everyone and made comments regarding finalization. It was doubtful it would be finished by the next Planning Commission meeting on the 23rd. They could expect to have a clean copy by the first Planning Commission meeting in May. At that time, final comments would be appropriate and then they would begin the process of introducing it to the Assembly.

Mr. Lyman asked how long of a review time was needed for the document before it was recommend to the Assembly.

Chair Satre replied they would need a week.

Mr. Watson asked in which chapters were most of the changes occurring.

Chair Satre clarified that the significant changes were in Chapters 4, 5, 6, and 8.

Mr. Lyman stated that the changes to Chapter 8 were more of reorganizational changes. He went through this very carefully, especially based on Max Mertz' comments etc. about how some changes in Chapter 5 were not shown as such; he emphasized that he was trying to catch every word that is not shown or should be shown as a change. Chapter 5 was the only problematic area. There were some areas where things were removed from Chapter 6 to Chapter 12. He would be putting them back in so that it can be seen exactly what changes were made. It is taking a little longer, but he thought it will be less frightening to the public.

Chair Satre asked for anything further on the Comprehensive Plan. He closed that item, and moved on to the Director's Report.

## XI. OTHER BUSINESS

## XII. DIRECTOR'S REPORT

Mr. Hart discussed his meeting with chamber members. He noted everyone was on the same page towards the update of the Comprehensive Plan, which would occur in two years. He commented that Sealaska was slowly making a full submittal for their new building in the downtown area. He noted that it would be some time before it comes to the Planning Commission.

Mr. Hart just wanted to let everyone know that they were moving forward on that and there will be a number of issues that will come before the body.

## XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Watson reported that the Public Works Committee met on Monday. The North Douglas crossing will be kept on the CIP List. Assembly members were present.

## XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Bishop voiced curiosity regarding how the appeal went.

Chair Satre replied that it has not been made public yet.

Ms. Lawfer stated that she would not be present for the April 23, 2013, Planning Commission meeting.

Mr. Chany pointed out that the next meeting has a very heavy agenda. He stressed the importance of attendance.

Mr. Medina asked if there were any other appeals.

Chair Satre replied that the gravel pit appeal was still outstanding.

Mr. Chaney added that they were looking forward to seeing the opening brief soon.

Mr. Bishop asked what action was taken with regards to Lemon Creek.

Mr. Chaney replied that there was a little bit of complication. They started operating without a permit. They were given a stop work order. Then, the permit was issued within a few days. They continued operation and it was completed. There was a stay being considered, but SECON finished their project before the stay was actually considered. The project was done by March 15.

## XV. ADJOURNMENT

***MOTION**: by Mr. Watson to adjourn the meeting.*

*With no objection, the meeting was adjourned at 10:11 pm.*

MINUTES

**PLANNING COMMISSION**
CITY AND BOROUGH OF JUNEAU
Michael Satre, Chair

REGULAR MEETING
May 14, 2103

## I. ROLL CALL

Chairman, Michael Satre, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building to order at 7:00 p.m.

Commissioners present: Michael Satre (chair), Benjamin Haight, Nathan Bishop, Karen Lawfer, Jerry Medina, Nicole Grewe.

Commissioners absent: Dennis Watson, Dan Miller, Marsha Bennett.

A quorum was present.

Staff Present: Hal Hart, Director; Beth McKibben, Senior Planner; Eric Feldt, Planner; Teri Camery, Planner; Ben Lyman; Senior Planner.

Chair Satre: For those of you in attendance this evening, we have an extremely full agenda, so we will do our best to move through it in an expeditious fashion. Depending on how many people are testifying on an item, we may put a time limit on testimonies, so please be prepared if you're going to testify in front of us and we will try to ensure that everybody has the chance to come up if they wish; however, we will start with the approval of minutes.

## II. APPROVAL OF MINUTES

***MOTION:*** *by Mr. Bishop to approve the minutes as written with any minor adjustments made by staff or planning commission members.*

Chair Satre: Thank you Mr. Bishop. Any objection to the motion? So, the minutes of the March 19, 2013, Committee of the Whole meeting and the March 26, 2013, Regular Planning Commission meeting have been approved barring any minor amendments by commissioners.

## III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

## IV. PLANNING COMMISSION LIAISON REPORT

Mr. Smith: I want to report to you briefly on the activity of the Ad Hoc Housing Committee of the Assembly.

There are three things we are working on currently. First of all, from all of the input we got from the real estate community, builders, developers, landowners, we developed a matrix and identified the frequency of the various suggestions that were made from all the groups. We have come up with seven items that seem to be appearing as recommendations of all these groups, and we have given this list to Legal and to CDD and are asking them if these are actually actionable items and can we, as an Assembly, move these forward.

Second, the Committee has pretty much unanimously identified the challenge of coming up with a more definitive definition of the types of housing that are needed here in Juneau and Mr. Hart has been tasked with convening all of the groups that have met over the past few years, and all the groups that are involved in this effort such as the Affordable Housing Coalition and asking them to tell us how they would define the types of units that are actually needed. It is not enough to say we need X number of multi-family units and it is not enough to say we need X number of single-family units. We need to drill down and come up with a more definitive description of the type of housing that we are looking for here in Juneau to address the crisis that we have. Mr. Hart is working on that and hopefully will bring that back to us and will share that with the Assembly.

Further, on the committee, we have decided on our own to pull those that have open permits right now that are building some type of housing right now. We have a hundred open permits and we have divided the list and are contacting each one of them, asking them what's going well, what's not going so well, and do they have any specific issues with how the City is interacting with them as a permittee. That's somewhat of an anecdotal approach, but we are going to get a sense of the public's feeling right now about how we are working with them on their permits.

As you know, Mr. Lyman has completed the Comprehensive Plan. It contains the matrix that I was looking for, so that the Assembly can see very clearly what changes were major and what changes were more ministerial in nature.

Finally, we still have our friendly budget meetings on Wednesday nights until June 15th; you are all welcome to come, and that's my report.

Chair Satre: Thank you very much Mr. Smith. We appreciate you being here. Any questions for Assembly Liaison? Seeing none, thank you for being here. I would also like to thank Assembly Member Jones for joining us here tonight as well, appreciate it. We will now move on to our Consent Agenda.

## VI. CONSENT AGENDA

AME2013 0004: A rezone request from D-3 to D-5 for 3.6 acres along Mendenhall Loop Road near the Montana Creek Road.
Applicant: Duran Construction Co.
Location: 9990 Mendenhall Loop Road.

Staff Recommendation:
Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommends the Assembly approve the rezone proposal of the 3.6-acre parcel from D-3 to D-5.

STV2013 0002: Vacate that portion of Borrow Street between Shaune Drive and Commercial Drive.
Applicant: AKBEV Group LLC.
Location: 5429 Shaune Drive.

Staff Recommendation:
We recommend that the Planning Commission adopt the Director's analysis and findings and grant the requested Street Vacation Permit. The permit would allow the vacation of the portion of Borrow Street located between Shaune Street and Commercial Boulevard.

The approval is subject to the following condition.
1. The applicant shall complete the minor subdivision platting process per CBJ code.

USE2013 0011: A Conditional Use permit for a 70-foot tall wood pole with a satellite dish at AELP's West Juneau Electrical Substation.
Applicant: Alaska Electric Light and Power Co.
Location: North Douglas Highway.

Staff Recommendation:
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a 70-foot tall wood pole with a 2-foot diameter wide satellite dish.

Chair Satre: Is there any member of the public that would like one of these items removed for a full public hearing? Seeing none, are there any items that commissioners want removed from the Consent Agenda?

Ms. Lawfer: With regards to our packet, we do have AME2013 0004, but in the packet, it also talks about AME2013 0002 with a different applicant and owner.

Chair Satre: I will let Ms. McKibben address that.

Ms. McKibben: That was a separate application; they were addressed together. The Planning Commission made a recommendation to approve that application that you approved at the last meeting.

Ms. Lawfer: Okay, thank you.

Chair Satre: And we have this item on the Consent Agenda just so the public notice requirement is met.

Ms. McKibben: Right.
Chair Satre: Any further questions on the Consent Agenda. Would any commissioner like an item to be pulled? Seeing none, do I have a motion?

***MOTION:*** *by Mr. Bishop to approve the Consent Agenda as written and adopt staff's analysis and findings.*

Chair Satre: Thank you very much Mr. Bishop. Is there objection to the motion? Seeing none, the three items on the Consent Agenda have been approved.

## VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

| | |
|---|---|
| AME2012 0006: | A Text Amendment of CBJ 49 to adopt the Comprehensive Plan Update of 2013. |
| Applicant: | City and Borough of Juneau |
| Location: | Boroughwide |

Staff Recommendation:
Staff recommends that the Planning Commission complete its review of the 2013 Draft Comprehensive Plan of the City and Borough of Juneau and forward the draft plan to the Assembly with a recommendation for adoption.

Staff Report:
Ben Lyman, Senior Planner: Thank you Mr. Chairman, commissioners. It has been a long couple of years. I do believe that we have probably come to the end of this particular part of the process of updating our Comprehensive Plan last adopted in 2008.

There are a few things that I just want to run through in the staff report. I do want to call your attention specifically to Attachment D2, which in your staff report packet can be found right before the Draft Ordinances - Attachment E. This is the only public comment that has been received since the publication of the draft that you're considering this evening, and I'll just point out that Ms. Waterman's comment reiterates comments that staff had during the discussion of that particular edit to this version of the Comprehensive Plan, so staff would still recommend not making that particular change, that's the only comment that we received on this particular version.

There are some other things in the staff report I just want to point out. Based largely on discussions with Assemblyman Smith, we came up with a few different tools to try and help people navigate this document, the first being on Page 2 of the staff report, 3-bullet point, How do you get the big picture in 20 minutes? How to find information that you think is relevant to

you. The most substantial changes in each chapter are summarized in Attachment A and also in the staff report; we just sort of bullet-pointed the various things in each chapter.

The Comprehensive Plan was last initiated as an update in 2006 and adopted in 2008. It is supposed to be updated every two years, but it's a big undertaking. It takes about two years to do, as you know. So, one recommended change within the Comprehensive Plan would be to extend that deadline, so that we have two years of sort of breathing space for our ordinances to catch up with our Comprehensive Plan before we initiate another process, and so there is some discussion there on that.

The update of the Comprehensive Plan is, believe it or not, consistent with the Comprehensive Plan. It also is called for being updated in Title 49, the Land Use Code, and the Land Use Code also calls for updating the Comprehensive Plan every two years, so the draft ordinance that is on the final attachment, Attachment E to the staff report would also make that change to Title 49 with Policy 18.2 and extend the period for review by two years essentially.

The matrix that Assemblyman Smith mentioned, Attachment A is a color matrix that sort of highlights where the most substantial changes are in various categories of types of changes. On the far right and left of that are staffs' objective as possible opinion, sort of a grading of the entire chapter and the significance of the changes within.

After going through and looking at really what had changed in Chapter 4 - Housing, which we've been considering a fairly major update up until now, I realize that almost all of the text had simply been moved, it hadn't been rewritten. So, it's actually a much less substantial update than staff had initially thought the Affordable Housing Commission had done. So, all the chapters are graded there.

Another tool that the Assembly had requested and this is an updated version from what the Planning Commission and the Assembly had seen in the past, on Attachment B, Land Use Designations and Zoning Districts, it's sort of showing how those two map sets relate to each other. There are also some maps that were printed really poorly for some reason on our new document. Attachment C or all the Errata Sheets, none of these maps were changed anyway. The file just didn't play well together, so I apologize for all of that, but again there are no changes there from what was adopted in 2008.

I would point out that we still unfortunately don't have updated maps from the FAA, so we are adopting maps that we know are out of date because the runway has been expanded.

Attachment D1 are all of the comments you've seen before, except for the very last one, I believe, which was received after the orange draft, the February draft review was complete and before the new draft was published, and so Ms. Danner had some comments regarding some wireless communications that she wanted included in the records, so those are there as well.

Attachment D2, near the end of the packet, the only comment received so far on this draft and Attachment E, the draft ordinance for adoption and hopefully touching everything; it has not

been reviewed by the Law Department, so we can expect some minor tweaks, but essentially the same document, and with that, I would conclude my staff report.

Chair Satre: Thank you very much Mr. Lyman. Any questions for staff at this time? I guess I would just note for the benefit of people that have joined us here this evening, this is probably the 20th meeting on the Comprehensive Plan as we have worked on this over getting close to two years now on what was envisioned as a minor update. Certainly, some chapters we have delved into much further than planned. We hope that we have made those chapters better. We certainly have been very appreciative of the work of all the commissioners and staff during this time and certainly appreciate of the public comments over this period and the folks who have joined us throughout the process. I think our intent here tonight is it's a bit of a housekeeping item to get to the final point in our review of the Comprehensive Plan to provide any comments that we want to put on the record in terms of our individual commissioners' feelings as to the process as to the plan itself. I do want to open this up for public comment and I would say if folks do want to comment on this, it is likely that you're commenting for the record that will go to the Assembly, as we would likely recommend this evening that this move on in its current draft form, but certainly any additions to the record are always welcome and there will be public hearings on the Assembly side, both in committee and in the normal meetings, so unless there is anything further, I am going to go ahead…Mr. Medina?

Mr. Medina: I just want to compliment staff on the cover photo of the plan. I think it's very colorful, makes for a nice looking document, so well done.

Chair Satre: Thank you very much. With that, let's go ahead and open this up for public comment. Would anybody who is here this evening like to provide comment on the Comprehensive Plan draft? Seeing none, we will close public comment.

***MOTION:*** *by Ms. Lawfer to adopt staffs' findings and recommendations with regards to the Comprehensive Plan and forward the draft plan to the Assembly with recommendations for adoption.*

Chair Satre: Would anyone like to speak to that motion?

Mr. Bishop: Mr. Chair, I support the motion. As everyone has said, we've been through a long process on this, I think longer than most of us had intended and most of us wanted, but I think we've come out with a good product. I think that we should be happy and proud of what we've done and achieved here. I think that the plan is meeting a lot of the objectives that the Assembly set out for themselves and for us when we started this process, meeting some housing needs and working on density issues in the plan that needed to be addressed, and I think that we have achieved that and I think that we now need to move this forward and work on the ordinances that it supports, so I would strongly urge a unanimous vote on approval on this.

Ms. Lawfer: The one thing that…and I've thought about it, was the updating every two years, and at first, I thought about possibly looking to change that, but I think that we have a good to-do list with regards to changes that should be happening within the next review, and I know I have mine and I know staff has been keeping theirs, and then of course addressing any of the

ordinances that haven't made it through this 2-year time period that we would like to see going, so I support the plan as it is including the two years.

Mr. Haight: I also agree. As we've proceeded through this process, I think we've gotten to the point where we have felt very comfortable. We accomplished the goals that we had set for ourselves. We also see that we still have more work ahead of us. In trying to bite off the next two-year plan, I think we recognize that we can't take on the whole thing at one time, and we will be, I'm sure, defining what our priority is, what our new goal will be for the next bite.
Ms. Grewe: I will speak in support of the motion and in particular I'll just state for the record that one of the most interesting parts of this process has been reading the public comment for me, because we work on it, we work on it and work on it, and then it goes out for public comment and we get several rounds of public comment and I'm really happy with the way the Commission treated the public comment. We listened to oral testimony and we read every single written comment and discussed them and some of them, there was debate, some we have made changes for, some we tabled as very important, but a larger issue that needs to be addressed with another revision process in the future, but I'm really happy with the way we treated public comment. My second comment is actually related to the staff report on Page 2 of 9. I think the third bullet on the very bottom is really important. I'm really happy with the way staff summarized the changes in the color-coded chart, but I think there is a lot to be said, that you take a fresh look at the document in its entirety and this comment is really kind of geared towards the Assembly; just because it's old text does not necessarily mean it's safe text, don't just focus on the changes, its really the document as a whole and as policy makers for our borough, I hope they would take a look at the changes they've made, but also think about the document in its entirety and what it says. Thank you.

Mr. Medina: Thank you Mr. Chair. I would like to also compliment the public for their input on this document. There were some well thought out ideas and although they may not have been incorporated into this particular edition of the plan, those comments will be forwarded on for a future review, and if you stop and think about it, you have 9 different people that review the document this size and come to consensus, that's pretty remarkable, and I know that we had a good-spirited debate on many of the issues, but overall I appreciate the opportunity to become more familiar with the plan and this exercise has certainly done that for me, so thank you.

Chair Satre: Thank you very much, Mr. Medina. I'll try and wrap up with some brief comments. For the average person in Juneau and quite frankly pertinent commissioner or staff member who picks up this document, whether it was the 2008 version, which I was involved in the creation or be it the update that we are now completing, it's a mean document that is hard to even find a place to start. I think we've tried to do our best to simplify that document where possible. I am sure there are parts and pieces that individual commissioners may still have some heartburn over or may be unhappy with certain phrasing or certain chapters in the text, but ultimately we realize the limits of what we could address in this update, and I think we've put the best product forward that we can at this time. It is also very important for us to remember and certainly our friends in the Assembly, I see Mr. Nankervis has joined us as well this evening; we appreciate that, but to realize that this is a living document and this is not the final word on the Comprehensive Plan moving forward. This commission and certainly CDD staff will continue to work on the items that the public has brought up in terms of making this document better and

certainly I think that other commissioners and staff and other Assembly members have brought up as we go forward, that this will continue to be revised. Hopefully, we can continue to make it simpler going forward and provide a relatively easy to understand and comprehend road map for Juneau's future, but it will adapt just as Juneau and its population adapts and we look forward to being part of that process. With that, unless there is any further discussion, is there objection to the motion to move this up to the Assembly for adoption? Seeing none, we will forward that on.

Thank you Mr. Lyman for all of your hard work on this and certainly everyone else, Mr. Hart, within your staff and thank you commissioners, both folks that are present and folks that are missing this evening. We truly appreciate your work on this. Thank you to the public for bearing with us as we wound up a very long process there, I think it was important to get a few of those comments on the record. For now, we will move on to Unfinished Business on our agenda.

## VIII. UNFINISHED BUSINESS

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| AME2013 0007: | Amend the Comprehensive Plan map from Resource Development to mix of Industrial, General Commercial, and Resource Development in the area of Honsinger Pond. |
| Applicant: | Bicknell Inc. |
| Location: | Glacier Highway |

Chair Satre: I would just note for commissioners, we have a memo from Ms. McKibben in our packet that really describes what we are trying to do here this evening. When this item was before us at a previous meeting, we had two commissioners who had to recuse themselves, that left us with six commissioners and our threshold for a positive action was four votes. The vote on this application ended up being 3-3, so the motion to approve it was denied and no other action was taken on that time and no reconsideration was noticed. Ultimately though, what we failed to do as a Commission was adopt findings to support that decision and that is what is in front of us here tonight. Ms. McKibben has gone through the records and has drafted up some findings. I think there are 12 findings within the memo in regards to denying that application. This is a pretty rare occurrence on the Commission. Generally, we have enough members around the table to get either a positive or a negative vote one way or the other instead of essentially being a default denial. The folks that are here this evening are the same six folks that were here the other evening, which certainly could set the stage for another 3-3 vote on the findings; however, I believe the Commission has had precedent where we have a split vote on an item, but when we come down to adopt the findings, we have gone to a unanimous vote to say, 'yes, we may have deferred on the decision, but the findings will go into the record and ultimately be appealable, we are unanimously affirming that decision'. So, with that Ms. McKibben, do you have anything to add?

Ms. McKibben: No, I think that is a really well done summary.

Chair Satre: And if there are folks here in the public on this item, our intent is not to take this up. In terms of public comment, we closed public comment. We had a motion on the record. If that motion fails, we are simply going to deal with our adoption of findings and move on this

evening. So, we have 12 findings in front of us. Does anyone have questions or comments on those findings before we move forward?

Ms. Grewe: I have a question for staff. So, the proposed findings, I think I'm familiar with the discussion that was held that night. So, this is a summary of our discussion, but in really short terms. If this were to go to an appeal, this is what the Law Department would be shown as well as the minutes.
Ms. McKibben: Exactly, the minutes and the findings would be part of the record.

***MOTION****: by Mr. Bishop to adopt the findings as written in AME2013 0007 as a support for the denial for this particular case.*

Chair Sartre: Thank you very much, Mr. Bishop. I certainly think that it would be my personal intent as a commissioner, but certainly a yes vote on these findings isn't necessarily that you may be changing your original vote; it's simply affirming our decision and detailing the record going forward, so that if there is to be an appeal, there are items to be addressed. Any further discussion on the motion or is there any objection to the motion? Seeing none, we will move on. Thank you very much Ms. McKibben for bringing some clarity to that.

## IX. REGULAR AGENDA

Chair Satre: We have a Conditional Use Permit as well as a City State Project review. We will take them up as a single item.

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| USE2013 0005 & CSP2013 0006: | A Conditional Use Permit and City Project Review for construction of a new two-lane boat launch ramp and associated parking at Statter Harbor in Auke Bay. |
| Applicant: | CBJ Docks and Harbors |
| Location: | Statter Harbor |

Chair Satre: Ms. Camery staff report, when ready. Mr. Haight, do you have a conflict of interest?

Mr. Haight: I do, I'm part of the project.

Chair Satre: Thank you very much. Ms. McKibben and Mr. Hart, can you advise us in terms of, do we need 4 for action tonight.

Mr. Haight: I believe that is correct.

Teri Camery, Planner: I would like to begin by going over the blue folder items with you. I understand you had a meeting right before this and probably had very little time to look at these items and there are quite a number of them. I wrote up a cover memo explaining issues that have come up since the staff report was completed.

First off, the attachments to the Baxter Bruce and Sullivan letter dated, May 17, 2013, were inadvertently left out of the packet. These are the appraisal exhibits, and I will explain those more as I get into my analysis, but I wanted to make sure that you saw that.

The second point of note is a supplemental memo from the CBJ Assessor's Office explaining the background behind their determinations.
Third note is an e-mail message from CBJ Docks and Harbors confirming that they met the vegetative cover requirement for the Waterfront Commercial Zoning District.

Comment four is a brief e-mail comment letter received requesting that the project be constructed to the highest standards. Similar comments followed that, comments that were expressing a concern with the parking lots on the waterfront and requesting a waterfront walkway and green space. Third letter, again similar comment, commenter requested a walking path, benches, and additional landscaping.

I have one correction to the staff report. In the staff report findings on Page 18, the question asked, will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area? The answer to that should say, "No, it will not decrease the value". That response is supported by the following statement; it was just an incorrect answer. So, I wanted to make that correction.

I also have two new conditions to propose and again I'll explain this in greater detail as I get into the review, but we proposed a condition requiring that the parking lot be paved, in response to concerns from the neighbors and also to ensure that the project conforms with CBJ habitat standards since paving is necessary to implement the oil/water separator measures that have been planned for the project. Second new condition will be for off-season storage. The applicant is not proposing storage on the parking lot, which has been a concern of the neighbors. Any change in use from the currently approved project description would require a new Conditional Use Permit anyway. This condition is just reaffirming that basic requirement. The wording of that condition is, 'Use of the parking lot for storage shall require a new Conditional Use Permit'.

I'll be addressing the remaining issues in the May 17, 2013, comment letter from Baxter Bruce and Sullivan in greater detail as I get into my review since that was not included in the staff report analysis. Last thing to note, we received another comment just before the meeting started. So, I have not reviewed this in detail myself, but this is the letter from the Don Statter family, appears to be signed by approximately 10-12 family members and we may read just a bit of this into the record, because I haven't reviewed it myself. The comments are from the family members to Don D. Statter, the letter reads: we feel it is essential that you reconsider this project to include an atmosphere as great as Auke Bay itself. Auke Bay is home to many mixed uses, is unique in its setting. Because Statter Harbor is a national center for Juneau, we ask that the Planning Commission grant a designated area for a park-like public use that all Juneau residents can enjoy regardless of being boat owners. Since the initial plan included park space and the final design is yet to be completed, we ask that you make the time to create space for a park along with vegetation, seating areas, and other pleasurable features that would make Statter Harbor an enjoyable hotspot. The letter describes the restrictions that were placed due to minimizing the intertidal fill, but nonetheless stating that the Planning Commission should look

at including mixed uses and look to create a park-like setting to improve the scenic value of this area. So, that is all we have to the blue folder items.

Staff report:
Teri Camery, Planner: We start off with a look at the zoning map, this project site, the most adjacent residential development in the Auke Bay Towers, and you can see that the Waterfront Commercial Zoning District extends virtually along the entire waterfront along Auke Bay General Commercial immediately across from the project site, light commercial over here. So, this is the Statter Harbor Master Plan, which shows the overall project; two other phases in here that have gone to the Planning Commission with previous Conditional Use Permits and this is the currently proposed project.

With that, I'll move into the body of the staff report. I'll provide a quick rundown of the major project elements, I won't go into all of these in detail; I'm going to try to focus on the elements of the project that seem to have generatedthe greatest amount of feedback from the public.

The project includes an armored slope and marine seawall to retain the intertidal fill, double-lane boat launch ramp and associated parking, a new access driveway from Glacier Highway for vehicles with trailers, a seawalk along the harbor frontage and trail access to Bay Creek, and reconfigured vehicular access and traffic circulation in the harbor area. Segregated launch and retrieve operations (non-motorized boats such as kayaks would use the existing boat launch while motorized boats would use the new double-lane launch ramps), and viewing opportunities along the seawalk and landscaped buffer areas near adjacent properties. As we will describe later, the landscaping is quite limited in this project due to the restrictions on the intertidal fill.

So, because the project has federal funding, it required a full environmental assessment and that environmental assessment has largely dictated the footprint of the project. The original fill footprint proposed is over six acres, that original design included additional landscaping and park areas. Those areas were eliminated through the EA process because the agencies through federal regulations required that the fill footprint be limited to the absolute minimum necessary to meet the project purpose. So, that original fill footprint of approximately six acres was reduced to 4.3 acres through this process.

Again, the site is zoned waterfront commercial. The new proposed boat launch ramp will reach the five foot tide line, as opposed to the current ramp, which I believe reaches only to zero foot tide line, so that would be a significant improvement.

There is a big section of the staff report regarding traffic, parking, and circulation. I'm not going to go into that in great detail. I am happy to respond to any questions you may have. The key point here is that DOT has accepted the driveway location and doesn't have any concerns over the project regarding vehicle safety or compatibility with other DOT projects in that area. We have improved pedestrian access; DOT will be putting in new sidewalks on both sides of the street in this area and, in general, the improvements will substantially reduce the number of vehicular trips and pedestrians traversing the area because there will be parking on-site versus the steady pedestrian traffic that we have right now from people parking in areas farther away

from the harbor along Back Loop Road, at Auke Bay Elementary etc. and moving to the current launch ramp site.

Noise: The applicant has generally stated that they will comply with the current noise standards and will restrict use of heavy construction equipment to the hours of 7 a.m. to 10 p.m. Monday through Friday, 9 a.m. to 10 p.m. Saturday and Sunday. I know that the adjacent neighbors have concerns with those hours and I believe that the applicant will be discussing that in greater detail in their presentation. I did not propose any additional reductions to those hours in my staff recommendation due to the problems that that could create with the construction schedule. As proposed, it complies with City Code and City Regulations.

There is a condition regarding the lighting plan; that is something we look at specifically in Conditional Use Permits to ensure that the lighting design does not cause undue glare on surrounding properties. We have included our standard condition that we apply on virtually all harbor projects and similar developments. The condition states, "Prior to issuance of the building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare."

We have a brief note regarding flood zone with the following condition; "Prior to the issuance of the building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the fill will be designed to withstand the 100-year storm force, which is described in the City & Borough's flood insurance study."

We have a pretty large section of the report regarding habitat impact, discussion, and the details from the environmental assessment, summary of impacts to Bay Creek and Eelgrass Habitat. The US Fish & Wildlife Service did make a finding of no significant impact, which means that the EA was acceptable and a full environmental impact statement was not necessary. The project does require mitigation that will be in the form of a fee-in-lieu agreement with the Southeast Alaska Land Trust. The amount of that fee is not available at this writing. The project has all the necessary permits from DEC, Army Corps of Engineers, and Fish and Game.

The Wetlands Review Board reviewed the project at their March 21, 2013 meeting, and recommended in favor of the project and specifically noted the Oil/Water Separator Maintenance Program and the path along Bay Creek as points that they specifically appreciated about the project.

We reviewed the Land Use Code Habitat Policies, the Special Waterfront Area Policy regarding minimization of the fill footprint. We reviewed the standard regarding Wetlands and tide flats and rivers, streams and lakes, and concluded with minimizing the fill and storm water measures, that the project met those standards.

The biggest section of the review is property value or neighborhood harmony, and with that I have noted in the report that the project site is on waterfront commercial - let's go back to that zoning map. The adjacent residences are also located in the Waterfront Commercial Zoning District. The definition of Waterfront Commercial District states that, "Waterfront Commercial District is intended to provide both land and water space for uses, which are directly related to or

dependent upon a marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services. Residential development is allowed in the Waterfront Commercial Zoning District."

So, with that, we move into an explanation of the concerns of the Auke Bay Towers Association. In the staff report and in the supplemental letter, they have focused concerns regarding the parking lot fill footprint, specifically the estimate that Docks and Harbors used to calculate the parking demand. CBJ code does not have a parking standard for boat launch ramps, so we have largely accepted the applicant's determination of need. I believe Mr. Gillette will explain the background behind that parking calculation in greater detail in his presentation.

Another concern of the neighbors is the lighting. Again, we have proposed our standard conditions regarding lighting, to ensure non-glare on different properties.

The Auke Bay Towers Association noted a very specific concern regarding the parking lot, if the parking lot is not paved; therefore, we recommended an additional condition specifically requiring that the lot be paved. The Auke Bay Towers Association also expressed concerns that the area could be used for vessel storage, boat repair, and other activities like that in the off-season when the parking lot is not fully used. Again, those uses are not part of the current project description. Any significant change to the project description would automatically require a new Conditional Use Permit from the Planning Commission. Because that's a specific concern of the neighbors, we have called that out as a very specific condition; that if storage of any kind is proposed, then it would indeed go back to the Commission.

There have been a lot of comments both from the Auke Bay Towers Association and other comments that I noted that came through the blue folder items regarding landscaping for the project. The major issue with landscaping is, again that the environmental assessment process severely limited the inter-tidal fill and the emphasis has been on parking. So, landscaping for the project is minimal and the applicant will explain that in greater detail in terms of what they have done and why they couldn't do more. The last major concern from the neighbors, as I understand it, is the noise impacts from construction. Again, I have not proposed any additional conditions at this time because the applicant meets current CBJ standards.

Another concern that came up in the letter from the Auke Bay Towers Association, it was not fully addressed in the staff report, we included it with the staff report, but we didn't go into in-depth analysis regarding the impact on property value. In that May 17, 2013, letter from Baxter Bruce & Sullivan, the applicant's representative has stated essentially that the CBJ Assessor's Office analysis of the property value and tax is inadequate. The Assessor's Office has included a supplemental explanation in the blue folder, in terms of what they do and what they do not do. They have essentially said that it's beyond the scope of what they do to conduct an in-depth property value analysis.

The applicant in the exhibits that were belatedly attached has documented that condominium units in the Auke Bay Towers that have water views are valued at $5,000 more than condominium units without water views. So, I wanted to specifically note that. I did not change my recommendation regarding neighborhood harmony and property value because I don't

believe we know at this time whether the proposed parking lot would completely eliminate the water view from those units or partially eliminate it. The letter states that the development will turn three units currently enjoying water views (it gives the specific unit numbers) and turn them into non-water view units. It states that these three units and nine others will be only 50 to 100 feet from the construction area and it goes on to reiterate the concerns regarding noise during construction.

Back to my staff report, I wanted to turn your attention to the visual depictions that the applicant provided. Here's the existing view, water view, the area, and here is the proposed view. The project area is right here. This is the beach area that the condominiums currently look at. There is the proposed view; you can see the rip-rap. Again, this is from the waterline. You will see several different views here that will give you different angles. Here is the second photo depiction, which is farther out in the water. I guess the project area is right in here. There is the proposed line at the rip-rap. Here is the street view, presumably right at Squires Rest or thereabout. There is the proposed with the landscaped islands, fairly sparse and again, the applicant will explain why they couldn't do more. Here's another view from the road, a little further back and a little further north on Glacier Highway - in that case, you've got a little bit more of a buffer. The last photo gives you the view from the Auke Bay Condos.

This is the existing view; this is the project site. So, this is their primary water view at this point. This is Bay Creek and there is the beach area that they currently look at. You will see this is a significant change. Here is the former the beach area. I noted in my staff report that the visual impact of this is likely to be greater once it's filled up with cars, depends on how you look at it.

Neighborhood Harmony: Our conclusion is that the proposed development is in harmony with the neighboring area. This will undoubtedly have a negative visual impact and yet this activity is consistent with the Waterfront Commercial Zoning District. It is nothing unusual for this area according to the definition. It requires a Conditional Use Permit; it requires an evaluation, but nonetheless, the condominiums are in a Waterfront Commercial Area; the development is in a Waterfront Commercial Area. These uses are solely in line with what's acceptable.

The Planning Commission may wish to take another look at the question regarding property value assessment. I am not prepared to change my recommendation at this time, based on the evidence that has been presented. It's up to the Commission whether you want to look at that further. So, with that, I'm going to close with a review of the proposed conditions. Again, this is the condition regarding the lighting plan, a standard condition that we use on almost every project. Here is the condition regarding flood zone, designed to withstand 100-year storm force; and then these are the two new conditions, parking lot shall be paved in accordance with CBJ standard specifications – there is an actual document titled that, so the applicant will be clear on what that entails. Use of the parking lot for storage shall require a new Conditional Use Permit.

I guess the last thing I would like to note, I just remembered, I know there will be a lot of discussion tonight regarding landscaping. I did have e-mail and phone discussions between the applicant and the U.S. Fish and Wildlife Service regarding the possibility of vegetating the rip-rap. You may recall from the presentation by John Hudson, several months ago that many of you attended, where he described the success with placing soil on rip-rap areas along the

Mendenhall River and how that actually sinks into the rip-rap. I discussed that with the applicant and the applicant's representative, PND, and we had a pretty good dialogue on that. The applicant and PND, however, felt quite strongly that because of the inter-tidal action, storm surges that happen even in Auke Bay, which is quite protected, that they could not ensure the integrity of the rip-rap with planting vegetation in this area. It could be done farther up on Bay Creek, but not in the area of new construction. I just wanted to let the Commission know that we did take a look at that and I'm sure the applicant will describe that further. That's all I have right now. I would be happy to answer any questions.

Mr. Medina: I have a general question regarding the hours of operation and I realize that under Code 49.20.095 that the hours are from 7 a.m. to 10 p.m., but could you provide me a background on how the hour of 10 p.m. was established?

Ms. Camery: I pulled out the noise section - those hours are from Section 42.20.095, disturbing the peace; this is from the penal code. So, Section B of that code states under construction of buildings and projects, it is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment before 7 a.m. or after 10 p.m. Monday through Friday or before 9 a.m. or after 10 p.m. Saturday and Sunday, unless a permit shall first be obtained from the City and Borough Building Official. So, there is that standard. The second section that we looked at regarding noise is CBJ Performance Standards, Title 4. Applicability applies to all commercial and industrial uses. It specifically states uses, which we interpret to mean ongoing activity, rather than construction to build a facility. "All commercial and industrial uses located in light commercial, general commercial…..districts shall comply with performance standards in the following sections. A. The noise emanating from premises used for industrial activities shall be muffled, so as not to become objectionable due to rhythm, intensity, pitch or timbre and where a use adjoins a residential district…' [this is key because this is the situation we are in] '… where a use adjoins a residential district, the volume measured at the boundary line shall not exceed 55 dBa's between the hour of 11.30 p.m. and 6 a.m. and 70 dBa's at other hours." Staff interpretation and I double-checked this with Ben Lyman who knows the noise ordinance better than anyone, is that this applies to the ongoing activity at the site, day-to-day operations; it does not apply to construction activity. The standard for construction activity goes back to the penal code that I just read, which gives those specific hours of operation.

Chair Satre: Thank you. I have some follow-up questions on the noise issue. I don't remember off the top of my head, where there any specific conditions on noise related to the current construction project in Auke Bay in terms of replacement of the DeHart's facility and the work on the breakwater and the driving of pilings for that?

Ms. Camery: We did not place any additional restrictions.

Chair Satre: So, what you read applied to that operation?

Ms. Camery: Yes.

Chair Satre: I believe we had some restrictions, and once again off the top of my head I can't remember them, but on Stabler's Point Quarry, where we were looking to protect residential units from industrial use adjacent and did we minimize those further than what the penal code states?

Ms. Camery: I'm sorry, I can't speak to that project.

Chair Satre: We will look into that during our discussion, but if you think of an 18-month construction project that consists primarily of placing fill, to some extent it's an extension of a coring operation and if we had limitations on Stabler's, it might be interesting to note what those are for our further discussion.

Ms. Grewe: A quick question on the vegetative cover. Could we go back to the picture of the view that the residences have of the project area? I think you might have mentioned the vegetative cover would hold near the creek, but not right in front of the project. I just wanted to make sure that I understood. So, the picture with the project implemented -Where would vegetative cover hold versus not hold, I guess is the basic question.

Ms. Camery: The areas that I reviewed with the applicant and the U.S. Fish and Wildlife Service is this section right through here, which is again the primary view that the Auke Bay Towers is looking at. We discussed placement of vegetation in the upper inter-tidal area.

Ms. Grewe: Okay, thank you.

Chair Satre: Further questions? I have one on the lighting. I know you mentioned it's your standard language, but it seems to me that on large commercial applications, we have in the past stipulated full cut-off lighting fixtures. So, Condition 1, where we are asking to design and submit a plan, where we are looking to minimize….now we have been more specific in the past in terms of implementing full cut-off lighting fixtures, is there a reason why we didn't add that here? I know it's a generic one, but we have gone past that in terms of staff recommendations in the past.

Ms. Camery: Sure, yeah, I am sorry. I followed the most recent ones from other harbor projects that we've completed in the last few months. I'd be happy to amend it.

Chair Satre: And certainly that is part of our discussion and our task. Ms. McKibben, you are nodding your head; am I correct in my remembering full cut-off lighting fixtures on certain other projects?

Ms. McKibben: I remember recommending full cut-off luminaries in some of my projects.

Chair Satre: That's something for our discussion later on. I think I had a similar question to Ms. Grewe on vegetating the rip-rap area, at least in terms of the Bay Creek portion.

We will go ahead and start with public testimony. Our rules of order state that we allow the applicant to come forward first and talk to their project and answer questions; after that, we will open it up to the public. Once the public has had their chance to comment on the project, the applicant will come back for any further wrap-up or questions.

Applicant Testimony:

*Gary Gillette*, 155 South Seward Street, I am the CBJ Port Engineer. First is a comment that I think Teri did a very good job of overview of the project and I don't have too much more to offer, but I do have some things to kind of reiterate and some things that I want to point out that were in your staff report and in our project narrative.

First, just to mention that this project has been a topic of conversation, public meetings, permitting process, and extensive, nearly 5-year environmental assessment with federal, state, and local agencies for over the past 10 years. Originally, the plan was to look at Statter Harbor to see how to separate the different user groups to reduce congestion, improve safety, improve parking and circulation, etc. In October 2002, the voters approved $3.25 million dollars to begin a Commercial Loading Facility that was planned to be within Statter Harbor. Once they started planning for this Commercial Loading Facility, it became quite clear that there just wasn't enough real estate to accommodate all the different users and ultimately the decision was made to construct the Auke Bay Loading Facility, to get the commercial use out of this congested area. That was kind of the beginnings of the master plan for Statter Harbor.

Then in 2004-2005, they formed an Ad Hoc Committee, which had harbor members, park members, some federal agency members, and went through a planning process with the consultants and came up with a master plan. This was a very envisioned plan with retail space, lots of park space, all developed on the inter-tidal zone. In 2007 and 2008, the Docks and Harbors, with PND engineers, started preparing this master plan and more specifics to begin the NEPA Environmental Assessment Process. The reason we needed to go through there was because the Alaska Department of Fish and Game, with monies through the Fish and Wildlife Service, is funding a portion of this project and, in fact, funded 75% of the permitting process for the NEPA assessment. That process went over a period of almost 5 years before we received the finding of no significant impact and numerous alternatives were looked at for designing. From day one, at the very first meeting with the agencies, it became clear, and they made it very clear, rather rudely, that they would not even look any further at filling valuable tide land for parks or retail commercial areas. We also heard from neighboring commercial entities that they did not feel it was appropriate for Docks and Harbors, a city entity, to build commercial retail facilities that would be in direct competition with a private enterprise.

With those, essentially, orders, we had to look at how to reduce our project to meet our needs and to fit within those parameters that they set forth. We had a number of different alternatives. We looked at ways to put parking lots, that were up to a half a mile away, in order to reduce that footprint to just the boat launch and the access, but through the end that just wasn't practical, because one of the issues that we are trying to solve at Auke Bay is to not make people launch their boats and then have to walk half a mile away to park their car, come back and, it just ties up the ramp - the efficiency goes down dramatically. If you've looked at the environmental assessment, you'll see that we have done studies that looked at that and it just would not solve the problems we've had; it would probably exacerbate them, if anything. So, that's kind of where we came from. It was not an intent of ours to eliminate park area or retail commercial places.

Ms. Grewe: I don't want to interrupt you, but I think questions remain about what you just spoke about - A part of your funding source is federal funds and you are saying the funding source limited you in considering additional green space, vegetation, and commercial retail space. Is it requirements on the funding; is it the personal pleasures of the federal agencies?

Mr. Gillette: Well, no. The federal funding, what that requriesis the environmental assessment, that we spent five years and nearly a million dollars creating all the studies. The Corps of Engineers permit is what controls the fill footprint. Even if it wasn't federal funding, we still would have had to go through the Corps of Engineers permit; we still would have received generally the same comment. I don't think that those agencies would have agreed to park land or retail, because generally they are saying if you are filling waters of the US, if there is a viable upland alternative, that they won't allow it; and, there are viable upland alternatives in the community for retail and for park space.

Ms. Grewe: Okay, that's exactly what I needed to know. Thank you.

Ms. Lawfer: If I could follow up on that. With regards to the master plan for Statter Harbor, where it specifically talks about viewing opportunities, does that mean that this plan with the eightitems that are identified are no longer priorities with regards to this project? And the reason that I asked that is that it very definitely talks about number four, a seawalk, and numbers eight and nine, landscape buffers and scenic viewing opportunities, and so I guess the question is, when we couldn't fill to six acres and you are down to 4.3, does that mean that those three components are now not a part of this planning process?

Mr. Gillette: No. The sixacres would have allowed us to have a more defined park area and we had retail. We are getting rid of those, yet still maintaining the size of parking, circulation, and all of those uses. We have still been able to incorporate some features: One is the seawalk along the entire project. Admittedly, we would have preferred to have a landscaped seawalk, but we just don't have room, so our intent is along this seawalk to have little bump-outs, if you will, places for benches, maybe even a picnic table, we might incorporate some planters, something to soften it. But, there will be areas for people to sit and view the waterfront. And then we have shown other areas, like on the edge in the parking bays along Bay Creek - it just so happens that the layout here offers us a little bit more room we're not really changing the embankment of Bay Creek. We are going to be able to put a little more landscaping here, which offers a buffer to the towers. Then, we have a side trail that goes down along the banks of Bay Creek. This primarily was a request from the Auke Bay School, because they currently use that area for Sea Week and for educational purposes. So, we will actually develop a small trail there. And then we have some landscaping that kind of buffer against the residential on this side and then, as much as we can, along the roadway. So, we will incorporate some of these things that are identified in this. We just were unable to create a park area that was a little larger with picnic tables and a shelter; that's what our original intent was.

Ms. Lawfer: Okay.

Mr. Gillette: Teri mentioned that we do have the Army Corps of Engineers permit and DEC's and fish habitat, all of those permits and, of course, the environmental process with an extensive public comment period. There were numerous comments that were received that are in the EA.

You can view that online. This is the document here, the hardcopy. It was so huge that they didn't copy it to each individual, but we gave you the online connection to it.

Just to mention parking, because that's been brought up in terms of the amount of parking. We did do studies of the harbor usage. We had a study where we had people at all the different harbors to record the number of people that came and launched; we recorded how long it took them to launch, and the ones at Statter Harbor, because many people had to launch, go move their car and then come back; that period was all recorded and Statter Harbor has the longest launch-to-take-off time of any other harbors. We have 22 parking spaces for boat trailers at Statter Harbor right now; and we have, I think, maybe eight up at the Horton Lot, so that's a total of 30 on-site. Some people call the Horton Lot the off-site, but it's owned by us, so it's part of the complex. It's still off-site, in that people have to launch their boat and then drive back out on Glacier Highway to go access the Horton Lot, which is the one directly across from the UAS Bookstore. So, that's why we call it off-site or they go park at the Auke Bay School parking lot, or they go park along the roadway on Back Loop Road.

We counted the number of spaces that are used and one of the days that we counted was Salmon Derby Saturday 2010. There were 22 spaces filled at Statter Harbor on our site; 66 or the bulk of them were off-site; that meant 66 people had to launch their boats and drive back out onto Glacier Highway and then walk back. The following weekend, which was the weekend after Salmon Derby, there were actually more; they were parked further out on Back Loop Road and even some of the side roads that enter the university and the University Recreation Center. Then, we also looked at another typical day that was before Salmon Derby and found that all of the off-site parking spaces were used with the exception of about 25% of the Auke Bay School which is only 8 spaces. There are only 30 there. So, even on a typical weekend day, we were seeing 80 spaces being used.

So, what we did is we consulted a number of standards; Fish and Game has standards for boat ramps; the Corps of Engineers has standards for boat ramps, and a couple of other boating organizations. They basically recommended 50 per lane. The Fish and Game, I think, was 40 minimum, 50 preferred; Corps of Engineers and the other boating organizations recommended 50 per lane. That gives us 100 and that is only 12 more than what we have right now. So, that isn't a huge increase and in fact, in the surveys that we did we found that a lot of people said that they actually avoid Statter Harbor because they know it's congested and they know there's not a lot of parking there. So, our expectation is that even with a 100 spaces, with a few extra spaces, that we are still going to be pretty well maxed out right away, because people are avoiding that area. Once they find that it's going to be a little easier to use, it will probably fill up; and it really doesn't give us much in terms of growth. We want to build a facility that will grow with the community; but we are limited on the space we can do it. This is basically what we said we needed. This is the most space that we could negotiate with the agencies.

Ms. Lawfer: What is or will be the parking requirements with regards to those spaces? Will any overnight parking be allowed in those spaces?

Mr. Gillette: Typically, we do allow overnight parking because people go out, go camping on an island or just anchor out and stay the night. That's kind of a management issue that the board will have to grapple with. At Statter Harbor Proper, they charge and the main reason they charge

is because there is not enough turnover to meet the demand; so, that discourages somebody from sitting there for days on end. That will have to be probably analyzed over time. Right now, I don't think the management plan has been fully developed for this facility.

Ms. Lawfer: Do you know what the current practice is with regards to people parking on the road, say up on Back Loop overnight?

Mr. Gillette: I believe they took the signs down and I don't know that they are actually enforcing it, but DOT has two projects in the mill: one is the roundabout, and so they are going to be constructing up there and I think they are just not going to allow it anymore. We asked the school district if we could enter some sort of an agreement to use Auke Bay School and they did not want to enter into a long-term agreement, partly because of their construction project, but also they said they do have a summer time use, so we could not get them to agree to designate some parking for us to use during the summer. They generally haven't closed it, but they weren't agreeable to making any kind of agreement either.

Ms. Lawfer: With regards to this ramp and the parking spaces, what is going to be the maximum size of say, a boat that someone is going to be able to launch off of that?

Mr. Gillette: I don't know that we have a maximum size. There's a practical limitation in terms of boat trailers and the size that you couldn't… most of them are going to be probably in the 24-30 feet range. I think some of the commercial, Willie's Marine or somebody like that will launch a bigger boat, but that's typically once a season, not every day. I think our parking areas are generally 40-50 feet long, which is pretty common with a big pickup truck and a trailer.

Mr. Medina: Mr. Gillette, it mentions here that the new driveway will have a center turn lane; what's the length of that turn lane?

Mr. Gillette: Are you talking about Glacier Highway?

Mr. Medina: Right, yes.

Mr. Gillette: DOT has two projects in this area. First one, [let me show you on the map], is here at the roundabout and that takes it little past the private residence here in front of UAS store. Their next project, which they are in the design right now, takes it up here and up to Sea View Lane. This new section here will have a center drive lane, so it will be all the way from the roundabout and it will go, I'm not sure how far past it will go, but it will go past our driveway. So, there will be a center turn lane there. Our intent here is that we would have an end lane and a right turn lane and a left turn lane. So, we would have three lanes there as well to try and keep the traffic low.

Mr. Medina: Could you show how a vehicle and boat will navigate down and launch?

Mr. Gillette: They would come along here, they will drop down here, they will come here and they can pull in here for make ready, take their straps off etc…they would pull up into this lane, back down, and then they would come up and park.

Chair Satre: Okay, thank you. I don't know if you were getting towards the end. We got you a little bit distracted questions. Do you have anything further?

Mr. Gillette: Yes. I'd like to cover a couple of other things, just because it has been brought up. There were concerns about construction sounds. We certainly realize that construction sounds can be irritating, probably the most irritating is the backup beepers on vehicles, but that's an OSHA standard that we can't change. The construction period that we are estimating is 18 months and we said we can work within the hours that are advised by the code. That doesn't mean that we're going to work 12-13 hours a day, every day, for 18 months. We have to take into consideration, for instance, in this particular project the tide is going to have an impact. These areas down here that we're building embankments and this ramp here, they are in the tidal range. So, the contractor's first step is going to be going in and build the toe of the slope; that's got to be done at low tide. If that low tide doesn't happen until 2 in the afternoon, they're not going to be down there until two in the afternoon.

They might be doing other things on the project. They will be stockpiling material; however, they can only stockpile so much material until they put it in place. Once we are above normal tide range, then they can work more steadily, but most contractors work six days, eight hours a day, and they start about 7 in the morning, about every contractor I have ever worked with. They do not want to go to 9, 10, or 12 hours because that's overtime. If they haven't figured that into their project, that's costing them money and it adds up real fast. So, we want to live within the range that we've got, because they may need to start some days early and some days later in order to meet that tidal range. The other thing is, we anticipate that the closest place for rock is Stabler's Point, so it is likely that is where the rock will come from. The quarry closes down 3 to 4 months out of the winter. So, there will be a period there that they might stockpile a bunch of stuff, but as soon as they get that out of the way, then they are shut down for a while.

Our project period is 18 months, but that doesn't mean we are going to be working every single day for 18 months. In terms of noise, we just finished a project, basically completed today, and we had some pile driving, some drilling, all kinds of things going on and that project has been going on since the end of September to the1st of October. We have not received one single complaint on that project. Our contractor was efficient in his operations and conscientious about noise and operated within the hours that are required by the code.

The noise provision in the code, had to do with industrial uses adjacent to residential districts, we are not adjacent to a residential district. Stabler's Point is adjacent and surrounded by residential districts, and it may even be in a residential district, but we are not. We have an adjacent residential building, but it is within a Waterfront Commercial Zone, so I do not believe that the same standards would apply.

We did do a study of sound for the EA and we found that the normal noise that you hear now at the Auke Bay Towers property is anywhere from 48 dBA to 70 dBA with the highway traffic and, surprisingly, wind chimes actually created quite a jump in the noise.

Lighting was brought up; our proposal is to use full cut-off down lighting. That's what we've used at the Auke Bay loading facility; that's what we propose for the cruise ship docks. We are very sensitive to lighting. We need to have enough lighting to make it safe on the site, but we do not want to cause off-site glare and we also have been using the standard to paint the light poles flat black because they are less intrusive visually as you look onto the site; they disappear into

the background. I think at this point that's pretty much all I had to say based on some of the questions you had and comments. If there is any other question, I will be glad to answer.

Mr. Medina: Mr. Gillette, I believe in the Wetlands Review Committee meeting minutes that the fee in-lieu of mitigation payment was estimated to be between $500,000 and $700,000, is that still a ballpark figure?
Mr. Gillette: Yes, we are negotiating with SEAL Trust on the figure and we have until mid-September by our Corps permit to finalize that.

Mr. Medina: On the landscaping, there was mention of native material. Do you have any idea what that would be?

Mr. Gillette: Well, our landscape architects project is Corvus Design, which is Chris Mertl and he was involved in our studies for the scenic resources of the project. He is very knowledgeable about which native and local species work well and that's the intent. We are not to that design level, but that is our direction to him and that's his general policy, to find as much native species and species that will survive and flourish in our climate.

Ms. Lawfer: Could you tell me, is it still in the plan and the process to have a non-motorized access point with the old dock; or is there a plan or a place identified for non-motorized?

Mr. Gillette: This is the master plan and we are doing it in phases. The first phase was to replace DeHart's; that's complete now. Second phase is the launch ramp. Our third and fourth is this area, which we are assuming that we'll probably get funding for this third phase, which is to construct a boat haul-out ramp and a kayak launch ramp. The boat haul-out would serve the boat yard that's existing there and the kayak launch ramp would serve kayak launching. Ultimately, we would like to build a new float for the charter boats, for-hire boats, then the bus traffic won't come down in here to load, they would, again, come in through here. That's the master plan and that is how we have separated the user groups.

Ms. Lawfer: Okay, so that is Phase 3?

Mr. Gillette: Yes.

Mr. Bishop: Mr. Gillette, could you tell me, this area here, is this a planned area?

Mr. Gillette: Yes.

Mr. Bishop: So, if we wanted to include a park area that could be included in this project? The other area would not be feasible.

Mr. Gillette: It wouldn't be feasible because we need the parking.

Mr. Bishop: But if we were to do so and push out into the inter-tidal area, because that's then a viable use of that, correct?

Mr. Gillette: Well, we are fighting a couple of things here. We actually, our original team had kind of popped out here to create some park area. I think the park area was more over here, but if we did go out into there, but there were major objections to re-routing Bay Creek. So, we were pulled back to allow Bay Creek to stay in its generally natural form. Another thing is, along here, we have a structural seawall that, in the visualizations, you saw was kind of a block wall and that was because we didn't have enough room for the toe of slope to move out into there, again, because we were restricted to maintain Bay Creek in its natural and current streambed. So, we really did not have any room and that is where we would have picked up parking. We were pushed inland because of that. Again, the agencies are trying to reduce to the minimum the fill of US waters and then other agencies chimed in that Bay Creek is an important anadromous fish stream and they were afraid that if we re-route it, it would flow out and hit the eelgrass bed that's there, which is one of the largest ones in the Auke Bay area. So, we had a lot of threading the needle here, where we are keeping Bay Creek where its running now, avoiding impact to this eelgrass, and keeping the footprint to the minimum.

Ms. Grewe: I would like to discuss a little bit more about the parkland or seawalk. So, there is going to be a seawalk potentially with some bump-outs; I am imagining some benches, but it sounds to me like it would mostly take the form of a sidewalk with some bump-outs to take in the waterfront view. Then, alongside that is the make-ready area. So, per all the knowledge you've gathered from the different agencies and I can see that you are really trying to make this project work for Juneau with the lots of constraints we have locally and then also outside of our City and Borough, but was it really not possible to move the make ready area more into the parking, perhaps sacrifice a little bit of parking for a little bit more, 10 feet of grass or something, I mean that was really, truly not possible here, per your experience in negotiating with these outside entities?

Mr. Gillette: I believe that it would not be possible; the strip along there is actually, when you add that all up, quite an amount of square footage. If we lose that parking then we start compromising some of the main reasons we are trying to accomplish this project. I would say that if we were to now have a plan that reduced the parking and showed much more landscaping, they could say that we've modified the project enough that our permit is void and would need to come back for further review.

Ms. Grewe: Follow-up question, so if you modify the project to the point that your permit is now void, I mean, that's what I am trying to get at, was it really not possible? I mean, I can see that even with the plan that you have in place, it will be busy. Your numbers show that. There is not much room for growth there for traditional standard watercraft; but, there is not much there for those that are interested in using that waterfront that don't have a boat. I'm just trying to figure out what was the preference of harbors versus outside constraints. Without the support of these outside federal agencies, this project wouldn't be possible either. You know it better than anything else, Mr. Gillette.

Mr. Gillette: Again, I go back to what our very first proposal was. We did have more landscaping. We did have landscaped strips along the waterfront. We just kept getting pushed and pushed to eliminate that because, again, their mantra is the minimum fill to achieve the purpose of the project. The purpose of their project is for boat launch and the associated parking.

They bought off on that, but that is necessary. After we went through numerous examples of how putting it off-site just wouldn't work. Again, I think we can try and put something in there, but 10 feet is quite a bit. Anything less than five feet is really not plan-able. It's really a constraint. That is why I said we're going to look at planters of some sort that could support some greenery and benches and we also are going to investigate at least a couple of areas that might be big enough to have a picnic table and cover. It will be small, but something where people can sit and enjoy the wetlands that are there and watch the boating activity. It's nice to be able to enjoy the waterfront; but, if you want to have a pristine waterfront experience, you would probably go someplace else, but if you like watching boats and all the activities, this will provide that for those people.

Ms. Grewe: True, thank you.

Chair Satre: Further questions for the applicant at this time? Thank you very much Mr. Gillette.

*Public Testimony*

*Daniel Bruce*, 9309 Glacier Highway, Suite 201A - I appreciate the opportunity to address you and express the concerns of my client. I know you all have the letter that I wrote and the exhibit to that, I know you've read it, so I won't repeat those comments. I do have a few brief additional comments and then I'll turn the floor over to other people here, who include some of the members of my client.

First and foremost, the overreaching concern of the Auke Bay Towers Association is the uncertainty surrounding the specific protections to be given to them regarding this project and the impacts on their lives and their property. We met with the port director yesterday to discuss the letter that I had written and a fairly shocking admission was made at that meeting; and that is, this is not a design. This is a cartoon. You do not have a design in front of you. You have a concept. And, under that scheme, I don't think that you have a complete application for a permit, which is required under 49.15.330 (e) & (f).' I would hope, I know when I sat up there, we all became intimately familiar with the same neighborhood association and that case addressing phasing – and it's not completely applicable to the situation you have in front of you, in that this is not a large mine permit, but I think you have a similar thing going on here that you have in phasing, and that is, that you have really an incomplete plan or projections of what's going to happen on this piece of property and how it's going to evolve as funding and as contracts get led. So, my client has already experienced substantial – and I think in your packets you have the original designs and you see how this is constricted.

When we spoke with the port director, and I think there are quotes to that effect in the letter. At one point, there wasn't even a commitment to pave the entire project; now, we have a condition for that. So, we've got this evolving plan. What certainties do the residents of Auke Bay Towers have? I think that the Planning Commission should continue this hearing until you have a complete design, a design that incorporates all the elements of landscaping. I would agree with the Commission – I don't think landscaping converts to parkland. I don't think a 10-foot strip or a 7-foot strip that runs along here, and you've got internal landscaping in this part of the lot. That's not where it's needed; it's needed on the perimeter, if you are going to screen this, not only from noise, lights, I mean the whole impact of what they have now versus what they're

going to have when you've got cars pulling in and out with boats. Right now, the make-ready lane is directly in their view.

I also think that you should have a specific lighting plan that shows not only the number, but also the height of the poles that are going to be placed because that has an impact – depending on the elevation of the light, it may be a full cut-off light, but if it's high enough and you are in one of the bottom residences in Auke Bay Towers, you're going to be looking up into the light, and the full cut-off is going to not be as effective.

As we pointed out with the exhibit, two things - The Assessor's Office is essentially punted; they have no opinion upon what the value of this project will have upon the property values of the Auke Bay Towers. There are 19 units there. At $5000 a unit, that's almost a 100 grand negative property value. That's just based off of one limited appraisal. So, I think as a part of this, there should be further consideration of the impact on property values for the Auke Bay Towers, individuals and, if necessary, some plan to compensate them for the loss of that value.

One of our other concerns has been addressed and that was the paving of the parking lot and that no increase in use of this area be allowed without going through the Conditional Use Permit. Once again, given my client's uncertainties or fears over the way this project is more ____ over the years, I think that it drives home the point of making sure you have a full and complete design and plan before you approve a Conditional Use Permit. With that, I will stand down so others have an opportunity.

Chair Satre: Thank you very much Mr. Bruce. Questions? Certainly for the folks here, Mr. Bruce is representing the facility next door.

*Heather Marlowe*, 11909 Glacier Highway, Unit #304. It's going to be a challenge to address the points that I would like to cover with you in three minutes or less. One of the primary points that I wanted to spend some time with you on is the handout that I gave you regarding valuation, and what that is, is three pages of an 18-page appraisal that was done on my condo in December of 2012. What it says is that it uses four other comps on the property that have different views. And so, what happens is on the cover page, you have a description of all of the abbreviations that are used in a uniform appraisal. Uniform appraisal is a standard tool that is used by financiers, bankers, and the appraisal industry to determine valuation. So, when you become an appraiser, you have to be competent in applying these abbreviations to the valuations of property. I've highlighted some of the abbreviations that apply to views and location. That's what I would like to focus on.

The next few pages are what were handed out to you earlier from the appraisal. That's referencing how values are adjusted for different considerations. So, you start with a subject property, which is my own, and then you have three different comparable sales. Sale number 1, 2, 3, and then the next page is sale number 4, and they look at the different attributes of the properties and they compare them one to another. They make adjustments on whether some attributes have more value, more benefit than others. They compare one property to the other. What you can see is that there are value adjustments that are based on location, which is what I've highlighted. Since all the comparisons are the same on this property, that's not a very good

example to use with you, but what you can see is that there is a neutral residential location value for all four of the properties.

The next identifier is the view and if you look at the abbreviations, the "B" stands for better, beneficial, and then the next identifier is water, WTR. If I had more time, I would go through the layout of the building for you and show that some of our units currently have a water view. After the project, they will no longer have a water view. There are $5000 adjustments. On the right hand side of the page, there is a $5000 adjustment for one of the units that does not have a water view when compared to mine, and you turn it over to the back page, and there is another unit, comparable number 4 that has a $5000 adjustment to it because it does not have a water view. That is further discussed in the last highlighted line on the page, which says comparable 3 and 4 are side wing units and have inferior views. That's why the adjustment is $5000; I have a better view than those side wing views and so I have a $5000 increment.

After the project, those side wing views, some of them will have no view of the water at all. And so the differential will increase between my water view and their no longer water view. My water view will also be impacted because I will no longer have a full waterfront view. I will have a parking lot view that you saw earlier before. So, my designation is going to change. I don't know which of these designations is going to apply, but it's no longer going to be a beneficial water designation. It's probably going to change to be something comparable to the $5000 adjustment, which is a residential location.

So, if I had more time, I would go into more detail and show you how the building is laid out and how these evaluations and the adjustments based on your view come into play. We find that there is an impact, at the bottom range its $5000. If we had more time and we spent more time with Mr. Horan who I talked to, he charges $200 an hour, he gave us a price quote of $5000 to come to our building and do evaluation on views. If there is benefit to the Planning Commission in seeing a $5000 study by Mr. Horan on the impact to our views, we'll do it, and we would perform that for the Commission and bring it back, so that you can have the information to make informed findings.

Additionally, you had some questions about Stabler's Quarry hours and some of the restrictions on noise. I would point out in the letter from Mr. Baxter on page 7 that we would like to have hours of operation limited to no later than 6 p.m. We would like to take the applicant up their word that they meet 65 dBa in the day, 55 at night. We would like to monitor and have a log that we have availability to, to determine whether or not they are meeting that, and also you have in your Planning Commission standards for noise. There is a third noise source for direction to the Planning Commission that your staff did not bring out, but it's identified in the Planning Commission conditions that you can limit projects to 65 dBa and 55 dBa, and I do have that code typed for you, if you would like to refer to it later on.

Ms. Grewe: I have a question about I guess the water view. I don't have a layout of this condominium complex well. So, is it really that the condos with the water views will no longer have a water view or their water view will be different?

Ms. Marlowe: Both, depending on how the building is laid out and what's going to be occurring.

Ms. Grewe: Okay.

Chair Satre: Thank you very much Ms. Marlowe for being here.

*Cordova Pleasants,* granddaughter of Don D. Statter: Good evening commissioners. We have in front of you the Don D. Statter letter that my family has provided. This is my grandmother, Anita Statter and she has brought with her a photo of Don Statter and his recognition of when the governor assigned that name to the harbor. If it's all right, I am going to read the letter that we provided.

'Dear Planning Commissioners, as family members to Don D. Statter, we feel it essential that you reconsider this project to include an atmosphere as great as Auke Bay itself. Auke Bay is a world class harbor with thousands of international visitors enjoying Auke Bay each year. Our community should embrace this area as a destination and not diminish its beauty by selling tidelands for single use parking lots. Auke Bay Harbor is home for many mixed uses and it's unique in its setting that warrants a harbor parallel to its magnitude. Because Statter Harbor is a natural center for Juneau, we ask the Planning Commission to grant a designated area for a park like public use that all Juneau residents can enjoy regardless of being boat owners.

Since the initial plan included park space and the final design has yet to be completed, we ask that you make time to create space for a park along with vegetation, seating areas and other pleasurable features that would make Statter Harbor an enjoyable hotspot. We have been told that the entire facility had to be designed as a ferro asphalt parking lot because agencies have restricted what could be placed in the inter-tidal fill. This claim seems doubtful, since at least 1 acre of parking currently exists.

If nothing else, this area that is already filled should be free of restrictions put on other portions of the project. The old parking lot footprint should be redesigned to include mixed uses. If an environmental assessment cannot be redone to consider the mixed use of the entire area, then we ask to the Planning Commission to look carefully at including mixed uses in the original parking lot footprint and seek available space elsewhere to create a park-like setting that would ensure the future mixed use of Auke Bay. Statter Harbor deserves to be the best marina Alaska's capital city can offer and not just a parking lot. We understand the need for parking and we love the idea of future growth; however, we cannot be unheard and watch Statter Harbor be less than what it is capable of.'

So, by looking at this map, maybe in phase 3 perhaps we could suggest – maybe this section was already paved, we could suggest putting a park-like structure for all Juneau users to use. We agree that parking is needed, everybody should agree upon that, but we do think that all users within this area, whether it's residential, students, people going to eat up at the Hot Bite, what have you, should be able to sit down and enjoy the views, because Auke Bay is a beautiful place and it deserves a beautiful harbor just like many of the other southeast communities that are out there.

Chair Satre: Thank you very much Ms. Pleasants. Any questions? All right. Thank you.

Donna Fleming: I am Don Statter's oldest daughter. He was the father of three girls; he had no sons. This memorial in his name means an awful lot to us since he has no sons to pass his name

on. It is a challenge. I can see not everybody is going to be happy on this one. I remember mom telling me the story back in 1964 earthquake when Governor Bill Egan called him after we had that horrendous 9.2 earthquake. It is a challenge, but this can be done; you guys can work together. I do agree that the older part is probably the better place and maybe have a few benches, little containers, you know, some nice places for some perennials or some bushes. You're limited with space, that's understandable. So, maybe that could be looked at for a seating area more in the older section.

My other question is, are we having some difficulty because of the buses that come in with the tourists and is that part of a problem of trying to incorporate that during the summer with our limited parking and has there been any talk of perhaps having another launching area for the rowboats, Amalga Harbor or some other place to eliminate the buses from being in that section? We are trying to please everybody, I don't know if that's ever been considered. But, anyway, a little bit of grass, some plants working, just something so it doesn't look just like solid pavement. Thank you for your time.

Chair Satre: Thank you very much. Questions? Thank you.

*Karla Hart:* I am here representing Friends of Auke Bay. I am disappointed to see this project before us without any plans for the area. I think that a lot of the concerns that are being expressed today are results of Alaska's Comprehensive Planning that includes the community and really looks out for the community and the community's needs. So, I am here to ask you again to work on a neighborhood plan and get it going as quickly as possible to incorporate the roads, the harbors, the university and everything else, so that we can have something that blends together and meets the community's need, so you have a group of people here who are happy with what's going on instead of expressing the concerns you are hearing tonight. Thank you.

Chair Satre: Thank you very much Ms. Hart. Questions?

*Laurie Scandling*, 11909 Glacier Highway, #106. You must, as public servants, and thank you for your public service, hear a lot of "not in my backyard" in the position that you serve right now. I want to tell you that after 30 years of living in Juneau and the dream of living on the water, finally able to afford a place, and I bought it because of the backyard, which is Auke Bay and the wonderful harbor activity that does happen. I want to talk to you about probably four specific things. One is property values, the other is size, which remains a bit confusing to me. The noise factor and then a possible screen that can ameliorate the impact of looking at an asphalt parking lot that will be very large. I made an offer on a middle unit that, if you don't know the layout, looks straight out, about four years ago. Part of purchase of a condo is you get to read the minutes from the past several years, and I did, and I learned about the project. I came to the Engineering Department, Planning Department as well, got all of the plans, read them all, got the footprint, and walked the front yard and then went and withdrew my offer because I could tell what the impact would be on what I would see and would not be what I was looking at, if I made that offer. I ended up buying an end unit that does not have a direct view of the water area, because I wanted to live there. In fact, it will impact property values. It's why people buy there, believe me, the building is nothing special, it's 30 years old. What's special about it are the views. Gosh! Noise, possibly seven days a week for 18 months till late at night, I would really appreciate some limitation of that. That's a long time. I lived near the bridge when that

was built. It was really crazy making, listening to the noise. So, if there could be some limitation, so that it's not seven days a week, quite as late as it is in the evening.

The other is the size, I am confused. I've looked at the various plans over the last four years. At one point it said 284 spaces, a letter/fax represented from Mr. Bruce indicates 224 spaces. I heard a 100 today, so I am not sure, is it a 100 ____ and then some regular car spaces and I would like to share that during the last derby on what I thought would be the peak day, I think it was Saturday, I drove to National Marine Fisheries to this old site, up Loop Road, Auke Bay was not available because the construction folks had already moved in, the harbor itself and then Fishermen's Bendand I counted 154. If there really are 224 spaces, I can't quite (believe that), it's just confusing to me. Is it the size it needs to be, it feels a big large. So, those are the issues that I would like to bring to your attention, over which I believe you have some control, but certainly it is strange, whether or not its complicated landscaping, I understand that may not be possible, but certainly something that ameliorates looking at something that looks like a Wal-Mart parking lot. Thank you. I would be happy to answer any questions.

Chair Satre: Thank you very much Ms. Scandling. Questions? Thank you for being here.

*Dianne Zemonek,* 11909 Glacier Highway, Unit # 303. I have a couple of points to bring to your attention. First of all, I want to thank you for helping make Juneau a livable place for all of us, looking out for the best interests of everyone involved. I am not here to be negative nelly, but I do have a couple of pretty strong concerns. the Attachment J, the pre and the post - This is a minus tide and when the tide is in,, it doesn't look like this at all. Water – it's beautiful, it looks way different, the fields are out front ____, and it even fills that creek up with water, and backfills it, so it's not just some little piddly creek, and the salmon are up there, and the eagles come down, and bird bath and carry on, and it's a beautiful view. This doesn't look like that at all because it's not quite at the most conducive timeframe for that picture. So, I wanted you to know that it will impact views; it will impact even the wildlife. I know that there have been studies and stuff, but the noise and the light, those are going to impact us. Even with the harbor project that just went on out there, the big lights that they were using shine right in your windows and that was during evening hours, and you could have all your lights off and it was bright inside your condo. So, it will impact all of us out there at Auke Bay Towers.

The other point I wanted to bring up is I understand that you guys have some control over the rules and the regulations of these projects, and I know, such as time restrictions for noise, such as work hours, such as lighting, all of those things you can put some restraint there. I know that even with the beginning of the project when they were gathering information, there was a pile driver out there taking core samples at 11:30 at night, and that didn't follow the rules. So, while living there, do I think that the rules will be followed and the restrictions made unless their financial restraints that say if you break this rule then you have to pay a certain amount or you guys are responsible for the volume monitoring or there has to be some solid restrictions there that are monitored, and the responsibility isn't on just the locals who live there. Because there are 19 homes at Auke Bay Towers that are impacted, and it's not just the condo, it's my home. So, I just want you guys to hear that and to please consider making some pretty solid restrictions and rules or limitations on the lighting, the noise, and what can be done with the views. I appreciate your time.

Chair Satre: Thank you very much Ms. Zemanek. Questions? Thank you for being here.

*Nick Lindegaard*, 11909 Glacier Highway, #102: A couple of points that I had regarding constructions hours. There are current drilling projects, at least for quite a while, probably a month, two months, was running seven days a week, and very frequently was running past 8 o'clock at night. I think the reason there was really no huge complaints from that was the drill that they were using wasn't a pile driver, it was a drill and it was actually fairly quiet. But, you know, occasionally they did have something out there that was quite a bit noisier, but, on the whole not as big of a concern for us. However, when doing a massive fill project and with compacting equipment, etc. that occurring at 8 o'clock in the evening is really excessive. Even from even this picture, my condo unit is literally about 5 feet from the edge of that picture. So, I am 50 feet from where this fill is going on and doing that at 8 o'clock at night, I think is not acceptable.

The current construction project at the Auke Bay school I hear that now. That's considerably further away. I hear their backup alarms, I hear when they are doing construction work there and that's considerably further away. I am going to hear this project night and day. I would like at least a little peace and a little restriction on the time that they can work. I know they may not want to work 12 hours a day, but you know push comes to shove, that may happen, and it certainly has happened so far. So, I lived in a house where they were putting a road and having to do blasting and drilling, etc. about 50 feet behind that, and it rocked the place every time all day long. It's not a pleasant situation to be in. So, outside of all the other points we've already raised, I would just hope that we could expect some reasonable restrictions on working hours.

Chair Satre: Thank you very much Mr. Lindegaard. Questions? Appreciate you being here. Anyone further who would like to comment on this item? Okay. Seeing none, we will go ahead and will close this portion of public testimony. We will have the applicant come back up to respond. So, we'll take a little over a 5-minute break here to reset ourselves and go forward.

BREAK: 21:11. TO 21:20.

Chair Satre: We have finished our individual public comment, now we have the applicant back in front of us to respond and answer any additional questions by planning commissioners. Mr. Gillette, would you like to respond to anything or simply answer questions?

Mr. Gillette: Thank you. I would like to respond to some of the things we heard. We heard from Mr. Bruce, the idea of changing the landscape strips along the edge of these parking lanes, to put it maybe along between the make-ready lane and the seawalk, and we are limited, again we are dealing with a footprint here and we can make some changes within that footprint, but, we believe that we can probably tweak that and fine tune that, maybe at least do some areas of that – that was a good suggestion and I think we can do that. I also know that at the meeting that the port director attended with Mr. Bruce and his clients, that he did offer that as we get into the detailed level of design here, especially in the landscaping, that we'd be more than willing to consult with them and consider the ideas that they might have.

In terms of the lighting plan, you know, we have a concept and we have standards that we've been using for lighting. Our electrical designer has indicated that they are going to LED lights,

which are much more efficient; they are also much more controllable. We can do things like set areas of the lot that would automatically dim during nighttime hours. I don't know how dim we can go. We do have to keep a certain amount of level of lighting for safety, but we could dim certain areas, especially if there is concern about impacts to neighboring properties, and then if somebody came in and actually approach that site, then the light would come up to a level that would be safe for them to use in the area, and that's the new technology that our electrical engineer has been using in other projects. So, we can certainly look at that.

There was a comment that this is not a design, it isn't a final design, it's a plan. Almost every project that you see before you shows complexes at a plan level and once you approve that plan, then the design is finalized. The design for this is going to be six or eight months of intensive work to finish this, and typically a developer would not want to spend that kind of money and time until we're sure that we can go forward with the project without major changes that might be conditioned by the Conditional Use Permit.

There was discussion about property values and it was pointed out that water views essentially added $5000 to the value of a property. In the letter from the attorney, it said that there were three condo units that would be impacted by this, that they would have a loss of their water view, that's $5000 times 3, is $15,000. I did a quick back of the paper analysis and 19 units that range between $240,000 to $225,000, which was on the assessment sheets that were given to you, that's an average of $233,000 per unit times 19 is over $4 million, and if there's three units that lose $15,000 worth of value, that's 0.03%, which I don't believe is a substantial loss of value. Certainly, there is going to be a loss of value, but the finding that the condition needs to make is that this project substantially impacts the land value.

The other thing, I would point out is that when people bought this property, if they did their due diligence, they would know that they were in a Waterfront Commercial Zone and that the adjacent properties are Waterfront Commercial, and in the Land Use Code, there is a whole list of things that can go in Waterfront Commercial Zone. So, while there may be an impact and there may be a loss of view, those are not unknown because adjacent properties can always be developed.

We heard from the family of Don Statter, just to let you know, and if there's still any family members left, we are putting back a sign that recognizes the Don D. Statter Harbor Facility, which will be put up for our new game ramp that we just installed in phase 1.

Again, the size issue is brought up. In terms of relative for parking, I just wanted to reiterate that when we did a count of truck and trailer spaces, there were 88, 22 on our existing Statter site and 88 off-site. We used that as a basis of a good number to shoot for and then looked at standards. Recommended standards are 50 per lane, which is a 100, which is what we are proposing. There is also a standard that says that you should add 30 percent of the number of lanes for boat and trailer for people that just come and go out with their friends and bring their car along. So, that adds another 30 spaces, and then some of this parking, which is existing now, supports the moorage use at Statter Harbor, and so there is some of those spaces there.

We did the calculations and went through standards and it's identified in the EA, the different standards that we looked at recommend for moorage spaces, and now I am talking about the

whole complex at Statter Harbor, that you should have a 0.75:1 ratio. The city code requires 1 parking space for every 3 moorage slips. Between those two, we land somewhere in between. We have more parking spaces than what are required by the code while we have much less than what's required by typical engineering standards. If we use the typical engineering standards, we would be up over 350 spaces for moorage patrons; we are at about 238, I believe, for cars. The code requires, I think it's 130…I had it written down here, but I think I left that back there, but it's significantly less, but based on need and our experience out there, if you've ever been out there, Statter Harbor is parked full nearly all the time. In fact, as I mentioned earlier, we had to institute a fee in order to get them to turn over.

Chair Satre: Mr. Gillette, just to address some of the confusion on parking, the plan that's up here on the screen and discussed in the packet, the number of 99 truck trailer parking spaces with 79 vehicle spaces, that reflects what we are looking at right now, correct?

Mr. Gillette: Yes, it is.

Mr. Gillette: As far as the view screens go, again we had some incentive here and we can look at trying to do some landscaping around the corner here a little bit. Again this is a plan, not a final design, we will be working with our landscape architect to identify the specific species. We did put a view screen in on Auke Bay loading facility and we used a combination of evergreen and deciduous trees and small shrubs to try and capture different levels of screen and also to cover the different seasons.

There was mention of the Commission controlling hours and in one testimony, it was said that we said we could meet the 55 dBa night and 65 dBa day. I did not say that. During construction, with the background noise already peaking over 70 dBa, I'm not going to say that we can live within those constraints during construction when you've got trucks and equipment there. That standard does not apply to construction. What that standard talks about and what gives the Commission an opportunity to put a condition on a project is when the project gets completed and operational. We've done sound studies and we're well below those standards for the general day-to-day operation of the harbor and the ramp. During the construction period, we will be exceeding that, we know that, and almost any construction project would. So, I just wanted to mention that we are not going to tell you that we can meet that 55 dBa or 65 dBa, and that is not a provision of the code for construction. It's a provision of the code for a use that is adjacent to a residential district, which we are not adjacent to a residential district.

In terms of changing the hours, we would have a problem with that for what I went into before. This project is occurring at a tidal influenced property and our contractor is going to be working with the tides, especially in the first part of the project. Again, a contractor is not going to work 12 hours a day unless they are so far behind that their liquidated damages are going to cost them more than paying the overtime. The only time we've worked that many hours, in this area has been because of tides, and that will continue to be and it's always an issue on tide and water project. I think that's about all I have for now, unless there are further questions.

Mr. Medina: Is there a possibility of incorporating a park area as Ms. Pleasants suggested in the old area or the current area of the facility?

Mr. Gillette: Down in here somewhere?

Mr. Medina: Yeah, I guess.

Mr. Gillette: Most of that parking is pretty well used, and right now there is boat and trailer parking there; when that leaves, the plan is to convert those to car parking. Again, there might be some opportunity to do some landscaping, but generally when somebody says that park is a fairly substantial cohesive area and it isn't easily identified where something like that could happen when we still have a lot of circulation and parking needs for the existing harbor.

Ms. Lawfer: With regards to the make-ready and the tie-down areas that you have identified in the plan right next to what you are proposing for a seawalk, is there going to be physical barriers between the two? I'm looking at the difference between mixing pedestrians and it could be pedestrians with smaller children around boats, trailers, and trucks.

Mr. Gillette: Well, there needs to be a curb, so that the levels would be different, there is the road level and then there is the sidewalk level. That's what I responded to in one of the comments, was maybe trying to incorporate some landscaping there, instead of having the landscaping at the end of the parking lanes, we can try and do something like that to better identify that, you know, make-ready, people getting in and out of their cars, beyond the sidewalk and use the sidewalk to exit. Typically, people load up in their car or their truck and then as they pull into the make-ready, everybody gets out of the truck and starts walking down to the ramp while the operator or the truck pulls forward and backs down the ramp. Certainly can look at those kinds of things.

Mr. Medina: What's the width of the seawalk?

Mr. Gillette: I don't know, like 8 to 10 feet, somewhere in there. It's similar to what we have at Statter Harbor right now, down here. There'll be a rail on the outside. The difference here is that we will try to put in some bump-outs and areas for people to get off the beaten path enjoying the views.

Chair Satre: Thank you. Unless there is anything further, Mr. Gillette thank you very much for being here to answer to our questions and respond to public comment. I will go ahead and close public comment now. Are there any further questions for staff? I have one, which has come up a couple of times. We've talked about impacting residential districts. What in terms of our code is that definition? Is it residential zone as in a zoning area or is it a district as in what we are looking at here where we have a residential structure in a Waterfront Commercial Zone because it may make a difference in terms of our deliberations on this.

Ms. Camery: This is from Title 4 and it does state residential districts. Let me read this section again – 'The noise emanating from premises used for industrial activity shall be muffled, so as not to become objectionable due to rhythm, intensity, pitch or timbre, and where a use adjoins a residential district, the volume measured at the boundary line shall not exceed 55 dBa between the hours of 11:30 and 6 p.m. and 70 dBa at other hours'.

Ms. McKibben: I would add that the Title 49, the definition of district means 'Geographic area within the municipality, within which certain zoning are development regulations apply'.

Chair Satre: So it's not relegated to a zone then. My thinking is if we simplify apply district as being zone, then we wouldn't have to worry potentially as much about the interaction between these activities and the condominiums, but what you just read says it really could be any development, zoning or development.

Ms. McKibben: Certain zoning or development regulations apply.

Chair Satre: Okay. Any other questions for staff? What's the will of The Commission?

Ms. McKibben: Mr. Chair?

Chair Satre: Oh Ms. McKibben.

Ms. McKibben: The prevailing vote requires a vote of 5, but the requirement steps down to 4 when two commissioners step away for conflict of interest.

***MOTION:*** *by Mr. Bishop to approve USE2013 0005 and CSP2013 0006, adopt staff analysis and findings and conditions.*

Mr. Bishop: I am going to speak against the motion. I recognize the need for parking and for more boat launching facilities in Auke Bay and I think it's an important thing to do. I was a member of the group that worked on the original plan, that put this design together, that had park area and that had retail spaces for lease to commercial uses in the Borough and I think it had large broad support and I think it was a good plan and I'm disappointed that we don't see that here today before us. I think what's happened is we've gotten the cart before the horse, we've allowed outside influences to steer the direction of our development rather than let the community determine what they want, and I think that's unfortunate.

I think that what we're doing is we're solving a problem, but we're missing an opportunity and missing an opportunity to beautify our city and instead we are putting in an industrial parking lot where we've got a lot of public use and a lot of public needs. Auke Bay School has been using this area for over 40 years for their Sea Week as mentioned by Mr. Gillette earlier. Every year they go down there and they use the beach and they look at the vegetation, they look at the marine mammals, and this is a small group, recognizing that, but it's a community need. It's something that we recognize and we appreciate in our town and it's something that we need to develop and I think that we could do that with this plan, but not without more vegetation, more park space and recognizing the need to preserve the quality that we all cherish in Auke Bay. Auke Bay is one of the most beautiful places in Juneau, it's a gem and we need to develop that attribute, not diminish it.

With that said, I have looked at the Comprehensive Plan and tried to find out how we are not meeting the Comprehensive Plan and how we are out of conformity with the development proposal the Conditional Use needs. I turned to Policy 9.1, this is Parks and Recreation Facilities

'To provide quality dispersed outdoor recreational opportunities and to acquire and develop sufficient local Parks and Recreation facilities in locations convenient to all areas of the CBJ. Places given priority for new facilities include rapidly developing areas and currently developed areas that lack adequate parks and recreation facilities'. Mr. Gillette indicated that a park can be developed in other places in Auke Bay, I appreciate that there's other places you could put a pocket park in Auke Bay, but it's not going to be a waterfront park, there is no other place to put a waterfront park in Auke Bay. In Auke Bay, the waterfront is what it is, it's what we all cherish and what we're doing instead is put another parking lot in an area that's been cherished by everybody as a park-like space and I think that we can meet both needs, but I think that we have to not let the regulatory authorities dictate our plans. I think we need to work more and put the plan together before we put together the solution to a problem. I think the solution to a problem has to be integrated as a long-term plan and I think that we need to step back and bring these two together. So, I guess I'm speaking against the motion. Thank you.

Chair Satre: Thank you very much Mr. Bishop. Just to clarify, your motion would include the two additional conditions that were added by Ms. Camery.

Mr. Bishop: That's correct, thank you.

Ms. Lawfer: I too have to speak in opposition to the motion. I speak at it with regards to some very specific things. With regards to a Statter Harbor master plan that has been developed, which does talk about enhancing it for pedestrian access, use and safety, and then also addressing that with the U.S. Department of Interior, Fish and Wildlife Service, which did talk about the intent of the project was to improve pedestrian safety and access and with regards to their conclusion and rationale for their decision, in which they talk about it improves the human environment with increased pedestrian access. I guess my concern is the fact that, while I'm in full support of not filling in additional tideland and certainly not, so that it would cause problems to the creek, I still feel that we need to make something workable, so that there is pedestrian access to the waterfront and that that is really aside from a curb, is much more segregated than a curb with regards to the make-ready and tie-down areas where you've got boats and trailers, bigger trucks, and bigger vehicles. So, I too have to speak in opposition to it for those reasons.

Chair Satre: If I might turn the conversation a little bit, we only have 5 commissioners here tonight. So, even one vote denies the application. I believe a better route would be to continue this item and deal with some of the subjects that have been brought up in terms of the completeness of the application. I think there are many commercial projects that come to us with far more construction detail and some city projects too, and we are able to look at detailed drawings that show exactly how much space is needed for certain amenities such as vegetation and sidewalks. One thing that could be considered is to look at – I believe there was one guideline that looked at around 40 pull-through parking lanes per ramp as opposed to the 50. I'm just suggesting that there are possibilities to come back and to work on. But, if you take out some of those that are on the…what would be the southern portion of that lot, that will allow you to expand sidewalks and vegetation. There may be some opportunities to play with a detailed site plan and to come up with some options, potentially we need to see this through a subdivision review committee, which is typically our way of working on these sorts of things, but I think the idea here is that we continue this to allow them to put some details on this. I know Docks and

Harbors, Mr. Gillette, Mr. Uchytil have spent long amounts of time on this project, there has been public process in the various parts and pieces that have gone through, but I think now, as we are getting to the final design, it's really incumbent upon us to make sure we're doing the right thing on a public piece of land.
I think one of the things that commission is very well aware of is that we do not have a detailed Auke Bay subarea plan. While that can't prevent us from developing, we need to think a little grander in terms of what we're putting together here. This project will in all likelihood ultimately be built, but I think if we can talk to the neighbors, if we can talk to residents of Auke Bay, show them this project reflects community values and show that we will not have a substantial decrease in property values, that inconveniences in noise related to working around tidal cycles for a short period of time relatively with a good project in front of them would be worth it, I think it's something that we can stand on. That's a bit long-winded, but Mr. Bishop perhaps it's best to withdraw the motion and continue it for additional items.

Mr. Bishop: Mr. Chair that wouldn't be my preference. I think that this project is quite a long ways along and I think it's heading in the wrong direction, and I don't think we can get it to the direction that it needs to go by just a continuance. I think we need to step back with this project and revisit what our goals are. I think our goals on this particular project are a little short. I think the goals are to solve a launching problem that we have, an apartment problem that we have. I think that we need to be looking more at developing the opportunities of putting together Auke Bay in a comprehensive fashion and I think until we do that, that we're not going to be making headway on what I am trying to achieve.

Chair Satre: Yeah, thank you very much Mr. Bishop. Further discussion on Mr. Bishop's motion, Mr. Medina.

Mr. Medina: Yes, thank you Mr. Chair. This obviously is a difficult project. I think it's a great project, but it's got some problems, and I liked where the chair was headed. I think there are some conditions or some revisions that we could do to this project that would make it accessible to the community. It seems to me like one of the biggest concerns is the amount of parking and the other issue is a buffer between the condos and one other issue would be a public park facility, and I think some of those issues may help Mr. Bishop maybe solve some of the issues that he was thinking about. But, I live in _____ Estates and there was a fill project by a seafood processor, and I look at an empty parking lot, pretty much twice a day when I go to work and when I drive home, I see a few crab pots, I see a sailboat and I see a travel lift trailer there, but the majority of the time, it's vacant. So, I can emphasize that, you know, maybe we are overkill on parking sometimes. During derby times, there's probably going to be an issue with parking, but I think that's probably going to be the case no matter what; but, I would favor a continuance to come up with some revisions to see if we could come up with a project that the public would support.

Ms. Grewe: I'll speak in opposition and support all the prior assertions that Commissioner Bishop made. I'm not sure how to get a better project for the community and it should be a continuance of this or if we just vote on the motion, I am probably prepared to do both at the pleasure of the Commission.

Chair Satre: Any closing comments Mr. Bishop on the motion?

Mr. Bishop: Yeah, I'll speak to it one more time. I think we are approaching where we need to be, and I think the problem is that we are being regulated out of a good project and I find that hard to swallow, it's difficult to take, and I'm not willing to take it. It's too much of a sacrifice for me. I've grown up in Auke Bay and I think Auke Bay is really the jewel of Juneau. With that said, I recognize the need for more parking. I live at the top of the hill that all the boats park on and it's a dangerous situation and I recognize that needs to be corrected, it's a priority, but I also recognize that when you solve problems like this without looking at the long-term solution, that you often don't get to the long-term solution. You sacrifice the long term for the short term. At a time when other communities in the nation are looking at trying to reclaim their waterfronts when they develop industrial parks; we're trying to build one. We've got a rip-rap area without any buffering. This is the gateway to Juneau, where people come in and out of, it's something they see and they take home with them. This is what we are talking about having a commercial launch area for all the tourists that come in and out of Juneau. They are going to be approaching this, this is what they are going to see and that's not the most important thing for me, but it's something that I think we should consider. I think the most important thing is building something that we can be proud of, that we can be happy with, that really makes us feel good, and a parking lot by itself on the water doesn't make me feel good or happy, it makes me feel a little bit like I'm not working hard enough.

Chair Satre: Thank you very much Mr. Bishop. Before I call the roll, one final question for staff. The proposal for the Conditional Use Permits for construction of a new two-lane boat launch ramp and associated parking at Statter Harbor, given the comments of the commissioners, if this vote fails and the Conditional Use Permit is denied, how different does that proposed use have to be if they came back because once we deny a use on a piece of property that use has been denied, and that's ultimately why I was going for a continuation, but I am looking for a little bit of advice from the director.

Mr. Hart: So, I would assume that a denial in this case would mean they would have to rethink project components generally, and then resubmit it to us and then we would bring it forward. At this point, it's kind of hard for me to suggest what …the discussion is certainly pointing out areas where they would need to work on and bring back and I would guess that that would be the direction that would occur. I don't have a good feel for what that would look like, I think they would have to regroup and submit based on what they've heard this evening and based on what they heard from the community, but it shouldn't be identical, that much is clear.

Ms. Lawfer: I can speak as to what I particularly would look at and could possibly then lend support to is, on Page 6 of 13 with regards to the application for the Conditional Use Permit, in the second paragraph where it talks about what the proposed project would meet and while it meets some of them, it does not meet the ones that concern me, which is improved pedestrian access and then the last one of separating user groups, In identifying those components in the plan, concerns are number 4 - the seawalk, number 7 - the scenic viewing opportunities; and number 8 - the landscape buffer near adjacent properties.

Mr. Hart: In a case like this, the findings are going to be really important as to why, so keep putting it out there, help us understand the why at this point.

Ms. Grewe: I just have a procedural question. So, as Commissioner Bishop refuses to withdraw his motion until we vote on it, and the motion fails, the project could come back, but it has to be significantly different. Is that what I just heard Director Hart say…versus a continuation where the project could come back refined.

Mr. Hart: I believe that's right.

Ms. Grewe: Okay, just for the findings issue, I'll just put my sentiment on the floor here. I speak in opposition to the motion and I refuse to be regulated to the point that I feel forced to do a project that I really do not think is meeting the diversity of this community, and perhaps it isn't finding language, but as a commissioner that's where I feel we are at. At the same time, I am uncomfortable in some ways because I am not familiar with the funding parameters, I've not been involved with this project before, I am not that familiar with the regulatory agencies either, but I refuse to allow outside interests and regulatory agencies regulate us out of a good project. With that, I think we should further consider this; this would be a permanent change to that waterfront and it's a parking lot. As Commissioner Bishop noted, at a time when communities are fighting for their waterfront property, to be accessible for multiple uses and to beautify industrial uses on the waterfront, we're putting a parking lot in. That's just how it feels.

Mr. Medina: Yes, just to clarify. I don't recall if I stated my position on this, but I will speak against the motion. I believe that we can still have this project and meet some of the needs of the neighborhood and of the people that live here in general by reducing the parking, having more of a buffer for the Auke Bay Towers Condo Association and to include a park facility in the … either reduce the footprint or put it in the old areas. With those changes, I would be in favor of the project.

Chair Satre: Thank you very much commissioners. I am going to go ahead and call the roll on Mr. Bishop's motion to approve USE2013 0005 and CSP2013 0006.

**Roll Call Vote**
Ayes: Satre.
Nays: Medina, Grewe, Lawfer, Bishop.

Motion fails 1:4.

Chair Satre: Motion has failed. I will serve notice of reconsideration at the next meeting because I want clarity of continuation versus how different this project would have to be in the reapplication. And with that, we are done with that. Thank you very much everybody who is here for it.

We will move on to the next item on our agenda and I will note our rules of order. We still have two items left on our agenda. Our rules of order do not allow us to take up an item after 10:30. We will do our new item after 10:30. We will do our best to move through these.

USE2013 0015: Conditional Use Permit for a 24-unit apartment complex.
Applicant: Aniakchak Inc.
Location: Davis Avenue

Staff Recommendations:
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a 23-unit multifamily complex. The approval is subject to the following conditions:

1. Prior to the issuance of a Building permit, the applicant shall submit a parking plan showing at least 35 parking spaces and 2 accessible parking spaces according to the size dimensions listed under CBJ §49.40.210.
2. Prior to the issuance of a Building permit, the applicant shall submit a site plan that indicates all driving surfaces will be paved.
3. Prior to the issuance of a Certificate of Occupancy, all driving and parking areas shall be paved.
4. Prior to the issuance of a Building permit, the applicant shall submit a CBJ-approved drainage permit that shows how water run-off will be managed prior to entering Lemon Creek.
5. Prior to the issuance of a Building permit, the applicant shall submit a site plan showing a pedestrian pathway that connects to the existing walkway.
6. Prior to the issuance of a Building permit, the applicant shall install a silt fence along the 50-foot streamside setback from the Lemon Creek ordinary high water mark.
7. Prior to final Certificate of Occupancy, the applicant shall record a new fire apparatus easement to revise the easement shown on Plat 2013-08.
8. Prior to the issuance of a Building permit, the applicant shall eliminate the southern snow storage area shown at the southern end of the fire apparatus turn-around.

Staff Report
Eric Feldt, Planner: The applicant is filing a Conditional Use Permit to construct 24 single bedroom apartments on the subject parcel shown on the map, so the project parcel is at the end of Davis Avenue, privately maintained driveway, the built portion and right here where this white box is, the Lemon Creek Correctional Facility is located to the north, Lemon Creek itself is located to the south, Costco and the industrial area of Lemon Creek is across the river. Here is a more updated aerial photograph provided by Google Earth, which I try not to rely on, but it is the most up-to-date we have with some degree of clarity. In this photograph, you can see the two existing Riveredge Park Condominiums that comprises of 21 condo units of 2 bedroom and 3 bedroom units.

In the attached site plan in your packet, you can see buildings A and B are the condos. The two buildings to the right of the plan are the proposed apartment buildings and the existing privately maintained part of the driveway ends here, so it would be constructed in this area, and have adequate turnaround for fire apparatus. Down the hill from the condo buildings and from the proposed apartment structures, is an existing pedestrian trail that leads up to the built portion of

Davis Avenue from an existing sidewalk that runs along the creek itself and kind of dead-ends over here at the end of the property.

So, the project details I've already talked about - The applicant is seeking 24 single bedroom units; however, in the report, it's clearly stated that the zoning district based on the lot size can only permit up to 23 dwelling units - It doesn't matter if they are single bedrooms units or 2-bedroom or 3-bedroom or a mixture. The applicant has noted that he may seek a density bonus in the future, to which certain additional improvements of the site have to be made and brought back to the Commission to try and get the 24th apartment.

As proposed, the scale and the building size would not change if it was a 23 or a 24-unit complex. Tonight, since the bonus features are not being proposed, as they have not been submitted, the application can only permit up to 23 dwelling units. I want to make that clear.

The buildings are both shown outside of the 50-foot streamside setback and outside of the effective and new draft flood zone. You can see the 50-foot setback line [orange color], just above the pedestrian trail, the existing top of bank will be pushed slightly to a straight line to accommodate the two buildings and a fire apparatus turnaround. There are 37 parking spaces shown on the plan, which exceeds the minimum parking requirement of 35, two accessible spaces are shown, which now meets the first recommended condition and I have noted that in my presentation. There are sidewalks shown on the plan in front of each building and staff has recommended as a condition of approval that the applicant make their connection from the buildings, ideally from the proposed sidewalk down to the pedestrian trail, so users of this complex can access the trail and enjoy the Lemon Creek trail and its features.

The history of this area is quite lengthy and I'm only going to briefly touch on the main topics of the history. Prior to this property being platted, which occurred early this year, its original 5-acre parcel was rezoned from Rural Reserve to D10, which is the current zoning district. The applicants at that time were the same as the applicants today and under the rezone application, they sought for a 50-unit development,-that was what was needed for the rezone to go through. The rezone passed, which required to record an easement to construct the pedestrian trail, which currently exists and a playground, so the two easements for those two improvements have been recorded. The trail has been constructed, but the playground has not been constructed and the reason behind that is unclear to staff, as I understand it from the Law Department is they are uncertain of where the funds have gone to, to construct that playground. The applicant is here, so he may offer greater detail on that.

In addition to the rezone, which allowed the site to be developed in a residential use at a D10 capacity, two driveway permits were approved, which allowed the driveway from the city maintained part of Davis Avenue to be extended to where it currently exists as I have shown in the previous plan. So, this extension is a privately maintained driveway that is accessible by the general public and maintenance agreements for that private driveway has been put in place. The two Riveredge condos were approved through allowable use permits, the conditions have been met to have the buildings be constructed. More recently, a variance was approved to allow the future subdivision, the subdivision that we see today, to front on a privately maintained driveway. City code requires every lot to have frontage on a government maintained right-of-

way except for the remote subdivision outside the road network. So, that's a brief synopsis of the history and I can answer more details if you wish.

So, some existing infrastructure in place, you can see in this photograph, the two buildings on the right, which are the condos and a privately maintained part of Davis Avenue driveway in the center. Parking is to the right and multi-family and single family dwelling units are all to the left. Essentially, if the proposal is passed, this driveway would front through to this area and then turn a hard right, so the area back here where that mound is, is where the construction would occur. So, driving down to the end of the built driveway, as shown on the screen where the driveway would be extended. So, once it is extended, it would veer down to the right as shown on this plan and this soil would be removed for the parking to the north of the site and the buildings will be located on here, towards the right.

What's difficult to see is this area slopes immediately downwards and that slope will be straightened out as shown on the previous slide. So, heading down the hill is where this pedestrian trail is and then further down is the shoreline where Lemon Creek is located. This will be the trail where the condition, if approved, would have connection to from the two apartment buildings.

Going on with some site pictures, this is the end condo unit and the future building would be located approximately back here behind the black line. There is approximately about 40 feet between these two buildings. So, looking at adopted plans and Title 49 Land Use Code can only permit up to 23 dwelling units, which is all we're looking at tonight. Again, the applicant may seek in the future a density bonus and we will assess that at that time.

What I didn't mention earlier was that the applicant may also look into constructing a small storage building to offer storage space to each apartment tenant Since that would be a minor change to the Conditional Use Permit, staff can review that as a building permit separately if the applicant chooses to submit plans for that.

Again, the project exceeds the parking requirement, it is outside of yard setbacks including the streamside setback and flood zone, staff had provided a lengthy discussion about traffic volume and noise and it's not expected that the project would have substantial increase in noise levels nor traffic levels to where it would adversely affect property values or neighborhood harmony. The report talks about a slight comparison between the proposal and existing condo units and how very different the bedroom count is and how directly that equates to different traffic volume.

In the 2008 Comprehensive Plan, this area is designated as medium density residential, which permits a range of dwelling units between 5 and 20 units per acre, 10 units per acre falls into that range.

There are several policies that are germane to this project including facilitating adequate housing, balancing character and quality of existing neighborhoods while providing opportunities for new housing types, protecting scenic environmental areas from adverse urban development and protect riparian habitat, so there is some consistency with the Land Use Designation and recommended policies.

Before I get into staff's recommendation, I do want to note that the President of the Riveredge Park Association had sent an e-mail to Jim Preston, Realtor, who is working with the applicant in putting the condos on the market and more than likely the apartments on the market as well. The president had indicated and I will just summarize, 'The Riveredge Park Association Board has no evidence as to the direction of property values may make based on the new type of apartments coming in, therefore, we currently have no official opinion on the subject'. The letter further states that, 'The board will work with Mr. Heumann and the applicant to draft a Shared Use Agreement during construction', so that is speaking about the Shared Use Maintenance Agreement for the driveway. When the variance was approved to allow the subdivision to go forward, the Commission made it very clear that the agreement needed to be made to ensure that all parties fronting the driveway and using it have a Shared Maintenance Agreement that's been recorded with the state, so that's what the president of the board is talking about and now that the applicant is here and I know some condo owners are here as well, I'm going to get into the recommendation and take questions. So again, the proposal in front of you tonight is for 23 single bedroom apartments.

The first condition has been met with the parking plan that I had shown on the screen.

The second condition talks about submitting a site plan that indicates all driving surfaces will be paved. The applicant has indicated that only the parking area should be paved because other areas won't experience traffic that would increase dust air-borne particles, so what they are getting at is part of the turnaround, this section won't likely get as much traffic as this section and as the parking spaces. Staff does agree that this wouldn't get as much traffic; however, it is important to keep this free of debris and free of vegetation from growing, so staff asks for your guidance to what you believe would be the best surface material for this section since the applicant believes that asphalt may not be necessary to control dust movement because of the lack of traffic.

I also want to mention the snow storage areas that had been originally included in three places, this being one, this being the second one and then this being the third one; one of the conditions that staff recommends is to eliminate this snow storage because that snow piles up here, it can have an avalanche or sloughing off effect that could come down in this area, and furthermore staff believes that snow storage in this area and over here would be adequate enough.

Condition #3 - Prior to issuance of a Certificate of Occupancy, all driving and parking areas shall be paved, so this kind of gets to the applicant's concern of the previous condition that not only does he prefer a lesser paved area be required, but also that we are already into the construction season, although the weather isn't being very cooperative and there is only one paving company in town and there are challenges of paving a large area such as this while trying to close permits to then get tenants into each dwelling unit, so the applicant is requesting that this condition be changed to something such as a date and time like the end of next year. The issue with putting a date is the City kind of loses the connection to ensuring the conditions are met by pulling it out of the Certificate of Occupancy connection. Staff almost always ties the condition to the issuance of a building permit and/or the issuance of a Certificate of Occupancy, and that gains us the control of holding the permit to ensure that the conditions are met. So, just by simply stating

that the parking area shall be paved by end of 2014 and allowing all the units to be occupied, we kind of lose that connection, so I guess there could be a different way we can waive that. Right now, I don't have the best verbiage for that, maybe through discussion we can figure that out.

The next condition speaks about requiring a proper drainage permit be submitted to CDD and Engineering Department where we will properly assess and make sure that particles that are harmful to Lemon Creek are being filtered out prior to entering Lemon Creek.

Next condition speaks about showing a connection between the future buildings and the trail, which I have already talked about.

The sixth condition would require installing a fence along the 50-foot streamside setback. On the site, right now, there are some silt fences that aren't as high as they could be to properly hold back any sloughing off material during construction, so staff just recommends either putting in new silt fences or clearing the existing ones, so they can properly be at a height to adequately hold back sloughing off of any material on that hill side. Also, with the subdivision, it requires recording an easement that shows that a fire apparatus turnaround could be located, that style and that design has been accepted to be changed by Dan Jager, the fire marshal. Therefore, the revision, the acceptable design, needs to be shown on a new easement, so that condition takes care of that.

The last recommended condition is to eliminate the southern snow storage area, I have already talked about that and why it is important to not have that feature there.

So, with those recommended conditions and conditions 2 and 3 be slightly modified, staff believes that the permit can be approved and meet Title 49, the Land Use Code, and the 2008 Comprehensive Plan, and I will leave it with that. I know there are people wanting to speak about this project, so I will happy to answer any questions.

Chair Satre: Thank you very much Mr. Feldt.

Mr. Bishop: Mr. Feldt, on condition 3, you were looking for a solution to being paved prior to the Certificate of Occupancy, could you say, all driving areas and parking areas shall be paved prior to the Certificate of Occupancy or bonded for, something of that nature, because if it is bonded, it is done too.

Mr. Feldt: That's correct. That seems appropriate and the applicant will come up here and can address that if you want him to.

Mr. Haight: You discussed the purpose for the drainage or the drainage control or the drainage permit and that, as I recall, being primarily due to the paved surfaces, so we would be more specifically addressing the drainage coming off of those paved surfaces. What about the snow storage? Is that also part of the drainage?

Mr. Feldt: Yes. In addition to the impervious surface that is created with the buildings. There are a lot of things that need to be looked at with the drainage management plan.

Chair Satre: Anything further? Alright, we will go ahead and have the applicant come forward. Mr. Heumann.

Applicant Testimony

*Bill Heumann,* 6000 Thane Road: I appreciate the opportunity to be here again to go over this project. I am not going to spend a lot of time discussing anything other than the conditions at this point.

Chair Satre: I think it would be best to keep to the areas where we might have disagreement with staff.

Mr. Heumann: Yeah, okay. So, the first thing I wanted to say is the idea of a bond is acceptable and usual to deal with issues like this where some work that may be better done at another time. We expect to, if things go really well, get done some time in November. We can't really pave until we're done with our work and that's not a good time to be paving.

The second thing is the pedestrian pathway. This is a very complicated project and it is hard to communicate everything, but on the proposed plan, I guess the last phase that I've got here, down at the area between, what I call Building B, which is the second condo, and Building C, which would be the first apartment building, there is shown a trail going down from that point, down to the pedestrian walkway along the river. That is what we were thinking as to where it is best put. I am expecting to do that and have it prodded out as to how we would be able to do that from an engineering standpoint.

I have already discussed the drainage plan with the Engineering Department. A lot of the drainage work was done at the time we anticipated the 50 units back in, I guess, 2007. So, at that point in time, we had a site plan and an engineering plan for the whole site. There are some changes; but, I think essentially we will have to worry about the paved areas. So, we are really going to have to take into consideration the drainage for the whole site. It is not a difficult site to deal with because we've got essentially a flat area without tough grades and good soil.

Finally, I've met several times with members of the Condo Board and a couple of other members, those who were interested enough to come for a meeting the other night and a couple of the other meetings. We discussed things, walked around the site; I have shown them what we intend to do. We have had meetings at the library and one out in the valley. We don't agree on everything; but, I feel comfortable that I have a good working relationship with the board, that we were able to communicate with each other. It's my expectation, that I would be the owner of these apartments by myself. I have a very strong interest in this being a quality project, as do they, it's a considerable investment for me. So, I think we have many similar interests.

The last thing I'd say is 23 or 24 one-bedroom apartments is the least intense development that could be likely to be placed on this property. I've done some analysis of this. Some examples are: could put the 46 SROs on this property; there is no limit to the number of bedrooms per apartment; the only limit is the physical limitations of parking and such considerations. I don't

know what the upper limit is. I'm not even interested in exploring that, but I just want to put it into context that I think this is a very relatively un-intense development. That's all I've got to say.

Mr. Bishop: Mr. Chair, I move that we suspend our rules of order and allow for the meeting to continue to 10:50.

Chair Satre: Well actually, the no new items after 10.30, it stops at 11. I would say that Mr. Lingle, it would take a vote of at least 5 members of the Commission to take up your item after this and we will probably be on this for half an hour. So, with sincere apologies, you're item will be continued till the next meeting. We do appreciate you sticking through here. I think given staffs' recommendations, I ask that we take that up at the next meeting. I do apologize. With that, we do have half an hour until we're forced to extend. Questions for Mr. Heumann? Thank you. You'll have a chance to come back up. Who would like to speak to this item?

Public Testimony

*Cynthia Dau*, 1901 Davis Avenue, A10 and A11: I know that we've been disengaged. We are very interested in what's going on with our homes. We do have a young family member passing from a very serious illness. As you know, we have taken on another enormous project and that's all I'll say about that. As association members, we did have to believe that once our board engaged with an attorney, not so much a manager, as I understand it, we all have some confusion about what Mr. Preston does and doesn't do. We don't feel that he speaks for us whatsoever. We felt that once an attorney was engaged, that we were then protected and that we could move on to another, actually two other very serious issues.

I want to express that our property value has taken a huge hit recently. One of the issues you are well aware of is in front of us, the other is with rental apartments coming on that will be about $1000 a month. I want you to be aware that in Building A, there are 12 units; of those 12, two are for sale, one is already a rental. One couple walked away; that's still in foreclosure. There are four rentals. We have reserved the right to rent ours; that will mean 5 rentals in 1 building which will have two for sale and one foreclosure. All of this is hitting us very hard. We're leaving. I hope not to rent out our second home there. That decision will be made soon. I want to express that we cannot argue the subdivision anymore. That's not what I'm here to do; but, this is now a new neighborhood, it's a new apartment, it's new. We do have to piggyback our driveway, water services, water mains or whatever. We have had to come to some agreement. I want to make sure that the agreement that you put forth includes the period during construction. I believe there is some concern about that with the heavy trucks coming in, things like that. I wanted to make sure that everybody takes a real close look at that. Maybe I'm missing something because, again, we did have to disengage a little bit, because also this is not building C whatsoever. This is a new neighborhood. These are apartments separate from us, except for our driveway. I want to ask for a buffer zone, a very clear buffer zone, whether it's a view screen and a berm, or whether it is berm and a fence with some plants in front of it. I really think that's important to us.

The design has changed again. I think there's sense of entitlement; I think there's a little bit of righteousness. I know it's going to change again, and even with the addition later of some kind

of storage unit, we are aware it's going to change again. I'd really like to nail this down. I don't know if that's possible.

When you look at this in here, it says something about 329 vehicle trips over the proposed driveway. The proposed driveway is our driveway. We maintain it. That's a lot of traffic. When you look at where the rear-end of those vehicles are, one of those is our trucks. That's a lot of traffic going by there. You say that it would have happened with other condominiums. We would have had other condominiums helping pay for it. We would have been able to have meetings, and say, "You guys are going too fast. Hey, your kids were really close to the dumpster when I went by and darted out." This is going to be a whole set. Again, it's not going to be Building C. I treat this as another neighborhood with no buffer. I think the design has changed again the traffic.

I think we've all been a little concerned about the footpath and I just want to add here and have it on record, I think there are some plans to, at some point, improve the footpath. I'm not sure if that's a necessary thing to do; however, we have heard that this may be black-topped. I think that's going to take away the natural feel of where we used to walk along, what we used to call the creek. If that does get paved, because we already have some four-wheelers, there are some small scooters going on there at a high rate of speed, I would ask that not only there be a sign put up, I believe the name of the footpath is Mr. Heumann's friend's name, and I know at one point I'd come up with that, but maybe put something on there to recognize it as a footpath and maybe even go through the City's expense of putting bollards, is that the term, to stop traffic.

I hope I've hit some of the points that I'm concerned about now. Again, it's not that I haven't visited, I do believe some of us have lost faith in our association and their ability to protect us, we are fully engaged unless we too leave the area. Any questions?

Chair Satre: Thank you very much Ms. Dau. Questions?

Ms. Lawfer: With regards to the street that you maintain as it comes off of Davis, I think it was snowy the last time I drove down there, is that whole path with regards to where it comes off of Davis and just starts down on your part to the end where your condos are, is that paved?

Ms. Dau: No. The bicycle path is partially paved as you leave Davis and I think that's why we are hearing that the blacktop may continue.

Ms. Lawfer: So, that is paving……..

Ms. Dau: That is our driveway there. That is where we drive in and turn to park. That is actually blacktop. It's not really a parking lot like Wal-Mart or Fred Meyer.

Ms. Lawfer: No, no, no, I understand. So, there's a strip of blacktop?

Ms. Dau: Are we talking about the walking path on the creek side?

Ms. Lawfer: No, no, no, I apologize. I'm talking about where your road, where you start maintaining the driveway, so it's partially paved?

Ms. Dau: It's all paved, blacktop.
Ms. Lawfer: Even up to the condos?

Ms. Dau: Yes, except for the circular or oval areas where the vehicles are parked; that is dirt. It is maintained for drainage as dirt #1 and #2, it is our information upon purchase, and I believe again another piece of incorrect information, that we had utilities there. So, it was for easy access. To the left there of that picture, you can see the dirt. That actually is where it's starting to erode already and further up the driveway, it is starting to erode and then, it kind of goes down into a weird little gully. Very rarely is there any water standing in that gully, but I would think during a heavy rain or maybe as this erodes, that would fill in and have water standing in it.

Ms. Lawfer: Do you know if the association has entered into an agreement with regards to the common maintenance of your part with regards to construction as well?

Ms. Dau: I do believe they engaged an attorney. I do have an agreement; if it is not in place now, will be in place. The concern is, interesting language has been in our history and I believe it's upon completion of the apartment and I don't believe that's fair.

Chair Satre: Mr. Feldt, the contract agreement was part of the subdivision requirements, correct?

Mr. Feldt: Yes, maintenance and utility easements.

Ms. Dau: Correct, and that could be 3 months from now or 3 years from now and we will have heavy truck traffic. We will have as they have Certificates of Occupancy, 1 unit done, lenders come in, $1000 a month, and again when we try to rent ours out, we have a 2 bedroom, nobody is going to want to pay almost $1900 a month for a 2 bedroom when they can go down the street and put a hide-a-bed couch in the living room for a 1000 bucks.

Chair Satre: Any further questions for Ms. Dau? Thank you very much for joining us.

Ms. Dau: Thank you for your time. I tell you, I've been here often enough that it exhausts me and I sincerely appreciate what you all do.

Chair Satre: Thank you Ms. Dau. Who else would like to comment on this item?

*Amalia Monreal*, 1901 Davis Avenue, Building A #5: Thank you, I'm very tired from a long day at work and I appreciate your commitment to being here and to hearing this and my concerns. The first subject really is about the traffic. We have one driveway, a singular driveway, that now you couldn't get two cars past at the same time. So, I really worry, particularly when we are looking at the construction period. It's very much is a neighborhood, you've probably heard enough of us speaking out, to try to really impress that upon you. There are children there. My grandson comes all the time. We've got kids in the condo buildings that ride their bikes and play. I worry that in a big truck, you are not going to see some of the kids. There is also a wide

enough certainly, area for traffic to come through. I don't know how much this has been pursued. I know there was some issue I was speaking with my neighbor about but I felt like, well it's worth bringing it up again because I know that still staff continues to work on drainage issues and some things are still being developed.
My big concern is all that heavy traffic that is going to be coming through during the time of construction and safety issues that it might cause for the elders and for the children that live in the condo area. So, that's one of my biggest concerns. Again, also the idea that staff did some work and estimated 329 vehicle trips over the proposed driveway on a daily basis, as already mentioned, that's a lot and that's just assuming there is only one vehicle owner in each of these new apartments, which I think is not realistic. So, I worry about that as well. That is a lot of traffic every day on a single day and again, especially during construction, if we can't get 2 cars at the same time, one going down the driveway, one going up the driveway, I don't see how we are going to do that with some heavy equipment and dump trucks and cars and kids and bikes and roller blades, and all that's always happening. It is a nice area, people love it and they come there. So, that's my biggest concern is what are we going to do about that? I really wish that we could continue to explore some other avenue for access to be able to come in and out, so that we are not all just bottlenecked and clogged in there. My experience is construction always takes longer than you intend for it to take. It has already been brought up by the applicant, we can't pave in November or December, and that is if everything moves on time. So, those are my concerns. It's really all about that driveway, particularly during all the heavy construction and we'll see what it looks like once everything is done, but I do think that the applicant cares much about the area and does care about what he builds; I appreciate that. Again, my concern is all about traffic and what we are going to do about that.

Chair Satre: Thank you very much for being here. Questions? We appreciate your time. Would anyone further would like to address this item? Seeing none, Mr. Heumann, do you want to come back up?

Mr. Heumann: I guess I'll start with the last thing first, the traffic. There is a opening right here, that's the construction road that we used when we built the condos. It goes across a property and we had a 5-year construction easement to pass through there and that's expired. I frankly haven't had time to go back to the DNR and ask them if they would give us a few more years on that easement. I suspect they will, but I am not certain of that. We've spoken with the Condo Association about that and also Fred Pollard is here, who is the general contractor. He has met with the Condo Association also and has discussed work time, probably starting at 7 in the morning, which allows our people to come in at a different time than when most people are going to work. That kind of ameliorates that situation.

The road is 20-feet wide, so I believe that there is room for two-way traffic. I don't know of any plans to pave the pedestrian way. It is not our area, it's not something we do, it's under the jurisdiction of Parks and Recreation and I'd be surprised… It's also on the park. My belief and understanding regarding the park is that it was supposed to be a two-way street where we were supposed to make a contribution to get certain amenities constructed there and there was an expectation that the City would fulfill their part of it with their contribution. There has been no contribution. Frankly, I think where this comes from is, you come before the Planning Commission, you guys cut some deal, you're going to have this park, you're going to have this

thing, and then you go over to the Parks and Recreation and they say, we don't have any money to do that. I think you ought to be careful about that a little bit because I think that's what happened here.

The storage units that we are discussing are really something I had given some thought to, but actually it is in response to meeting with the condo folks and their concerns about clutter and things of that nature around the apartment complex, particularly on the back decks behind the building. I think that's a valid concern and a problem that I would have if I didn't have these storage units. It's, I think, something that we both think is a good idea.

Chair Satre: Mr. Heumann, I think the primary concern is, there is a history of concerns in general with this area, but specific to this project would be safety on the roadway, there were concerns about things getting out of harmony or substantially decreasing the value. If we address those two concerns primarily, I think it would be good for us.

Mr. Heumann: Okay, I will speak to that. There is an earnest money agreement on one of the units, a 3-bedroom unit that is for sale. That's being sold by John Williams from JRE Realty and it's a well-appointed unit and it just sold for $245,000, which is quite a bit more than what we sold them for some time ago. He has another unit on the market as well. It is being shown with big red signs up there. The person that just bought the unit sees the big red sign. I asked him this question, frankly took the chance, because I didn't know what he was going to say. I said, "What do you expect this to do to your marketing efforts and what do you see on the long term valuation as a result of this project?" It comes down to tenant quality. I also made a similar call to Capital Realty, which is Bob Young. Quite frankly, in the industry we call him Jaws, I say that with somewhat of a smile, but he is a difficult appraiser from a sellers perspective. I know him well, so I called him and I asked him the same question, it comes down to the same thing. I mean it is not a function of number of bedrooms, it is a function of the quality of tenants that we can attract.

One of the reasons I am interested in building one-bedroom apartments is because there is a strong market for one-bedroom apartments. That gives me a better ability to be picky about my tenants. I have another 16-unit apartment complex in Auke Bay. It's one efficiency, 13 one-bedroom apartments. We have 9 single individuals living there out of those 16 units, we have a TSA person; we have three mining people, like geologists, educated technical-type folks working at the mine; we have a manager of the airport; and we have a manager of UAS. Quite frankly, we are doing a pretty good job in that department and that's something. I've been in this business for a long time, probably 30 years as a landlord; and I know that the better my tenants are, the better my life is. It's just that simple. So, I have a strong motivation to get those proper tenants, so it won't cause a devaluation.

Ms. Lawfer: With regards to the fact that we are now looking to divide property between ownership and rental in what was originally going to be all ownership, the suggestion was made to put a buffer zone between the condominiums and the apartments. It's my understanding that you said it's about 40 feet between the two?

Mr. Heumann: That's correct.

Ms. Lawfer: If that condition were placed on this permit, would that be acceptable?

Mr. Heumann: I'll tell you what I think about that, I've discussed this at length with the Condo Association. There are two approaches to this. You can make it a 'them versus us' or you can make it 'one big happy family'; you set a tone when you do that, in my mind. I don't feel that the building is less attractive than the other buildings that are there. However, the problem with a berm is it takes a lot of space and whose property is it going to go on, because if you look, I need it for my parking spaces. We have arrived at a fence. I am perfectly willing to construct that fence. There is another problem that comes out of this is: they like to walk down this path to get to the pedestrian way too. We have discussed actually having some kind of opening in the fence and some kind of license arrangement where I could grant them a license so that they could transit my property to get down to pedestrian way. I am perfectly happy to put a fence there, if that's what they want. I am not sure we're totally done talking about what it would like.

Mr. Haight: I want to get back into this traffic thing. I'm looking at the R&M drawing and having a little difficulty understanding how the parking for the existing condos fits right now. Just looking at the photo, it looks like all of the cars that are parked there pretty much abut the backs of the cars abut to the driveway. So, is it truly all back-out parking or back-in parking, truly a parking lot style parking? When we talk about the traffic pattern there, if somebody is backing out, whoever that person might be, is essentially blocking traffic until they get situated onto the road. That does create some inhibition to traffic flow. How much thought have you put into this?

Mr. Heumann: Well, I guess, first of all, I'm not sure I could speak to it as well as Mr. **Currans** could. The way that this was designed, there is adequate room without backing out onto the driveway to turn your cars around, the way that it was designed when we built the condos. That is why there is an unpaved area; that is actually city property. Frankly, what happens is, they don't park in their garages. They start parking in other places and they start putting pressure on these areas. There is adequate room on the site for them to park according to the parking requirements, the parking code. We have a practical matter versus a code matter, I guess is what it comes down to. Frankly, it's a common thing all over the town. I pointed this out numerous times. They tell you, you can't have back-out parking and then everybody in town is backing out; that's what's happening here too. There is a space on that property for them to park according to the code.

Mr. Haight: So, essentially there is just not parking per your original ….

Mr. Heumann: Per the parking plan, yeah.

Chair Satre: Anything further for Mr. Heumann? Thank you all for being here this evening.

Mr. Heumann: I am sorry, one other subject, the paving of the fire truck turnaround that's between the two buildings probably cost $4 per square foot, right? So, I don't see any reason that that needs to be paved. Frankly, the idea of trying to keep down dust in Juneau, Alaska, is somewhat preposterous to me. Number one, I don't have any problem paving the areas that people are driving on, the whole driveway coming in, all the parking spaces, but I don't know

why I should have to pave the fire truck turnaround. The Fire Department does not have an opinion on that. I went to his office and asked him if he felt that was necessary and he said he does not feel it was necessary. It costs a lot of money. I can tell you that, contrary to a lot of people's impression, there is a very fine line, even on this project, where I happen to own all the land and everything else to make this thing work. It is so close in all accounts and I don't know the general public understands that, but it's a fact. It's a problem. The paving is very expensive and it's because we have one paving company in town. We have a monopoly. I would really like you to consider that seriously. I don't know that it really contributes anything to the project.

Chair Satre: Thank you very much Mr. Heumann.

Mr. Heumann: Thank you.

Chair Satre: We are going to go ahead and close public testimony. What's the will of The Commission? We only have few minutes and then we have to adjourn.

***MOTION:*** *by Mr. Bishop to approve USE2013 0015 and accept staff's analysis, findings, and conditions.*

Chair Satre: Thank you very much Mr. Bishop. Comments on the motion?

Mr. Feldt: Did you want to revise condition #3 to include the paved or bonded for?

***REVISION TO THE MOTION***: *by Mr. Bishop to change Condition 3 to read, "All driving and parking areas shall be paved or bonded for prior to issuance of a Certificate of Occupancy."*

Chair Satre: Any consideration of the fire apparatus turnaround, as requested by the applicant?

***FRIENDLY AMENDMENT:*** *by Mr. Haight to define strictly the normal driving areas that the Fire Department turnaround can be a graveled area.*

Chair Satre: Mr. Bishop's friendly proposed amendment would be to eliminate essentially the 70 feet shown on the site plan of the fire apparatus turnaround from the paving area.

Mr. Bishop: Yeah. I am just looking at the sketch and trying to figure it out. Mr. Haight, can you phrase your amendment again?

Mr. Haight: Yeah. Let me further define that as the area between the two buildings.

Mr. Bishop: And then the rest of the hammerhead would remain.

Mr. Haight: Right.

Mr. Bishop: That's fine by me. Thank you Mr. Haight.

Chair Satre: And Mr. Feldt, is that enough direction for you to phrase that appropriately.

Mr. Feldt: Almost. Let me ask this one question. So, on Attachment A that shows the site plan, it is, the hammerhead, the section that we're specifically talking about has a 21 across it. Do you want to use that as the line or do you want to go further into, kind of the center to where that 70 arrow stops?

Mr. Haight: I think we were talking about where the dimensional line for the 21 feet is shown between the two buildings.

Mr. Feldt: Okay, that's good enough for me then.

Mr. Medina: Could we see it on the map?

Chair Satre: I think we have that. There we go. The idea would be that that would be the separation, so this would be unpaved, everything here would be paved. Is that clear for everybody?

Mr. Medina: Yeah.

Chair Satre: So, Mr. Bishop is accepting that as a friendly amendment to the motion along with the bonding for paving. Any further comments on the motion?

Mr. Medina: Yes, thank you Mr. Chair. I am going to speak against the motion. I think the Planning Commission has made enough amenities to the applicant as far as allowing an 1100-foot driveway without being built to CBJ standards does not front on the maintained governmental right-of-way. He was granted a variance to allow the apartment building complex to be built instead of condominiums. I think we've made plenty of allowances and I don't see a problem with him have to pave what was in the original condition.

Chair Satre: Thank you very much Mr. Medina. Just as a quick point of order, it's 11 o'clock, do we have a motion to extend it for a few more minutes?

Mr. Haight: Motion to extend.

Chair Satre: Any objection to that motion? How about to 11:10 for the moment?

***FRIENDLY AMENDMENT:*** *by Ms. Lawfer to add two additional conditions with regards to the use permit. One would be that a visual buffer be placed between the condominiums and the rental association in agreement with the condominium association. Two, that any degradation of the existing roadway during construction be returned to its condition prior to the Certificate of Occupancy.*

Mr. Bishop: Can you put those in two separate amendments or do I have to accept them both at once?

Chair Satre: Maybe procedurally, addressing one after the other in terms of the requests to be added.

Mr. Bishop: Thank you. I would prefer not to be dictating building fences when I don't know if fences want to be built. I've heard from one resident that they want a fence built or a buffer, but I don't know if anybody else does. I don't want to make them build a fence if it isn't the general consensus that a fence should be built. I have no problem with the other though.

Ms. Lawfer: If I may, I said visual buffer.

Mr. Bishop: Right.

Ms. Lawfer: Which could be trees, in agreement with the condo association, if the condo association came back and said, no, that would be in agreement with them.

Mr. Bishop: If it is agreed upon by…sure, that's fine; if you want to phrase it that way, that's alright by me.

Ms. Lawfer: Yeah. And I am not saying fence, I am saying visual buffer.

Chair Satre: So, let's be clear on the language because you've changed the language a bit Mr. Bishop. Why don't we try to phrase it one more time?

Ms. Lawfer: That a visual buffer be placed between the condominium and the apartment, if by agreement of the condominium association or if the association chooses to reject the buffer.

Mr. Bishop: I guess…does that make sense to everybody?

Chair Satre: Not really. I guess my problem here is, if we are basically saying, "go work it out," which ultimately, because there has been Shared Use Agreements with the road and everything else, I think that's going to come into play. It may be better without…right now, we are not dictating; is it 50 percent on either piece of property, is it all on the new piece of property? These are things that may be worked out between the committee groups anyways and it seems rather vague as a condition, is my concern at the moment.

Ms. Grewe: I was just going to say, in the multiple times that we've heard the proposals on this particular piece of property, the condominium association hasn't come out strongly like we….I don't think we heard from the president of the association. So, I think that they've remained silent, maybe because more units are becoming rentals and owner occupied, but, I don't know if there really is a strong association here anymore and if there is, they haven't said a whole lot. So, I don't feel the need for the buffer between the buildings based on one testimony.

Mr. Bishop: I don't either actually in the end. I think that if the fence or a buffer needs to be built, it can be built by one or the other or a combination of the two. It's not a big deal. I would readily accept your second.

Ms. Lawfer: With regards to the roadway during construction?

Mr. Bishop: With regards to the roadway.
Chair Satre: So, to address the first one. Commissioner Bishop has not accepted the visual buffer, do you still want to propose that Ms. Lawfer?

Ms. Lawfer: I will withdraw that.

Chair Satre: Okay. Now let's be clear, you may want to restate the second proposal in regards to the maintenance of the roadway construction or post construction.

Mr. Feldt: Maintenance agreements have already been put in place and I believe that you had specifically added full maintenance agreement to include roadway maintenance to include truck traffic for the proposed development. So, I believe that's already in the agreement in the recorded documents.

Chair Satre: I believe that was an issue as we were looking at the subdivision of this property and we spoke to that, that condition in _____.

Ms. Lawfer: I was going to say, in the maintenance agreement, does it talk about routine….I'm sure it talks about snow removal, but what about potholes, rocks, etc. and so on?

Mr. Feldt: Yes, maintaining the road includes snow plowing, whatever surface condition, maintaining that. I don't think we need to specifically indicate filling of potholes or resurfacing damaged surface conditions, because maintenance already covers that.

Ms. Lawfer: However, the condominium association in a maintenance agreement, they're taking their share of that cost, when it may very well be that the road is actually broken up as a result of the construction and the trucks, so why should the association share that cost? That's where I'm getting at, with regards to very specific degradation of that roadway during the construction period.

Mr. Feldt: Well, maintenance agreements have already been recorded.

Chair Satre: And Mr. Feldt, I think our intent…when we talked about this maintenance agreement before, was the realization that it wasn't just a dividing line between the two properties. It would be that this property is going to be using the other side of it, so there was going to be shared maintenance agreement through the whole…

Mr. Feldt: Right, so the general public can use it as well.

Mr. Bishop: Is there a motion to extend meeting to 11:15?

Chair Satre: Absolutely, unless there are any objections. In our prior discussions, I think the intent was not to make one entity or the other take an undue burden on that road construction or the ongoing maintenance of that.

Ms. Lawfer: I can agree with that, however, there's going to be an undue burden placed on that during construction.
Chair Satre: That should be in the maintenance agreement, because I believe we had a discussion pretty late in the evening on this same one. So, hopefully Mr. Feldt can pull this up here in a moment.

Mr. Feldt: Yeah. I know that truck traffic was included.

Ms. Lawfer: Okay.

Mr. Feldt: So, there are agreements between the property owners and the City. There are agreements amongst the two property owners. I would have to pull up the recorded documents to find it and I don't want to take up any more time just going through files.

Mr. Bishop: Mr. Feldt, can you assure us that there is an agreement?

Chair Satre: Let's take a few minutes at ease. Perhaps the applicant might help Mr. Feldt find it in the documents. So, we will take a few minutes off the record.

BREAK: 23:10 P.M. TO 23:12

Mr. Feldt: Okay. So, I guess what I heard during the conversation off the record was that specific truck damage caused by construction has not yet been put into an agreement.

Chair Satre: It appears we have a Shared Use Agreement in front of us that deals with non-routine damage.

Ms. Lawfer: Number 7.

Chair Satre: Number 7 and damage caused by use of heavy construction equipment is an example of non-routine damage. Ms. Lawfer, does that satisfy?

Ms. Lawfer: That does.

Chair Satre: Mr. Bishop, does that satisfy you as well?

Mr. Bishop: Yeah.

Chair Satre: Further discussion on the motion? We had one friendly amendment from Mr. Haight regarding the paving. I know Mr. Medina had spoken in opposition to it, but do we have further discussion on the motion?

Chair Satre: Roll call please.

Ms. Lawfer: May I ask a point of clarification? Just the amendment or the entire thing with the amendment?

Chair Satre: This is the entire thing with the amendment.
Ms. Lawfer: Thank you very much.

Mr. Feldt: With the modification of condition #2.

Chair Satre: Correct.

Mr. Feldt: Okay.

Chair Satre: Just so we are clear, because we do this late in the evening -We had the amendment to #2 regarding the paving, essentially past the dividing line, the dimension line on the buildings, and then we had the addition of bonding to Condition #3.

**Roll Call Vote**
Ayes: Grewe, Haight, Lawfer, Bishop, Satre
Nays: Medina

Chair Satre: The application has been approved.

## X. BOARD OF ADJUSTMENT

| | |
|---|---|
| VAR2013 0005: | A variance request to reduce the side yard setback from 10 feet to 8 feet and reduce the minimum lot width from 60 feet to 41 feet to allow a common wall subdivision from an existing duplex. |
| Applicant: | Jill Lingle |
| Location: | 9135 Parkwood Drive |

Item moved to the next meeting.

## XI. OTHER BUSINESS

## XII. DIRECTOR'S REPORT

## XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

## XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

## XV. ADJOURNMENT

***MOTION:*** by Chair Satre to adjourn the meeting at 11:15 p.m.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

**PLANNING COMMISSION**
**NOTICE OF DECISION**
Date: January 15, 2014
File No.: AME2013 0015

Bicknell, Inc.
P.O. Box 33517
Juneau, AK 99803

| | |
|---|---|
| Application For: | A request to rezone 82 acres of Rural Reserve to a mixture of Industrial, Light Commercial and Rural Reserve. |
| Legal Description: | USS 1568 TR B |
| Property Address: | Glacier Highway |
| Hearing Date: | November 26, 2013 |

The Planning Commission, at its regular public meeting on December 10, 2013, did not adopt the analysis and findings listed in the attached memorandum dated November 21, 2013, and with five no votes and two yes votes, denied the request to rezone 82 acres of Rural Reserve (RR) to a mixture of Industrial, Light Commercial and Rural Reserve. The Commission adopted the findings below to support their decision:

1. The parcel, as it is zoned today, has development opportunities. The current zoning does not prohibit it from being used or developed. Current uses can include resource extraction, recreation, visitor-oriented, and residential uses.

2. The City has missed an opportunity by not purchasing the property to maintain the scenic and habitat values.

3. Industrial uses so close to a sensitive habitat area is a concern.

4. Light commercial is not appropriate for the area.

5. Working with the situation we can maintain the view shed.

6. The Comprehensive Plan shows the need for industrial land and also shows intent to acquire the land for public purposes, for a park and viewshed protection.

7. This parcel of land is an important scenic corridor and iconic viewshed that defines the community.

8. The wetlands and the parcel have value to the community of Juneau. We can't allow further degradation of the wetlands. The loss of 39 percent of the wetlands over time, per public comment, is credible and concerning.

9. This parcel of land, as it is currently zoned has social, environmental, and financial value to future generations.

10. There has been a significant amount of public comment in opposition to this rezoning proposal. There hasn't been any public support shown for this development concept.

11. Large water fowl create safety concerns for the airport, but there is a float plane pond adjacent to the airport. And, there is a water canal system that has been developed between the airport and the airport dike trail. These water systems also attract birds and are very close to the airport.

12. The Wetlands Review Board recommended the best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. The benefits of this approach would be to increase the safety of the airport by removing the pond that attracts large birds and also to provide additional buffer for the Mendenhall State Game Refuge.

At the regular Planning Commission meeting on January 14, 2014 the Commission considered a motion to reconsider the December 10 2013 vote on this rezone request. With a vote of two yes votes and three no votes the motion to reconsider failed.

Attachments: November 21, 2013 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2013 0015.

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).

Project Planner: _____
Beth McKibben, Planner
Community Development Department

_____
Michael Satre, Chair
Planning Commission

_____ 1/17/2014
Filed With City Clerk 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.

# MEMORANDUM

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

**DATE:** November 21, 2013

**TO:** Planning Commission

**FROM:** Beth McKibben, Planner
Community Development Department

**FILE NO.:** AME2013 0015

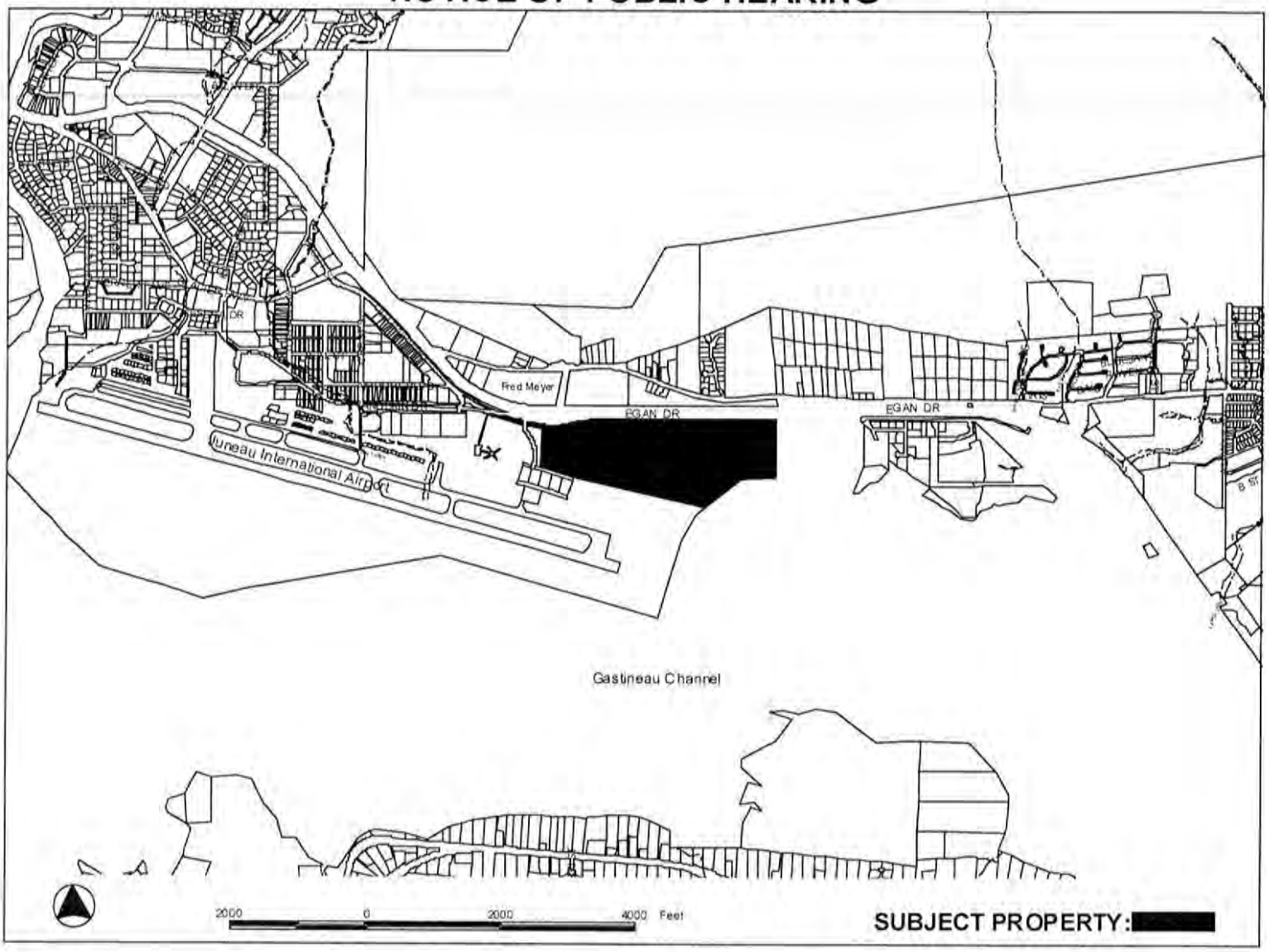
**PROPOSAL:** Rezone 82 acres of RR to a mixture of Industrial, Light Commercial and Rural Reserve.

| | |
|---|---|
| Applicant: | Bicknell Inc. |
| Property Owner: | Bicknell Inc. |
| Property Address: | Glacier Highway |
| Legal Description: | USS 1568 TR B |
| Parcel Code No.: | 5-B14-0-102-007-0 |
| Site Size: | 82.66 Acres |
| Zoning: | RR, Rural Reserve |
| Comprehensive Plan Future Land Use Designation: | RD (Resource Development) |
| Utilities: | City water & sewer |
| Access: | Yandunkin Way/Egan Drive |
| Existing Land Use: | vacant/dredge pond |
| Surrounding Land Use: | North-(D-5) Juneau Christian Church<br>N.W. -(LC) Fred Meyer of Alaska<br>South -(Industrial) Juneau Municipal Airport<br>East -Mendenhall Wetlands State Game Refuge<br>West -(Industrial) Juneau Municipal Airport |

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

**Vicinity Map**

## NOTICE OF PUBLIC HEARING



**ATTACHMENTS**

A – Map - Applicant's request
B - Notice of Decision AME2013 0007
C - Stipulation for Dismissal
D -Comprehensive Plan Map
E – Email - David Bloomer
F – Map - Scenic Corridor
G – Map – Juneau Wetlands
H - Map - Current Zoning
I – ADF&G materials regarding review of pond as over wintering habitat for juvenile salmonids
J – Email – Patricia deLaBruere
K – Email – Greg Chaney
L – Public Comments

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that *"the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan."*

**PROPOSAL**

The applicant has applied to rezone the parcel, which is currently zoned Rural Reserve (RR) to a mix of RR, Industrial and Light Commercial. Approximately 20 acres would be rezoned to Industrial (I) and approximately 26 acres rezoned to Light Commercial leaving approximately 36 acres zoned RR (attachment A).

**BACKGROUND**

In July 2012 the applicant submitted an application to rezone the entire parcel from Rural Reserve to a combination of Industrial and Light Commercial zones. This application was withdrawn by the applicant before it went before the Planning Commission for consideration.

Subsequently, the applicant submitted a request to amend Map G of the *Comprehensive Plan*. The applicant requested the map be amended from Resource Development (RD) to a mix of Industrial, General Commercial and Resource Development. The *Comprehensive Plan* map amendment failed to win a recommendation for approval after a 3-3 vote of the Commission. This tie resulted in a denial recommendation (attachment B). This recommendation was appealed to the Assembly but withdrawn before it was heard (attachment C). The current proposal, which is significantly different than the 2012 rezone request, is the subject of this staff report.

The site has a long history of sand and gravel extraction and the operation was extended with USE2007-00013. According to the staff report for that conditional use permit the site served as a

sand and gravel extraction site since the late 1970s. Ownership of the parcel has changed since that permit was issued.

The site abuts the airport on the east, Egan Drive on the north and south, and the Mendenhall Wetlands State Game Refuge on the south and west. While the site is adjacent to Egan Drive, physical access is via Yandunkin Way.

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? OR was the zone change initiated by the commission or director?

**Yes.** The application for the subject zone change was initiated by the property owner. The stipulation of dismissal of appeal of AME2013 0007 noted that this rezone application would be considered timely.

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 November 15 and November 25, 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.

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. Rezone requests which are substantially the same as a rezoning request rejected within the previous twelve 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."*

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request is for significantly more than 2 acres.

2. No similar request has been made in the past year.

**49.70.900-49.70.1097 Coastal Development, Habitat, and Wetlands**

The Wetlands Management Plan identifies a portion of this site as having a wetlands classification of B. The dredge pond portion of the site is identified as EP- Enhancement Potential. Class A and B wetlands require a Corps of Engineers Permit before they can be developed. These permits will need to be obtained before any site development can be approved.

**COMPLIANCE WITH THE COMPREHENSIVE PLAN**

*CBJ 49.75.120, Restrictions on Rezonings* was recently amended to read, in *part "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."* (emphasis added). Prior to this amendment rezoning could not allow uses which violate the land use maps of the *Comprehensive Plan*. The new language provides flexibility in review of rezoning and the maps of the *Comprehensive Plan*.

"Substantial" is commonly defined as: essentially, without material qualifications, in the main, in substance, materially, in a substantial manner.

In Chapter 11, Comprehensive Plan Land Use Maps 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.*

Chapter 1 of the *Comprehensive Plan* further supports the flexibility of the plan, but emphasizes that it should be used when considering community growth, along with other current information.

When considering this request it is important to understand what the *Comprehensive Plan* intends when describing land use designations. The plan states the designations are intended to describe the overall character of development for each land use category and are not intended to be firm or restrictive definitions, such as with zoning district permitted and conditional uses. The designations are to be used to guide the formation of zoning regulations. The land use designations and their allowed uses reflect cultural values and economic and societal needs, and over time, the *Comprehensive Plan* descriptions of land use categories will change to reflect

changing values and circumstances. The Comprehensive Plan Map for this area is shown on Attachment D.

The site is located in Subarea 4 of the 2008 *Comprehensive Plan* (map G). No changes to this map have been made in the 2013 *Comprehensive Plan* update. The plan shows this lot as RD, or Resource Development. Page 163 of the 2008 *Comprehensive Plan* describes RD as follows:

> *Land to be managed primarily conserve natural resources are identified and developed. Such specific uses may include, where appropriate, resource extraction and development, recreational and visitor-oriented facilities, and residential uses. The area outside the study area of this Comprehensive Plan is considered to be designated Resource Development.*

The Mendenhall Wetlands State Game Refuge immediately adjacent to this parcel is an identified Scenic Viewshed/Corridor (SVC) in the 2008 *Comprehensive Plan*. The plan states that this designation is suitable for CBJ owned and other public land. Page 162 of the 2008 *Comprehensive Plan* describes SCV areas as follows, with emphasis added:

> *This designation is suitable for CBJ owned and other public lands whose views of, or whose near and/or distant views from the locale, are deemed as spectacular and/or represent a significant and important representation of the visual character of the CBJ. The views of, or from, the designated SCV land area toward public vista points or viewscapes; demonstrate a scenic view of great natural beauty, a spectacular landscape, an important historic building, or site; provide views of the aurora borealis, sea, harbors, or of cityscape that is a "signature" viewscape of the CBJ; and is valued by residents and visitors alike and conveys the CBJ as a special place. Lands in the scenic corridor or veiwscape should be protected from visual intrusion or obstructions from structures, night light and glare, invasive flora and/or other similar elements that would diminish the visual prominence of the viewscape. Lands within the SCV designations may be zoned for a mix of zoning districts, most particularly the same district as the surrounding lands; however, any new zoning request or rezoning application should identify specific view corridors that would be protected by any new development therein. Land uses that do not require view-blocking structures should be permitted, such as public vista plazas and seating areas, community gardens, boat launch facilities, fishing areas or utility poles.* (emphasis added)

The map (attachment F) and definition refer to both Scenic Corridor and Viewshed (SCV), however only the scenic corridor is specifically mapped; the viewshed is not. Neither the definition nor the map state or demonstrate which views are subject to protection. It seems unlikely that the intention of the Planning Commission and the Assembly would have been to apply viewshed protection to all areas visible from mapped scenic corridors, since this would

encompass large privately-owned areas within the Borough, including the airport and areas with expanding commercial development.

The applicant has indicated (attachment E) that one of the reasons they are requesting Light Commercial (LC) instead of General Commercial (GC) is that LC has a lower maximum building height which will result in less impact on the viewshed. The maximum building height in the LC zone is 45 feet and in the GC zone it is 55 feet.

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.*

Although not specifically listed, the airport is a public facility and is an appropriate use in this area. If the airport was a private facility the area would likely be designated as Industrial on the Comprehensive Plan maps.

There are a number of guidelines and considerations for Subarea 4 listed in the 2008 *Comprehensive Plan*. On page 204 of the plan guideline/consideration 12 specifically mentions this site:

> *The Parks and Recreation Comprehensive Plan, Chapter 8, recommends a number of parks, trail, community garden and stream corridor improvements. Those recommendations include... <u>(i) acquisition of Smith/Honsinger parcel outside of the pond area for natural area and scenic corridor conservation;</u> (j) develop a community garden site; and (k) review the area for suitability for mini-parks. Work with the FAA to ensure that these projects do not negatively affect flight safety due to impacts on bird habitat.* (emphasis added)

The 2013-2018 CBJ Capital Improvement Plan shows $750,000 in the Parks and Recreation budget in FY15 for land acquisition of Smith/Honsinger Property. At this time no funds have been dedicated to the purchase of this property.

Subarea 4, Guideline/consideration 7 addresses industrially zoned land:

> *Seek new industrial zoning districts to compensate for the encroachment of existing industrial districts by retail, office and other non-industrial commercial uses. Designate the industrial districts that have a visual connection from and vehicular access to major thoroughfares and that have already been encroached upon by retail and office uses as heavy commercial/light industrial districts within each industry may remain and non-industrial commercial uses can expand. In other industrial districts, prohibit retail, office, residential and other non-industrial or non-Public uses.*

As discussed above, the site is currently designated as Resource Development in the 2008 *Comprehensive Plan*. Furthermore, the Plan recommends CBJ purchase of a portion of this site. It specifically states the area outside the pond. This generally corresponds to the area which the applicant is proposing to leave as RR. The *Comprehensive Plan* also addresses the Honsinger Pond area elsewhere. In Chapter 11, Comprehensive Plan Land Use Maps, the plan states:

> *Industrial districts were designated according to the type of industrial use therein or based on the location criteria of industrial businesses. Due to the incremental, yet significant, encroachment of commercial retail, office and service uses into industrially-zoned districts in Lemon Creek and near the airport, these areas were re-designated from industrial use to heavy commercial/light industrial use. Other lands that had previously been designated for future park use near the airport (<u>an abandoned land and gravel pit</u>) and for resource development in Lemon Creek (an active gravel pit) were designated Resource Development; these areas are expected to be available for development in the long-term.* (emphasis added)

Chapter 10, Land Use discusses commercial and industrial land use as well as the availability of land for these uses. Juneau is far from national markets and serves as a regional hub for goods and services. This section of the plan says that much of Juneau's industrially zoned land within the urban service area contains wetlands and are largely unsuitable for development. The buildable lands inventory that was done for the 2008 plan found that lands suitable for development in the near future include current and former gravel extraction sites.

Chapter 5, Economic Development also discusses commercial and industrial development. This chapter also articulates the need for additional industrially zoned lands and again suggests that "areas around gravel extraction activities can convert to industrial districts once the land is leveled and the gravel extraction on those lands is complete." Furthermore, Standard Operating Procedure 5.7.SOP2 states:

> *When additional land is needed for commercial or industrial uses or when there are particular locational requirements for certain activities, initiate appropriate amendments to the Comprehensive Plan and Zoning maps to accommodate this need. These new commercial and industrial zones should be evaluated in relation to all applicable policies of the Comprehensive Plan.*

As stated above, the 1997 Juneau Wetlands Management Plan categorizes wetlands into four categories; A, B, C and D; with A being of the highest value and D the lowest. Class A and B wetlands require a Corps of Engineers Permit before they can be developed. The Wetlands Management Plan identifies a portion of this site as having a wetlands classification of B. The dredge pond portion of the site is identified as EP- Enhancement Potential. The Wetlands Management Plan does not classify intertidal wetlands, which is the remainder of this site. (attachment G)

**DISCUSSION**

The following language is provided by the CBJ Land Use Code to describe the current zoning designation –Rural Reserve:

> *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.*

The applicant has requested that approximately 20 acres of the site be zoned Industrial. The CBJ Land Use Code describes the Industrial as:

> *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.*

The applicant has requested the remaining 26 acres be rezoned to Light Commercial. CBJ Land Use Code describes Light Commercial as:

> *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 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.*

LAND USE

As discussed above, this site has historically been used for gravel extraction. This resulted in the borrow pit that is locally known as Hongsiner Pond. The site is vacant. The current zoning of Rural Reserve (RR) allows a wide variety of land uses.

The airport is the nearest use of land. It is zoned Industrial and are shown as Institutional and Public Use (IPU) in the *Comprehensive Plan*. There are commercial, church and residential uses across Egan Drive from this site. Zoning across Egan Drive is a mix of LC, D5 and D15 (attachment H) Egan Drive in this location is four travel lanes, two turn lanes and two acceleration lanes, creating a significant delineation between the areas and also prohibiting pedestrian crossing. The Mendenhall Wetlands State Game Refuge was established in 1976 to protect habitat and game populations and to provide recreation.

The table below illustrates a variety of uses that might be permitted in the current RR zoning as well as the requested LC and I zoning. This table does not include all uses that may be permitted in these zoning districts.

**Permissible Uses in the Rural Reserve, Light Commercial & Industrial Zones**

| | Duplex | Hotel | Medium Manufacturing | Rock Crusher | Restaurant/Bar | Gas Station | Sanitary Landfill | Day Animal Services | Sand & Gravel Extraction | Stable |
|---|---|---|---|---|---|---|---|---|---|---|
| **RR** | X | X | X* | X* | X* | X* | X* | X* | X* | X* |
| **LC** | X | X | X | | X | X* | | X* | X* | X* |
| **I** | | | X | X* | X* | X | X* | X | X* | X* |

* *Conditional Use Permit required*

As another way to evaluate the differences between the current zoning and the requested zoning one can review the dimensional standards of the three zoning districts.

| | RR | LC | I |
|---|---|---|---|
| Setbacks | | | |
| Front | 25′ | 25′ | 10′ |
| Rear | 25′ | 10′ | 10′ |
| Side | 15′ | 10′ | None |
| Street side | 17′ | 17′ | 10′ |
| Lot coverage | | | |
| Permissible uses | 10% | None | None |
| Conditional uses | 20% | None | None |
| Building Height | 45′ | 45′ | None |
| Vegetative coverage | None | 15% | 5% |

ACCESS

Access is currently via Yandunkin Way. The Airport Manager notes this may be an issue when the property is developed. There is right-of-way frontage on Egan Drive. A frontage road or other options are likely and not necessarily an obstacle to considering the requested rezone.

Agency Comments

The Wetlands Review Committee discussed this site at the May 17, 2012 meeting. They made the following motion:

> *The Wetlands Review Board recommends that the best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. The benefits of this approach would be to increase the safety of the airport by removing the pond that attracts large birds and also to provide additional buffer for the Mendenhall State Game Refuge.*

The Alaska Department of Fish and Game did not offer any comments on the requested rezone. However, they did provide copies of a letter and memorandum regarding their Habitat Division's investigation of Honsinger Pond as juvenile salmonid overwintering habitat (attachment I) during the review of the 2012 rezone application. This investigation was done at the request of Murray Walsh on behalf of Bicknell Inc. The conclusion of this investigation is that Honsinger Pond is not suitable as overwintering habitat for juvenile salmonids.

CBJ Public Works did not have any comments when requested to comment on this rezone application. However, in 2012 they stated that future development in this area will likely require a sewage lift pump station.

CBJ Airport does not have any comments on the proposed rezone. They did comment that when the site is developed coordination with FAA will be required and there may be restrictions imposed by FAA due to the proximity to the airport. Additionally, there may be some issues with access that will need to be addressed (attachment J). In a telephone conversation an airport representative told staff that the pond is a bird attractant and creates a safety issue for the airport.

CBJ Lands and Resources Manager Greg Chaney states the proposal does not affect CBJ lands but it is his opinion that due to the proximity of the airport the site is not suitable for residential uses. He suggests that if the site is rezoned to LC or GC that it be conditioned so that residential uses are not allowed (attachment K). While staff is also of the opinion that residential uses near the airport are not suitable due to noise and safety, staff is not in favor of applying conditions to rezones that make the subsequent zoning district different that its sister districts elsewhere in the borough. Zoning should be consistent and uniform within districts.

Public Comments

Numerous public comments have been received. All that were received at the time of the writing of this staff report are found in attachment L. One of 22 comments received is in support, the remaining are in opposition of the requested rezone.

## COMPLIANCE WITH CBJ LAND USE CODE

## 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 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.*

The intent of the Land Use Code 49.05.100 is shown below.

> *(1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;*
> *(2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*
> *(3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*
> *(4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
> *(5) To provide adequate open space for light and air; and*
> *(6) To recognize the economic value of land and encourage its proper and beneficial use.*

The request meets two of requirements to be considered for rezoning as the parcel is greater than 2 acres and the request is not substantially the same as a rezone request rejected in the past 12 months. Furthermore, the request for Industrial zoning is an expansion of an existing zoning district. When considering whether or not the request substantially conforms to the maps of the *Comprehensive Plan* the discussion becomes much more complicated. When reviewing the *Comprehensive Plan* in regard to using the maps and evaluating rezoning requests clearly, the boundaries of the land use designations were not intended to be interpreted as absolute, which is different than zoning district boundaries, which are absolute. There are policies in the plan that both support expanding industrial and commercial areas as well as policies that support protecting the Mendenhall Wetlands, purchasing a portion of this site as a park and protecting the scenic viewshed.

This proposal is significantly different than the one submitted in 2012 as it leaves the undisturbed portions of the site, the tidewater wetlands, in the RR zoning district, thereby retaining their development potential in its current state. The previous request was to rezone the entire site. It should be noted the RR zone is not a "no development" zone and wide variety of land uses can be permitted in this district.

As illustrated in the land use table above there are a number of land uses that are permitted in the current RR zoning that are also allowed in the requested LC and I zones. The RR designation is broad in scope and when reviewing discussion on the development potential of prior gravel extraction sites, can be considered a "holding" zone. However, commercial uses are not considered in the RR comprehensive designation. This coupled with strong physical barrier of Egan Drive between the proposed LC and the LC zoning district "adjacent" to the proposal LC zoning does not appear to be in substantial conformance with the maps of the *Comprehensive Plan*. Given the Industrial zone is an expansion of an existing district and the identified development potential of abandoned gravel extraction sites discussed in the *Comprehensive Plan*, Industrial zoning appears to be in substantial conformance with the maps of the *Comprehensive Plan*.

ZONE CHANGE OPTIONS AND ALTERNATIVES

The applicant has requested to have approximately 20 acres of the 82.66 acre site nearest the airport rezoned to Industrial and the remainder of the parcel, approximately 26 acres rezoned to Light Commercial and approximately 36 acres remaining in the Rural Reserve district.

Options are to approve the request as submitted; deny the request as submitted; or recommend an alternative to the assembly.

## FINDINGS

After review of the application materials, the CBJ Land Use Code, and the CBJ 2008 *Comprehensive Plan* the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.

2. Rezoning approximately 26 acres to LC is <u>not</u> consistent with the Land Use maps of the *Comprehensive Plan* – specifically Map G. Furthermore, rezoning approximately 20 acres as requested, or 46 acres (total area requested to be rezoned) to Industrial is consistent with the Land Use maps of the *Comprehensive Plan*.

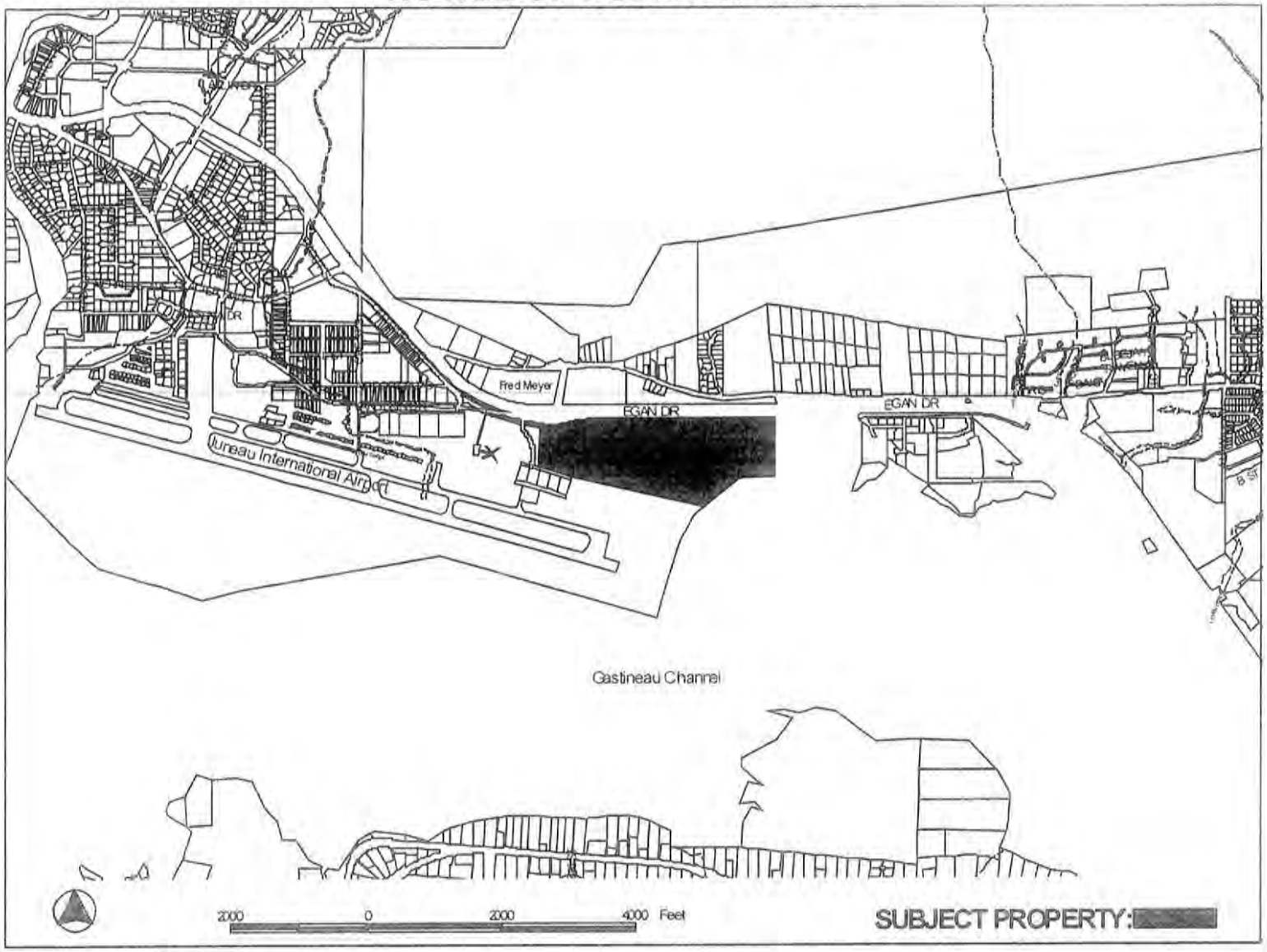
3. The rezoning is larger than 2 acres.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend the rezone request to Industrial be approved. Furthermore staff recommends that no portion of the site be rezoned to Light Commercial.

# NOTICE OF PUBLIC HEARING






**PROPOSAL:** Rezone 82 acres of RR to a mixture of Industrial, Commercial and Rural Reserve.

| | | | |
|---|---|---|---|
| **FILE NO:** | AME2013 0015 | **APPLICANT:** | BICKNELL INC |
| **TO:** | **Adjacent Property Owners** | **Property PCN:** | 5-B14-0-102-007-0 |
| **HEARING DATE:** | Nov 26, 2013 | **Owner(s):** | BICKNELL INC |
| **HEARING TIME:** | 7:00 PM | **Size:** | 82.66 acres |
| **PLACE:** | **ASSEMBLY CHAMBERS**<br>Municipal Building<br>155 South Seward St<br>Juneau, Alaska 99801 | **Zoned:** | RURAL RESERVE |
| | | **Site Address** | HONSINGER POND AREA |
| | | **Accessed via:** | 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 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 Beth McKibben at beth_mckibben@ci.juneau.ak.us or at 586-0465.

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



Date notice was printed: November 13, 2013

# DEVELOPMENT PERMIT APPLICATION

| Project Number | CITY and BOROUGH of JUNEAU | Date Received: 9/18/13 |
|---|---|---|
| Project Name (City Staff to Assign Name) | | |

## PROJECT / APPLICANT INFORMATION

**Project Description**
Rezone 82 Acres of property zoned Rural Reserve to a mixture of Industrial, Commercial and Rural Reserve

**PROPERTY LOCATION**

| Street Address | City/Zip |
|---|---|
| 0 Glacier Hwy | Juneau 99801 |

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

Assessor's Parcel Number(s): 5B1401020070

**LANDOWNER/ LESSEE**

| Property Owner's Name | Contact Person: | Work Phone: |
|---|---|---|
| Bicknell Inc | Roscoe Bicknell | 789-5727 |
| **Mailing Address** | **Home Phone:** | **Fax Number:** |
| Po Box 33517 Juneau, AK 99803 | | 789-2644 |
| **E-mail Address** | **Other Contact Phone Number(s):** | |
| Sales@bicknellinc.com | | |

**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

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: |
|---|---|---|
| Bicknell Inc | David | 789-5727 |
| **Mailing Address** | **Home Phone:** | **Fax Number:** |
| PO Box 33517 Juneau, AK 99803 | 789-5727 | 789-2644 |
| **E-mail Address** | **Other Contact Phone Number(s):** | |
| Sales@bicknellinc.com | | |

X _____ Applicant's Signature _____ Date of Application 9/18/13

----------OFFICE USE ONLY BELOW THIS LINE----------

## STAFF APPROVALS

| ✔ | Permit Type | ***SIGN | 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) | | | |
| | Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change) | | | |
| | Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment) | | | |
| | Variance Case (De Minimis and all other Variance case types) | | | |
| | Wetlands Permits | | | |
| ✔ | Zone Change Application | | 9/18/13 | AME2013 0015 |
| | Other (Describe) | | | |

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

Comments:

Permit Intake Initials: BM

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

# ZONE CHANGE APPLICATION

| Project Number | Project Name (15 characters) | Case Number | Date Received |
|---|---|---|---|
| | | AME 2013 0015 | 9/16/13 |

**LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED:**
USS 1568 TR B
See attached Map for Limits

**IS THIS AN EXPANSION OF AN EXISTING ZONE?** ☐ Yes ☐ No

Total Land Area of Proposed Change 82 acres  Comp Plan Designation RD

Current Zone(s) RR  Comp Plan Map G

New Zone Requested LC, I and RR

**TYPE OF ZONE CHANGE REQUESTED:**
☑ Regular ☐ Transition

**HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS?**
☐ Yes ☑ No

**UTILITIES AVAILABLE:** *WATER:* ☑ Public ☐ On Site *SEWER:* ☐ Public ☐ On Site

**PURPOSE OF THE REQUESTED ZONE CHANGE:**
To add more Industrial and Commercial land. The current zoning does not allow for the best use of the property.
See attachment A for a more detailed description.

**IS THERE A PROPOSED USE OF THE LAND?** ☐ Yes ☑ No
**PROPOSED BUFFERS TO ADJACENT ZONES?** ☐ Yes ☑ No
**DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT):**

**DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:**
*STREETS:*
*WATER:*
*SEWER:*

TO BE COMPLETED BY THE APPLICANT

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.

**ZONE CHANGE FEES**

| | Fees | Check No. | Receipt | Date |
|---|---|---|---|---|
| Application Fees | $ 600 | | | |
| Admin. of Guarantee | $ | | | |
| Adjustment | $ | | | |
| Pub. Not. Sign Fee | $ 50 | | | |
| Pub. Not. Sign Deposit | $ 100 | | | |
| Total Fee | $ 750.00 | 015756 | CDD4547 | 11/12/13 |

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**

RECEIVED
SEP 1 4 2013
ADMIN CDD/CBJ

This Rezone request is for the property with the parcel # 5B1401020070. It is located between Fred Meyers and the airport along Glacier Highway. The land is currently zoned Rural Reserve which we are requesting be changed to a mixture of Industrial, Commercial and Rural Reserve. The change would add approximately 26 acres of Commercial and 20 acres of Industrial land and be consistent with surrounding uses.

The property is currently zoned Rural Reserve which allows a variety of development under the table of permissible uses. It has been used as a sand and gravel pit in the past. The change to General Commercial and Industrial land will allow for development for the property that would put it to a high and better use.

The development plan would include filling in the pond to create the area to be rezoned to Industrial. The area to be rezoned to General Commercial would be filled in as well. We already have a fill permit (BLD20130252) to start filling the uplands in this area and are working with the US Corps of Engineers to fill in wetlands in the area.

It is well known that there is a shortage of General Commercial and Industrial zoned land available for development. The need for this type of land is discussed in the Comprehensive Plan (Policy 5.7) and is shown below:

> *POLICY 5.7. IT IS THE POLICY OF THE CBJ TO DESIGNATE SUFFICIENT AND SUITABLE LAND FOR ANTICIPATED COMMERCIAL AND INDUSTRIAL DEVELOPMENT AS PART OF ITS OVERALL ECONOMIC DEVELOPMENT PROGRAM.*

The standard operating procedure when suitable land is available is found in 5.7 SOP2 of the Comprehensive Plan:

> *5.7.SOP2 When additional land is needed for commercial or industrial uses or when there are particular locational requirements for certain activities, initiate appropriate amendments to the Comprehensive Plan and Zoning maps to accommodate this need. These new commercial and industrial zones should be evaluated in relation to all applicable policies of the Comprehensive plan.*

The location of this property is ideal for industrial land as it is close to the airport, close to the highway and noise will not be a concern to surrounding properties. The airport has had some concerns about waterfowl from the Honsinger Pond creating a safety issue. By allowing the pond to be filled in, it would alleviate these concerns. Also, mentioned on Page 149 of the Comprehensive Plan, it states that current and former sand and gravel areas are suitable for development in the near future.

RECEIVED
SEP 11 2013

*Pg 149 - Comp Plan*
*"Unfortunately, about half of the industrially-zoned lands within the Urban Service Area are or contain wetlands and are largely unsuitable for development. Unfortunately, too, the search for buildable lands conducted for this Plan Update identified very little potential industrial land suitable for development in the short-term;* ***lands found to be suitable for development in the near future include current and former gravel extraction areas."***

Not only does the Comprehensive Plan address the need for Industrial and Commercial land, it specifically mentions the Honsinger Pond and former sand and gravel areas as land that would be suitable for development.

*Pg 159 Comp Plan*
*"Industrial districts were designated according to the type of industrial use therein or based on the location criteria of industrial businesses. Due to the incremental, yet significant, encroachment of commercial retail, office and service uses into industrially-zoned districts in Lemon Creek and near the airport, these areas were re-designated from industrial use to heavy commercial/light industrial use.* ***Other lands that had previously been designated for future park use near the airport (an abandoned sand and gravel pit) and for resource development in Lemon Creek (an active gravel pit) were designated for Resource Development; these areas are expected to be available for development in the long-term."***

The property is located next to the Scenic Viewshed Corridor which is also discussed in the Comprehensive Plan. Although the property is not in the designated Scenic viewshed/corridor, the Comprehensive Plan mentions the view of or the view from this area. The land as is it zoned now has a maximum height limitation of 45 feet. Under General Commercial, the maximum height is 45 feet as well. Industrial has no maximum height but it would be limited to 50 feet due to proximity to the airport. Also, the tree line along the pond is around 50 feet high. Any development in the commercially zoned area would be below this and would not reduce the viewshed. Changing the zoning would not affect the viewshed as the height requirements would only change minimally. If there are still concerns, they could be addressed during the permitting process.

Noise can also be a factor when determining appropriate zoning especially when located close to an airport. General Commercial allows for a variety of uses for which there is a demonstrated need in the community. General Commercial would provide for development potential for hotels and apartments and assisted living facilities. The noise from the airport would be no different than that experienced by residences nearby along

the old Glacier Highway, the end of Fritz Cove, Engineer's Cutoff or even Aspen Suites or Extended Stay next to the airport. If there are still concerns about noise, we believe that they can be dealt with during the conditional use process as there are many things you can do in the design of buildings to reduce noise. Please see attached noise contour map showing the noise levels around the airport.

The Rezoning process does not require permits through the Juneau Coastal Management Program. We are currently working with the US Corps of Engineering to get all the appropriate permits before any wetlands are filled.

In Subarea 4 of the Comprehensive plan there are guidelines and considerations for this area. Guideline #7 specifically discusses adding new industrial land to this area. Our plan to divide the industrial and commercial land fits identically with this recommendation for this area.

**Subarea 4 – Page 202**

7. Seek new industrial zoning districts to compensate for the encroachment of existing industrial districts by retail, office and other non-industrial commercial uses. Designate the industrial districts that have visual connection from and vehicular access to major thoroughfares and that have already been encroached upon by retail and office uses as heavy commercial/light industrial districts within which industry may remain and non-industrial commercial uses can expand. In other industrial districts, prohibit retail, office, residential and other non-industrial or non-Public uses

From the Comprehensive Plan it seems the best use of this land would be Commercial, Industrial and Rural Reserve. This amendment would add approximately 46 acres of Commercial and Industrial land for development. This amount of land would meet the current need for this type of land and also meet the need future development.

Continued on Page 66

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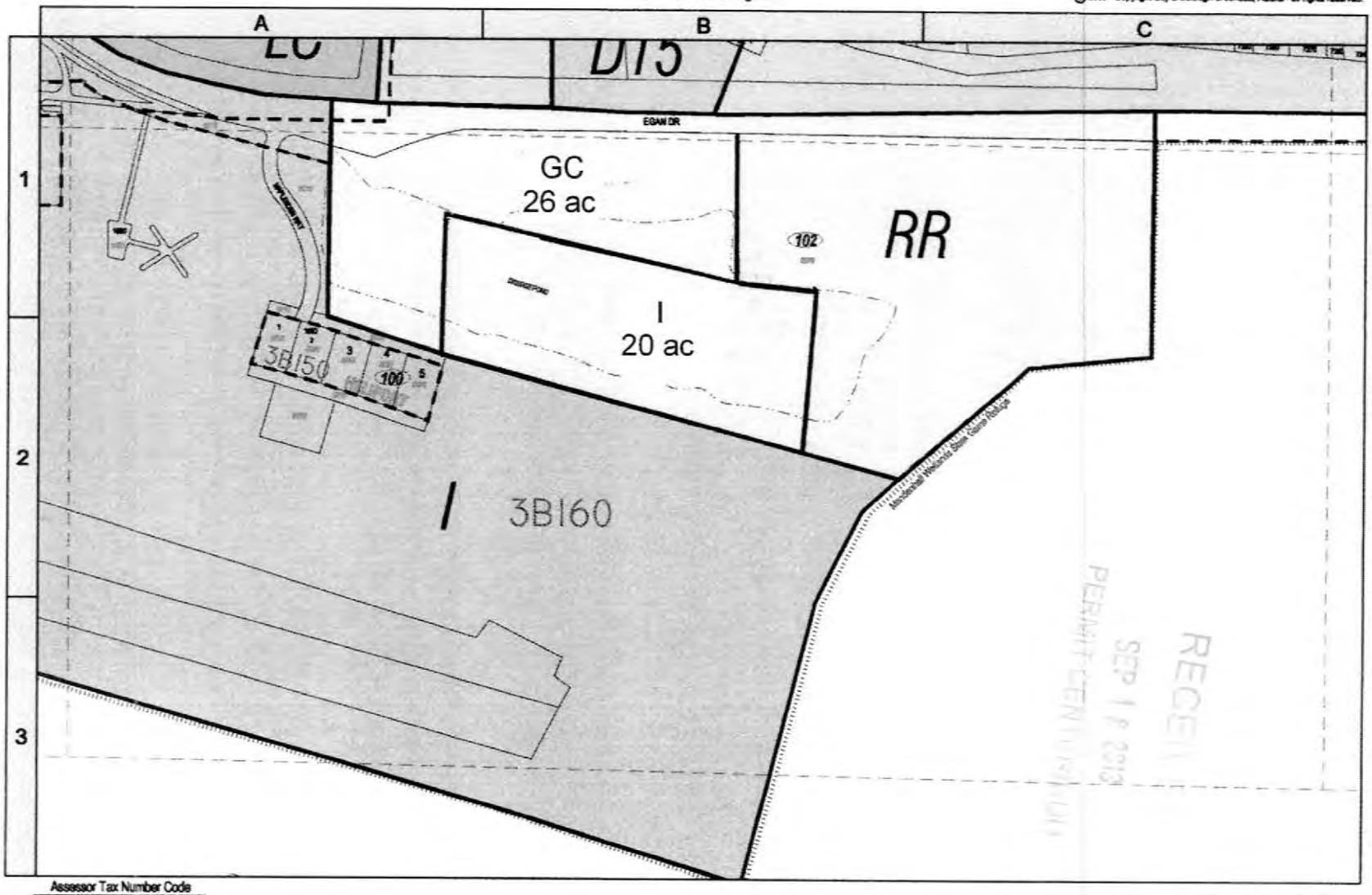



Continued on Page 74

Continued on Page 76

CBJ/GIS 2006

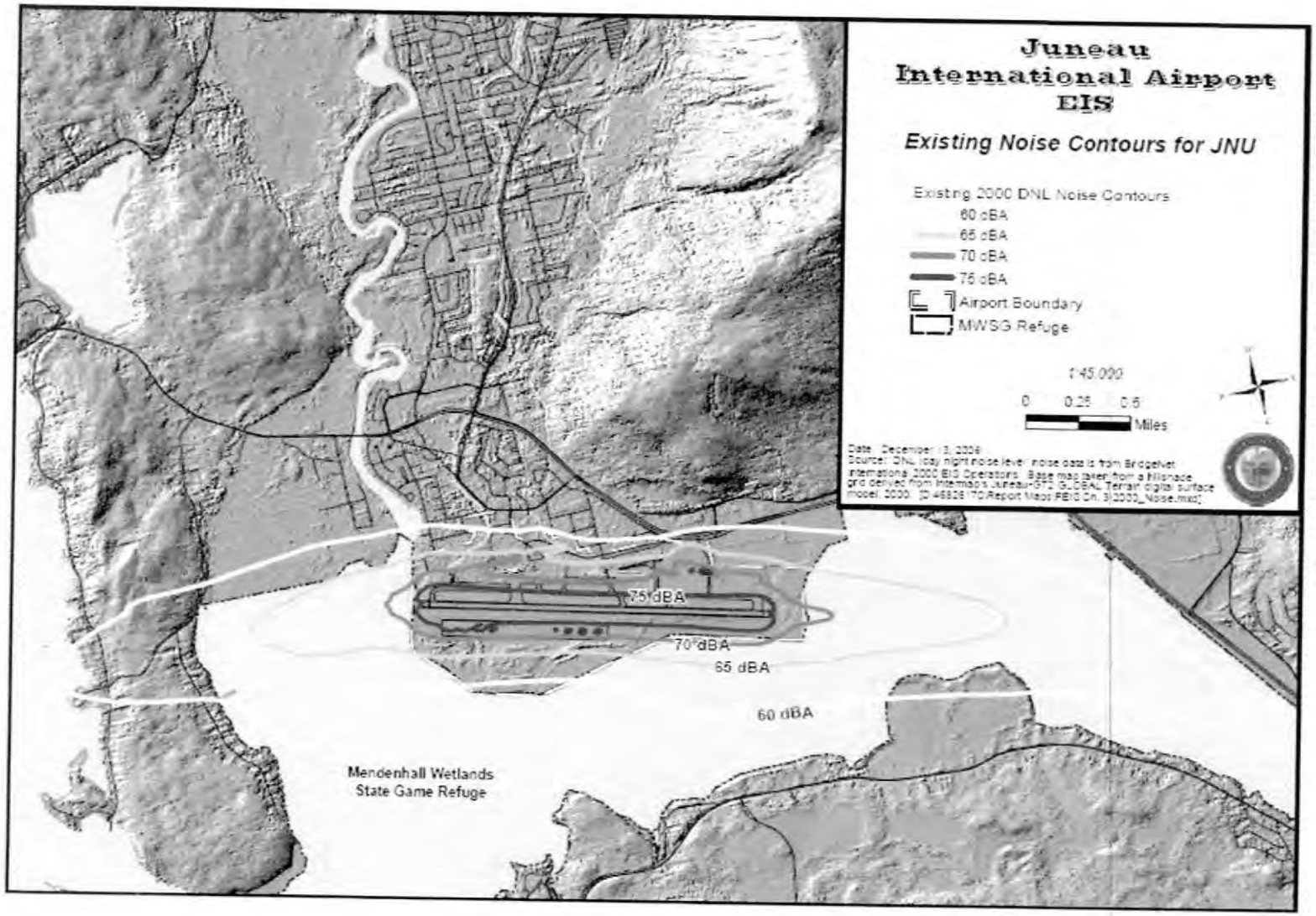
Assessor Tax Number Code

6D090 | 102 | 0030

Parcel Code Prefix | Tract Number | Lot Number

## Airport Noise Contour Map

Source: Juneau International Airport FEIS, Figure 3-3






Attachment C - AME2013 0015 Documents

CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

# Public Notice Sign Lease Agreement

Community Development Department

Case # AME20130015 Sign # 16 Hearing Date: 11/26/13

Assessor's Parcel # _____ Check # 015756 Receipt # CDD4547

Applicant: Bicknell Inc (please print) Phone #: 907-789-5727

Application Received by: _____ (CDD staff initials/name) Date: 11/12/13

I, David Blommer, in cooperation with the Community Development Department (CDD), have leased a Public Notice Sign and agree to the terms listed below:

**CHARGE:** $50 Preparation Fee
$100 Refundable Deposit

**RETURN TIME:** The sign **MUST** be returned to the Community Development Department **by 4:30 p.m. on the Monday** following the scheduled hearing date. If the sign is returned later than the Monday after the Planning Commission meeting, but within two weeks of the meeting, $50.00 may be refunded.

**PENALTIES:** The sign **MUST** be returned to the Permit Center Staff in the same condition it was taken: clean, undamaged, and with no attachments. **If a sign is not returned on time, or has been damaged, the $100 deposit fee will be forfeited.**

**POSTING REQUIREMENTS:**

- The sign must be posted by the applicant/developer on the site at least 14 days prior to the hearing date.
- The sign must be clearly visible and readable from a public Right-of-Way.

_____ (Applicant Signature) 11/12/13 (Date)

Sign Received by: _____ Date: 11/12/13 Staff Initials: _____

Sign Returned by: _____ Date: _____ Staff Initials: _____

**REFUND INFORMATION:** Receipt Number: _____

Amount Refunded: _____ Method: _____ Date: _____ Staff Initials: _____

Refund Received by: _____ /mailed to: _____

Continued on Page 66

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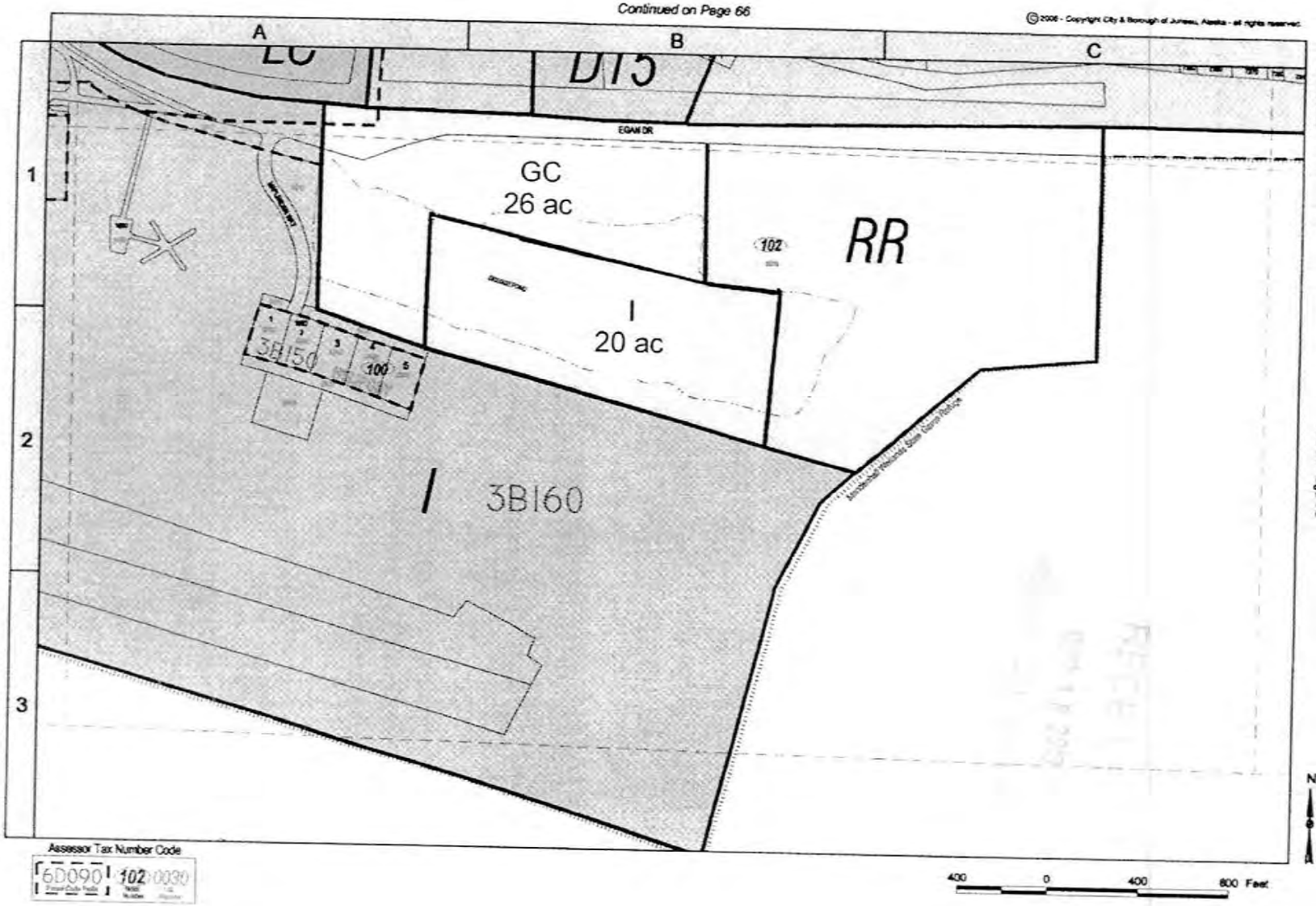



CBJ/GIS 2006

Continued on Page 76

Attachment A

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

**PLANNING COMMISSION**
**NOTICE OF DECISION**
Date: May 17, 2013
File No.: AME2013 0007

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 to amend the Comprehensive Plan Map G from *Resource Development* to mix of *Industrial, General Commercial,* and *Resource Development* in the area of Honsinger Pond. |
| Legal Description: | USS 1568 TR B |
| Property Address: | Glacier Hwy |
| Parcel Code No.: | 5-B14-0-102-007-0 |
| Hearing Date: | April 9, 2013 |

The Planning Commission, at its regular public meeting, did not adopt the analysis and findings listed in the attached memorandum dated April 4, 2013 by a vote of three yes and three no votes. No other motions or motions to reconsider were made, no further action was taken on AME2013 0007, and consequently the request for the map amendment has been denied. At the regular meeting on May 14, 2013 the Planning Commission adopted the findings below to support the action. The findings are:

1. The parcel, as it is zoned today, has development opportunities. The current zoning does not prohibit it from being used or developed. Current uses can include resource extraction, recreation, visitor-oriented, and residential uses.

2. The City has missed an opportunity by not purchasing the property to maintain the scenic and habitat values.

3. Industrial uses so close to a sensitive habitat area is a concern.

4. General commercial is not appropriate for the area.

5. Working with the situation we can maintain the view shed.

6. The Comprehensive Plan shows the need for industrial land and also shows intent to acquire the land for public purposes, for a park and viewshed protection.

7. This parcel of land is an important scenic corridor and iconic viewshed that defines the community.

8. The wetlands and the parcel have value to the community of Juneau. We can't allow further degradation of the wetlands. The loss of 39 percent of the wetlands over time, per public comment, is credible and concerning.

9. This parcel of land, as it is currently zoned has social, environmental, and financial value to future generations.

10. There has been a significant amount of public comment in opposition to both this map amendment and the prior withdrawn rezoning proposal. There hasn't been any public support shown for this development concept.

11. Large water fowl create safety concerns for the airport, but there is a float plane pond adjacent to the airport. And, there is a water canal system that has been developed between the airport and the airport dike trail. These water systems also attract birds and are very close to the airport.

12. The Wetlands Review Board recommended the best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. The benefits of this approach would be to increase the safety of the airport by removing the pond that attracts large birds and also to provide additional buffer for the Mendenhall State Game Refuge.

Attachments: April 4, 2013 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2013 0007.

May 10, 2013 memorandum from Beth McKibben, Community Development to the CBJ Planning Commission regarding AME2013 007.

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).

Project Planner: Beth McKibben, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

Filed With City Clerk Deputy

Date 5/21/13

**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.

**CITY AND BOROUGH OF JUNEAU, ALASKA**
**APPEAL FROM A DECISION OF THE PLANNING COMMISSION**

| | |
|---|---|
| Appeal of NOTICE OF DECISION File | ) |
| No.: AME2013 0007 | ) |
| Appeal of Planning Commission | ) |
| Recommendation to the City and Borough | ) |
| Assembly to amend the Comprehensive | ) |
| Plan Map G; | ) |
| Legal Description: USS 1568 TR B; | ) |
| Property Address: Glacier Highway; | ) |
| Parcel: 5-B14-0-102-007-0; | ) |
| Hearing Date: April 9, 2013. | ) |
| | ) |
| | ) |

## STIPULATION FOR DISMISSAL

After a conference with the City Attorney wherein the parties discussed the applicability of the CBJ Appeal procedures to a Planning Commission recommendation regarding a requested map amendment to the Comprehensive Plan, it was agreed that the Title 49 of the CBJ ordinances did not contemplate appeals on map amendment requests. Furthermore, it was agreed that the proper procedure for a party seeking to rezone specific property was to apply for the rezone and that a map amendment could be taken up by the Planning Commission, later, if appropriate.

In light of the parties' agreement regarding the appropriate procedure Appellant Bicknell, Inc., withdraws its appeal of the Planning Commission Notice of Decision on AME 2013 – 0007. Bicknell requests that the CBJ fully refund the appeal fees paid by Bicknell.

The City and Borough of Juneau Planning Commission acknowledges that there has been procedural confusion regarding Comprehensive Plan map amendments, and agrees that upon dismissal of this appeal it would be appropriate to fully refund the appeal fees paid by Bicknell. The CBJ Planning Commission further agrees that as long as Bicknell reinitiates its original or a modified application for a rezone of United States Survey 1568 Tract B with the Department of Community Development within 30 days of the dismissal of the appeal, the Planning Commission will consider the

BAUER BRUCE & SULLIVAN P.C.
P.O. Box 32819 Juneau, Alaska 99803
Telephone: (907) 789-3166
Facsimile: (907) 789-1913

request to date back to its original rezone request and be timely for de novo processing under CBJ 49.75.110 *et seq.*

DATED this 7th day of August, 2013 at Juneau, Alaska.

BAXTER BRUCE & SULLIVAN P.C.

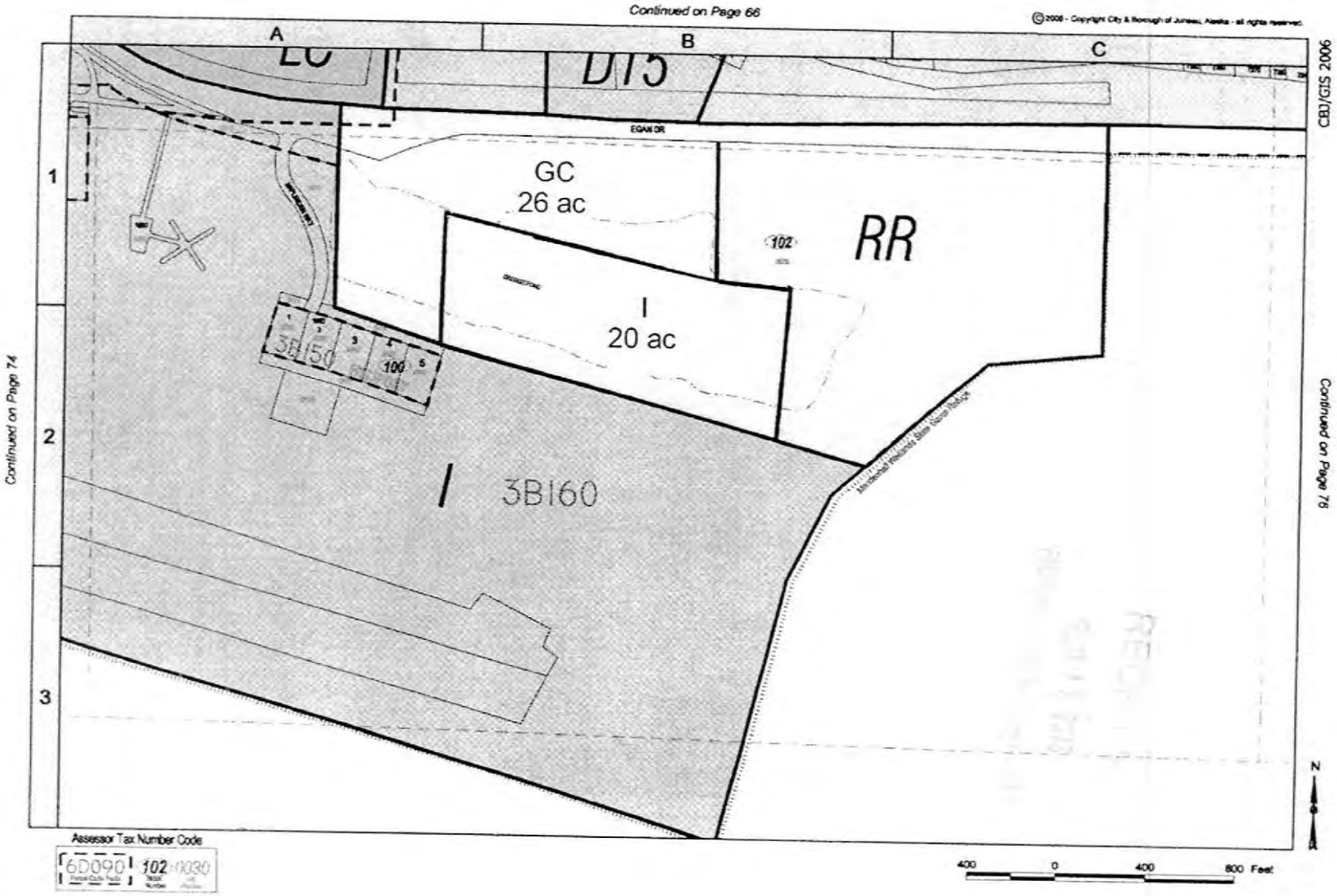
By _____
Daniel G. Bruce, ABA No. 8306022

DATED this 7th day of August, 2013 at Juneau, Alaska.

City and Borough of Juneau, Planning Commission

By _____
Jane Sebens, ABA No. 9011115

BAXTER BRUCE & SULLIVAN P.C.
P.O. Box 32819 Juneau, Alaska 99803
Telephone: (907) 789-3166
Facsimile: (907) 789-1913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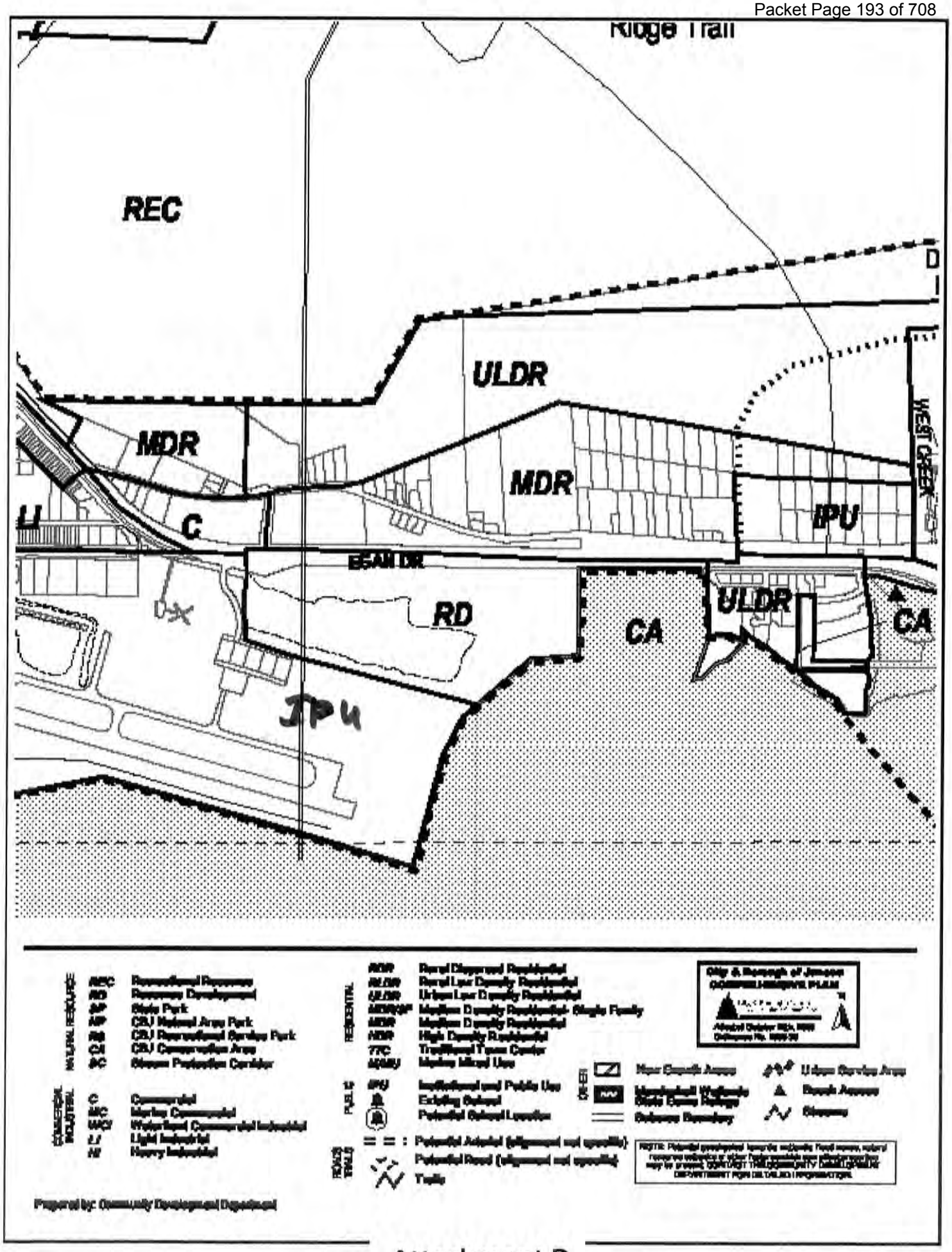



Attachment D

**Beth McKibben**

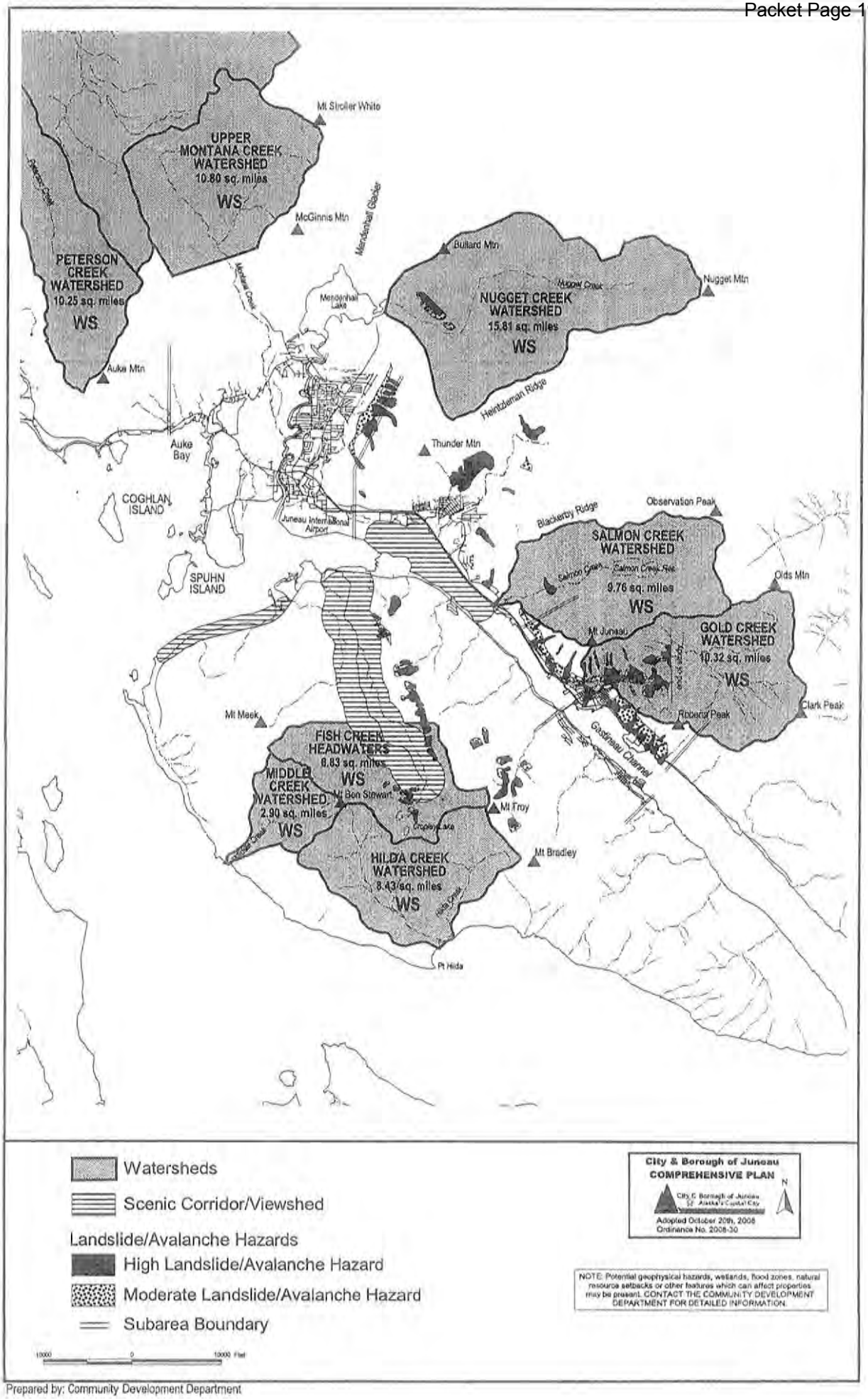
**From:** David Blommer <dblommer@bicknellinc.com>
**Sent:** Monday, November 18, 2013 10:04 AM
**To:** Beth McKibben
**Subject:** Honsinger Pond Rezone

Hi Beth,

Spike had mentioned that you wanted some clarification on whether we wanted General Commercial or Light Commercial for the rezone. After some discussion, we believe that light commercial will be a better fit. The main reason we believe light commercial is the better choice is because of the maximum height for buildings. The max height for Light Commercial is 10' less than General Commercial and also 10' less than the current zoning. The should alleviate the concerns over the viewshed.

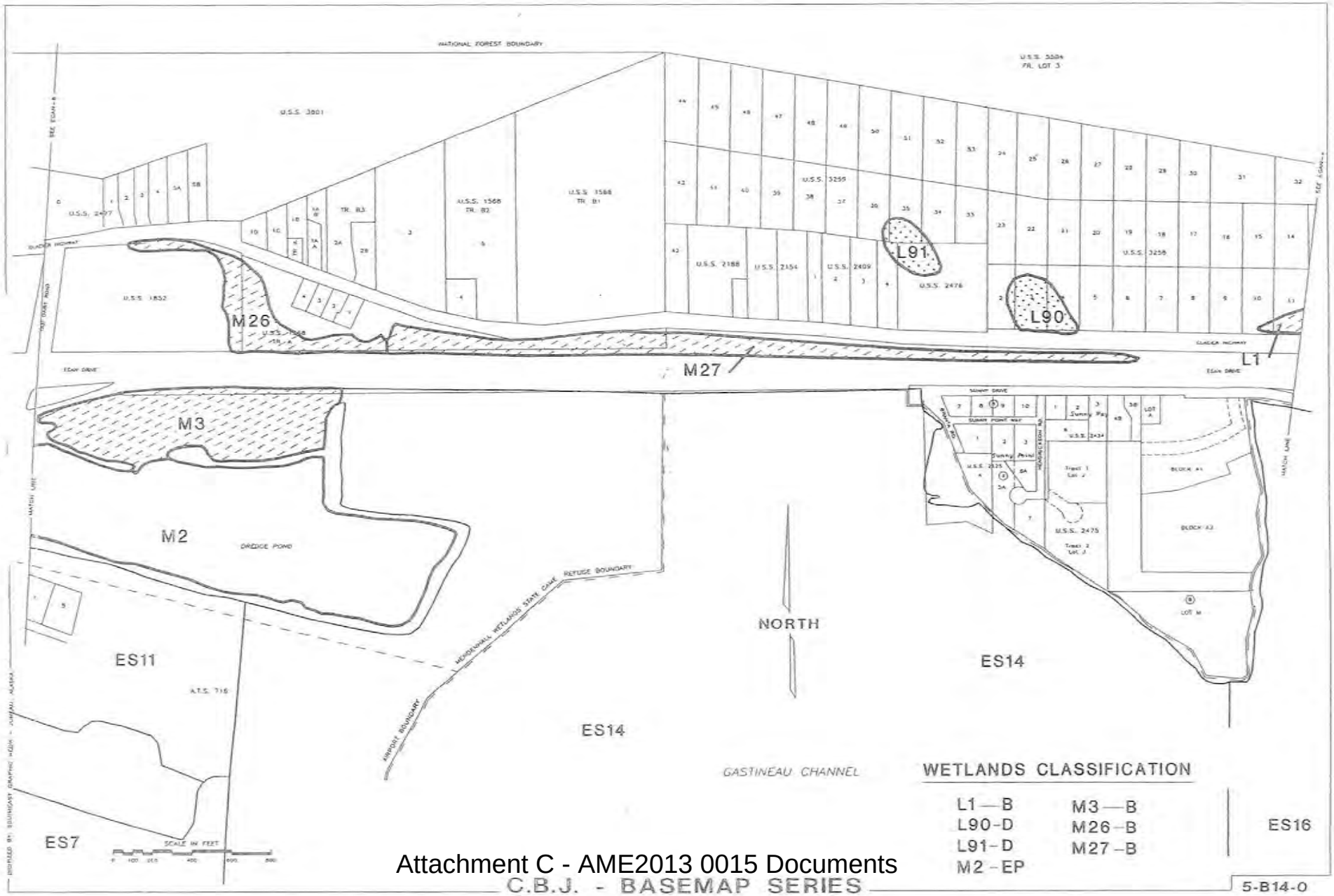
Thanks,
David Blommer
Bicknell Inc.
907-789-5727

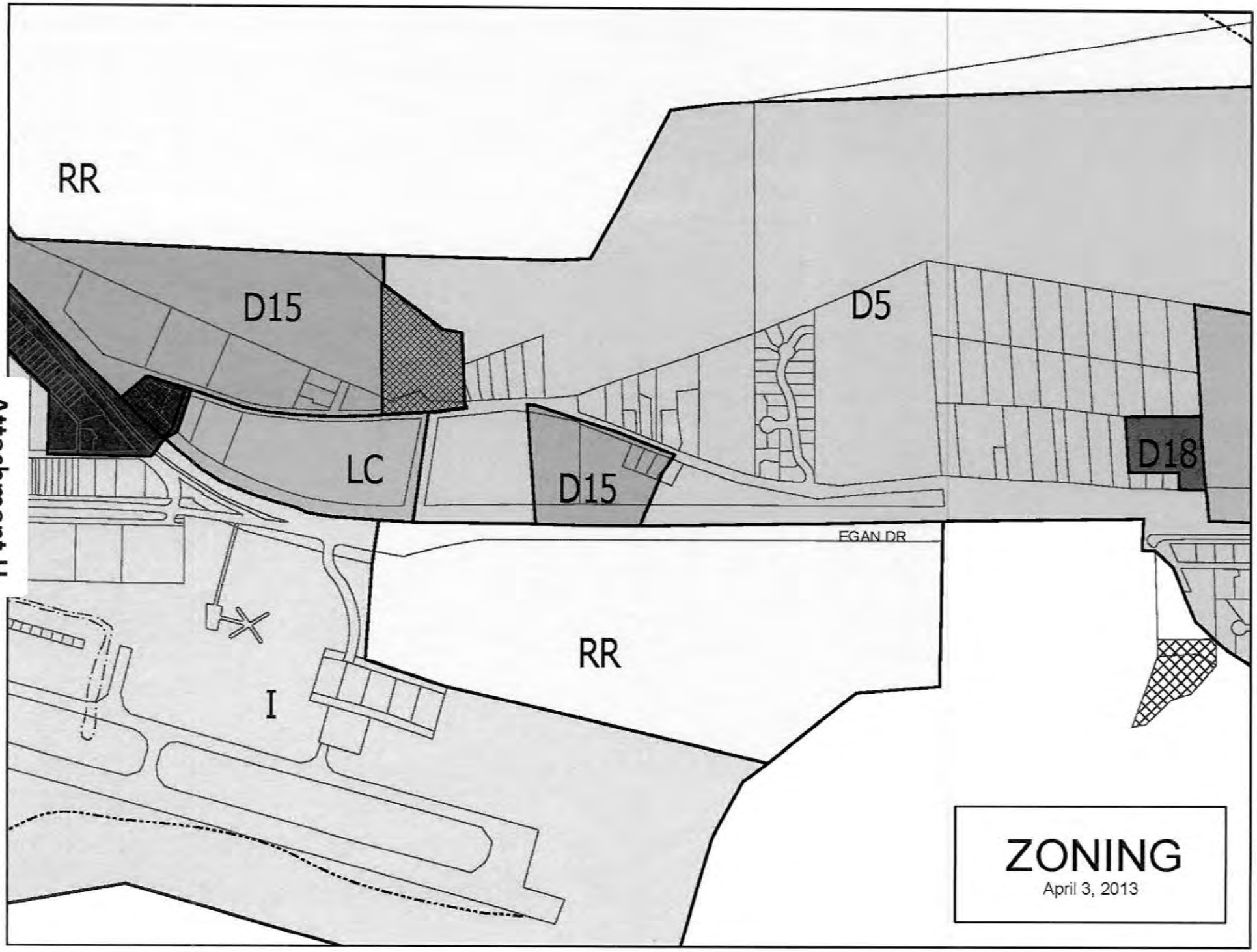
Attachment F




Prepared by: Community Development Department

Attachment G






Attachment H

# STATE OF ALASKA

SEAN PARNELL, GOVERNOR

P.O. Box 110024
802 West 3rd Street
Douglas, AK 99811-0024
PHONE: (907) 465-4105
FAX: (907) 465-4759

## DEPARTMENT OF FISH AND GAME

DIVISION OF HABITAT

## MEMORANDUM

TO: File

DATE: May 16, 2012

FILE NO: Honsinger Pond Investigation

THRU:

SUBJECT: Trip Report

FROM: Jackie Timothy
Southeast Regional Supervisor

TELEPHONE NO: 907.465.4275

In 1976, Fred Honsinger and Theodore Smith received permission from State and federal agencies to mine gravel from their private property located between the east end of the Juneau International Airport and Egan Drive, in Juneau, Alaska (Figure 1). Over time, the property changed hands and agencies modified permits to allow gravel extraction through 2007. The gravel pit is known locally as Honsinger Pond.

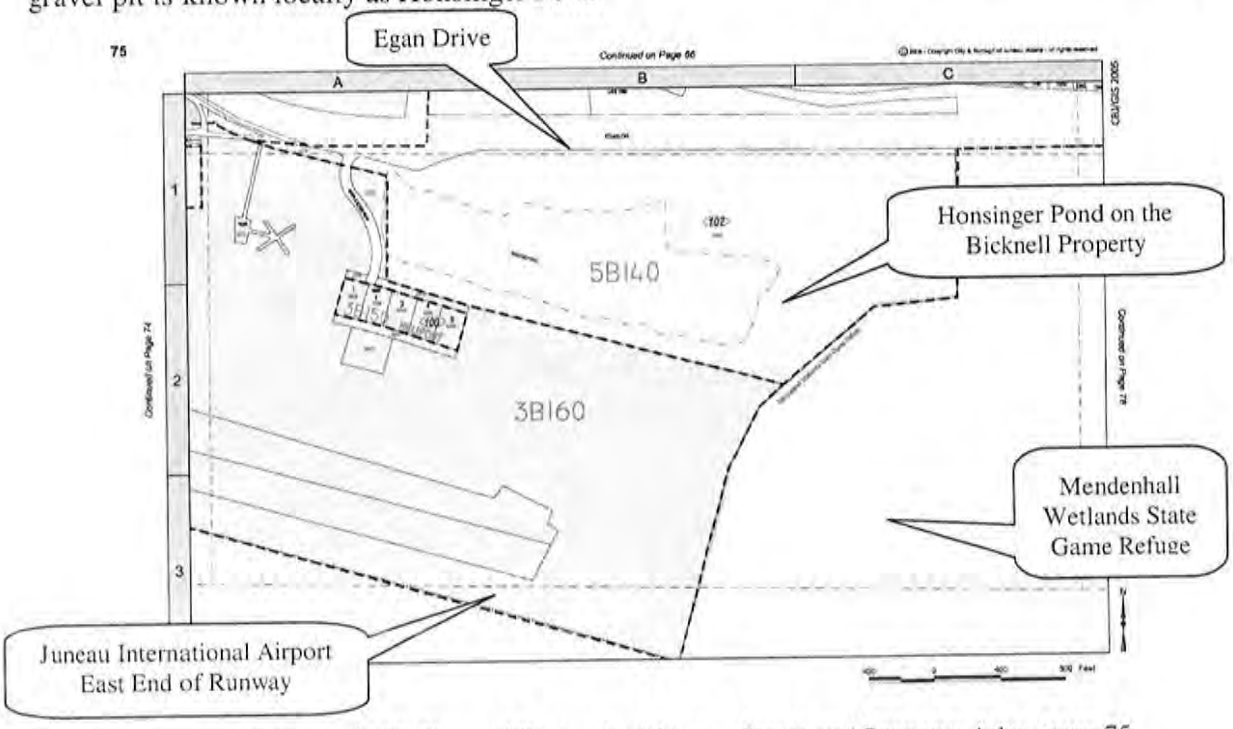



Figure 1. 2005 City and Borough of Juneau Street and Property Atlas, page 75.

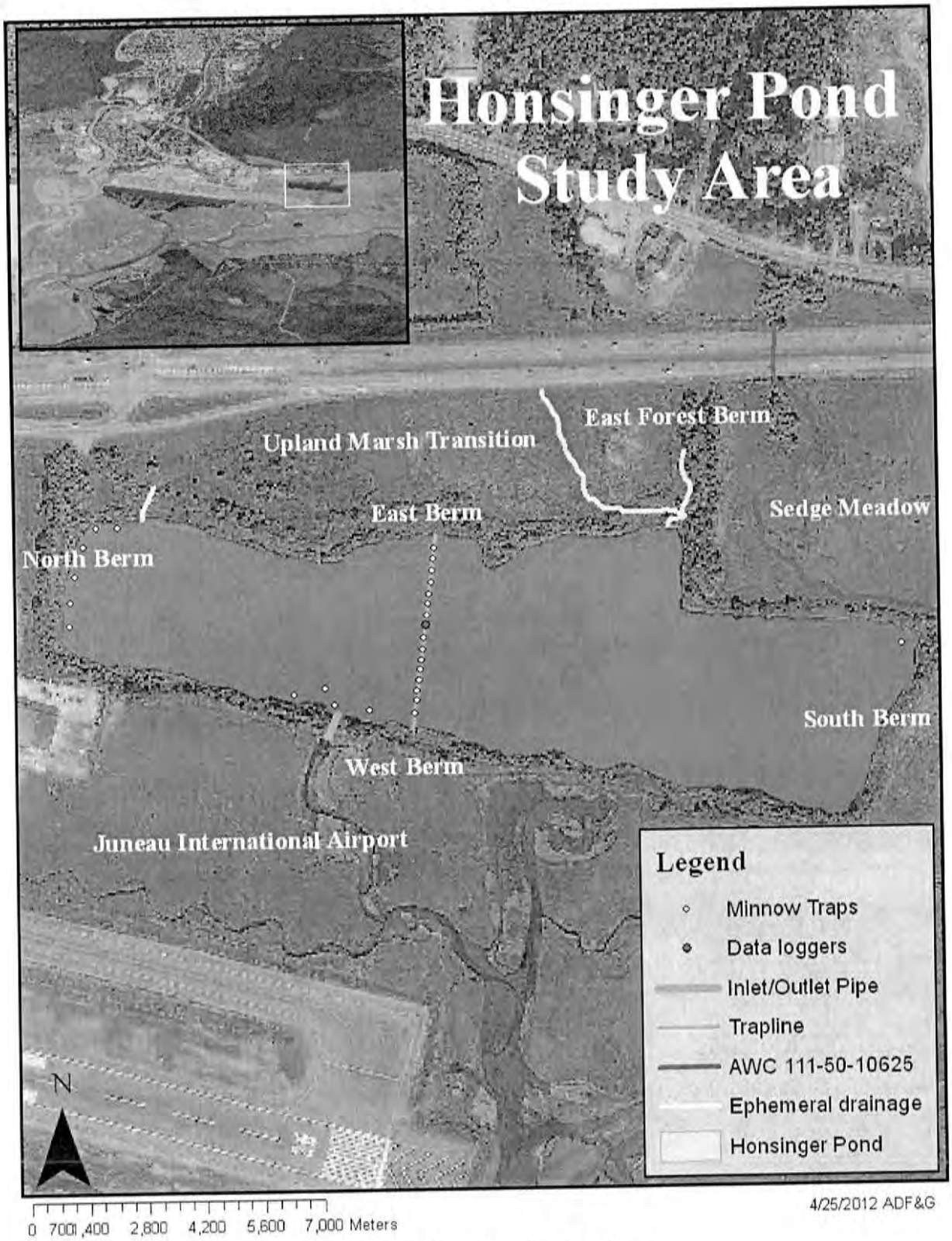



Figure 2. Honsinger Pond study area.

On March 6, 2012, Mr. Murray Walsh, the agent for property owner Mr. Roscoe Bicknell of Bicknell Inc., asked the Alaska Department of Fish and Game (ADF&G) Division of Habitat (Habitat) to determine the potential for juvenile salmonid overwintering in Honsinger Pond. Mr. Bicknell is considering options for private property development and seeking opportunities for wetland impact mitigation. Mr. Walsh sought our assistance as we previously collaborated to develop a Miller Construction mitigation project; the Casa Del Sol[1] salmonid overwintering pond that supports juvenile coho salmon *Oncorhynchus kisutch,* and Dolly Varden char *Salvelinus malma.*

## Study Area

Honsinger Pond (Figure 2) is on the on the northwest side of the Bicknell property which shares a common boundary on the south with the Mendenhall Wetlands State Game Refuge, established by the Alaska Legislature in 1976 to protect natural habitat, game and waterfowl populations, and to provide recreational opportunities.

The property south of Honsinger Pond is a salt tolerant sedge meadow, primarily *Carex sp., Elocharis acicularis, Eriophorum russeolum,* rose *Potentilla sp.,* and plaintain *Plantago sp.* We observed Canadian geese *Branta Canadensis sp.,* and a variety of dabbling ducks and shorebirds in this area (Figure 3).

The property east of Honsinger Pond is upland marsh transition with sedges, alder *Alnus sp.,* willow *Salix sp.,* cow parsnip *Heracleum lanatum,* and most notably, fireweed *Epilobium sp.* (Figure 4). We occasionally observed Canadian geese and dabbling ducks in this area.

Figure 3. Sedge meadow south of pond.

Figure 4. Upland marsh transition east of pond.

[1] Stream No. 111-50-10490-2020.

In the pond, we observed up to seven Trumpeter swans *Cygnus buccinators* at a time (Figure 5), Canadian geese *Branta Canadensis sp.*, mallards *Anas platyrhynchos*, mergansers *Mergus sp.*, buffleheads *Bucephala albeola* and river otters *Lutra canadensis*. Threespine stickleback *Gasterosteus aculeatus* (Figure 6), sculpin *Cottus sp.*, and crustaceans of the Order *Amphipoda* are year round pond inhabitants. Some areas in the pond have deposits of iron flocculate which is present in ground water in dissolved form.

Figure 5. Trumpeter swans in pond.

Figure 6. Threespine stickleback in pond.

The berms that surround the Honsinger Pond, and divide the property north/south on the east side, transition between sedge meadow and spruce *Picea sitchensis* forest. Occasional hemlock *Tsuga heterophylla* and cottonwood *Populus balsamifera* contribute to the overstory for a variety of shrubs and forbs, with alder, willow, cow parsnip, and fireweed occupying the most recently disturbed areas. Bald eagle *Haliaeetus leucocephalus*, raven *Corvus corax*, crow *Corvus caurinus*, and gull *Larus sp.* feathers demonstrate use of the area by these species. We found waterfowl feathers and droppings on the berms. We observed a river otter latrine, probable coyote *Canis latrans* scat, and Sitka black-tailed deer *Odocoileus hemionus sitkensis* bones and hair but the origin is unknown.

Inside the berm we observed concrete slabs and other remants of historical human use, including styrofoam floats pushed over the berm by storm surge and high tide. Shotgun cartridges are everywhere (Figure 7), though the private property is posted (Figure 8). We discovered a tidy camping spot on the east side of the pond where a spruce forested buffer separates the south sedge meadow from the east upland marsh transition area.

Figure 7. Shotgun casings.

Figure 8. Private property sign near Temsco.

There is an old 0.60 m pipe that pierces the west side of the berm (Figure 9); intended to let ground water from the pond move into the estuary while stopping tidewater from entering the pond during gravel extraction. The pipe is at about 4 m in elevation and a pond formed at the outlet contains water throughout the tide cycle (Figure 10).

Figure 9. West berm culvert inlet at low tide.

Figure 10. West berm culvert outlet at 1.8 m tide.

The pipe flap is partially rusted away and anadromous fish passage into and out of the pond is possible (Figure 11). We observed spruce tree trunks submerged at pond margins (Figure 12).

Figure 11. West berm failed culvert flap.

Figure 12. Spruce trunks rooted in pond margins.

An anadromous stream, No. 111-50-10625, flows around the southeast end of the pond berm (Figure 13). An ephermal drainage trickles into the pond on the north side of the east forest berm. Rust staining on spruce suggests in addition to some ground water input, flashy flow from the upland marsh transition area and from the hillside drainage above Egan Drive and Glacier Highway enters the pond during storm events. There appears to be an ephemeral drainage through the east berm on the north side of the pond, south of the historical road entrance, though the drainage remained dry during our time there, March 13th through April 13th, 2012. The swans departed in pairs during our study, with the final lone swan and all other waterfowl absent on our April 13th visit to remove the trapline.

Figure 13. Anadromous Stream No. 111-50-10625.

Figure 14. Rust stains from flashy drainage.

## Purpose

The purpose of this investigation is to gather water quality and fish data during winter in Honsinger Pond. These data will be used, in part, to determine what might be done with the property.

## Methods

Since this project was not in our field schedule, Habitat staff worked opportunistically (Table 1). Habitat biologists Benjamin Brewster, Greg Albrecht, Kate Kanouse, Matt Kern, Tess Quinn, Gordon Willson-Naranjo, and Johnny Zutz assisted with this project.

Table 1. Honsinger Pond monitoring schedule.

| Date | Fish Trapping | Water Quality | Tide |
|---|---|---|---|
| 3/13/2012 | X | X | Outgoing |
| 3/14/2012 | X | X | Outgoing |
| 3/15/2012 | | X | Outgoing |
| 3/16/2012 | X | X | Outgoing |
| 3/19/2012 | X | | Outgoing |
| 3/22/2012 | | X | Incoming |
| 3/24/2012 | X | | Outgoing |
| 3/27/2012 | X | X | Outgoing |
| 3/30/2012 | X | | Incoming |
| 4/02/2012 | X | | Outgoing |
| 4/05/2012 | X | | Outgoing |
| 4/10/2012 | X | | Incoming |
| 4/13/2012 | X | | Outgoing |

We began March 13th, 2012, when the pond was frozen except at the margins. On March 15th, 2012, we attempted to install a trapline by shooting a bow and arrow attached to monofilament line across Honsinger Pond from east to west, planning to tie the monofilament to leadline to pull

it across the thin ice (Figure 15). The monofilament kept breaking, so we tied a safety line to a biologist in a drysuit with a life preserver who walked the leadline, three buoys and an anchor across the ice (Figure 16).

Figure 15. Johnny Zutz takes aim.

Figure 16. Jackie Timothy and Ivy dog cross ice.

We secured the 182 m leadline to trees on both sides of the pond. We used a chainsaw lubed with canola oil to cut holes through the 6 cm thick ice at about 9 m intervals (Figure 17). As the weather warmed and ice thinned, we paddled a Livingston across the pond, which was ice free by April 3rd (Figure 18). We set minnow traps along the trapline from the west to the east bank.

Figure 17. Tess Quinn cuts holes through ice.

Figure 18. Honsinger Pond, ice free April 3rd, 2012.

We removed our trapline from the water on April 13th, 2012 when we had information sufficient to document juvenile salmonid overwintering in Honsinger Pond and determine the potential for juvenile salmonid overwintering in Honsinger Pond.

## Fish Sampling

We sampled fish at the Honsinger pond from March 14th to April 13th, 2012, capturing fish with 0.635 cm and 0.317 cm wire mesh minnow traps baited with whirl packs containing sterilized

salmon roe (Magnus 2006). We placed the traps throughout the water column, between the surface and about 9 m. We checked and re-baited the traps every few days.

On March 14th and March 27th we set and pulled 4 minnow traps near the west berm culvert inlet. We set six traps at the north berm nearshore surface March 27th through April 5th, 2012. On March 15th, we attached 16 minnow traps to the leadline, dropping them through the holes in the 6 cm ice, and suspending them at various depths. We removed all gear from the water on April 13th, 2012.

We present a fish sampling summary in the Results section. Fish sampling data are in Attachment A. Trapline distances in the data tables are from the east to the west bank and fish are identified by the following abbreviations:

CO = Coho salmon, *Oncorhynchus kisutch*
DV = Dolly Varden char, *Salvelinus malma*
SC = Sculpin, *Cottus sp.*
ST = Threespine stickleback, *Gasterosteus aculeatus*

## Water Quality Sampling

We sampled water quality at Honsinger Pond from March 13th through March 27th 2012, taking water quality measurements in the center of the pond at the surface, mid-water column, and at the bottom with an YSI 85 meter for conductivity µS, salinity ppt, dissolved oxygen mg/L, and temperature °C. We used an Oakton meter to measure dissolved oxygen, pH, and temperature and an Extech Exstick II field meter to measure temperature and conductivity in the pond margins. We used the Oakton to measure pH in the center of the pond at the surface and mid-water column.

We calibrated all equipment according to the manufacturer's instructions and kept the membranes moist, checking for punctures, tears, or corrosion. We jiggled the probe in the water column when measuring dissolved oxygen to prevent localized depletion of oxygen from the membrane. We sent the YSI 85 out for servicing and ended water quality sampling on March 27th, 2012.

We used a Hach Iron and Manganese Test Kit Model IR-20 test kit to check dissolved iron concentrations on the east and west sides of the pond. We dissolved a packet of iron indicator in 5 ml of water and placed the sample with another 5 ml sample of water in an indicator box. The iron concentration is read off of a color wheel.

We accessed the air temperature recorded at the Juneau International Airport at 4 m elevation on the weather underground website (Wunderground 2012).

We present a water quality summary in the Results section. Water quality data are in Attachment B. We also include a water quality summary of Casa Del Sol juvenile salmonid overwintering pond in Attachment B for comparison (Moselle 2008, Moselle 2008, Kanouse 2009, Jezierski 2010, Hitselberger 2010, and Kern 2012).

# Results

## Fish Sampling

Threespine sticklebacks inhabit marine, brackish and fresh waters in both anadromous and resident fresh water forms. They are found in shallow vegetated areas of water bodies, usually over mud or sand, to a depth of 27 m (Mecklenburg 2002). We captured 386 threespine sticklebacks, including 154 unexplained mortalities in Honsinger Pond. The average fork length of our captives is about 25-60 mm, representing immature and mature individuals. The orange belly and throat colors of breeding males were showing near the end of our study.

Pacific staghorn sculpin, *Leptocottus armatus,* inhabit tidepools and intertidal to subtidal silt, sand, broken shell bottoms and eelgrass beds. They tolerate fresh water, and are often found in lower reaches of rivers and streams (Mecklenburg 2002). We captured 15 Pacific staghorn sculpin and 1 sculpin that we could not identify to species, in Honsinger Pond.

We did not capture any juvenile coho salmon or Dolly Varden char, which suggests Honsinger Pond does not support overwintering juvenile salmonids.

## Water Quality

Water temperature is lowest when taken at the pond surface in recently thawed areas. The temperature at the pond center surface, mid-water column, and bottom increases as the ice thaws. The pH ranges from 7.6 to 8.8. Dissolved oxygen concentrations ranged from 5.2 to 14.6 mg/L.

Fresh water[2] has lower conductivity than salt water[3]. For instance, the conductivity[4] of drinking water in the United States ranges from 50 to 1,500 µS/cm (APHA 2012). Comparatively, the conductivity of seawater, depending on salinity, temperature and pressure, is about 54,000 µS/cm. The conductivity in Honsinger Pond for samples collected from surface waters near the pond margins on March 13th and 15th fall within the range of those found in fresh water. However, all other conductivity samples suggest brackish water[5], the range of which falls between fresh water and salt water.

The dissolved iron concentration for the sample taken on the west side of the pond exceeds the DEC standard for dissolved iron (DEC 2008)[6]. However, layers of iron-containing soils are found throughout the Mendenhall Valley and contribute to iron-rich ground water. Many anadromous streams in the Mendenhall Valley exceed the DEC Standards for dissolved iron because of this naturally occurring iron source (Savell 2006).

The concentration of one dissolved salt sample taken at the surface falls within the fresh water range. Fresh water input is supported by our visual observations of iron floc, the dissolved iron

[2] Fresh water has less than 5 parts per thousand dissolved salts.

[3] Salt water has more than 30 parts per thousand dissolved salts.

[4] The ability of water to conduct electricity.

[5] Brackish water has between 5 and 30 parts per thousand dissolved salts.

[6] Page 18.

concentration in the sample taken from the west side of the pond, the March 13th and 15th conductivity sampless, and the healthy spruce growing in the pond margins. Fresh water enters Honsinger Pond through ground water, precipitation, two ephemeral drainages, and ice melt. Nevertheless, Honsinger Pond is brackish. The salinity at the bottom of the pond is greater than at the surface as colder, salty water sinks below warmer, less salty water.

The dissolved salt concentration of all Honsinger Pond samples, except the one mentioned above, are too high to support overwintering juvenile salmonids (Quinn 2005).

Email cc:

Murray Walsh, agent, Juneau
Al Ott, ADF&G Habitat, Fairbanks
ADF&G Habitat Staff, Douglas
Ryan Scott, ADF&G WC, Douglas
Brian Glynn, ADF&G SF, Douglas
Kevin Monagle, ADF&G CF, Douglas
Teri Camery, CBJ, Juneau
Heidi Firstencel, USACE, Juneau
Steve Brockmann, USFWS, Juneau
Mary Goode, USFWS, Juneau
Diane Mayer, SEAL Trust, Juneau

Trumper Swan at Honsinger Pond. Trumpeter swans require 100 m of unobstructed water for takeoff. Photo by Benjamin Brewster.

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# Attachment A

## Fish Sampling Data

West berm culvert nearshore trapping March 14th and March 27th, 2012.

| Trap # | 3/14/2012 | | | | 3/27/2012 | | | |
|---|---|---|---|---|---|---|---|---|
| | CO | DV | SC | ST | CO | DV | SC | ST |
| 1 | | | | | | | | |
| 2 | | | | | | | | |
| 3 | | | 1 | | | | | |
| 4 | | | | 50+ | | | | |

North berm nearshore trapping March 27th through April 5th, 2012.

| Trap # | 3/27/2012 | | | | 3/30/2012 | | | | 4/5/2012 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | CO | DV | SC | ST | CO | DV | SC | ST | CO | DV | SC | ST |
| 1 | | | 1 | | | | | | | | 3 | 3 |
| 2 | | | | | | | 1 | 1 | | | | |
| 3 | | | | 1 | | | | | | | | |
| 4 | | | | 2 | | | | | | | | |
| 5 | | | | 3 | | | | 1 | | | | |
| 6 | | | | 5 | | | 1 | | | | | |

Trapline March 16th through March 24th, 2012.

| Trap # | Distance Across m | Water Depth m | Trap Depth m | 3/16/2012 | | | | 3/19/2012 | | | | 3/24/2012 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | CO | DV | SC | ST | CO | DV | SC | ST | CO | DV | SC | ST |
| 1 | 155 | 2.8 | 1.5 | | | | | | | | | | | | |
| 2 | 146 | 3 | 2.4 | | | | | | | | | | | | |
| 3 | 137 | 3 | .3 | | | | 1 | | | | | | | | |
| 4 | 128 | 3 | 2.7 | | | | | | | | 26 | | | | |
| 5 | 119 | 3 | 3 | | | | | | | | | | | | |
| 6 | 110 | 3 | 3 | | | | | | | 1 | 1 | | | | |
| 7 | 101 | 5.8 | 5.1 | | | | | | | | | | | | |
| 9 | 82 | 6 | 6 | | | | | | | | | | | | |
| 10 | 73 | 7.9 | 5.1 | | | | | | | | | | | | 7 |
| 11 | 64 | 8.2 | 8.2 | | | | | | | | | | | | |
| 12 | 55 | 7.9 | 5.1 | | | | | | | | | | | | |
| 13 | 46 | 7.6 | 3.6 | | | | | | | | | | | | |
| 14 | 37 | 7.9 | 3.6 | | | | | | | | | | | | |
| 15 | 27 | 5.1 | 3.6 | | | | | | | | | | | | |
| 16 | 18 | 1.9 | 1.8 | | | | | | | | | | | | |

Trapline March 27th through April 2nd, 2012.

| Trap # | Distance Across m | Water Depth m | Trap Depth m | 3/27/2012 | | | | 3/30/2012 | | | | 4/2/2012 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | CO | DV | SC | ST | CO | DV | SC | ST | CO | DV | SC | ST |
| 1 | 155 | 2.8 | 1.5 | | | | | | | | 5 | | | | 1 |
| 2 | 146 | 3 | 2.4 | | | | | | | | | | | | |
| 3 | 137 | 3 | .3 | | | | | | | | | | | | 2 |
| 4 | 128 | 3 | 2.7 | | | | | | | | | | | | |
| 5 | 119 | 3 | 3 | | | | 1 | | | | | | | | 6 |
| 6 | 110 | 3 | 3 | | | 1 | | | | | 1 | | | 1 | 3,5* |
| 7 | 101 | 5.8 | 5.1 | | | | | | | | | | | | |
| 9 | 82 | 6 | 6 | | | | | | | | | | | | 3* |
| 10 | 73 | 7.9 | 5.1 | | | | | | | 1 | 5* | | | | 4 |
| 11 | 64 | 8.2 | 8.2 | | | | | | | | | | | | |
| 12 | 55 | 7.9 | 5.1 | | | | | | | | 1 | | | | |
| 13 | 46 | 7.6 | 3.6 | | | | | | | | 1 | | | | |
| 14 | 37 | 7.9 | 3.6 | | | | | | | | 8 | | | | |
| 15 | 27 | 5.1 | 3.6 | | | | | | | | | | | | 1 |
| 16 | 18 | 1.9 | 1.8 | | | | | | | | 1 | | | | |

Trapline April 5th through April 13th, 2012.

| Trap # | Distance Across m | Water Depth m | Trap Depth m | 4/5/2012 | | | | 4/10/2012 | | | | 4/13/2012 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | CO | DV | SC | ST | CO | DV | SC | ST | CO | DV | SC | ST |
| 1 | 155 | 2.8 | 1.5 | | | | 1 | | | | | | | | |
| 2 | 146 | 3 | 2.4 | | | 1 | 2 | | | | | | | | |
| 3 | 137 | 3 | .3 | | | | 1 | | | | 4 | | | | |
| 4 | 128 | 3 | 2.7 | | | | | | | | 1 | | | | 2 |
| 5 | 119 | 3 | 3 | | | | 3 | | | 2 | 1 | | | 3 | 6 |
| 6 | 110 | 3 | 3 | | | | 9* | | | | | | | | |
| 7 | 101 | 5.8 | 5.1 | | | | | | | | | | | | |
| 9 | 82 | 6 | 6 | | | | | | | | 12 | | | | |
| 10 | 73 | 7.9 | 5.1 | | | | | | | | 1 | | | 1 | 6 |
| 11 | 64 | 8.2 | 8.2 | | | | | | | | | | | | |
| 12 | 55 | 7.9 | 5.1 | | | | | | | | | | | | 1* |
| 13 | 46 | 7.6 | 3.6 | | | | | | | | | | | | 57* |
| 14 | 37 | 7.9 | 3.6 | | | | | | | | | | | | 59* |
| 15 | 27 | 5.1 | 3.6 | | | | | | | | | | | | 12* |
| 16 | 18 | 1.9 | 1.8 | | | | | | | | | | | | |

*mortalities

# Attachment B

## Water Quality Data

Water quality at Honsinger Pond from March 13th through March 27th 2012.

| Legend | | Extech | Oakden | YSI 85 | Tossed Result T | Out of Range OR | No Attempt | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Date** | **Location** | **Depth m** | **H20 Temp °C** | **pH** | **DO mg/L** | **Conductivity µS/cm** | **Iron mg/L** | **Salinity ppt** | **2012 Tide** | **Air Temp °C** | **Ice cm** |
| 3/13 | West | surface | 0.6 | 8.8 | 14.6 | T | 1.35 | T | Out | -1.1 | 0 |
| 3/13 | East | surface | 0.9 | 7.65 | OR | 1583 | 0.8 | T | Out | -1.1 | 0 |
| 3/14 | West | surface | 1.9 | 7.98 | OR | 12500 | | 6.6 | Out | .5 | 0 |
| 3/15 | East | surface | 1.2 | 8.4 | OR | 1430 | | | Out | 2.8 | 0 |
| 3/16 | East | surface | 1.5 | | | 5000 | | 2.5 | Out | 0 | 0 |
| 3/19 | Center | 2.7 | 2.7 | 7.6 | 12.2 | 11000 | na | 11.4 | Out | 5.5 | 6.3 |
| 3/19 | Center | 8.5 | 2.7 | | 10.5 | 11020 | na | 11.4 | Out | 5.5 | 6.3 |
| 3/22 | Center | 8.5 | 3 | | T | 19630 | na | 11.6 | In | 2.7 | 5.08 |
| 3/22 | Center | surface | 5.2 | 8.3 | T | 10390 | na | 5.2 | In | 2.7 | 5.08 |
| 3/27 | Center | 8.5 | 4 | | 5.2 | 12040 | na | 11.9 | In | 7.7 | 2.54 |
| 3/27 | Center | 2.7 | 3.5 | | 10.6 | 11380 | na | 11.3 | In | 7.7 | 2.54 |
| 3/27 | Center | surface | 8 | | 11.3 | 10280 | na | 8.2 | In | 7.7 | 2.54 |
| Fish Friendly | | | < 15 | 6.5-8.5 | | < 5000 | < 1 | < 5 | | | |

## Beth McKibben

**From:** Patricia deLaBruere
**Sent:** Wednesday, November 13, 2013 4:33 PM
**To:** Beth McKibben; Dan Jager; Ron King; Charlie Ford; Brent Fischer; John Kern; Marlene Love; Ed Foster; Ken Huddlestun; Tony Stoinich; Greg Chaney; 'Timothy, Jackie L (DFG)'; Heidemann, Marie E (DOT) (marie.heidemann@alaska.gov); Darrell Wetherall (Darrell.Wetherall@aelp.com); Eric Feldt
**Subject:** RE: Review requested AME 2013 0015 rezone the Honsinger Pond area

I have a comment on the application. It states that the land is located on Glacier Hwy, however part of it is on the on-ramp of Yandukin Dr (small portion). I don't see a problem with the rezone, however there will be substantial questions, concerns and restrictions at the time of land development by the FAA. There will be access issues to the property as well.
Thanks for including us.
Patty

*Patricia deLaBruere*
*Airport Manager*
*Juneau International Airport*
*Juneau, Alaska*
*(907) 789-7821*

---

**From:** Beth McKibben
**Sent:** Friday, November 08, 2013 2:28 PM
**To:** Dan Jager; Ron King; Charlie Ford; Brent Fischer; John Kern; Marlene Love; Ed Foster; Ken Huddlestun; Tony Stoinich; Patricia deLaBruere; Greg Chaney; 'Timothy, Jackie L (DFG)'; Heidemann, Marie E (DOT) (marie.heidemann@alaska.gov); Darrell Wetherall (Darrell.Wetherall@aelp.com); Eric Feldt
**Subject:** Review requested AME 2013 0015 rezone the Honsinger Pond area

Applicant has requested to rezone the Honsinger Pond parcel from Rural Reserve to a mix of Rural Reserve, Industrial and Light Commercial. Please review the attached application materials and send any comments/concerns you may have by the end of the day November 22, 2014.

Beth McKibben, AICP
Senior Planner, CDD
City & Borough of Juneau
(907)586-0465 phone
(907)5863365 FAX

Please consider the environment before printing this email.

## Beth McKibben

**From:** Greg Chaney
**Sent:** Friday, November 08, 2013 2:56 PM
**To:** Beth McKibben
**Subject:** RE: Review requested AME 2013 0015 rezone the Honsinger Pond area

Hi Beth,

The applicant's information states that they are interested in "General Commercial" zoning but the description in the E-mail says "Light Commercial".

This proposal does not affect CBJ Lands so this is not an official comment but if the Commission considers Commercial Zoning in this location; the rezone should be conditioned so that no residential use would be allowed. Noise and safety concerns due the property's location at the end of the runway makes this site unsuitable for housing.

Thank you for the opportunity to comment.

Cheers,

- Greg

**From:** Beth McKibben
**Sent:** Friday, November 08, 2013 2:28 PM
**To:** Dan Jager; Ron King; Charlie Ford; Brent Fischer; John Kern; Marlene Love; Ed Foster; Ken Huddlestun; Tony Stoinich; Patricia deLaBruere; Greg Chaney; 'Timothy, Jackie L (DFG)'; Heidemann, Marie E (DOT) (marie.heidemann@alaska.gov); Darrell Wetherall (Darrell.Wetherall@aelp.com); Eric Feldt
**Subject:** Review requested AME 2013 0015 rezone the Honsinger Pond area

Applicant has requested to rezone the Honsinger Pond parcel from Rural Reserve to a mix of Rural Reserve, Industrial and Light Commercial. Please review the attached application materials and send any comments/concerns you may have by the end of the day November 22, 2014.

Beth McKibben, AICP
Senior Planner, CDD
City & Borough of Juneau
(907)586-0465 phone
(907)5863365 FAX

Please consider the environment before printing this email.

# Public Comments for AME2013 0015

Meeting Date: November 26, 2013

1. Email dated November 17, 2013 from Roman Motyka in opposition.
2. Email dated November 17, 2013 from Nanci Spear in opposition.
3. Email dated November 17, 2013 from Karen Capp says protection of wetlands should continue to be the primary concern for the Planning Commission.
4. Email dated November 17, 2013 from Sandy Williams would like the property to remain a Reserve.
5. Email dated November 17, 2013 from Dr. Emily Kane in opposition, suggesting to rezone near Costco or DOT, not the wetlands.
6. Email dated November 17, 2013 from Mark Miller believes all the reasons for originally designating this property Rural Reserve are still firmly in place.
7. Email dated November 17, 2013 from Jean Jasmine in strong support to retain Rural Reserve for the field of fireweed.
8. Email dated November 17, 2013 from Ruth Danner asking Beth McKibben for a better map from a forwarded message from Patricia Obrien asking people to write to the Planning Commission to protect the field of fireweed.
9. Email dated November 17, 2013 from Mary Wilson in opposition and says it would be a shame to wreck a beautiful area.
10. Email dated November 18, 2013 from Bruce Baker respectfully requests the PC NOT approve the rezone.
11. Email dated November 18, 2013 from David McMaster implores the PC to not allow the destruction of the Field of Fireweed, saying we have a responsibility to think about the bigger picture.
12. Email dated November 18, 2013 from Margo Waring says industrial uses in this area are problematic.
13. Email dated November 18, 2013 from Jon Tillinghast in opposition for 3 reasons.
14. Email dated November 19, 2013 from Elaine Miller asks to not develop the field of fireweed.
15. Email dated November 19, 2013 from Frank Berstrom in support of the rezone.

16. Email dated November 19, 2013 from Mary Lou & Jim King says Juneau's image needs to be treasured.
17. Email dated November 19, 2013 from Jon Lyman says the developer bought reserved property knowingly and asks to deny the change.
18. Email dated November 19, 2013 from Lesley Lyman writes in opposition and suggests the property owner sell it to the City.
19. Email dated November 20, 2013 from Patricia Wherry says the zone change is NOT a better use of the land.
20. Email dated November 20, 2013 from Rachel Tarver pleads to not rezone.
21. Email dated November 20, 2013 from Karen & Jed Dinnan say the huge jump from RR to Industrial/Commercial does not make sense because of the proximity to wetlands.
22. Email dated November 20, 2013 from Patricia Rorick says that view cannot be replaced and asks to please protect the natural environment from development.

## Beth McKibben

**From:** Roman J Motyka <rjmotyka@uas.alaska.edu>
**Sent:** Sunday, November 17, 2013 5:03 AM
**To:** Beth McKibben
**Subject:** Bicknell redone

Dear Ms McKibben:
My comments opposing rezoning that I submitted a year ago still hold.

I am in Mexico traveling until 11/26
Sincerely,
Roman Motyka
Sent from my iPhone

**Beth McKibben**

**From:** Nanci Spear <nancispear@yahoo.com>
**Sent:** Sunday, November 17, 2013 7:07 AM
**To:** Beth McKibben
**Subject:** Bicknell proposal

Please deny the proposal to use the wetlands for Industrial use. I count on the planning commission to be diligent in allowing permits for building that are not in the publics interest. All of us enjoy the view of the wetlands and expect it to be clear of industrial buildings. Not only is it the views you are protecting but the habitat of birds and animals already being squeezed out. I am sure you have heard enough about the fireweed that we all enjoy so I will just say, please do not allow any changes of the wetlands.

Is it not possible for the city to purchase this land from Bicknell? Do we really need more storage units and other ugly buildings to look at along Eagan Drive?

Thanks for your service to the community of Juneau.

**Beth McKibben**

**From:** Karen Capp <k.capp@yahoo.com>
**Sent:** Sunday, November 17, 2013 10:36 AM
**To:** Beth McKibben
**Subject:** Fw: Bicknell Inc. application under consideration

Sorry I need to make some corrections to my comment

----- Forwarded Message -----
**From:** Karen Capp <k.capp@yahoo.com>
**To:** "Beth_McKibben@ci.juneau.ak.us" <Beth_McKibben@ci.juneau.ak.us>
**Sent:** Sunday, November 17, 2013 9:14 AM
**Subject:** Bicknell Inc. application under consideration

Protection of Wetlands should continue to be the primary concern of the Planning Commission. It was when this area was designated Rural Reserve. The property was purchased knowing the zoning and comprehensive plan designation.

How many times must we comment on the owner's undesirable use of the property. It appears the system is being manipulated to satisfy the desires of one person who stands to make a lot of money at the expense of wildlife and the people who wish to save their habitat.

By building a float pond and airport on wetlands, we humans created the 'bird" problem. It won't go away with more development of the area of RECLAIMED wetlands. It is the food and habitat source for many species and they will continue to use it. Protecting the scenic and habitat value for this area is "money in the bank" for future generations of wildlife and people. Plus it continues to provide a safe area to help minimize airplane and bird collesions.

## Beth McKibben

**From:** Williams Sandra <sandywilliams1945@gmail.com>
**Sent:** Sunday, November 17, 2013 12:45 PM
**To:** Beth McKibben
**Subject:** Mendenhall Reserve

I agree this land being a Reserve should stay that way for all the wildlife in the area and for the beauty of the locals throughout the year and the tourists to enjoy. This land was bought knowing it was a Mendenhall Wetland and International area for the Natlional Audubon Society and birdlife besides all the other animals this area is used for. All these different species cannot speak for themselves. I think their voices need to be heard. Where is their choice? I support this land stay a Reserve Wetland. Sandy R. Williams

## Beth McKibben

**From:** Emily Kane <dremilykane@gmail.com>
**Sent:** Sunday, November 17, 2013 3:43 PM
**To:** Beth McKibben
**Subject:** Bicknell application

Dear CBJ commissioners
Juneau has already said NO to development of this environmentally sensitive and beautiful area. Do we really new to go through this again? Why can't no mean NO? The reasons cited previously still apply.
Put light industry back by Costco or next to DOT. Not on our lovely wetlands. Sheeeesh.
Dr Emily A Kane

www.DrEmilyKane.com
www.naturopathic.org

"Let your highest aspiration organize your life."

**Beth McKibben**

**From:** Mark Miller <markjpmiller@gmail.com>
**Sent:** Sunday, November 17, 2013 3:44 PM
**To:** Beth McKibben
**Subject:** Retain Rural Reserve status for 82 acre parcel including Honsinger Pond.

Dear Ms McKibben:

I am writing to support retaining Rural Reserve protection for the 82 acres near Fred Meyer, which includes Honsinger Pond. I believe all of the reasons for originally designating this property as Rural Reserve are still firmly in place. It is still a unique wetland deserving of preservation.

Residents of the area purchased their homes, at least partially dependent on the the value of the view from their homes. It seems a betrayal to diminish that view with industrial development. While circumstances can arise to justify zone changes for the benefit of the majority, this has not been demonstrated in profits for a developer at the expense of many home owners and Juneau at large.

Please admit this letter as part of the public record supporting permanent protection of this pristine acreage.

Sincerely, Mark Miller

**Beth McKibben**

**From:** Jean Jasmine <juneaujean49@yahoo.com>
**Sent:** Sunday, November 17, 2013 5:04 PM
**To:** Beth McKibben
**Subject:** Juneau's Field of Fireweed

Hello Beth McKibben and the Planning Commission,

As a Juneau resident who works for the protection of this beautiful city we live in, I must voice my strong support to retain the designation of Rural Reserve for the Field of Fireweed. You have such power in your hands. You can allow Bicknell Incorporated to obliterate the spectacular heart of the valley forever. More cement and structures will deprive us, our visitors, and the throngs of wildlife that thrive in the wetlands the thrill of that precious and unique field. Forever. Nothing can replace it. You can find other places for Bicknell's buildings, but you'll never find another field like that in the heart of our city. Please do not allow the constant roll of cement trucks to rob Juneau of this treasure to all its citizens.

Thank you,
Jean Jasmine
12175 Glacier Hwy. A202
Juneau, AK 99801
907-523-2133

**Beth McKibben**

| | |
|---|---|
| **From:** | Ruth Danner <ruthdannerofjuneau@gmail.com> |
| **Sent:** | Sunday, November 17, 2013 7:22 PM |
| **To:** | Beth McKibben |
| **Subject:** | Fwd: Game changer: Bicknell Inc. has submitted an application to rezone the "Field of Fireweed" |
| **Attachments:** | zone change064.jpg; Bicknell - new application to rezone 82 acres east of Temsco.doc; Findings for Notice of Decision - Denial of Bicknell Map Change Application.doc; Honsinger Pond - e-mail to Planning Commissioners 2013.doc |

Beth,

Can you please provide a better map to illustrate the proposed rezoning for the 82 acres at Honsaker's Pond? This one is insufficient to identify what is being proposed.

Thanks,
*Ruth*

Ruth Danner
1415 2nd Avenue, #702
Seattle, Washington 98101
(907) 321-2283 (c)

---------- Forwarded message ----------
From: **Patricia OBrien** <patriciaobrien@gci.net>
Date: Sat, Nov 16, 2013 at 9:19 PM
Subject: Game changer: Bicknell Inc. has submitted an application to rezone the "Field of Fireweed"
To: Undisclosed recipients <patriciaobrien@gci.net>

Hello, friends of the Field of Fireweed, an iconic Juneau viewshed of important ecological value.

We are back where we were a year ago. The complicated legal history is listed at the end of this e-mail.

In short, we cannot wear out now. Your commitment to retaining the designation of Rural Reserve for the Field of Fireweed is necessary again! This Bicknell application requests 46 acres be changed from Rural Reserve to Industrial and Commercial use, emphasizing a shortage of these uses. The area includes the Fireweed field east of Temsco along the Egan Highway as well as Honsinger Pond and Juneau's favorite Christmas tree.

We celebrated the map change denial, but it was a squeaker with two Planning Commissioners recusing themselves. We cannot count on that again. Your comments count!! Every one of you is needed to stop this

change. Please dig up your previous comments or take a fresh look at what this area means for living here, tourism, conservation - and write. The attachments will help.

Attachments:

- The current **Public Notice**
- The Bicknell Inc. **application** under consideration - similar to the application for the Map Change
- The Planning Commission **Findings** for Notice of Decision in denying the Map change application
- My letter opposing the map change application by categorizing **your comments**, including examples from your letters and e-mails in Dec. 2012. That application was withdrawn before the 2012 hearing.

Beth McKibben is the planner for this project. She let me know some time back the Department of Community Development is likely to support the change as they have previously. You may e-mail your comments to her at Beth_McKibben@ci.juneau.ak.us . It is best for comments to reach her by noon Friday, November 22nd. Those comments will go into Planning Commissioners notebooks for week-end reading before the hearing Tuesday night, November 26th. Your comments submitted after that (up until Noon Tuesday) will be given to Planning Commissioners to read before the meeting.

*Numbers count!* So do the variations in your perspective and expertise! Write what you can. Thank you for hanging in there. You will hear again about attending the meeting.

Pat O'Brien

789-9405

**Background**

- In December 2012 Bicknell Inc. attempted a zoning change on 82 acres of land including Honsinger Pond that he had recently purchased. He withdrew the application before the hearing. Fifty nine citizens opposed the change in written comments.
- On April 4, 2013, Bicknell Inc. presented a proposal to amend Comprehensive Plan Map G on the same 82 acres as a precursor to a second request for a zoning change. Seventeen additional citizens submitted opposing comments. The Planning Commission denied the request in a close vote.
- A total of 76 citizens opposed the re-zone, or the map change, or both.

- On June 10, 2013, Bicknell Incorporated appealed the Planning Commission denial of his proposal to the Juneau Assembly.

- On July 23, 2013, photographer, Mark Kelley, intervened stating, "*This field of fireweed is an important part in the promotion of tourism in Juneau, Southeast Alaska and Alaska. I have an invested interest and unique perspective to this appeal.*"

- On August 7, 2013, City Attorney, Jane Stebens, representing the Planning Commission and Attorney, Daniel Bruce, representing Bicknell Inc. signed a stipulation for dismissal of the appeal based on procedural confusion regarding Comprehensive Plan map amendments. They further agreed that Bicknell Inc. could re-instate its original or a modification of the rezone application on the property. I was informed that the new City attorney had a different view than the outgoing City attorney involving a different property and action taken on that case also affected the Bicknell case.

- On 9/8/13 Bicknell Inc. submitted an application for a rezone of the property similar to its map change request. The entire property is currently designated Rural Reserve. Under the proposal, 26 acres would be re-zoned from to Commercial and 20 acres would be re-zoned to Industrial use.

- Beth McKibben, CBJ staff assigned to the case expects it will not come up for a hearing before the Planning Commission before December 2013.

Game changer: Bicknell Inc. has submitted an application to rezone the "Field of Fireweed"

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## Findings for Notice of Decision

1. The parcel, as it is zoned today, has development opportunities. The current zoning does not prohibit it from being used or developed. Current uses can include resource extraction, recreation, visitor-oriented, and residential uses.

2. The City has missed an opportunity by not purchasing the property to maintain the scenic and habitat values.

3. Industrial uses so close to a sensitive habitat area is a concern.

4. General commercial is not appropriate for the area.

5. Working with the situation we can maintain the view shed.

6. The Comprehensive Plan shows the need for industrial land and also shows intent to acquire the land for public purposes, for a park and viewshed protection.

7. This parcel of land is an important scenic corridor and iconic viewshed that defines the community.

8. The wetlands and the parcel have value to the community of Juneau. We can't allow further degradation of the wetlands. The loss of 39 percent of the wetlands over time, per public comment, is credible and concerning.

9. This parcel of land, as it is currently zoned, has social, environmental, and financial value to future generations.

10. There has been a significant amount of public comment in opposition to both this map amendment and the prior withdrawn rezoning proposal. There hasn't been any public support shown for this development concept.

11. Large water fowl create safety concerns for the airport, but there is a float plane pond adjacent to the airport. Also, there is a water canal system that has been developed between the airport and the airport dike trail. These water systems also attract birds and are very close to the airport.

12. The Wetlands Review Board recommended the best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. The benefits of this approach would be to increase the safety of the airport by removing the pond that attracts large birds and also to provide an additional buffer for the Mendenhall State Game Refuge.

## Beth McKibben

**From:** Mary Willson <mwillson@gci.net>
**Sent:** Sunday, November 17, 2013 9:00 PM
**To:** Beth McKibben
**Cc:** 'Patricia OBrien'
**Subject:** saving the field of fireweed!

I would like to enter my protest over Mr Bicknell's plan to turn this area into a commercial sort of development. That view down the channel when one comes around the curve by Fred Meyer is one of the best in Juneau and certainly beats a view of a bunch of industrial or commercial buildings. I love that long view down-channel, and it's fun to see the weather fronts approaching from that direction. The fireweed field itself is spectacular, an entertainment that lasts for weeks and weeks, as first we note the developing buds, then the prolonged flowering, and finally the clouds of white fluffy seeds borne on pink stalks. The small pond, back there behind the shrubbery, provides good bird habitat and a place where locals sometimes spot unusual species. Parts of the field host nice stands of flowering shooting stars in the spring, and even the drying grasses in fall give us pretty gold and russet tones. It's a wonderful contrast to the somber greens of our conifer forest. It would be a shame to wreck a beautiful area like this.

**Beth McKibben**

**From:** Bruce Baker <bhbaker@gci.net>
**Sent:** Monday, November 18, 2013 2:49 AM
**To:** Beth McKibben
**Subject:** Bicknell Rezoning Proposal

I respectfully request the CBJ to NOT approve the rezoning proposal by Bicknell for the area between Glacier Highway and the Mendenhall wetlands. This area is too important for its scenic value and for its important role in buffering the Mendenhall Refuge against pollutants and other industrial degradation of wetland values and functions.

Long-term protection of this area in its current state is worth much more to Juneau in terms of favorable impressions on tourists than any shorter term contribution to our economy which might be derived from industrial development.

Bruce Baker
P.O. Box 211384
Auke Bay, AK 99821

## Beth McKibben

**From:** David McMaster <david@juneauak.us>
**Sent:** Monday, November 18, 2013 8:39 AM
**To:** Beth McKibben
**Subject:** Field of Fireweed

As a 23 year resident of Juneau, a professional photographer and long time guide for our many visitors, I implore you to not allow the destruction of the Field of Fireweed along Egan near Temsco. We have a long standing history of preferring beauty over mere profit in Juneau, and this is one of those times when this precedent must be upheld. The ordinances banning billboards and keeping commercial signage to a minimum come to mind. This is like that.

Because we we are a world class city we cannot simply make choices for quick monetary gain. We have a responsibility to think about the bigger picture. The destruction of this field will affect the future of Juneau in negative ways. We must be wise, and not cave to the cause of expedience!

Please keep this treasured field for all the world to enjoy.

Yours Sincerely,
David McMaster

**Beth McKibben**

**From:** Margo Waring <margowaring@ak.net>
**Sent:** Monday, November 18, 2013 10:37 AM
**To:** Beth McKibben
**Cc:** Karen Crane; Kate Troll; Jesse Kiehl; Loren Jones
**Subject:** Bicknell re zone

Dear Planning Commission,

I am taking time from a busy schedule to write to you regarding the proposed Bicknell re-zone.

When I first moved to Juneau, airport arrivals were greeted by a scene of majestic spruces and wide open wetlands. The unfortunate history of Juneau's wetlands has been a gradual chipping away of these important environments. The federally required expansion of the airport area has been the latest in this sad list.

Industrial uses in this area are problematic. The Wetlands Review Board has recommended that the best use for this parcel would be to restore developed portions to their natural state and to not disturb the undeveloped areas. This would provide a buffer for the Mendenhall State Game Refuge and mitigate some of the impact of the loss of wetlands in the Reserve's borders.

The parcel with its current zoning still has such uses as extraction, recreation, visitor and residential uses. But the best use by far is for the city and conservation organizations to buy the property from Mr. Bicknell and keep this treasured view shed open. There's not a day in any season when, in driving along this parcel, my heart isn't lifted by the view. Every visitor has this same experience, an experience we should keep available to residents and visitors.

Please don't exchange our quality of life for development which can take place elsewhere.

Sincerely,

Margo Waring

**Beth McKibben**

**From:** Jon Tillinghast <jon@stsl.com>
**Sent:** Monday, November 18, 2013 4:24 PM
**To:** Beth McKibben
**Subject:** Opposition to Bicknell Re-Zoning Proposal (File No. AME20130015)

To the CBJ Planning Commission and Staff:

The purpose of this email is to express my opposition to the above-referenced zoning change. My reasons are three-fold:

1. The application seems a textbook case of unlawful spot zoning. The re-zone is not occurring as part of the comprehensive planning process, but as an *ad hoc* dispensation. Zoning's *raison d'etre* is to implement sound land use planning. Turn zoning decisions into case-by-case political decisions, and those decisions become inherently arbitrary;
2. Mr. Bicknell could have had no reasonable, investment-backed expectation that he would be allowed to engage in industrial uses on this property when he bought it. In fact, no one should have any expectation of a zoning change; indeed, to have such an expectation is a bit of an insult to the city governing body, since it assumes that the body will always capitulate; and
3. The adverse impact that this zoning change will have on the perception of Juneau, and hence upon its economy, is hard to overstate. Upon reaching the highway from the airport, the eyes of every visitor, legislator, dignitary, visiting businessperson and journalist will be insulted by industrial blight. This will be every person's first impression of Juneau---a tawdry place obviously devoid of any self-respect. This is no creative, blend-in-with-the-surroundings project that Mr. Bicknell has in mind here. The best guess is that we have in store another Concrete Way—this one not buried next to the city landfill, but right up front, slapping every arriving visitor in the face with the ugly reality of what Juneau thinks of itself. Please do not let that happen. You owe Mr. Bicknell no obligation to change the zoning that was clearly in place when the bought the property. I'd respectfully submit that you do owe an obligation to Juneau to say no.

Thank you for the consideration that I know you will give these comments.

Jon Tillinghast
328 Coleman Street
Juneau, AK. 99801

**Beth McKibben**

**From:** elainefmiller@gmail.com on behalf of Elaine Miller <elainemiller@acsalaska.net>
**Sent:** Tuesday, November 19, 2013 7:58 AM
**To:** Beth McKibben
**Subject:** Field of fireweed

To whom it may concern

Please do not develop the field of fire-weed.. Thanks in advance for your help in this matter.

Elaine Miller

**Beth McKibben**

**From:** PC_Comments
**Sent:** Tuesday, November 19, 2013 11:25 AM
**To:** Beth McKibben
**Subject:** FW: AME20130015 - Bicknell Inc. Honsinger Pond Area

**From:** Frank Bergstrom [mailto:frank.b@gci.net]
**Sent:** Tuesday, November 19, 2013 11:02 AM
**To:** PC_Comments
**Subject:** AME20130015 - Bicknell Inc. Honsinger Pond Area

Dear Planning Commission:

Bicknell Inc proposes a rezone of a portion of 82 acres of private property at the Honsinger Ponds (some would remain RR). Our property and home are directly across Egan Drive and Glacier Highway from the Honsinger Ponds (7630 Glacier Highway). That is, we are the neighbors. As such we are in complete agreement with rezoning this property according to the landowner's desires. This is private property and every deference should be granted the owner.

The subject property adjoins the Mendenhall Game Refuge upon which I regularly hunt. The point to keep in mind here is the property 'adjoins' the refuge; i.e., it is not part of the refuge. In fact, the property is off limits to hunting, which may explain why ducks are so fond of it. Please consider that the Honsinger Ponds are positioned between an airport runway and a four lane highway. Such a position is not ideal for shooting in the air at ducks. Rezoning to commercial, industrial, and RR for eventual development of this parcel(s) would be consistent with local use and in no way impact hunting or other uses of the adjoining wetland refuge.

We look forward to seeing Juneau continue to grow and our changing neighborhood.

Best regards, Frank

Frank Bergstrom
PO Box 22909
Juneau, AK 99802
907-523-1995 phone/fax
frank.b@gci.net

**Beth McKibben**

**From:** mary lou <kingfarm@ptialaska.net>
**Sent:** Tuesday, November 19, 2013 11:28 AM
**To:** Beth McKibben
**Subject:** Comments on Honsinger zone change
**Attachments:** Juneau Image.docx

Attached are our comments for the Planning Commission meeting on November 22.

Mary Lou King

Beth McKibben:

Juneau has the grandest image of any small town in Alaska. Every salesman knows image matters. Many people remember their first image of Juneau and some stay for a few hours, some a few days, some a few years and some for the rest of their lives. Image can be a fragile thing. What attracted us in the past can be gone tomorrow. Image needs to be treasured if it is to remain favorable.

Our Planning Commission will be considering a conflict between beauty and commerce on November 26 in the Assembly Chamber. At stake is the Honsinger Pond and environs next to Tempsco Helicopters and an industrial development along nearby Egan Drive. Threatened is the grand view awarded to a million travelers each year going between Juneau's Harbor, the Airport and the glacier, some tens of thousands of commuters who enjoy the little decorated spruce tree each Christmas and the flame of an elegant bank of fireweed each summer many of whom find it worth stopping for a picture. This Viewshed/Corridor needs to be protected. Page 162 of the 2008 Comprehensive Plan Scenic Viewshed/Corridor, allows for such protection.

The Planning Commission has the duty to change the city map so an applicant can treat this land at will or to leave it as is protecting the image for the public at large. The applicant has been offered assessed value by the Landtrust and they will see it is protected and the applicant will not be deprived.

Many people have not heard of this pending action as the way they should get such information is constantly changing. Granted this makes your job more complicated but does not change your obligation to let people know about such proposed changes to planning documents and give them time to comment.

Before the Planning Commission and the CBJ Assembly approve a zone change they should investigate who the 59 people who have taken the time to present their displeasure at any new commercial development of the Honsinger property.

These people represent photographers and artists who are independent business people, who contribute to our local economy, independent and retired folks and others, all of whom could easily take their money and move elsewhere, if the quality of life that keeps them here deteriorates.

There is nothing the owner could do with this land that could compensate the community for the loss of even one of these commentators.

This is a clear case where eminent domain should be used by the community to fairly compensate the owner for this land and to prevent economic loss to the rest of us.

Mary Lou and Jim King, Retired Wildlife Biologist
50 year Juneau resident 789-7540

**Beth McKibben**

**From:** jon lyman <jonlymanak@gmail.com>
**Sent:** Tuesday, November 19, 2013 6:08 PM
**To:** Beth McKibben
**Subject:** bicknell property

Sent from my iPadThis has been said befoe, the developer bought reserved property, and now wants to change a premier Juneau viewshed to warehousing, or worse. We live here because of these tremendous views and our caring for the natural world as a legacy to be passed on. In the scope of Southeast Ak as a whole, wetland areas such as the Bicknell property are at a decreasing premium. Continuing to whittle away at this essential transitory and wetland habitat for both resident and migratory species diminishes the quality of life for all residents, human and wild. please deny this change! Jon Lyman, 808 Fritz Cove Road, Juneau

**Beth McKibben**

**From:** Lesley M. Lyman <lesleymlyman@hotmail.com>
**Sent:** Tuesday, November 19, 2013 6:30 PM
**To:** Beth McKibben
**Subject:** Re. Bicknell property

I am writing to oppose any rezoning of the Bicknell property across from Fred Meyer.

I am certainly not alone in appreciating that it is now zoned Rural Reserve. Hundreds of fellow Juneauites obviously treasure it as evidenced by the number of cars stopped by the road during the weeks when the fireweed was in bloom. There always seemed to be one to six people taking pictures of it, painting it, or just standing and marveling at its beauty. I know that from whatever direction I approached, as soon as I saw that view I never failed to inhale deeply and then exhale, and it always brought a smile to my face. Even in other seasons, I treasure the view down or up channel and it reminds me each time I see it why I live here.

That view is not only important to those of us who live here. It is an invaluable asset for our visitors, such as for the hundreds of people on the tours I lead. Whenever we crested the hill going out the road and they saw the fireweed against the wetlands and the spruce, even with the Chilkat mountains way in the distance obscured by clouds, there was always a collective and audible intake of breath. That would invariably be followed by comments about how lucky we locals are to live in a place so amazingly beautiful. It's experiences like that that bring hundreds of thousands of tourists, and their dollars, to our city. Now it seems ironic that each trip someone would usually caution us (locals) to be proactive in safeguarding such a visual treasure and not let it succumb to development.

How much is that iconic view worth to all of us? The buyers took a gamble when they bought the property, knowing its designation. I hope they eventually can find a way to recuperate some of their investment by selling it to the city to become part of the wetlands preserve, as it has great value for both wildlife transition habitat and for recreational trails.

**Beth McKibben**

**From:** Patricia Wherry <p_wherry@yahoo.com>
**Sent:** Wednesday, November 20, 2013 11:18 AM
**To:** Beth McKibben
**Subject:** Rezoning of USS 1568TR B - negative

Dear Planning Commission,

Property USS 1568 TR B was once "land" not property. It has morphed from a raw fault in the earth, been submerged by ice, developed into a rich hotspot of biodiversity, and now is proposed for a "higher use" as a man made gravel pad.

**Higher and better use:**

Changing this property zone from Rural Reserve to include Industrial and Commercial zoning would put the "owner's property" to a higher and better use for the owner.

**Industrial and Commercial property for lease/sale:**

I wonder if business growth takes into account that the *cost* of Commercial and Industrial opportunities for lease/sale may be as important as availability. It doesn't necessarily follow that allowing a single property owner this rezone helps meet the needs of current and future lease/sale seekers. It just means some more expensive property to *not* be able to choose from.

**Viewshed:**

The view of the Chilkats standing in front of #67 gravel, asphalt, and large aluminum sheds cannot be compared to the Chilkats beyond trees, upland meadows, and wetlands.

How our building for the future oozing out onto wetland areas. The monetary cost of the replacement of viewsheds/wetlands is more than this land is valued by the assessor's office. Meeting present and future needs for the community isn't measured solely on business growth. We are not robots yet. Intrinsic human values do matter and it is impossible to place a dollar value on them.

To change the zoning, may be better use of *owner's* property. It is NOT better use of land. The owner bought the parcel zoned RR. The owner can live with it.

Please admit this letter as part of the public record supporting denial of zone change and permanent protection if possible.

Respectfully,

Patricia Wherry

Juneau, Alaska

**Beth McKibben**

**From:** Rachel Tarver <ratarver@alaska.edu>
**Sent:** Wednesday, November 20, 2013 7:17 PM
**To:** Beth McKibben
**Subject:** fireweed field

Please Please Please don't rezone the fireweed field! I am getting married this summer and plan on taking pictures there, I have had a photo of that in my room since I was a little girl, and I want my kids to be able to visit that magical spot!

--
Rachel Tarver
(907) 957-0043
1378 Guss Grind
Fairbanks, AK 99709

**Beth McKibben**

**From:** Karen & Jed Dinnan <dinnans@gmail.com>
**Sent:** Wednesday, November 20, 2013 8:28 PM
**To:** Beth McKibben
**Subject:** Bicknell Incorporated Rezone

Dear Beth McKibben,

We are surprised that this issue has been brought up again and are confused as to why. The huge jump in use from rural reserve to industrial/commercial does not make sense especially because of the proximity to the wetlands. We are concerned about the change for aesthetic and environmental reasons.

This unspoiled view from this property all the way to the Juneau-Douglas bridge is awesome every day. The change in the sky, the light, the vegetation throughout the year doesn't fail to please. This area is also important for recreation and is a wonderful asset for tourism. Given that we who live here are inspired every day, imagine the impression given to visitors as they leave the airport or drive in from the ferry terminal toward town. Many people including us, have stopped here for a photo opportunity.

Already the construction near the entrance to the highway has ruined a lot of the natural beauty. Please make it stop there.

Thanks for your consideration,
Karen and Jed Dinnan
dinnans@gmail.com
907-465-5039

**Beth McKibben**

**From:** Patricia Rorick <queenlily9@hotmail.com>
**Sent:** Wednesday, November 20, 2013 10:22 PM
**To:** Beth McKibben
**Subject:** Honsinger Pond

Hello! I fully support protecting the field of fireweed and Honsinger Pond, both located near the airport. I worked in the tourism industry this summer with Gastineau Guiding. Driving out to the glacier every day, the field of fireweed was a major attraction. The view coming up on the airport always got the most comments - I always had to stop talking at that point because everyone's focus was out the window on the wetlands. That view could not be replaced if it were disrupted by commercial or industrial buildings. As a local resident of 25 years, I love the beauty of nature - it provides a quality of life that makes me want to keep living here and raising my family here.
Please protect the natural environment near the airport from development.
Thank you,
Patricia Rorick
Juneau resident

MINUTES

**PLANNING COMMISSION**
City and Borough of Juneau
**Mike Satre, Chairman**

REGULAR MEETING
**November 26, 2013**

## I. ROLL CALL

Mike Satre, Chairman, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:04 p.m.

**Commissioners present:** Mike Satre, Chairman; Dennis Watson, Vice Chairman; Nathan Bishop, Jerry Medina, Dan Miller, Nicole Grewe

**Commissioners absent:** Ms. Lawfer, Mr. Haight

**A quorum was present**

**Staff present:** Hal Hart, Planning Director; Travis Goddard, Planning Manager; Beth McKibben, Senior Planner; Ben Lyman, Senior Planner; Rob Steedle, Deputy City Manager; Greg Chaney, Lands and Resources Manager

## II. APPROVAL OF MINUTES

- November 12, 2013 – Regular Planning Commission Meeting

**MOTION:** *by Mr. Miller, to approve the meeting minutes of the November 12, 2013 regular Planning Commission meeting, with any minor corrections or modifications provided by any Commission members or by staff.*

There being no objection, the minutes of the above meeting were approved.

## III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

## IV. PLANNING COMMISSION LIAISON REPORT

Mr. Nankervis reported that last week the Alaska Municipal League met and held its conferences in Anchorage. The majority of the Assembly attended the conferences, during

which Assembly Member Karen Crane was elected as President of the Alaska Municipal League (AML) for the forthcoming year.

The Assembly is currently working its way through three property tax exemption appeals. It heard the second of three appeals at its meeting on November 25. The Assembly is nearing completion on the Disturbing the Peace ordinance. The Assembly is also currently hearing the Harris appeal on the Commission decision regarding the rezone request.

Finally, the Human Resources Committee made numerous board appointments to the Historic Resources Committee, the Sustainability Committee, and the Human Rights Commission, with eight applications submitted for three board seats for Bartlett Regional Hospital, which will be appointed the evening of December 5. There have been so many applications for the vacant Planning Commission seat that it will be filled on a separate night.

**V. RECONSIDERATION OF THE FOLLOWING ITEMS** - None

**VI. CONSENT AGENDA**

| | |
|---|---|
| AAP2013 0019: | A Conditional Use Permit for an accessory apartment on a substandard sized lot. |
| Applicant: | Halibut House Properties, LLC. |
| Location: | 3820 North Douglas Highway |

**Staff Recommendation**
Based upon the proposed plan (identified as Attachments B, C, and D), and the findings and conclusions stated above, the Community Development Department Director **RECOMMENDS** the Planning Commission **APPROVE** the request.

| | |
|---|---|
| USE2013 0035: | Conditional Use permit for overflow parking of vehicle inventory on land zoned Light Commercial. |
| Applicant: | Alaska Rent A Car, Inc. |
| Location: | Jordan Avenue |

**Staff Recommendation**
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a parking lot not accessory to another use on the lot within a Light Commercial zone.

The approval is subject to the following conditions:

1) The vegetative cover shown on the plans submitted shall be maintained with live vegetation as shown in the approved plans. Proposed new vegetative cover shall be installed within one growing season of permit approval.

2) A sight-obscuring fence at least 4 feet tall shall be installed along the perimeter of the site. Advisory: Fences over six feet tall require a building permit prior to construction.

No sight obscuring fence more than four feet tall may be constructed closer than 20' from the edge of a traveled way; on corner lots, sight obscuring fences are limited to three feet in height within 20' of intersecting traveled ways. CBJ §49.25.430(4)(L)

3) Prior to issuance of a building permit the developer shall submit to the CBJ Engineering Department, a detailed drainage plan which includes provisions for managing storm water run-off during construction and which details the drainage facilities to be included as part of the development. No building permit shall be issued until such plans are deemed adequate and approved by the CBJ Engineering Department.

**MOTION:** *by Mr. Watson, to approve the Consent Agenda with staff's recommendations, and he asked for unanimous consent.*

The motion was approved.

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - None

**VIII. UNFINISHED BUSINESS** - None

**IX. REGULAR AGENDA**

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|---|---|
| AME2013 0009: | Requested zone change from Waterfront Commercial to General Commercial of the Auke Bay Post Office property would allow for remodel of existing office space into 7 apartments; residential property on north side of Glacier Hwy. would also be re-zoned to General Commercial from Light Commercial. |
| Applicant: | Northwind Architects |
| Location: | 11893 Glacier Highway |

**Staff Recommendation**
Staff recommends that the Planning Commission recommend that the Assembly amend the zoning maps as provided CBJ 49.25.110(c).

Mr. Bishop stated that he would like to postpone this item until there is input from the newly-formed Auke Bay Steering Committee. He added that this is a key piece of property in Auke Bay, and that it should be considered by the steering committee.

Mr. Satre said if Commissioners wanted to pursue Mr. Bishop's idea, his quick impression of the situation was that there should first be a motion to suspend the rules of order. If that motion was successful, to then have a motion to continue. He added that he would certainly welcome the staff's opinion of the process.

Mr. Lyman said the application has to be processed under the code that is in effect when the application is made. From a regulatory standpoint, nothing would be gained from the Auke Bay Steering Committee review, said Mr. Lyman. The applicant submitted their application in July,

before the Steering Committee was formed, said Mr. Lyman.

Mr. Bishop said that he did want to postpone the rezone request and he would move that the Commission did so until such a time that the Steering Committee for the Auke Bay sub-area plan has time to make comments to the Planning Commission on that particular area that is under consideration.

Mr. Satre said he felt it would be appropriate to suspend the rules of order to consider that motion first.

**MOTION:** *by Mr. Bishop, to suspend the rules of order to be able to consider a motion to continue AME2013 0009.*

A motion to suspend the rules of order requires five affirmative votes, said Mr. Satre.

**ROLL CALL VOTE:**

Ayes: Grewe, Bishop, Watson, Satre

Nays: Miller, Medina,

MOTION FAILS

STAFF REPORT

Mr. Lyman explained in his staff report that the property under consideration is the Auke Bay Post Office property, proposed to be rezoned from Waterfront Commercial to General Commercial. There is also a second request to rezone the Iverson property, across the street, from Light Commercial to General Commercial, concurrent with the Post Office rezone.

The Post Office is leasing less of the vacant space than it used to. The building is currently maxed out in terms of the allowable number of dwelling units, which is eighteen units per acre. If the Post Office does not renew its lease, General Commercial zoning would allow for the entire building to be converted to residential use. The rezone to General Commercial would allow up to fifty residential units per acre.

Since the zone request is for less than two acres, it must be for the expansion of an existing zone. That is why the Iverson property has been included in the rezone request. There is no new development proposed for the Iverson property at this time, explained Mr. Lyman.

Mr. Lyman provided a table in his staff report showing the similarities and differences of all available uses from the Table of Permissible Uses for Light Commercial (Iverson Residence), General Commercial (proposed rezone) and Waterfront Commercial (Post Office building).

Waterfront Commercial is limited to boat and marine use, with more general uses largely prohibited, except for those related to marine craft. Waterfront Commercial is currently

limited to 35 feet in height, while General Commercial allows construction up to 55 feet, and Light Commercial to 45 feet. Most of the other standards remain the same for the three zones, except the front yard setback changes from 25 feet in Light Commercial to 10 feet for the other zones. All three zones require the same minimum lot width and size, explained Mr. Lyman.

Mr. Lyman said the Community Development Department (CDD) staff received very few comments against the rezoning request. They did receive one comment from the CBJ Lands and Resources office recommending that there be a special restriction put on the property limiting the height to the current 35 feet. Mr. Lyman explained that Staff recommends against putting any special conditions on the rezone as that would constitute spot zoning. That would be a unique zoning district on a property less than two acres, so they recommend against that.

In the Post Office building, there would be seven new units in the current vacant space, three one bedroom units and four studio units. The Auke Bay Condominiums are adjacent to the building, with Auke Bay School across the street, the Auke Bay Fire Station across the street, the Iverson residence, and the RV park.

There was a neighborhood meeting October 14, said Mr. Lyman, and this meeting constitutes the public hearing before the Commission. If the rezone request is approved by the Commission at this meeting, it would most likely be before the Assembly in January, and effective 30 days later, if approved.

QUESTIONS FOR STAFF

Mr. Watson asked about the height of the Auke Bay Towers, commenting that they appeared to be higher than 35 feet.

Mr. Lyman answered they were two stories on the sides, so perhaps about 25 feet on the sides, maybe a little bit more.

Mr. Watson commented that on occasion a major thoroughfare dividing properties is a major decisive factor as to whether or not a zone can be changed. Mr. Watson said he noticed in this case that this is not being used as a reason for denying a rezone.

Mr. Lyman responded that quite often zone changes involve considering various shades of grey. He said in this case there is a Waterfront Commercial zoning district in a Marine Mixed Use (MMU) land use designation in the Comprehensive Plan. They compared the Waterfront Commercial zone with what the MMU Comprehensive Plan land use designation allows. They are not really in sync, said Mr. Lyman. The MMU designation calls for many more general and neighborhood uses than Waterfront Commercial allows. This property is landlocked. It is not on the water, it is significantly above the water. Mr. Lyman said if this was a significant divided highway that really posed a barrier, then it would be more justifiable using it as a distinct boundary. Mr. Lyman pointed out that the only crosswalk in the entire corridor connects the two properties proposed for rezone. The code specifies that zone boundaries should follow geographic features, roadways or property lines. Mr. Lyman said he did not read that to say that there must always be different zoning districts on opposite sides of the road.

Mr. Medina asked how many parking spaces were reserved (required) for the post office.

Mr. Lyman said he was not sure, but that level of detail would be pursued with the use permit, not necessarily the rezone request. He said he did recall that the number of parking spaces required would actually go down, based upon the downsizing of the post office. He added that the State Department of Transportation and Public Facilities (DOT&PF) was actually excited about this proposal because it would likely reduce the amount of traffic entering and exiting the property. When the change of use application comes in, they would like to restrict the property to one driveway.

Gerald Gotschall of Northwind Architects said what the Commission sees in their packets indicates all the plans for the post office property at this time. They have no other plans for the development of the property at this time.

Mr. Watson asked what the square footage was of the existing post office.

Mr. Gotschall said he did not know, but that it has been reduced to about 4,000 to 5,000 square feet from around 13,000 square feet.

PUBLIC TESTIMONY

Greg Chaney, Lands Manager for the City and Borough of Juneau, which owns the Fire Station property across the street, commented that zone changes are for the long haul. He said the building that is there now could go away. Giving that property the right to build 55 feet high in front of the city property would put the city at a disadvantage. If the fire station goes away and the city wants to do something else with the property, said Mr. Chaney, or if it wants to sell that lot, it would prefer not to have the lot between it and the water have a higher height limit than its property.

Richard Harris commented that if this was a Marine Mixed Use designation on the Comprehensive Plan maps, then it seemed it needed to be a marine-related zoning. He said General Commercial is not a marine-related zoning. He said he was not sure if it was a legal zone change. He said he believed for there to be a zone change for property that was less than two acres, he believed the property needed to be adjacent to the zone change that is being extended. He said he was hoping he could get that question answered now, since he could not get it answered earlier.

Mr. Lyman said he would read from his earlier response sent to Mr. Harris at 2:50 p.m. the day of the meeting. Part of his response included quoting Marine Mixed Use property designations, which allow for non-marine related uses, and deducing that the General Commercial zoning district is much more consistent with this designation than is the Waterfront Commercial zoning district, because the Waterfront Commercial zoning district prohibits many of the non-marine related uses called for in the MMU designation, as well as having a much lower residential density limit than is called for in the MMU designation.

Kristine Trott, a resident who travels through the Auke Bay area every day, said she questions

the presumption that the highway through Auke Bay is not a major highway. She said it is a major highway for Juneau. She said these are not two contiguous pieces of land, and that by the map it would look like spot zoning.

Mr. Lyman said he wanted to point out that the way the city cartographer had drawn the map up for display on the wall showed the Post Office property as non-contiguous to the property across the street. However, said Mr. Lyman, in the zoning map, the zoning district goes to the center line of the road, so it would be contiguous to the Iverson property across the street.

Mr. Gotschall concluded by saying they were doing nothing to the building at this time. For the life of the building it would remain a two story building as it is now.

Mr. Miller asked if the zoning was changed to Light Commercial, would it meet his needs?

Mr. Gotschall concurred, stating he thought it would meet their immediate needs, but that the rezone to General Commercial would meet their needs years down the road, and they would not need to go through the six month process again.

**MOTION:** *by Mr. Medina, to approve AME2013 0009 with staff's findings and analysis.*

Mr. Bishop said he would like to make a subsidiary motion that this be forwarded to the Auke Bay Area Plan Steering Committee for its recommendation.

Mr. Watson said that he recognized Mr. Bishop's concerns. He thought it would help to receive input from the Auke Bay Steering Committee. Mr. Watson said he would encourage that this be the first topic the committee take up, because he felt the applicant was deserving of as prompt response as possible.

Mr. Satre asked if a schedule has been laid out for the Steering Committee meetings. Mr. Lyman said he believed it was Wednesday, December 4, from 6:00 – 8:00 p.m. in Room 221 in the Egan Classroom Wing at the UAS Campus.

Mr. Medina spoke against Mr. Bishop's subsidiary motion, saying that the right of property owners to proceed with development including requesting that the properties be rezoned is not subject to moratorium or other restriction while the planning process is underway.

Ms. Grewe affirmed that if the motion passed to await input from the Steering Committee, that the rezone request would still adhere to the rules in effect at the time of the request. Ms. Grewe said in that case she was in support of Mr. Bishop's motion. She said it was important to empower neighborhoods to plan for themselves, and to make it apparent that opinions matter to this board.

Mr. Miller asked if a staff member was assigned to the Steering Committee.

Mr. Lyman said it would be himself or Ms. Boyce. He said that minutes would be taken.

**ROLL CALL VOTE:** *(that this be forwarded to the Auke Bay Area Plan Steering Committee for its recommendation)*

**Ayes:** Grewe, Bishop, Watson,

**Nays:** Miller, Medina, Satre

MOTION FAILS

Mr. Watson said he would like to make an amendment to the main motion that the height be left at 35 feet and not 55 feet. He said he thought that 55 feet was rather onerous set right where it was on the waterfront.

**ROLL CALL VOTE:**

**Ayes:** Grewe, Bishop, Watson

**Nays:** Miller, Medina, Satre

MOTION FAILS

Mr. Bishop spoke against the main motion, saying he felt the Commission was doing a disservice to the Steering Committee when they take up a zoning change in the district in which they have been waiting so long to get a sub-area plan for.

Mr. Miller said it would not be a short time to wait for the rezone request. It would probably be a six week delay for the applicant. He said he wondered if Mr. Medina would consider changing the motion to Light Commercial as a friendly amendment. It would expand the zone to the other side, said Mr. Miller. It would also meet the concerns of the CBJ Land's Manager. It would be a little less than what is being asked for, and it would enable the developer to proceed with his development.

Mr. Medina said he would not consider this as a friendly amendment.

**ROLL CALL VOTE:** *(on Mr. Miller's amendment)*

Ayes: Miller,

Nays: Medina, Grewe, Bishop, Watson, Satre

MOTION FAILS

Ms. Grewe spoke in opposition to Mr. Medina's motion and repeated her comments earlier about the importance of neighborhood participation in the planning process. She said she did

realize that putting this issue before the Auke Bay Steering Committee would mean a delay, but she felt it was well worth the delay.

Mr. Bishop also spoke again against the motion. He said this rezone could result in potentially big changes to the community, and that it was well worth a community decision.

Mr. Watson spoke against the motion as well. He urged Mr. Bishop, as the Commission liaison to that committee, to make this item the first item on the list to be dealt with.

Mr. Medina said he was not downplaying the role of the Auke Bay area sub-committee, or the work they were about to do. He said he did not think it was fair for the applicant to be caught having to wait on what the newly-formed committee would have to say.

Mr. Lyman said the agenda for the December 4, Steering Committee meeting has already been set and noticed. He said they may be able to adjust the agenda at this point but he did know if the clerks have done the ten-day ad. Mr. Lyman added that if the application was denied the applicant would have to re-apply in January and in effect start the whole process over. They could not apply for something essentially the same as something they had applied for in the previous two years.

Mr. Bishop made the motion to continue the main motion until there was more information from the sub-area Steering Committee meeting.

Mr. Miller said that he felt it should be continued to the next available meeting afterthe Steering Committee meeting, which is January 14. He said it could be continued again if necessary, but at least if January 14 was named as the date, there was a firm date set for the process.

**MOTION:** *by Mr. Bishop, to continue the main motion until there was input from the sub-area Auke Bay Steering Committee, tentatively at the Planning Commission's January 14 meeting.*

**ROLL CALL VOTE:**

Ayes: Miller, Grewe, Bishop, Watson, Satre

Nays: Medina

MOTION PASSES

| | |
|---|---|
| AME2013 0011: | Request to rezone USS 3246 Tracts 1A, 2A1, and 2A2 from D5 to D15. |
| Applicant: | Patrick McMurtrie |
| Location: | 4670 Glacier Highway |

**Staff Recommendation**
Staff recommends that the Planning Commission find the requested re-zoning to be in

conformance with the land use maps of the Comprehensive Plan, and recommend that the Assembly amend the zoning maps as provided CBJ 49.25.110(c).

STAFF REPORT

Mr. Lyman told the Commission the three lots up for rezone from D5 to D15 lie directly across from the Pioneer's Home. Abby Way is the adjacent Street, with Mountainside Estates the adjacent housing development in the area.

Mr. Lyman said the Comprehensive Plan refers to this area as Medium Density Residential, characterized by urban residential lands for multi-family dwelling units at densities ranging from five to twenty units per acre. Any commercial development should be consistent of a scale consistent with a residential neighborhood.

The adjacent area, including Abby Way and Mountainside Estates, is designated Urban Low Density Residential, characterized by urban or suburban lands, developed with detached single family units, with duplex, cottage or bungalow housing, in addition to other types of homes attached to permanent foundations at densities of one to six units per acre, said Mr. Lyman.

The D5 Residential District is intended primarily to accommodate single family and duplex residential development at a density of five dwelling units per acre. The D10 and D15 Residential Districts are intended primarily to accommodate multi-family residential development at ten and fifteen units per acre respectively. These are relatively low density multi-family districts, said Mr. Lyman

Mr. Lyman displayed excerpts from the Table of Permissible Uses for the zoning districts, as well as the Table of Dimensional Standards. When two properties of different zones abut each other, the property requiring the higher minimum setback is the property which will carry the setback requirement. Mr. Lyman said one possible development scenario for the applicant is for zero lot line homes. A few of the lots shown in the potential development scenario in the application packet do not meet the minimum depth or setback requirement, said Mr. Lyman, so there will be at least a few changes.

Light manufacturing is allowed on a very limited basis within D15 zoning, explained Mr. Lyman. It is defined as an activity that does not have any off-site impact. Smaller theaters, healthcare clinics, day care centers, and small restaurants less than 1,000 square feet without drive-through service, would qualify as allowable commercial activities within a D15 zone. Within a D5 zone, day animal services, grooming, walking and daycare are allowable, but are not allowable within a D15 zone. Each zone has its potential impacts, said Mr. Lyman.

This rezone request has undergone agency review and a neighborhood meeting, and has also been before the Commission in 2008, said Mr. Lyman, with six recommended conditions. However, said Mr. Lyman, when they looked at the six conditions with the law department, they found five of them to be unenforceable for legal reasons, and the sixth condition which split the lot; part into a D5 zone and part into a D15 zone, was inconsistent with Title 49, said Mr. Lyman, which states that roads or property boundaries are to be followed when property

district boundaries are created.

Mr. Watson asked if highway access was a DOT&PF issue and Mr. Lyman acknowledged that it was.

APPLICANT

The applicant, Mr. McMurtrie, said his intention for developing the property was initially to do it all himself. But this is not going to be possible, and the cost of just developing the road property is going to be astronomical, he said. The property is very steep; and covered with second growth.

The high cost of property development is the reason he is requesting the D15 zoning, said Mr. McMurtrie. He wants to be able to build homes with common walls.

PUBLIC TESTIMONY

Abby Way resident Amy Skilbred said she did not know what was going to be developed on the property. She said the previous conditions in 2008 that were found to be untenable were to make the neighbors feel better about the development; the 100 foot setback and the 25 foot greenbelt.

Area resident Mr. Brooks said he was not opposed to any development in the area. Then he went on to say that he wanted conditional zoning as an option, although he did not say what kind of conditional zoning he was requesting. He said he would like neighbors to have a say in what kind of development took place in the area.

Mr. Watson asked Mr. Brooks if he had a fence on his property line.

Mr. Brooks said that he did not.

Area resident Wayne Stevens spoke in favor of the rezone request. He said the applicant should be commended to be willing to take a risk. He said the fastest way to increase affordable housing in Juneau is to increase the inventory of all housing types. He said this property is adjacent to higher density zoning, it is on transit routes and on a high traffic highway. It is cost effective for a developer to access sewer, water and electric power.

Sam Deal said he is a first time home owner who lives in the area. He said he was raising issues which had already been brought up for the record. He said that some of the setbacks shown on the potential development plan were off, including the ones which affected his house. He also expressed his concern about diminished value to the homes in the area and about any effect the development would have on habitat in the area.

Kristy Germain wanted to know if she could request a rezone of her piece of property that was already zoned D15 in the area to D5. The answer was that she could not. Her property is in the midst of D15 area. She could not request a rezone of a little piece of property sitting in the midst of an area already zoned something else, since her property was under two acres,

explained Mr. Lyman.

Richard Enriquez, owner of the largest lot on Abby Way, expressed concerns regarding the setbacks and environmental concerns about the forest, also about any potential drainage into Vanderbilt Creek. He also expressed concerns about the effect of development on the wildlife. He said whenever there is development the bear is always the one to be taken out of the equation.

Area resident Robert Provost said that he shared the concerns of his fellow neighbors. He said he did not think the change in zoning would not change the area that much. But if the area had already been rezoned to D15, he would have purchased his home in another neighborhood. He said he wanted to go on the record as being opposed to the rezoning.

Abby Way resident Michael Studt asked if there was an Environmental Impact Statement required at any stage of development.

Mr. Lyman replied that neither the State of Alaska nor the City and Borough of Juneau (CBJ) require an environmental analysis or environmental impact statement requirements. But there is the Coastal Management program and there are CBJ habitat provisions and code which apply to individual developments. Then there are also the federal permits and approval processes that must be followed, said Mr. Lyman. Those regulations apply to a development proposal when one is being considered. Mr. Lyman distinguished the situation by explaining that the rezone request is not a development, therefore, those regulations do not kick in at this point in the process.

Mr. Studt said that he would like to go on record that he was in favor of the proposed rezoning due to the fact that the City and Borough of Juneau is in very big need of responsible and affordable housing.

Mr. McMurtrie said he sympathized with the neighbors in the area of his proposed rezone. He said if he lived in the area he would be worried as well. He said he felt the neighbors are protected because of the slope of the land. It is so steep it would be very difficult to build near the back of the lots due to the steep slope. Mr. McMurtrie said his property does not drain into Vanderbilt Creek. It drains into the estuary along Glacier Highway where the Coast Guard Building is. He added there are no active eagle nests on the property.

**MOTION:** *by Mr. Bishop, that this rezone request (*AME2013 0011) *be forwarded to the Assembly with a positive recommendation for approval with staff's findings and recommendations.*

Speaking in favor of the motion, Mr. Bishop said we are in need of housing in this community, and in need of higher density housing on well-served roads. Mr. Bishop said this area is served by served by sewer and water, and is in the center of the community.

Mr. Medina also spoke in favor of the motion. This rezone request is substantially consistent

with the Comprehensive Plan and associated land use maps, said Mr. Medina.

Mr. Satre said the Commission has worked very hard to look at transit center development, and higher density development along existing transit corridors to fit with the Comprehensive Land Use Plan. Increasing the density of this property from D5 to D15 fits with the most recently adopted Comprehensive Land Use Plan, and it fits the goals of the City as a whole, said Mr. Satre.

Mr. Satre said the Commission did appreciate the neighbors providing their input on this, and that involved neighbors did make a difference in development. He said the neighbors should know and remember that any development that will happen in this area will be subject to a public process with likely neighborhood meetings, with the actual subdivision requiring a public hearing.

Mr. Lyman interjected to state that minor development, such as of a single residence or two, would not be subject to a public hearing.

With no objection the motion was approved.

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|---|---|
| AME2013 0015: | Rezone 82 acres of RR to a mixture of Industrial, Commercial and Rural Reserve. |
| Applicant: | Bicknell, Inc. |
| Location: | Honsinger Pond Area |

**Staff Recommendation**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend the rezone request to Industrial be approved. Furthermore staff recommends that no portion of the site be rezoned to Light Commercial.

STAFF REPORT

Ms. McKibben reported that this request is to rezone 82 acres of Rural Reserve land to a mixture of Industrial, Light Commercial and Rural Reserve. This land, commonly called Honsinger Pond, is located across Egan from Fred Meyers, and at the end of the Airport runway. The Comprehensive Plan designation for this property is Resource Development. City water and sewer are available, and access to the property is from Yandukin Drive.

The applicant had scheduled a rezone request that was scheduled to come before the Commission in December of 2012, explained Ms. McKibben. That request was to rezone the entire acreage to Industrial and Commercial or Industrial, Ms. McKibben could not recall exactly. Regardless, that request was subsequently withdrawn by the applicant, she said.

They returned with a map amendment request to amend the maps of the Comprehensive Plan to a mixture of Resource Development, Industrial and General Commercial. With six commissioners voting, the Commission had a tie vote which resulted in a failure to approve the map amendment request. That action was appealed to the Assembly. In the meantime,

questions were raised about the legal standing of the body to decide map amendment questions. The applicant and the Borough signed an Order of Dismissal regarding the issue, said Ms. McKibben.

Currently, rezones must be in "substantial conformance to the maps of the Comprehensive Plan". Previously, rezones could "not be in violation to maps of the Comprehensive Plan." Ms. McKibben said the Comprehensive Plan states that land is to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed. The area outside the study area of this Comprehensive Plan is considered to be Resource Development, said Ms. McKibben. She said the Comprehensive Plan states that as resources are identified or extracted from these lands they should be redesignated or rezoned appropriately.

The Comprehensive Plan reads that land uses around airports are typically industrial designations because they are more tolerant of the impacts of airport noise, dust, fumes and traffic. In Juneau, said Ms. McKibben, residential and commercial uses have encroached into industrial buffers surrounding the airport.

The applicant has requested that approximately 26 acres be zoned to Light Commercial, with approximately 20 acres on the site be zoned Industrial, with the remaining land remaining Rural Reserve. The definition of Rural Reserve, said Ms. McKibben, is that it remain primarily in public ownership, managed for the conservation and development of natural resources for future community growth. In addition recreation cabins, lodges and small seasonal recreational facilities may be allowed.

Ms. McKibben said that Light Commercial is located primarily adjacent to residential areas, and it allows for a wide variety of uses, but not as many as through General Commercial zoning. An Industrial district is intended for activity such as manufacturing, processing or repairing and assembly of goods.

Heavier uses could take place such as a gas station or a hotel within a Rural Reserve area with a Conditional Use permit, said Ms. McKibben.

Setbacks for Light Commercial and Rural Reserve Zoning are not too different, said Ms. McKibben, while setbacks for Industrial zoning are much less if any at all. Ms. McKibben said if the Airport was not a publicly owned facility, the Comprehensive Plan would probably show the area as Industrial.

A restaurant would be allowed in the Rural Reserve zoning district, said Ms. McKibben, but to be allowable it would have to be associated with a site-specific feature.

Ms. McKibben said the Comprehensive Plan makes reference to the Scenic View Shed quite a bit. She said it is very clear that the Scenic View Shed refers to publicly owned land.

Ms. McKibben said there is a recommendation in the Comprehensive Plan to purchase this property. It refers to acquisition of the Honsinger Pond land outside of the pond area for a natural area and scenic view corridor. Ms. McKibben said there is a line item in the Capital Improvement Projects (CIP) list for purchasing this land, but no funds attached to the line item.

Ms. McKibben said without going into the detail of the discussion in the Comprehensive Plan, that there are a lot of policies in the Plan referencing the Scenic View Shed, purchasing the pond property, the value of that area, and the value of the wetlands. She said there are also a lot of policies that talk about the need for commercial and industrial lands, and the re-use of previous gravel extraction sites.

Ms. McKibben said this is not a simple black and white request. She said the Plan gives a lot of guidance but it is not crystal clear as to interpretation. She added that this request is quite a bit different than the request of 2012, in that the rezone request is not for the undisturbed areas.

Mr. Satre clarified that the rezone request includes retention of the existing undisturbed Rural Reserve property to the east of the pond itself, and Ms. McKibben verified that it was. The previous request was to rezone the entire 82.66 acres.

Ms. McKibben said that the staff is recommending that all of the property requested for rezone be rezoned Industrial. She said the reason is because Commercial zoning is not considered in the RD Comprehensive Plan designation. Egan Drive gives a strong physical barrier between the property and Light Commercial zoning across the way. Light Commercial zoning does not appear to be in substantial conformance with the Comprehensive Plan. The Industrial zone would be an expansion of the existing district, and in substantial conformance with the maps of the plan.

The Planning Commission could approve the request as submitted, said Ms. McKibben. It could deny the request as submitted. It could recommend an alternative to the Assembly, of which there are many, said Ms. McKibben. She said she had presented one.

QUESTIONS FOR STAFF

Mr. Medina asked Ms. McKibben about recommending rezoning land that was in violation of the Comprehensive Land Use Plan; “a rezoning shall not allow uses which violate the land use maps of the Comprehensive Plan”.

Ms. McKibben replied that the code has been changed to read that “rezoning shall only be approved upon finding that the zoning district and the uses allowed therein are in substantial conformance”.

Mr. Watson said when resources are identified or extracted from lands they should be redesignated or rezoned appropriately. He said the definition of “appropriate” is a relative term. He said while Ms. McKibben deemed “Industrial” zoning appropriate, someone else might feel differently.

Ms. Grewe said the same clause caught her eye as well. She asked if Ms. McKibben had any insight into the purpose of the statement regarding rezoning after the extraction of resources from lands. She said it seemed as if it were written just for this situation, but she did not understand the intent.

Ms. McKibben said it is a policy statement that the Commission gets to interpret. She said there are numerous gravel extraction sites throughout the Borough. She said appropriate rezoning probably involves what the Comprehensive Plan says and what the surrounding land uses are.

Ms. Grewe said there are two zones missing from the code; parks and open space. She said therefore when the options of rezone come up, they are always perceived in the sense of areas with density attached to them.

Mr. Watson said in 1989 in the Comprehensive Plan the land was designated IPU (Institution and Public Use). It came back changed to its current zoning in 2008. It was requested the zoning be changed back but that never happened, said Mr. Watson.

APPLICANT REPRESENTATIVE

Mr. Daniel Bruce, attorney for the applicant, said they were in substantial agreement with the staff recommendation. He said they did disagree with the recommendation that all of the rezone request be rezoned to Industrial. They would prefer that it be 26 acres Light Commercial and 20 acres Industrial per their request. This is an effort to minimize the development impacts on this piece of property, said Mr. Daniels. Mr. Daniels said the property is not within the view shed as delineated. Mr. Daniels said only three acres within the 26 acres requested to be rezoned Light Commercial is Class B wetlands. He said of the total 46 acres they are seeking to have rezoned, about six percent of the property contains wetlands.

Mr. Bruce said Rural Reserve and Resource Development does not mean a park. Mr. Bruce said the gravel has been extracted, and it is time for the property to be put to its highest and best use. They feel that a combination of Industrial zoning closest to the Airport, with Light Commercial as a boundary between Egan Drive and the Industrial area, mitigates the impact of the development.

The property is listed in Fiscal Year 2013 as an item to be purchased for $750,000 by the City and Borough of Juneau, noted Mr. Bruce. However, as noted previously, there has been no money appropriated for the purchase. He said it is within Bicknell Inc.'s rights to pursue development through the rezone request.

Mr. Bruce said that Chapter 11 of the Comprehensive Plan specifically states that this gravel pit is expected to be available "for development in the long term". Mr. Bruce said almost everything that can be built under Light Commercial zoning can be constructed under Rural Reserve zoning. He did say that some of these items would require conditional use permits under the Rural Reserve zoning.

The applicant would accept the 46 acre rezone of Industrial if that is what the Commission wanted to do, said Mr. Bruce, even though they do not feel that is the best rezone for the property. They feel rezoning all 46 acres Industrial would increase the impact because that zoning has a higher and more intense impact on the property than does Light Commercial Zoning.

Flat land with access to the highway and the Airport is in very short supply. The applicant has submitted a fair compromise for the development of this property, said Mr. Bruce. The site is surrounded on three sides by heavier, more intense uses. Thirty-six acres would remain untouched, Rural Reserve.

PUBLIC TESTIMONY

Lori Roland said she was disturbed to find out that the RR zoning (Rural Reserve) was as similar to the other zonings. She said that she supported the Commission's comments during its May 17, 2013 meeting about the City's missed opportunity to purchase property to maintain scenic and habitat values, and its comments about the Industrial use so close to a sensitive habitat area being a concern.

Dixie Hood said for many years she has served on the Mendenhall Wetlands State Advisory Group under the Department of Fish and Game. She said she is also a member of the City and Borough of Juneau Parks and Recreation Committee. She said she is referring to Chapter 8 of the 1996 version of the Comprehensive Plan, which is being reviewed by the Parks and Recreation Committee. Consideration of the Smith Honsinger Parcel is listed as a recommendation if it is not needed as Airport-related industrial expansion. Ms. Hood said one possible avenue of acquisition to her would be the SEAL Trust (Southeast Alaska Land Trust).

Mr. Watson told Ms. Hood he thought the reason her Comprehensive Plan is different from the existing plan is because it has been quite a while since her plan has been revised.

Kristine Trott said she moved to Juneau in 1976, and with her family has lived abroad for longer than ten years. Ms. Trott said there is no place with such clean air, and such a wild aspect as Juneau. She has lived in New Zealand, Estonia, Russia and Finland, to name just a few of the places she has lived, and nothing compares to Juneau, she said. The nearest neighbors to that piece of land are not contiguous. Fred Meyers is across a four lane highway, said Ms. Trott. The closest neighbors to this piece of property are wetlands, said Ms. Trott. The highest and best use of this piece of property is for beauty, as far as she is concerned, she said. Ms. Trott said the community is due mitigation because of the wetlands taken from it due to the lands taken from it due to the Airport.

Beth Leibowitz said she felt the overall concern was that the wetlands have been chewed away for some years, beginning with the filling in of the wetlands for Egan Drive. More wetlands have recently been used for the Airport expansion, and with the idea of keeping birds away from the airport, she added. Ms. Leibowitz said as a community she thinks it is time to stop the demolishment of the wetlands, and instead putting it into conservation trust and/or public ownership as soon as possible.

Pat O'Brien said since this rezone request started in 2012 her goal was to achieve the highest level of public input that she could achieve. She said this is the third time the public has commented on this issue. Fifty-nine people submitted written comment in December, 2012. An additional seventeen people commented this April. Another twenty-one individuals are listed in the current staff report, with fifty-two more citizens commenting after the deadline to make it into the staff report, bringing the total to seventy-five letters of opposition just in this round, noted Ms. O'Brien. She said that makes a grand total of 151 letters of opposition for all three applications. Ms. O'Brien requested that the public comment written for the April 2013 Bicknell map change request become part of the record for this rezone application. She said this is because if this rezone is not granted, she is sure the applicant will appeal.

Ron Berg said during his 42 years in Juneau he has grown to appreciate the wetlands as an important and productive ecosystem. A massive reduction in the Juneau wetlands has been occurring in recent years, mostly to support the needs of the Juneau Airport, said Mr. Berg. A zoning change on 82 acres of land will further diminish the Juneau wetlands. Leaving the wetlands unchanged conveys health to the ecosystem and positive impacts to the quality of life in Juneau, said Mr. Berg. How do we want visitors to remember Juneau, said Mr. Berg; as the beautiful area that Juneau residents call home, or as an industrialized area that has lost its aesthetic value.

Mr. Medina wanted to recognize Mr. Berg as a former member of the Wetlands Review Board, and to thank him for his service.

Alex Werthheimer spoke against the rezoning request, saying it was ironic this was being considered just a few days after the release of a report by NOAA the (National Oceanic and Atmospheric Administration) and the Fish and Wildlife Service entitled *The Status and Trends of Wetlands in Coastal Watersheds*. This report found that the magnitude and rate of wetlands lost in coastal watersheds has increased alarmingly in recent years. Almost forty percent of our Mendenhall wetlands have now been developed, said Mr. Wertheimer. Mr. Wertheimer said the owner of this property purchased it relatively recently fully aware of the constraints of the Rural Reserve status.

Sally Rue said she was representing 20 residents of the Sunny Point Neighborhood Association. She read the letter from the Association, in which they referred to the property as a scenic view shed and a scenic centerpiece for the people of Juneau. The property is directly adjacent to the Mendenhall State Game Refuge, said Ms. Rue. The property and the adjacent wetlands contribute significantly to local, state and international fish and wildlife resources. She said the current zoning provides more opportunities for the CBJ staff and public to review development proposals for the property.

Tina Brown said she was speaking on behalf of the Alaska Wildlife Alliance, State Organization, Southeast Chapter, of which she is president. She said they concur with all of the previous comments which had been made. She said she had an update on the NOAA finding. On November 22, NOAA released a statement and announced that the status of transit coastal

wetlands is alarming. They said the loss of these valuable wetlands threatens not only fisheries and protected species but our supply of clean water and the stability of shorelines in the face of climate change. Ms. Brown said she urged the Commission to consider its definition of "resources". The Mendenhall State Game Refuge is a resource, she said. Wildlife viewing is a valuable resource, she added. Nature tourism, photography, painting, are valuable resources, she went on to say. Ms. Brown said the Planning Commission was not just here to represent developers, but all residents.

Patricia Wherig said she was speaking for another resident who could not be present. Such a zoning change allowing commercial development could have long term effects on the water and habitat quality of the Mendenhall Refuge. With the loss of more than fifty percent of its acreage to commercial development, the remaining wetland acres are extremely important to be maintained in their natural state for the resident and migratory bird species, she added.

Karla Hart said while she does see that the developer is correct in saying they have the right to pursue a rezone, she also believes it is within the City's right to deny a rezone. The Planning Commission's responsibility is to represent the best interests of the community, said Ms. Hart. She said it is evident the community values this area as a natural area. The property is assessed at $632,000. Ms. Hart said that comes to about $20 a person in the community. She said she imagined a fund raising effort to buy the property at that value would be pretty successful pretty quickly.

Mr. Watson said the assessed value of the property is probably low because it has not been assessed in quite a few years.

Amy Skilbred said she supported all of the previous comments given that evening. She said she would like to see the rezone denied, and to have the City look into acquiring the property, and to identify a fair price for the current owner of the property.

Jon Lyman said that for fifteen years he was the educator for the Alaska Department of Fish and Game. He said he wrote the book called Alaska's Wild Salmon which is still required reading in over half of Alaska's schools to get out of high school in this state. He spoke of the sensitivity of salmon to pollutants in the ecosystem. Every time a piece is put onto the wetlands, additional buffering is denied to the core wetlands, and the system is degraded as a whole, said Mr. Lyman.

Margo Waring said she is a neighbor of the wetlands, and has watched the astonishing loss of the wetlands and the areas that border the wetlands. She said she hopes the Commission will keep the current zoning, and help institute a public process so that the public can buy the property, and make it part of the refuge.

Brian Dougherty asked that the property not be rezoned, and said he felt the City should purchase the property. He said he remembers as a young man when Egan Drive was built, that there were assurances at the time that there would be no more taking of the wetlands. Mr. Dougherty said if he understood Ms. Grewe correctly, there was no vocabulary in the Planning

Commission process to describe land other than in terms of commercial development. That lack of vocabulary reflects such a slant that should not be there, he said.

Mark Kelley said this is one of Juneau's most important view sheds, as well as an important buffer zone for the Mendenhall Wetlands State Game Refuge that has lost almost 39 percent of its total wetlands since its inception. Mr. Kelley said he hoped the Commission would listen to the public, which overwhelmingly opposes this rezone as witnessed by the vast number of letters and testimony received this evening. Mr. Kelley echoed the sentiments of others when he said that Mr. Bicknell purchased this property with full knowledge of its Rural Reserve zoning. He should have no expectation of a rezone, said Mr. Kelley. Mr. Kelley said there is a group in town which has made a very reasonable offer to purchase this land. If Mr. Bicknell is given the zoning change, the land will most probably be priced beyond the ability of the local community to purchase it, he said.

Randy Held said he appreciated the beauty of the field as viewed from Egan Drive. He said he did not understand, however, how that testimony was relevant to the rezone request before the Commission.

Mr. Satre explained that the Community Development staff makes recommendations and that there are usually options to be considered by the Commission when making its decisions.

Cedar Malick said he was born in Juneau, and that he planned on staying here for a long while, and that he would like to speak for the younger generation who also planned on making their lives in Juneau permanently. He said it is a very noticeable area as one drives by. He said he cannot understand the reasons for make the area industrial. He said there are probably better areas than one which impacts resident's lives and drives every day. He said he would like that land to be there for when he is old.

Kim Smith said while in favor of comments the previous speakers had made, he wanted to emphasize several points. He said it was pointed out that six percent of the requested change area would be wetlands. He said if any one of them tried to obtain a permit for three acres of wetlands that they could cover or fill, they would not be able to get that permit. He said he did not want to see that minimized. He said the charts with the land use designations made it appear that there was not much of a difference between the zones. But the difference comes into play with the amount of coverage.

Robert Shaw said he was recalling the last time his father, who is in his nineties, was visiting. His father looked at the field and said how wonderful it was that the city has not allowed that land to be developed. Mr. Shaw said he just recalled that as he was sitting in the audience, and he hoped that his father was not proven wrong.

Beverly Agler said she was a fisheries biologist, ornithologist, and naturalist. She said she spends her lunch hour at the wetlands every day, and drives by the wetlands every day going to work. She said she has watched the area erode over the years that she has lived here. Before she moved to Juneau she said she worked on a National Wildlife Refuge on the East Coast. One

of her jobs was to attempt to restore wetlands. Ms. Agler said that you can never get it back; that the best thing you can do is to not take it away in the first place.

Mr. Satre said the applicant has a chance to come back and address the Commission. Without a motion, the meeting is to adjourn at 11:00, said Mr. Satre. Mr. Satre suggested that the meeting adjourn after the applicant's representative addresses the Commission, and take up this item as Unfinished Business at the next regular (December 10) meeting .

**MOTION:** *by Mr. Watson, to continue the meeting until the applicant is finished.*

There being no objection, the motion passes.

APPLICANT RESPONSE

Mr. Bruce, attorney for the applicant, said there are references in the staff report to Rural Reserve and Resource Development as being in public ownership, maybe suitable for parks. Mr. Bruce said he would like to remind the Commission of the "obvious"; this property is not in public ownership, it is in private ownership, and it has always been in private ownership.

Secondly, said Mr. Bruce, the denial of development rights for public purposes is essentially a "taking" under the Constitution and requires just compensation. The value that is paid, is paid for the highest and best use. Mr. Bruce said that he would submit that regardless of the Commission's decision, that if it is done on the basis of public purpose that the Commission may be venturing into an inverse condemnation situation.

Mr. Bruce said that maybe 200 individuals have been heard from in opposition to the rezone request. The Commission represents the 32,000 plus residents of Juneau, many of whom have not spoken out on this issue. You don't often hear from everybody, said Mr. Bruce, especially the proponents.

Thirdly, the parcel is not nor has it ever been a part of the Mendenhall Game Refuge, said Mr. Bruce. It has been in private ownership since the issuance of the patent, he explained. No one has quantified the environmental impact of a rezone, said Mr. Bruce. The impacts come up with the actual development plan, if there is a conditional use request, for example. This property has not been identified as being critical habitat for any species, he said. There is no anadromous stream in the 46 acres subject to the application for rezone. The Honsinger Pond, as is stated in the staff report, has too great a salinity to rear juvenile salmon in.

Keep in mind, said Mr. Bruce, that the applicant is seeking to change six percent of Rural Reserve wetlands to an increased use. People seem to be ignoring the fact that 36 aces of this land remains in Rural Reserve as a buffer, said Mr. Bruce. Commenting that prior to their rezone request there were two more during the evening, Mr. Bruce said that zoning is not a static thing; it changes as the needs of the community change.

One of the necessities for a vibrant, growing community, is adequate inventory of Commercial, Light Commercial and Industrial land. It states in Chapter 11 of the Comprehensive

Development Plan that this area is slated for future development, said Mr. Bruce. So if you are a person looking to buy property, a logical person would assume that this land would be suitable land to buy to request for a zone change, he stated

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|---|---|
| CSP2013 0030: | Planning Commission CIP Project Nomination |
| Applicant: | City & Borough of Juneau, Community Development Department |
| Location: | Borough-wide |

**X. BOARD OF ADJUSTMENT**

**XI. OTHER BUSINESS**

**XII. DIRECTOR'S REPORT**

**XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES**

**XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS**

**XV. ADJOURNMENT**

The meeting was adjourned at 11:03 p.m.

MINUTES

**PLANNING COMMISSION**
City and Borough of Juneau
**Mike Satre, Chairman**

REGULAR MEETING
**December 10, 2013**

## I. ROLL CALL

Mike Satre, Chairman, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

**Commissioners present:** Mike Satre, Chairman; Dennis Watson, Vice Chairman (telephonically); Nathan Bishop, Karen Lawfer, Ben Haight, Nicole Grewe (telephonically); Jerry Medina, Dan Miller

**Commissioners absent:** None

**A quorum was present**

**Staff present:** Hal Hart, Planning Director; Beth McKibben, Senior Planner; Laura Boyce, Senior Planner; Sarah Bronstein, Planner I, Chrissy McNally, Planner I; Jonathan Lange, Planner I

## II. APPROVAL OF MINUTES

- November 26, 2013 – Regular Planning Commission Meeting

**MOTION:** *by Mr. Miller, to approve the meeting minutes of the November 26, 2013, regular Planning Commission meeting, with any minor corrections or modifications provided by any Commission members or by staff.*

The motion was approved with no objection.

## III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

## IV. PLANNING COMMISSION LIAISON REPORT

Mr. Nankervis reported that the Assembly held a Committee of the Whole meeting last night, during which the Disturbing the Peace re-write was reviewed. It may come before the

Assembly as early as next week. A contractor made a presentation on the residential aspect of a waste water rate study. He presented four options, all of which included a rate increase. They have between $235 - $275 million in assets that are between zero and 40 years old, said Mr. Nankervis. Part of the plan involves putting money aside for replacement of those items rather than wait for them to break and then have to scramble for the funds.

December 17, the Assembly will be filling the four empty Planning Commission seats out of the 13 applications they have received. That will take place at 5:30 in Room 244.

**V. RECONSIDERATION OF THE FOLLOWING ITEMS** – None

**VI. CONSENT AGENDA**

| | |
|---|---|
| CSP2013 0029: | A City project to construct the Eaglecrest Learning Center; a new 8,660 square foot two story building. |
| Applicant: | City and Borough of Juneau |
| Location: | 3000 Fish Creek Road |

USE2013 0036 was removed from the Consent Agenda and placed on the Regular Agenda by a request from a member of the public for a full hearing to enable public comment.

**MOTION:** *by Mr. Miller, to approve the Consent Agenda as amended with staff's findings and recommendations.*

Motion was approved.

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - None

**VIII. UNFINISHED BUSINESS**

| | |
|---|---|
| AME2013 0015: | Rezone 82 acres of RR to a mixture of Industrial, Commercial and Rural Reserve. |
| Applicant: | Bicknell, Inc. |
| Location: | Honsinger Pond Area |

**Staff Recommendation**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommends the rezone request to Industrial be approved. Furthermore staff recommends that no portion of the site be rezoned to Light Commercial.

Mr. Miller excused himself from participating in this item as he said he has a conflict of interest.

Mr. Satre reviewed that the last time this item was before the Commission, there had been the full staff report, the presentation from the applicant, public testimony, and the applicant's representative had a chance to respond to the public testimony. Due to rules of order, the

meeting was then adjourned until this point in time.

Ms. McKibben said there were three items of public testimony received since the last meeting. She asked if the Commission wanted those items to become part of the record.

Mr. Satre asked the will of the Commission regarding acceptance of these late items into the public record.

Mr. Watson asked if it was correct that one of the items had been submitted in a timely manner but had for some reason not made it into the public record.

Mr. Satre said he did not know, he did not read the items in question on purpose since it had not been decided if they would be allowed.

Mr. Watson said he would speak against allowing any additional comment into the public record. He said they were very clear about this at the previous meeting that public comment was closed.

There were no motions to allow the additional items into the public record, as they arrived after public testimony had closed.

Mr. Medina asked Ms. McKibben if a permitted use was listed in the Table of Permissible Uses if It could be limited or if it had to be allowed regardless.

Ms. McKibben said that the Table of Permissible Uses could be could be amended and permissible uses could become conditional uses in the Industrial zone.

Mr. Medina asked if that could be done by motion rather than having to change the ordinance.

Ms. McKibben responded that it would require an amendment to Title 49.

Mr. Medina said he had asked the question because he felt there were a couple of permissible uses in the Industrial zone which he did not think were appropriate in this application.

Mr. Watson said he believes the road to be in error on the map and wanted to confirm there are no other errors on the map.

Ms. McKibben stated those are parcel maps and the lines are not always accurate. Chair Satre added that he believes there have been some changes to the road since the maps were created.

Mr. Bishop asked why staff had found Light Commercial zoning not in conformance with the Plan but Industrial to be in conformance with the Plan.

Ms. McKibben said that Industrial is an expansion of an existing zoning district. The IPU (Industrial and Public Uses) designation of the Comprehensive Plan applies to any zoning district. It applies to those zones that have Institutional and Pubic Uses. In this case the airport is a City owned airport. If it was a privately owned airport it would probably be shown as Industrial on the maps of the Comprehensive Plan, she stated.
The maps of the Comprehensive Plan have this area classified IPU which applies to areas of a variety of uses that are City or state owned. In this case the underlying use is Industrial. The Table of Permissible Uses lists airports and heliports as Industrial, said Ms. McKibben.

Light Commercial is separated from this area by Egan Drive, which in her opinion, said Ms. McKibben, is a very strong physical boundary between the two areas.

Mr. Bishop asked if an airport would not also constitute a fairly hard physical boundary as well. He added that the IPU designation covered the airport area, but not the area in question. He said the LC, D5 and D15 across from the land in question is just as close if not closer than the 26 acres being considered for Light Commercial as the Industrial is to the area being considered for Industrial. Mr. Bishop said he was not really seeing a solid barrier between the Light Commercial and the Industrial uses
Ms. McKibben said that would be Mr. Bishop's interpretation of the maps of the Comprehensive Plan which differed from her interpretation .

Mr. Watson said that he was of the same opinion as Mr. Bishop. He said he took the time to drive through the area, and while he did agree with Ms. McKibben on Egan, talking about adjacencies and hard boundaries, one simply had to cross a two lane road and they would be in a Light Commercial area.

Mr. Medina asked Ms. McKibben if she had recommended against Light Commercial because residential was allowed in a Light Commercial zone.

Ms. McKibben said that was part of her evaluation.

Mr. Medina said in that sense he would have to agree with staff that residential is not appropriate.

Mr. Bishop said that all of the attached maps show GC (General Commercial) not LC, and he wanted to make it clear that all of the GC areas they were looking at were LC areas not GC. Ms. McKibben clarified that the applicant had initially submitted Commercial and the maps they submitted are the same as when they had requested the map amendment, but she has an email clarifying that they are now requesting the LC zoning.

**MOTION:** *By Mr. Bishop: Whereas the Parks and Recreation Comprehensive Plan recommends acquisition of the Smith Honsinger parcel; and Whereas the Wetlands Review Board*

*recommends restoration to its natural state; whereas public comment overwhelmingly supports acquisition of subject parcel; Whereas the Comprehensive Plan recommends rezoning of rural development lands after resources have been identified or used up: and Whereas ecological resources have been identified, so have industrial and commercial been identified; whereas public testimony supports the ecological value of maintaining diminishing wetlands and adjacent wetlands of the Mendenhall Game Refuge ; and Whereas CBJ has an express shortage of both industrial and commercial land. We recommend the CBJ Assembly actively pursue acquisition and restoration of the subject parcel. If negotiations fail, then we recommend the parcel be rezoned as requested by the owners.*

Mr. Satre asked the staff if this motion was possible to consider with a zoning application before the Commission.

Mr. Bishop said he felt this was an important case for many reasons, both for the public and for the applicant. He said they were not making a definite decision but rather a recommendation to a controlling body.

Mr. Medina said he did not have a problem with the first part of the motion pertaining to the acquisition of the property by the CBJ (City and Borough of Juneau). He can not support the applicant's request for Light Commercial and he also could not support the Industrial designation by staff for two reasons. In the Table of Permissible Uses 9.200, a fuel station is a permitted use, and 18.300, towers and antennas more than 50 feet in height are a permitted use. For those reasons, for this particular area, Mr. Medina said he did not feel that Industrial zoning was appropriate.

Ms. Grewe said she fully supported Mr. Bishop's motion, and she urged support by all Commissioners. She said she had struggled with this issue all day. There is $750,000 noted in the CIP (Capital Improvement Projects), she said, and although the money has not yet been appropriated, the intent is there, she said. If the reaction from the Assembly was in the negative, she asked if that would result in an automatic recommendation rezone for the applicant? She would prefer it come back to the Commission for consideration at that time.

Mr. Satre said he did not think it would result in an automatic rezone for the applicant.
The way the motion is framed the findings are included in the motion, which is a bit extraordinary, said Mr. Satre. Chair Satre then asked staff if the Commission is charged with dealing with the application at hand or can they take a slightly different direction.

Ms. McKibben said she was unable to find guidance, Title 49 sets out rezone can be applied for and the restrictions and procedure, without much discussion of the Planning Commission action.

Mr. Bishop said with the motion he was trying to take into consideration the needs of the general public, the Comprehensive Plan, and the applicant. He said he does not think it is fair to

string the applicant along indefinitely. Mr. Bishop said he feels they are legitimate land owners and they deserve some closure on their zoning request. Mr. Bishop said he thinks that Light Commercial has the public benefit that Industrial does not have. There are landscape standards that go along with Light Commercial that are not included with Industrial, and generally Light Commercial lands are designed to be a draw to the public. Industrial areas are hard on the eye and not particularly pleasing to the public, said Mr. Bishop. The buffer between the Light Commercial on the other side of Egan and the one proposed is transient and doesn't see it as a means of trying to keep commercial from one side. He also believes that the 26 acres being requested is a reasonable amount to be an island of Light Commercial anywhere. While he strongly supports the CBJ purchasing the project he wants to make sure the applicant doesn't get pushed too far.

Mr. Watson said to him it sounds like the motion is trying to leave the ultimate decision to the Assembly. He said he thinks that Title 49 is silent on the questions addressed to Ms. McKibben. He said he thinks it is silent for a reason. He said the Commission has an application before it, and it is charged with making a decision on land use only, not on speculative purchases. He said purchasing the land has always been the plan of Parks and Recreation, but it has never had the funds to do so. He said that is not something for the Commission to even consider at this point, since it is all hypothetical.

Mr. Haight said he had an issue with the time element within the motion as it was stated. He asked how a point in time would be identified when the Assembly had reached a point that it could not purchase the property and the Commission was to proceed with the rezone. Mr. Haight said regarding the Rural Reserve, that it appeared obvious to him from the Land Use Plan that the intent was as Rural Reserve and Rural Reserve is primarily for public purpose. Mr. Haight said he felt this was appropriate in that the motion really addresses that aspect of the existing zoning, and allows it to proceed in that manner before it is rezoned.

Mr. Bishop said he struggled with the time issue as well. He said that basically if the Assembly deems it failed then it has failed, and they move on to the Comprehensive Plan zone change. Mr. Bishop added that it would be in the Assembly's hands to determine the time of failure.

Mr. Medina said he thought Mr. Watson had a good point. He said the Commission had an application before it, and that he would rather see the Commission take action on one particular item, and have a vote rather than make it an "either" "or" situation. Mr. Medina said he could not support the current motion for the reasons stated earlier. He said the Commission should act on the application before it, and proceed from there.

Ms. Lawfer noted that she had read all the minutes andthat she believed that there were certain parts of the discussion she disagreed with Commissioners on regarding Light Commercial having a buffer. She said to her, that was a fairly significant buffer. Ms. Lawfer said she thought the Commission should first vote on the staff recommendation. She added that she appreciated Mr. Bishop's motion, because she also believed that it was not in the best

interests of the community to parcel up the land.

Ms. Grewe clarified that it was Mr. Bishop's motion on the table, and Mr. Sartre verified that it was. Ms. Grewe reviewed her reasons for supporting the motion. She mentioned the support in the 2008 and 2013 Comprehensive Plan versions, the CIP Fiscal Year 2015, the Wetlands Review Board intentions for the area, the overwhelming public opposition, the reminder to the applicant that this land is zoned Rural Reserve, and that there are uses allowed within that zone. The property as it is now is developable. She said she did not feel the Commission should race through the decision just because it felt that it was holding up the applicant on developing the property. She would like to take up the motion up as presented.

Mr. Bishop said he does not believe the Rural Reserve uses are the highest and best uses for the property and a waste. It is one reason he supports Light Commercial in this area because he believes it is the best use and some commercial next to industrial is appropriate. He reminded the Commission that staff recommended a modified proposal as well.
For negotiation, Mr. Bishop said he strongly recommended that the City work with the applicant on land exchanges.

Mr. Medina asked Ms. Grewe if she was aware of the second part of Mr. Bishop's motion; that if the land was not purchased by the City, that the recommendation was to rezone it to Light Commercial.

Ms. Grewe said she understood that, which is why she had asked previously that if the motion passed, if the rezone would come back to the Commission before being implemented. As long as the rezone were to come back to the Commission she is fine with the motion. Mr. Satre confirmed that was his understanding.

Mr. Bishop said his answer would be different from the Chair's; that he would not want the issue to come back to the Commission; that would be protracting the process longer than necessary. If the Commission did not want the motion to proceed in that direction then they should look towards an amendment at this time.

Ms. Grewe said she would like to make a friendly amendment that should a purchase agreement fail that this issue come back before the Planning Commission, that the applicant not be required to wait the two year period, and that the Commission would take up the issue again as if new. Ms. Grewe said she would appreciate it if this was not accepted as a friendly amendment that the Commission take a vote on the amendment as it stood.

Mr. Bishop said he would not accept the friendly amendment.

Mr. Watson spoke against the motion, saying they would be putting the onus on the Assembly to make the decision and then putting the applicant at a distinct disadvantage. Mr. Watson said he did not feel this is the time or the place to be taking this type of action. There is nothing

wrong for people coming forward and wanting a rezone, he said. That is the process. Mr. Watson said he is very uncomfortable with this type of action. He said it would be setting a precedent which is totally incorrect, and outside the scope of the Planning Commission.

**Roll Call Vote:** *(On Ms. Grewe's amendment that if this goes to rezone that it would come back to the Planning Commission as a new application waiving the two year period)*

**Ayes:** Grewe

**Nays:** Medina, Haight, Lawfer, Bishop, Watson, Satre

MOTION FAILS

Mr. Bishop said he thinks there is the perception that the Commission is not taking up the applicant's proposal. He said he thinks the Commission is recommending the approval of the proposal if the Assembly deems it appropriate not to purchase the property or fails during the negotiations.

Mr. Satre said that he struggled with the motion, as he thought it may be out of order in terms of what the Planning Commission can and cannot do. Mr. Satre said he thought it was worthwhile to discuss Mr. Bishop's idea and his creativity in approaching this issue. Mr. Satre said ultimately he is opposed to the motion. He said he felt the Commission needed to deal with the request as stated.

**Roll Call Vote:**

Ayes: Grewe, Haight, Lawfer, Bishop

Nays: Medina, Watson, Satre

MOTION FAILS

**MOTION:** *by Mr. Watson, to accept staff's findings and recommendations, and to ask for unanimous consent.*

Mr. Medina said he was against the motion for the reasons he stated earlier - because fuel stations were a permitted use in an Industrial zone and towers and antennas more than 50 feet in height are a permitted use in an Industrial zone.

Mr. Bishop also spoke against the motion because this did not let the Assembly know that this was not the Commission's first choice. The Commission's first choice is to honor the public documents that state that this land should go into public ownership and that is also the

expressed will of the public that testified

Ms. Grewe said the Comprehensive Plan speaks to this area being developed for parks. She added there has been overwhelming public input on the issue, and the area is in the Capital Improvement Plan, there is the missed opportunity to purchase the property and the Wetlands Review Board has weighed in on this, and there has been little to no support for it. She said there is also the emotional aspect that the land is a scenic corridor and an iconic view shed that defines this community, fragmented ecosystems, and cultural identity of the community

Mr. Haight said he supports Mr. Medina's opinion that Industrial zoning is too harsh and that the applicants proposal of Light Commercial and Industrial is more appropriate for the area.

Ms. Lawfer spoke against the motion saying the property is zoned Rural Reserve (RR). Based on the comments she read and that zoning part of the property Industrial and leaving part of it RR would just make part of the gray area become "grayer" with regards to the actions of the Commission.

Mr. Watson said the applicant will be setting aside over 20 acres as RR and that he thought that was an important point to bring up. He read staff's recommendation as an either or. Mr. Watson also stated that the tree line is 45 feet tall and the view is beyond that. He said the Commission needed to consider the application that it had in front of it.

Mr. Satre said if this was a public piece of land he would be in support of a natural park or a conservation area. But this is a private piece of land, said Mr. Satre. A private property owner has rights when it comes to rezones, he said. Rural Reserve zoning is envisioned in the Comprehensive Plan as having the ability to move forward towards the highest and best use of the land, said Mr. Satre. Mr. Satre said he knows there are many documents within the city which indicate there are uses for this land different than those uses the applicant has in mind, but this isn't the City's land. They have the ability to develop the land as they see fit, whether at the current zoning, or to ask for a different zoning. The Comprehensive Plan very explicitly supports additional industrial areas, said Mr. Satre. This issue exposes one of the weaknesses of the Comprehensive Plan, said Mr. Satre, where both sides of the issue can find chapters in the Plan to support their argument. Mr. Satre said ultimately he has to side with the applicant on this issue.

**Roll Call Vote:**

**Ayes:** Watson, Satre

**Nays:** Medina, Grewe, Haight, Lawfer, Bishop

MOTION FAILS

Mr. Satre said the last time they voted against a motion to approve that failed they were asked by staff to create findings of fact in case this was to be appealed to the Assembly. He said prior to the meeting he had asked Ms. McKibben if the Commission reached a point where it failed to recommend approval to the Assembly that the Commission have available the findings of fact from the last time this issue was before the Commission as a map amendment.

Mr. Satre said he thought it was important that the Commission adopt findings of fact as a process perspective since the Commission would not be having another meeting until early January, and there may be some different Commission members present at that time.

Mr. Satre asked Ms. McKibben if the Commission were to adopt the findings of fact in terms of general intent if the staff would feel comfortable doing some wordsmithing to reflect the existing application should the Commission ask them to do so.

Ms. McKibben responded in the affirmative.

Mr. Satre said he felt the findings of fact reflected many of Mr. Bishop's and Ms. Grewe's comments in terms of the City moving forward in trying to purchase this property.

Mr. Satre said it appeared that the Commission could adopt the findings of fact with minor wordsmithing if the Commission were amenable. He added he felt it was important to note before a motion was made that typically even when there was a motion that was a failure to approve that generally the Commission adopts the findings of fact unanimously just to support the decision that the Planning Commission made.

**MOTION:** *By Ms. Lawfer, to adopt the findings of fact from the map amendment application, with staff changing "map amendment" to "rezone", with slight wordsmithing in number four to reflect the current application.*

Mr. Watson said he had concerns with the term "slight wordsmithing". He said he would offer a friendly amendment which would be any slight modifications to the document be highlighted so that it could be clearly seen, and also use the footnote function in WORD so that it would be apparent what text was originally in the document and what was wordsmithed.

Mr. Satre said he understood the difficulties of being online, but that they were basically discussing changing five words in the document to reflect the current application.

Mr. Watson said he would still like it to be noted as such within the document. He felt it was the professional way to alter the document.

Ms. Lawfer restated her motion:

**MOTION:** *(as restated by Ms. Lawfer) That the Commission adopt the findings as previously*

*stated with the following changes with number four that "General" be changed to "Light" and that on number 10 the "map amendment" is changed to say "there has been a significant amount of public opposition to this rezoning proposal". It would remove "map amendment" and the prior withdrawn, said Ms. Lawfer.*

Mr. Watson said he would accept this motion if the word "significant" was withdrawn from the motion. He said he did not think the public comment received was significant.

Ms. Lawfer did not accept Mr. Watson's amendment as a friendly amendment.

**Roll Call Vote:** *(on Mr. Watson's amendment)*

**Ayes:** Watson

**Nays:** Medina, Grewe, Haight, Lawfer, Bishop, Satre

MOTION FAILS

Motion to adopt findings carries with no objection.

## IX. REGULAR AGENDA

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|---|---|
| USE2013 0036: | Conditional Use to add second story to single family residence that sits within the required setbacks. |
| Applicant: | Greta Wade & Laurent Dick |
| Location: | 1401 Martin Road |

**Staff Recommendation**

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the addition of a second story to an existing residence which projects into the required side yard setback.

Ms. McNally showed the Commission pictures of the house and how it sat next to the adjacent properties, particularly Westridge Condominiums, and told the Commission that the staff recommended the Conditional Use permit be granted.

Property owners Greta Wade and Laurent Dick told the Commission that they purchased the Williams property in August as a rental property but decided to expand the property for their own residence. They tried to contact all of the neighbors but neglected to contact all of the neighbors. Mr. Dick said the main neighbor affected by the construction would be the condominiums, and they had no problems with the construction.

Margie Thomson, a resident at 430 Hermit Street, told the Commission that she is thankful that a family bought the house across the street from her. She said she is not in opposition to the construction, and had just seen the plans that day. She said she was surprised to see the addition went up three feet. She said the three foot elevation of the addition eliminates their water view. She asked the Commission how eliminating a partial water view from her home would affect the resale value of her home.

Mr. Satre said that typically in the staff report there is discussion about the neighborhood.

Ms. McNally said the Assessor's Office would make the ultimate determination. She said in her assessment she only had her view from the road. She said her main focus was on the Westridge side because the western facing view was the most heavily impacted. She apologized and said from her view from the road it was not a significant impact.

**MOTION:** *By Mr. Bishop, to approve USE2013 0036, and adopt staff's analysis, findings and conditions.*

The motion was approved with no objection.

| | |
|---|---|
| CSP2013 0026: | Review of AK DOT&PF safety improvement project at Glacier Hwy and Old Dairy Road/Trout Street intersection for consistency with adopted plans. |
| Applicant: | State of Alaska DOT & PF |
| Location: | Glacier Highway/ Old Dairy Road/ Trout Street |

**Staff Recommendation**

Staff recommends that the Planning Commission adopt the findings in this report, and recommend to the Assembly approval of CSP2013 0026 - review of AK DOT&PF safety improvement project at Glacier Hwy and Old Dairy Road/Trout Street intersection for consistency with adopted plans.

Additionally , it should be noted that, although Staff cannot make approval of DOT&PF's project contingent upon a CBJ project to improve Jordan Avenue, the Community Development Department suggests that sidewalk infill along Jordan Avenue, as well as new sidewalk plowing equipment, be added to the Capital Improvement Program to address the safety concerns raised by the CBJ Street Department. These investments are advisable regardless of the final outcome of this proposed project due to increased density on Jordan Avenue and the increase in proposed cut-out "pork chop" style median facilities in transportation projects throughout the Borough.

Ms. Bronstein explained the area under discussion was located at the intersection of Old Dairy Road, Glacier Highway and Trout Street. McDonalds and the Breeze In are the adjacent businesses to the Northwest, with the Nugget Mall to the south. Crest Street and Jordan Avenue would also be affected, since the project involves a reroute.

The Department of Public Safety and Public Facilities (DOT&PF) reported the intersection has experienced 30 vehicle crashes from 2004 – 2008. And of those 30 crashes, said Ms. Bronstein, 17 resulted from left-hand turn movements out of Old Dairy Road and Trout Street out onto Glacier Highway.

Ms. Bronstein said initially DOT&PF installed a sign which is still at the intersection which forbids turns onto Glacier Highway between the hours of 4p.m. – 6p.m. Ms. Bronstein said she is aware that a slight decrease in accidents has occurred since the sign was installed. She is not sure by how much or how long the sign has been up. The level of accidents was still at a threshold at which safety improvements are warranted, she said.

The proposal from DOT&PF restricts left hand turns out of Trout Street and Old Dairy Road, as well as through movements through the intersection. Drivers entering the intersection from Trout Street or Old Dairy Road would be forced to take a right turn onto Glacier Highway.

DOT&PF conducted public meetings about this project at Nugget Mall in April of 2012. The project was on hold while the Trout Street Bridge was being reconstructed. The bridge is now complete with two lanes and a sidewalk on one side.

As a result of the meeting with the public and with representatives of the Breeze In, an alternative design was proposed which is a single lane traffic circle.

Concerns raised by the public include the potential for convenience oriented businesses to suffer as a result of the reconfiguration of the intersection. Customers of McDonalds and the Breeze In desiring to travel to Egan would first have to travel north to Jordan and then return to Egan via the traffic light. There is also concern that instead of taking the street, that travelers will cut through the Jordan Creek Mall parking lot instead.

In addition, both the City street department and neighbors in the area have expressed concern that Jordan Avenue is experiencing increased development. There are two 13 unit apartment buildings that are nearing completion at the end of Jordan Avenue, as well as a ten unit residential condominium and an office condominium that are located on the street.

Ms. Bronstein said the area-wide transportation plan is largely silent on the issue other than broad statements supporting improvements to traffic safety. The non-motorized transportation plan makes specific recommendations for pedestrian movements which include the “pork chop” style medians, because a two phase turn is supposed to be safer than a one phase crossing movement over a wide street. In the Comprehensive Plan, said Ms. Bronstein, several policies support economic development and the support of jobs in the area.

Mr. Haight asked what the purpose was of the recommended additional sidewalk on Jordan avenue. He asked if it was to facilitate additional pedestrians or to facilitate getting pedestrians off of a street that is not so busy currently but would be so in the future.

Ms. Bronstein said it was in anticipation of the street becoming busy.

Mr. Satre verified that on local concurrence applications if the Commission finds the application not in conformance with adopted plans then it would go to the Assembly, but if the Commission were to approve it, then it would be considered a final action, subject to appeal.

Mr. Miller asked if the Commission could request that DOT&PF come back with a different plan.

Mr. Hart answered that the Commission is only making a recommendation, it could make its recommendation and send its opinion to the Assembly.

David Epstein, of the DOT&PF, is the engineering manager for the project, and said he was present to answer any questions for the Commission.

Ms. Lawfer asked when the sign curtailing the hours when left turns could be made onto Glacier Highway Old Dairy Road was erected.

Mr. Epstein said it was 2001.

Ms. Lawfer asked if there is any crash data from the 4:00 p.m. – 6:00 p.m. time period.

Mr. Epstein said he did not have that information available.

Ms. Lawfer asked if U turns are illegal in Juneau and if U turns at the light at the intersection of Jordan Creek Mall and Nugget Mall have been studied.

Mr. Epstein replied he did not think U turns were prohibited at the Jordan Street signal. If it was they would have a “No U turn sign” posted, he said.

Ms. Bronstein said that she had heard from senior planner Ben Lyman that U turns were not prohibited in Juneau unless a sign is posted.

Mr. Medina asked if DOT&PF had performed any traffic studies of the area. He said from his observation most of the problems seem to stem from traffic going straight across.

Mr. Epstein said Mr. Medina was correct. He said the thrust of the project was to prohibit through movements of the traffic as well as left hand turns.

Mr. Medina asked if they had looked at design alternatives that considered just addressing traffic which went straight across rather than making left turns.

Mr. Epstein said they had not.

Mr. Miller asked about the decline in crashes, which seemed to indicate a 50% decrease in crashes from 30 to 13,. He asked if there was further crash data from 2010 – 2013 to suggest a further decline in crashes.

Ms. Bronstein said the data was misleading, and that 13 represents crashes due to turns and through movements, not the overall crash rate for 2006-2010..

Mr. Miller said the data still suggested a 20% decline in crashes. He said there were still alternatives to avoid preventing the elimination of left turns off of Trout Street, such as just the elimination of left turns off of Old Dairy Road and the elimination of through traffic.

Mr. Haight asked how many of the crashes were left hand turns off of Old Dairy Road vs. off of Trout Street.

Mr. Epstein said it was pretty even.

Mr. Haight asked if any consideration had been given to making the Jordan Creek intersection a roundabout vs. the one presented to the Commission.

Mr. Epstein said no consideration had been given.

Mr. Satre asked what the thresholds were that determined department action for implementing safety improvements at an intersection when looking at accident data.

Mr. Epstein said the Highway Safety Improvement program is founded on reported crashes. They look at the most recent five years of reported crash data that they have. There are basically four types of accidents; property damage only, minor injury accidents, major injury accidents, and fatalities. The data is segregated by highway segments and intersections, said Mr. Epstein. They take the cost of the accidents and compare it to the cost of a project and develop a benefit cost ratio, said Mr. Epstein. And if a certain threshold is exceeded, then a "ranked project" is created, he said.

Mr. Watson asked if the number of accidents created by the left turn going into Fred Meyer was approximately the same as the number of accidents created by the left turns at the Trout Street intersection.

Mr. Epstein said it was much higher on Egan Drive.

Mr. Miller asked if there had been studies done to measure if requiring drivers to take a more circuitous path would create more accidents on the side streets.

Mr. Epstein said he could not guarantee those types of things would not happen. He agreed that some drivers would likely cut through Jordan Creek Mall or make U-Turns on Glacier Avenue to avoid the detour. The intent of this project was to move the traffic to a signalized intersection that would be safer.

Daniel Bruce, attorney for the Breeze In Corporation, said the project was not consistent with local plans. He said the negative impact on local businesses far outweighs the impacts on traffic safety. He had a letter dated June 5, 2012 to Mr. Epstein, when they were initially voicing their opposition to the project. At that time, said Mr. Bruce, he indicated that there were seventeen angle crashes between 2004 and 2008. Eight of those were property damage only crashes, another eight involved minor injuries, and one was a major injury that required hospitalization, said Mr. Bruce.

There is a letter from a traffic consultant retained by the Breeze In, who notes that two and a half accidents a year is a relatively safe record for an intersection such as this, said Mr. Bruce. Mr. Bruce said there was a similar business in Boise Idaho that had its access blocked and it reported a 15% reduction in sales. The Breeze In is a business that operates on volume and a low margin, said Mr. Bruce. That could be the difference between a solvent and an insolvent business, he said. To put seven hundred to a thousand cars on to Jordan, which is a dark, substandard street, is increasing the risk of pedestrian vehicle accidents, said Mr. Bruce, by pushing that amount of traffic over on that road.

Mr. Bruce noted that Mr. Epstein said that the amount of traffic coming off of Trout Street and Old Dairy Road were about equal. He noted that by only blocking the left hand turns off of Old Dairy Road, the accident rate could be cut in half, instead of imposing hundreds of thousands of dollars of losses by approving this project as proposed.

There has not been an update on what the crash rates are for 2011 or 2012, nor has there been any economic analysis of the cost of the crashes. Mr. Bruce estimated that the cost of seventeen accidents, including eight minor fender benders and one hospitalization, was dwarfed by the hundreds of thousands of dollars in losses that would be imposed on local businesses.

Mr. Bruce pointed out to the Commission that Michael Reed, the traffic engineer retained by the Breeze In, noted that ninety percent of the time the intersection operates fine. There has been no analysis provided by DOT on the Level of Service at that intersection. Mr. Bruce guessed that most of the time the intersection operates at a C or a B, and that the only time it drops to an F is between four and six.

Mr. Haight asked Mr. Bruce if he thought that if drivers were presented with the opportunity to make a right hand turn to a roundabout instead of making a left hand turn that they would take advantage of that opportunity and that it would perhaps enhance the safety of the area.

Mr. Bruce said he thought it may move one or two accidents from the Breeze In to a traffic light down the road.

Mr. Miller asked if a two lane roundabout were a consideration, and if land were required from his clients, was that something that Breeze In would support.

Mr. Bruce said not knowing what the exact alignment would be, it would be better than the current proposals.

Mr. Bruce said he bet that 95% of the traffic that is making a left hand turn off of Egan is going into either the Breeze In or McDonalds. He said the right hand lane on Glacier Highway is used almost exclusively as a turn lane. Mr. Bruce said in his opinion, there has been a singular lack of imagination on the part of DOTP&F on coming up with a solution that is a win-win in this circumstance.

Mr. Watson said he wondered if the circumstances could be that similar regarding the businesses that were compared between Juneau and in Idaho.

Mr. Bruce said no they were not. He said Boise is a much larger community. He said they do not know how many other convenience businesses were in proximity to that business. He said Juneau used to have two McDonalds. Now it has only one, because the other McDonalds did not have the easy access of a drive through window. He named other fast food restaurants which had closed in Juneau due to a lack of easy vehicle access.

John Williams, manager of Jordan Creek Center, told the Commission that his business would not be affected by the proposed DOT&PF project except by the traffic which would be thrown into the Jordan Center parking lot. He said he just saw the traffic report this evening upon his arrival at the meeting. He said he felt the safe thing to do was to not block off Trout Street. Because Jordan Avenue and the Jordan Creek Center parking lot are not lit,pedestrians walking through the parking lot or on the dark street could easily be hit by cars. He said cars coming from Trout Street attempting to turn left or go straight assume that the right turn lane coming from Egan is a right turn lane and get hit by those cars when instead of turning right, they go straight.

Mr. Watson asked if there was any noticeable drop in business when the left hand turn was eliminated from Jordan Center.

Mr. Williams said it was not noticeable. He said to be frank when there was no traffic, people still turned left. In addition, Jordan Creek Center has alternative access points which allow a left hand turn.

John Logan said that no studies have been done about the impact of traffic on Jordan Avenue. He said he was worried that accidents were simply going to be moved from one intersection to another intersection.

Bruce Denton, the ownerof Jordan Creek Mini Storage, said he agreed that it was an unsafe intersection. He said he always instructed his employees to enter and exit the area through the signal at the Jordan Avenue intersection. He said he foresaw enough problems with future development of the area without adding additional traffic. Coming off the frozen bridge to the stop sign is treacherous, he added.

Bud Jaeger, property manager for the Nugget Mall, said they are opposed to the proposed DOT&PF project as well. He said there were other options that could have been pursued, but that DOT&PF refused to do so. He said timing the lights would be helpful. He said he was very surprised that state did not have a traffic count to back up their project. Instead of a sign that nobody reads, have a flashing light during the problem hours, saying “no left turns”, said Mr. Jaeger.

Larry Bauer, property manager for Jordan Creek Condominiums, said that he wanted to point out that there were no street lights at the condominiums orthe storage units. He added that a car rental business was being added on Jordan Avenue. The additional traffic generated from the DOT&PF proposal would be totally unreasonable for the area, he said. He suggested that a camera be installed and that drivers be notified that those making a left hand turn would be photographed and would receive a ticket in the mail. He said this plan was interfering with the property owners, their businesses and their income.

Mr. Bishop asked Mr. Epstein about the protocol for using cameras in conjunction with issuance of traffic tickets.

Mr. Epstein said he was not prepared to respond to that question. He said he would think that since the City was the entity that issued tickets that it would be the place to start.

Referring to Mr. Bruce's remark about Level of Service, Mr. Epstein said the only clarification he wanted to make was that capacity wasn't the issue they were trying to address with the intersection, it was angle crashes.

Mr. Satre asked if DOT&PF had any recent traffic volume for the area under discussion.

Mr. Epstein answered that it did.

Mr. Miller said this was the first time in his seven years on the Planning Commission that DOT(&PF) had brought something to the Commission that was not consistent. Considering the information that was brought forward, said Mr. Miller, in his opinion, he could not put forward a positive recommendation to the Assembly. It appears the most recent crash records are unavailable, and of the records that are available, the crashes seem to be declining. If this project were to move forward, it would be moving the crashes to other parking lots and areas, said Mr. Miller. Also, the potential for life threatening injuries could increase when you added vehicle pedestrian occurrences to the mix, he said.

Mr. Satre said one of the first criteria for staff is to ascertain if an application is complete. He asked if there is such a criteria required on a CSP application.

Ms. Bronstein said her understanding is that there is very little guidance given as to what is required for a CSP review. Their review is limited to a 90 day period, said Ms. Bronstein.

Mr. Satre said in this case it would be better for the Commission to find in one way or the other to allow for the process to continue.

Ms. Bronstein said in this case,the hearing was being held on the last possible day it could be held for this project. The 90 day period ends on December 25, she said.

If the Commission finds this plan is not in conformance with its plans, what kind of time frame is the Assembly on, asked Mr. Satre. What would transpire if the Commission made no comment at all, he asked.

If the Commission makes no comment, Ms. Bronstein said she believes the Commission loses its opportunity to do so.

**MOTION:** *By Mr. Medina, for approval of CSP2013 0026 with staff's recommendations and findings for this report to be recommended for approval to the Assembly.*

Speaking against the motion, Mr. Medina said he thinks the Commission lacks considerable information to make a qualified decision on this issue. He said he thinks there is a lot of data missing. Mr. Medina said he would like to see other options explored, and that the current option is certainly an economic detriment to the businesses involved.

Mr. Miller said he felt the project was just pushing potential crashes into other areas, and that the potential was there for vehicle-pedestrian accidents to occur. Mr. Miller said he did not believe this project would make it safer for the community. Just the thought of crippling businesses to ten or fifteen percent is a staggering number, said Mr. Miller, especially when there are alternatives that make the economic impacts unnecessary.

Mr. Watsonspoke against the motion, but he did not accept the forecasted 10 percent sales loss. He saw that loss as short term. He was concerned the Commission had not already thought about sidewalks in the area. He said given the resistance from the businesses in the area, that DOT&PF should have provided some additional information. He said he felt the intersection was the most dangerous on the weekends with weekend drivers attempting to turn left.

Objecting to the motion, Mr. Haight said he concurred with the comments from the other commissioners and anticipated that a good portion of the traffic would be going through the parking lots of Jordan Creek and Nugget malls which were not created for traffic.

Agreeing with the comments from his fellow commissioners, Mr. Bishop said that the intersections as they are now are not safe, and something needs to be done. He said the Commission needs conclusive evidence that an alternative would provide a safer alternative to what is currently in practice. Going through a parking lot is generally more dangerous than going through an intersection, as a rule, he said.

**Roll Call Vote:**

Ayes:

Nays: Miller, Medina, Haight, Lawfer, Bishop, Watson, Satre

MOTION FAILS

**MOTION:** *By Mr. Bishop, the commission finds that CSP2013 0026 does not meet with the City and Borough of Juneau policy in the Comprehensive Plan 8.1 for the reason that it does not show that it is more safe and it certainly is not more convenient for the users of our road system.*

Motion was approved with no objection.

Mr. Satre said the Commission is in agreement that there is an issue that needs to be solved regarding the intersection. He said they look forward to future conversations.

**X. BOARD OF ADJUSTMENT** - None

**XI. OTHER BUSINESS** - None

**XII. DIRECTOR'S REPORT**

- Flood Plain Management Update

CDD (Community Development Department) has helped remove 24 buildings since August from the high risk flood zones through approved map amendments. The department is experiencing a high volume of calls as anticipated. Half of those removed were along coastal areas and half were along riverine areas. A continuing concern that is voiced is the high premiums. People need to shop around, said Mr. Hart, because much lower premiums are available from other providers, but the department cannot recommend any providers.

Mr. Bishop asked how one shops around for a federally provided insurance.

Mr. Hart said there are private providers that provide that insurance at a lower rate.

Mr. Watson said that he understood there was a base minimum rate based upon the value of the home.

Mr. Miller said he found the difference in flood insurance was shocking.

- Road Standards

Senior Planner Laura Boyce reported that out of the Public Works and Facilities Committee the Director of Engineering was tasked to come up with suggested changes to Title 49 regarding road standards. They would like these proposals forwarded to the Planning Commission for review. Ms. Boyce commented this would probably go to the Title 49 Committee. It may best be presented first to the Subdivision Review Committee, since it touches on proposed subdivision ordinance changes.

Mr. Satre asked what form they were in.

Ms. Boyce said they were in a written format. They could be edited but could be brought to the Commission soon.

Mr. Satre said he felt it should first go through the Subdivision Review Committee and then through the Title 49 Committee.

- Development

Several housing development projects are in the development stages. People are interested in meeting the housing needs of Juneau. There are at least two tourism groups aimed at developing large tourism efforts out in the community in the entertainment/cultural areas.

Mr. Watson asked what the Gastineau Apartment situation was.

Mr. Hart said CDD had requested that they come apply for a permit. They had called in Northwind Architects. They had received a permit to begin their roof work. Mr. Hart said he does not believe they have stated any roof work at this point. Once they receive a permit, they have a year to execute the permit.
Mr. Watson asked if the Commission could receive periodic updates on the Gastineau apartments.

Mr. Hart replied in the affirmative.

**XIII. <u>REPORT OF REGULAR AND SPECIAL COMMITTEES</u>**

- Subdivision Review Committee

Mr. Medina reported that the Subdivision Review Committee met that evening. They met with the Lands Resources Manager Greg Chaney, and discussed the conceptual subdivision of Switzer 2A and 2B, with the discussion of expanding the lot size of 2A and breaking it up into smaller and more buildable parcels.

- Lands Committee

Mr. Bishop reported that the Lands Committee met December 9, and they recommended that the subdivision item previously reported on by Mr. Medina be explored further regarding Switzer Subdivision 2A, which it was. They also looked at an easement for DOT&PF for highway lighting that it recommended for approval and it discussed a proposed sale of remaining Lena lots that will be happening shortly. At the end of the meeting they heard a proposal from the Affordable Housing Commission for affordable housing fund use. They broke it up into two allocations, one for financing an accessory dwelling unit on the same lot and the second part of the fund was to be used for mobile home down payment assistance. Both were forwarded with positive recommendations.

- Auke Bay Steering Committee

The Auke Bay Steering Committee met on December Fourth. There was an excellent turn out, a full house in the UAS Library room, reported Mr. Bishop. There is a lot of enthusiasm apparent in the group. There was a lot of discussion regarding the zone change and how the group wanted to deal with it. The Steering Committee decided they did not have the time to make a determination as a body on the zone change, but would like to reserve their right to do so in the future, said Mr. Bishop.

## XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

**MOTION:** *By Mr. Watson, for reconsideration of AME2013 0015 at the next regular meeting of the Planning Commission.*

## XV. ADJOURNMENT

The meeting was adjourned at 10:12 p.m.

MINUTES

**PLANNING COMMISSION**
City and Borough of Juneau
**Mike Satre, Chairman**

REGULAR MEETING
**January 14, 2014**

## I. ROLL CALL

Mike Satre, Chairman, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

- Swearing in of new Planning Commission Members

  - ✓ Chairman Satre swore in new Planning Commission member Gordon Jackson.

**Commissioners present:** Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Ben Haight, Paul Voelckers, Nicole Grewe, Karen Lawfer, Gordon Jackson, Dan Miller

**Commissioners absent:** None

**A quorum was present**

**Staff present:** Hal Hart, Planning Director; Travis Goddard, Planning Manager; Beth McKibben, Senior Planner; Ben Lyman, Senior Planner; Eric Feldt, Planner II; Chrissy McNally, Planner I; Rob Steedle, Deputy City Manager; Amy Mead, City Attorney; Robert Palmer, City Attorney; Nathan Coffee, Architectural Associate

**Assembly members present:** Loren Jones, Carlton Smith, Karen Crane, Jerry Nankervis

- Agenda changes

  - ✓ A conditional use permit and two related variances related to the condominium development in Auke Bay were moved from the Consent Agenda to the Regular Agenda for full public hearings: USE2013 0037, VAR2013 0024, and VAR2013 0025.

- ✓ Removed from the Agenda was VAR2013 0021; a variance request to reduce street side setback and rear yard setback for reconstruction of a garage on the same footprint on Alder Street.

## II. APPROVAL OF MINUTES

- December 10, 2013 – Regular Planning Commission Meeting

**MOTION:** *by Mr. Miller, to approve the meeting minutes of the December 10, 2013, regular Planning Commission meeting, with any minor corrections or modifications provided by Commission members or by staff.*

The motion was approved with no objection.

## III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

## IV. PLANNING COMMISSION LIAISON REPORT

Mr. Nankervis thanked new commissioners and outgoing commissioners for their service.

The Assembly passed the Disturbing the Peace ordinance, which is easier to comprehend and a more useful tool, said Mr. Nankervis. The Assembly begins its finance cycle with a meeting on January, 15. It recently heard an appeal on the Atlin Drive rezone. The decision is not out yet. The Assembly has another 38 days or so to make that decision. At the Assembly Committee of the Whole meeting Monday night, the transit report was presented, with both a short-term and mid-term plan. The price tag to implement the short term plan was $200,000 and for the mid-term plan the cost was estimated at around $2 million.

A report was also made to the Assembly by Max Felix, on community health indicators. According to this report, Juneau is the healthiest community in the state of Alaska. Mr. Nankervis said there is room for improvement compared to the rest of the country in certain areas, but overall he felt it was better news than expected. It provided information on declining instances of drug overdoses among other data.

## V. RECONSIDERATION OF THE FOLLOWING ITEMS

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|---|---|
| AME2013 0015: | Rezone 82 acres of Rural Reserve to a mixture of Industrial, Commercial and Rural Reserve. |
| Applicant: | Bicknell, Inc. |
| Location: | Honsinger Pond Area |

Mr. Miller recused himself from participation on this item.

**Staff Recommendation**
Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend the rezone request to Industrial be approved. Furthermore staff recommends that no portion of the site be rezoned to Light Commercial.

Chairman Satre reviewed the item by relating the item was before the Commission for action at its last regular Planning Commission meeting on December 10, 2013. At that meeting a motion to approve staff's findings, analysis and recommendations failed by a vote of five – two. Near the end of the meeting, notice of reconsideration on this item was given by Mr. Watson. The item is now up before the Commission for reconsideration.

Chairman Satre further explained that the City Attorney's Office advised that only those Commission members who voted on the prior motion should be eligible to vote on the motion of reconsideration, should it be made. Those Commission members eligible to vote, said Mr. Satre, would therefore be; Ms. Grewe, Mr. Haight, Ms. Lawfer, Mr. Watson, and Mr. Satre.

**MOTION:** *By Mr. Watson, for reconsideration of AME2013 0015.*

In support of his motion, Mr. Watson said that when an owner purchases property, they can use or develop that property any way that it is allowed under the Land Use Code described in Title 49. Mr. Watson said that nowhere in Title 49 is it stated that a property owner is required to approach a government agency or to negotiate a purchase of the owner's property. He added an owner cannot be forced to turn their property into land that is less valuable than it is already currently noted on the maps.

Mr. Watson said the Commission certainly cannot refuse to rezone a property based upon a perceived notion based upon what it thinks the land may be used for. The Comprehensive Plan clearly states that when considering rezone requests the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration. All new zoning and rezoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps, said Mr. Watson.

Mr. Watson said that on page 135 of the Comprehensive Plan, that the search for buildable lands conducted in the 2008 Comprehensive Plan identified very little potential industrial lands suitable for development in the short term. He continued to read that lands identified for development in the near future include current and former gravel extraction areas.

A property owner, said Mr. Watson, has the right to expect fair treatment when he or she comes before the Planning Commission. He said it was for that reason that he called for reconsideration.

Speaking in opposition to the motion, Ms. Grewe said she was only speaking to the motion to reconsider, not to the application or to the merits of the application. She said the Commission

has heard this particular application in one form or another three times prior to this, and the end result has consistently remained the same.

She said the most recent vote on this issue was a strong five – two vote against the rezone request.

Ms. Grewe said she had procedural concerns. Even though Mr. Watson had been cleared by the City Attorney after initially recusing himself to vote in a prior vote on a related issue, Ms. Grewe said even though she did not know the circumstances, that it made her uneasy as a Planning Commissioner.

Ms. Grewe said she believed that the community needed closure on this issue at the Planning Commission level. She said the applicant has the right to appeal the issue before the Assembly if they wish to pursue this to another level.

Speaking in favor of the motion, Mr. Haight said he felt Mr. Watson had a reason for voting for reconsideration, and that he was willing to continue the discussion.

Ms. Lawfer said that she was opposed to the motion for reconsideration, largely for the same reasons outlined by Ms. Grewe. Ms. Lawfer said the process has been carried out, and that the land is useable under the current zoning.

**Roll Call Vote:**

**AYES:** Haight, Watson

**NAYS:** Grewe, Lawfer, Satre

MOTION FAILS

**MOTION:** *by Mr. Watson, to rescind the actions of the Planning Commission the night of December 10, 2013 for AME2013 0009* [*sic*] *(AME2013 0015), asking for unanimous consent.*

Mr. Satre said this is the first time a motion to rescind a prior Planning Commission action has happened during his tenure on the Commission.

Mr. Satre asked City Attorney Robert Palmer to clarify the difference between a *motion to rescind* and a *motion to reconsider*. Mr. Palmer answered that traditionally a *motion to rescind* is very similar to a *motion for reconsideration*. He said according to Robert's Rules of Order, Section 35, that actions cannot be rescinded or amended, "…when it has previously been moved to reconsider the vote on the main motion and the question can be reached by calling upon the motion to reconsider."

Mr. Palmer stated this means when a *motion for reconsideration* has been put on the table, and it has been decided or could be reached through a *motion for reconsideration*, then a *motion to rescind* cannot later be used.

Under questioning from Mr. Satre, Mr. Palmer said they believe the rule is the same under Mason's Manual, the authority mentioned in Title 49 to which the Commission is to adhere for its procedural rules.

Mr. Satre said under full disclosure that he did have a discussion with Ms. Mead earlier in the week about procedure, to make sure the Commission was following the right path. He added that this particular question did not come up during their discussion.

Mr. Satre said given the knowledge shared by the City Attorneys, that Mr. Watson's motion was not in order.

## VI. CONSENT AGENDA

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| VAR2013 0022: | A Variance request to reduce the lot depth dimensional standard for a bungalow lot from 80 feet to 64 feet in a D-18 zone. |
| Applicant: | Kris Barnum |
| Location: | 112 D Street |

**Staff Recommendation**
Based upon the proposed plan (identified as Attachments), and the findings and conclusions stated above, the Community Development Department Director RECOMMENDS the Planning Commission APPROVE the request.

| | |
|---|---|
| VAR2013 0023: | Variance request to reduce rear setback from 20 feet to 5 feet for the construction of a carport. |
| Applicant: | Kevin McDougall |
| Location: | 225 St Ann's Avenue |

**Staff Recommendation**
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and APPROVE the requested Variance, VAR2013 0023. The Variance permit would allow for a reduction of the rear setback from 20 feet to 5 feet in order to construct a carport.

**MOTION**: *by Mr. Miller, to approve the Consent Agenda as read with staff's findings, analyses and recommendations.*

The motion was approved with no objection.

## VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

## VIII. UNFINISHED BUSINESS

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|---|---|
| AME2013 0009: | Requested zone change from Waterfront Commercial to General Commercial of the Auke Bay Post Office property would allow for remodel of existing office space into 7 apartments; residential property on north side of Glacier Hwy. would also be re-zoned to General Commercial from Light Commercial. |
| Applicant: | Northwind Architects |
| Location: | 11893 Glacier Highway |

**Staff Recommendation**
Staff recommends that the Planning Commission recommend that the Assembly amend the zoning maps as provided CBJ 49.25.110(c).

Mr. Satre stated that Commission action on this item following its public hearing had been postponed so that the Auke Bay Steering Committee had a chance to meet and offer its comment on this issue.

Mr. Lyman said the Auke Bay Steering Committee decided after discussion on the matter it did not have the expertise or the knowledge to make a comment on the project at that time.

Additionally, since the last meeting, said Mr. Lyman, the owner of the Post Office property in question voluntarily placed a deed restriction on his property limiting it to a height of 35 feet for a period of three years. This was with the intent, said Mr. Lyman, that during the Auke Bay planning process that a better fit zoning district would be developed for the Auke Bay area than either Waterfront Commercial (WF) or General Commercial (GC). Mr. Lyman said this was showing a good faith effort on the part of the property owner that he did not want to expand the building, but to use what was there.

Mr. Lyman added that the rezoning would however run with the land, regardless of the owner, so that theoretically, another owner of the property under the General Commercial zone could construct a 55 foot building on that site. The deed restriction would put a temporary hiatus on that.

Mr. Lyman briefly reviewed his presentation of the previous regular meeting on this item for the benefit of the new Commission members. The current General Commercial zone from the entrance to Auke Bay Elementary School and the Squire's rest would be extended to the properties in question.

Since this application arrived during the tenure of the 2008 Comprehensive Plan, they would be looking to the 2008 Comprehensive Plan for consistency, not the 2013 Comprehensive Plan, said Mr. Lyman. The Marine Mixed Use zoning currently applies to both properties; the Auke Bay post office and the Iverson building, a residence across the street from the Post Office. The

applicant is seeking the rezone because there is currently unutilized space since the Post Office vacated part of the building.

The current zoning limits the density to 18 units per acre. With the rezone to GC, in the event the Post Office does not renew its lease, 50 units per acre would be possible, allowing the owner to convert the entire building to apartments.

Mr. Lyman showed the Commission the Table of Permissible Uses, and explained what the numbers on the table signified regarding permissible uses within the zones. Mr. Lyman noted this is important since the zoning runs with the land, a new owner could change the use of the land according to the table.

He reviewed that height limitations were a cause of concern between the different zones, noting that the deed restriction suggested by the owner of the property would alleviate that concern for the next three years.

Mr. Voelckers asked in light of the property owner reducing the proposed height of his property for three years while waiting for a more appropriate rezone of the area, how long the process of a more desirable zoning for the area would take. He asked if that rezone effort would be specific to Auke Bay or applicable to other areas within the community such as Douglas.

Mr. Lyman answered that this focus was on the Auke Bay area, and that the Comprehensive Plan discusses adopting new regulations for that area. The area is currently a combination of many different zones, said Mr. Lyman, not all of them being a good fit for the area, and also resulting in each property owner playing by a different set of rules. A result of the Auke Bay planning effort will result in a new set of tools for the area, one of which could be a new zoning district for the area, he explained. The plan is due to the Assembly this fall, and hopefully adopted this year.

Mr. Voelckers asked if hypothetically the GC zoning was granted, and in two years the current owner did not like the proposed changes, if they would have the option of maintaining the GC zoning, or would they be forced to adopt the new area zoning?

Rezoning is ultimately up to the Assembly with recommendations coming from the Planning Commission, said Mr. Lyman. It would certainly be a much easier thing to accomplish politically with the approval of the property owner, said Mr. Lyman. If the Assembly decided on a zone change as a right fit for the area, they could apply that rule set, he added.

Mr. Satre asked if there had ever been an effort to increase the density of WC zoning, rather than potentially fragmenting the districts.

Mr. Lyman answered that the MMU designation in the Comprehensive Plan refers to neighborhoods serving in marine-related retail, marine industrial, food and beverage services

and recreational services along with transit and transportation services with residential densities ranging from 10 – 60 units per acre.

Waterfront Commercial uses largely specify water-related, dependent or oriented use. A business catering to the general public would not be allowed in the WC zoning district, said Mr. Lyman.

In answer to Mr. Satre's question, Mr. Lyman said that is a tool they need to develop, but that it is not something that has been made a priority yet.

Mr. Satre said he would entertain a motion to open the item up again for public testimony, especially if the Commission would like to speak to the applicant regarding the three year limitation he proposed.

Mr. Watson spoke against such a motion, stating that the applicant's response was clear, and he did not feel the need for additional public comment.

**MOTION:** *by Mr. Miller, to approve AME2013 0009 with staff's findings, analyses and recommendations.*

Mr. Satre said as an individual commissioner he did have some concerns about reaching across a major thoroughfare to make changes to the zoning maps. He said it is something they have avoided in adjustments to those maps in the past, and while he understood the reasoning behind this proposed rezone, he believed it set them up for some difficult situations down the road as they looked to reshape this area.

Mr. Voelckers said he had similar concerns about setting a precedent but did not have the background to know if this type of rezone had happened in the past or not, so he appreciated Mr. Satre's comments.

Referring to the Comprehensive Plan map, Mr. Lyman said that both sides of Glacier Highway are designated to be zoned MMU with the exception of the property owned by the University of Alaska Southeast. He said this is in stark contrast to other zonings where there is a boundary designation that follows the roadway. In those cases there was a clear difference between one side of the road and another, said Mr. Lyman.

Mr. Jackson asked that the action of the Auke Bay Steering Committee on this item be reviewed again.

Mr. Lyman repeated the information for Mr. Jackson.

Mr. Jackson asked how active the steering committee was.

Mr. Lyman said this item was discussed by the committee for about 45 minutes.

Mr. Satre reviewed for Mr. Jackson that the steering committee is a brand new committee, with this item coming before it at its very first meeting.

The motion passed with no objection.

## IX. REGULAR AGENDA

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| CSP2013 0028 & USE2013 0034: | Conditional Use and City State Project review for construction of a new 20,600 SF library and associated site improvements (parking, landscaping, etc.) in Dimond Park. |
| Applicant: | City and Borough of Juneau |
| Location: | Riverside Drive |

**Staff Recommendation**

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. Further, it is recommended the Planning Commission recommend approval of the City/State Project Review. The permits will allow the development of a new 20,600 SF library and associated site improvements (parking, landscaping, etc.) in Dimond Park. The approval is subject to the following conditions:

1. The contractor is required to use flaggers when construction vehicles use any of the internal access routes in the Dimond Park Complex.
2. The contractor is required to wash down the trucks and dampen excavated material off-site prior to exiting the site as an effort to reduce dust.
3. The contractor is required to control dust and remove unwanted material from the street surface of Riverside Drive and the internal circulation routes of Dimond Park.
4. Per CBJ Disturbing The Peace code, §42.20. 095, the contractor will not be allowed to operate any heavy construction equipment before 7:00 am or after 10:00 PM Monday through Friday, or before 9:00 am or after 10:00 PM Saturday and Sunday, unless a permit is obtained from the CBJ Building Official.
5. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall at the discretion of the Community Development Department, according to the requirements at CBJ 49.40.230(d).
6. Prior to issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy, 20% of the lot must be planted with vegetation or the installation of vegetation must be bonded for.

7. Vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans.
8. The site drainage ties in with the existing storm water system for the Dimond Park Community Complex.

The library within the Dimond Park community complex is going to be 20,600 square feet, said Ms. McKibben, replacing the current Valley library housed in the Mendenhall Mall which is 6,000 to 9,000 square feet. The total Dimond Park community complex is about 70 acres, with the site for the proposed library about 1.8 acres.

This property is zoned Medium Family Residential, with city and water already available to the site. The proposed library will be adjacent to the Aquatic Center in Dimond park, said Ms. McKibben, with its parking lot oriented differently than the Aquatic Center parking lot, to shorten the distance for the library patrons. The library itself will be facing the interior road within the Dimond Park complex.

The building will have geothermal heat with an electric boiler supplement. The library plans call for:

- 6,420 square feet dedicated to adult library collections
- 1,000 square feet for young adult materials
- 2,740 square feet for the children's library
- 2, 030 square feet for meeting and study areas
- 2,250 square feet for administrative areas
- 2,790 square feet for public areas and support

The library will be a single story building, well within the height requirements for the zoning. The CBJ Engineering Department commissioned a new Traffic Impact Analysis since the library was not included in the Traffic Impact Analysis performed in 2009, said Ms. McKibben. Since the study was done and since the Aquatic Center has opened, the traffic on Riverside Drive has decreased, said Ms. McKibben. In the horizon year of 2015 which is the same horizon year in the 2009 study, all of the intersections will function at a "C" or better, on a scale of "A" being the best and "E" being the worst. The intersection at Stephen Richards Drive will function at level of service "D" at the p.m. peak hour, said Ms. McKibben, which is the lowest level the Code allows traffic service to go before mitigation is required.

All of the other intersections will be at a level "C" or better for the planning year, said Ms. McKibben.

Mr. Watson expressed surprise at the decline in traffic on Riverside in seven years, considering the addition of the Dimond Park complex with the new high school, Aquatic Center and field house.

Ms. McKibben said she felt there were a few contributory factors, including the rise in gas

prices in 2008, which contributed to a change in driving habits with a reduction of trips in the car, she said. She added that bus ridership has increased, and that the rising cost of gas may be a factor as well. Ms. McKibben said this is a phenomenon all over Juneau, not just Riverside Drive. Since a minimum level of service will be maintained before mitigation is required, Ms. McKibben said they are not recommending any additional traffic devices be installed with the addition of the library.

Ms. McKibben said that D5 zoning has a 20 percent vegetative cover requirement, and that the library showed 25 percent vegetative cover on its plans, which is no problem. The library will have a minimum of 34 required parking spaces, with two of those spaces designated as van-accessible. She said the lighting plans indicate that it will be similar to the exterior lighting for the Aquatic Center and the high school for consistency.

Mr. Miller noted that since the high school was constructed, the school zone speed requirement has increased in size, to such an extent that a car entering that area mid-zone from one of the neighborhood streets could easily miss the blinking lights indicating the necessary reduction in speed. He asked if there was a remedy for this problem, and if it was possible it may occur with this project.

Mr. Coffee responded that this project did not have plans to address that particular concern, and that from his perspective it would be more appropriately attached to a school project.

**MOTION:** *by Mr. Watson, that USE2013 0034 and CSP2013 0028 be approved, and he asked for unanimous consent on the motion.*

The motion was approved by unanimous consent.

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| VAR2013 0024 & VAR2013 0025: | A variance to reduce both side yard setbacks from10 to 5 feet, and a second variance to increase the maximum allowed height from 35 feet to 50 feet for a new 15-unit condominium in Auke Bay. |
| Applicant: | Aniakchak, Inc. |
| Location: | 11435 Glacier Highway |

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variances, VAR2013 0024 and VAR2013 0025. The Variance permit would allow for a roof and 1.5-foot long roof eaves covering a parking deck and 15-unit condominium building to encroach five feet into both side yard setbacks, and allow the condominium building to be 50 feet tall with the following condition:

1) Prior to the issuance of a Building permit, the applicant shall submit a site plan, and if needed, a narrative, showing/ describing how the snow will be managed on site, If snow

will be partially managed on adjacent property, the applicant shall submit a recorded easement addressing snow management.

2) Prior to the issuance of a Building permit, the applicant shall submit documentation that will ensure the foundation of the parking deck and building will not be eroded by water run-off along both side property lines.
3) For the Building permitting process, a surveyor shall verify all yard setbacks of the Foundation Verification Setback Form.
4) Prior to Final Certificate of Occupancy, the applicant shall submit an as-built survey showing the parking deck, building and roof eaves all ~~complying with yard setbacks~~ consistent with submitted plans.

Prior to Final Certificate of Occupancy, the applicant shall submit an as-built survey showing the parking deck, building and roof eaves all **complying with yard setbacks**.

Mr. Feldt told the Commission that the applicant is proposing a 15 unit condominium complex in Auke Bay, adjacent to the Bayview apartment property to the west. The site consists of two lots, one largely upland, and the other on the waterfront.

The applicant's site plan shows a four story condominium building towards the south end of the project, and a 27 space parking deck between the building and Glacier Highway to the north. The project consists of the covered parking area, attached to the four story condominium area with a very large roof. Each story would be accessible by an elevator, said Mr. Feldt.

The applicant is seeking variances to reduce the required setbacks on the sides of the building and parking deck roof from ten feet to five feet. The applicant had to design for the 100 year flood storm scenario, said Mr. Feldt, to be in compliance with new flood maps just passed by the Assembly in 2013. That indicates that this property could be affected by a 100 year storm that could push water up to 26 feet above mean low water. The storm could create waves three feet or higher, so the flood zone regulations require buildings in this situation to be built on supporting columns, said Mr. Feldt. The applicant would place the support posts at 26.5 feet to keep the entire building out of the flood zone, thus removing it from the 100 year storm hazard area, and also preventing the future condominium owners from having to obtain flood insurance.

The building will appear single story when viewed from Glacier Highway, due to the steep slope of the land, said Mr. Feldt. Floors one thru three will contain four two bedroom units, with three two-bedroom units on the top floor. The existing old structures on the site will be removed prior to construction.

Variance 2013 0024 reduces the side setback from 10 feet to five feet for both sides of the building and parking deck roof, said Mr. Feldt.

Variance VAR2013 0025 increases the maximum allowed height from 35 feet to 50 feet. If the height variance is denied, said Mr. Feldt, the applicant has the ability to add the fourth floor units onto the parking deck, or reduce the number of dwelling units. The staff's recommendation, said Mr. Feldt, is to ensure that the minimum vegetative cover on the site continues through the project process.

The staff recommends that both variances be approved. Mr. Feldt amended the last sentence in condition number four to read,"all consistent with submitted plans" instead of, "complying with yard setbacks".

Mr. Miller asked if the measurement for the height of the building actually started at the base of the piling for the building rather than the base of the building itself.

Mr. Feldt said this was true.

Mr. Miller said he did not see where adding ten feet was much help.

Ms. Lawfer asked if the parking deck would come straight out from Glacier Highway.

Mr. Feldt said the parking deck itself would be the same grade as the road.

Ms. Lawfer verified that the view from the road would be a 27 space parking garage.
She asked what the required amount of parking spaces were for a fifteen unit complex.

Mr. Feldt said a 15 two bedroom unit project requires 26 parking spaces. Two of the 26 spaces are required to be handicapped accessible. He added that the parking deck itself is allowed to be built up to both the front and the side lot lines.

Bill Heumann, one of the project developers, said they designed what they thought was the best product they could offer their customers. He said he owns the Bayview Apartments next door to the proposed site. Snow removal as an issue should be greatly alleviated with the covered parking deck, he said. He said with his experience, a shingled roof with a 3/12 or 4/12 pitch would hold the snow.

They have the need for the setbacks because of the width needed for the units, which they see as important space. In a narrower space, it is very difficult to get two bedrooms side by side, said Mr. Heumann, without forcing them up against the view side of the building.

Ms. Grewe asked if there was a price point for the condominiums.

Mr. Heumann said they do not know yet what the project is going to cost, but that they have been targeting about $350,000 for about 900 square feet of living space. He said he would like

to make the units affordable so that more people could have the opportunity to live on the water.

Mr. Watson asked if the items were approved, when the anticipated construction would begin.

Mr. Heumann said they would begin construction about April, if everything went according to plan.

Mr. Voelckers asked if they had initiated detailed engineering yet, and if so what kind of materials would they be using.

Mr. Heumann said they have had preliminary discussions with an engineer. He said there would be a fair amount of steel in the building.

Mr. Voelckers asked what the timeline was for the project.

Mr. Heumann said his last project they turned around in seven months from issuance of the conditional use permit last April. He said for this project he would expect a two month design period. He said he anticipates completion of the condominiums spring of 2015.

Mr. Haight asked why the pitched roof was selected over a flat roof.

Mr. Heumann said at this point in the process he didn't have an answer for that. He said the fire trucks will park in the road and use the roof as an access to the building. He said what really defined the roof over the parking deck was the roof over the building.

Mr. Haight said he thought that a flat roof would be more amenable to the fire department than a pitched roof.

Mr. Heumann replied that what the Fire Department is interested in is ladder height. They want the height between the parking garage and the complex to be similar.

THIS IS NOW PUBLIC COMMENT. THERE SHOULD BE A HEADING HERE STATING THIS

Resident Carla Hart said she supports more housing density, but that she had some concern about the variances for the setbacks and height. She said she did think it was good to have elevators in the building, because she knew there were people in the community with mobility challenges who found housing difficult to locate. She added that she did not think there was enough parking provided considering those occasions when residents would have guests. She said she did not think the roof would hold the snow load indefinitely before dislodging it. She also said she felt the runoff from the site should be addressed carefully before being turned over to a condominium association. She said she did not feel a parking garage facing the street would make it a welcoming place to walk past.

Ms. Hart thought a landscaped area with benches along that way would be a fair mitigation in return for the setback allowances. She said she loved the idea of a flat roof, so that residents of the building could have a garden space or other usable space on the roof, which would add to the community feeling of Auke Bay.

Mr. Medina said he had a procedural question. He said he did not hear the Commission convene as a Board of Adjustment when it heard the staff report.

Mr. Satre said they would do so when they made the motions. They would make a motion on the conditional use permit and act on that. Then if needed, they would convene as a board of adjustment.

Mr. Heumann said there is a public easement on the property that is not currently used. It would provide nice access for the public, he said. He added that he asked for a variance for height for as much as he thought reasonable, so that there would be room to maneuver if discrepancies arose.

**MOTION:** *by Ms. Grewe, that USE2013 0037 be approved with staff's findings, recommendations and analyses.*

Mr. Voelckers said he has some concerns with some aspects of the variance, and that he had problems giving a conditional use permit for something that would be hypothetical if the variances are denied.

**Roll Call Vote:**

Ayes: Miller, Jackson, Grewe, Haight, Lawfer, Peters, Watson, Satre

Nays: Voelckers,

MOTION PASSES

## X. BOARD OF ADJUSTMENT

The Commission convened as a Board of Adjustment to take action on VAR2013 0024 and VAR2013 0025.

**MOTION:** *by Mr. Miller, to approve VAR2013 0024 with staff's findings, recommendations and analyses. Mr. Miller added that to staff's recommendation Number 1 that the phrase "including the snow from the roof" be inserted after "how the snow will be managed on site".*

Recommendation Number 1 would then read:

> *Prior to the issuance of a Building permit, the applicant shall submit a site plan, and if needed, a narrative, showing/describing how the snow will be managed on site, <u>including the snow from the roof</u>. If snow will be partially managed on adjacent property, the applicant shall submit a recorded easement addressing snow management.*

Mr. Miller said a metal roof, for example, on that slope, could potentially shed a much larger pile of snow than just five feet. Mr. Miller said the current plans for a 3/12 pitched roof with shingles should hold the snow. He added that he really liked the idea of a flat roof with a garden space.

Mr. Voelckers said he was uncomfortable with the variance for the side yard setbacks, specifically. Mr. Voelckers said the very first line in Title 49 under variance requirements states: "Where hardship and practical difficulties result from an extraordinary situation or unique physical features affecting only a specific parcel property."

Mr. Voelckers said that he had not heard anything specific, unusual or unique about the property, merely that the applicant likes the potential of getting to the full 15 units that is the legal-carrying maximum of this lot. If the variance isn't granted, it would result in an additional five feet on either side of the building, which may or may not require getting rid of a unit, or however units may be stacked vertically, said Mr. Voelckers. He said he would take Title 49 literally meaning that if there were not unique circumstances, then a variance was not the right vehicle to second guess whether this zoning district should have a ten foot setback or a five foot setback. He said he did not believe the burden of proof had been met.

Mr. Watson said he thought the applicant had done a fairly good job of explaining the challenges. The slope on the property is very steep, and if the Commission is trying to encourage housing in this community then it has to look at these proposals in a very positive way, he said. An opportunity to add another unit to the community is very important, said Mr. Watson. Mr. Watson added that he felt the steep slope and the flood plain issue which adds tremendous cost for the developer are substantial issues that need to be considered. To reduce the size of the project cuts the payback to the applicant and discourages other developers, said Mr. Watson. He said he did not see the five foot setback being harmful in any way to property owners on either side.

Speaking in favor of the motion, Ms. Grewe said she thought the applicant had met the burden of the first line of the variance requirements, regarding the topography of the lot, combined with the flood zone issue. Her concern about the snow shed from the roof has been addressed with the first condition.

Mr. Haight also spoke in favor of the motion, stating that he felt since the parking structure is permitted to be constructed up to the lot line, that this set the definition for the remainder of the structure as well.

**Roll Call Vote:**

**Ayes:** Miller, Jackson, Grewe, Haight, Lawfer, Peterson, Watson, Satre

**Nays:** Voelckers

MOTION PASSES

**MOTION:** *by Mr. Miller, that VAR2013 0025 be approved with staff's findings, analyses and recommendations.*

Mr. Satre clarified with Mr. Feldt that the intention of the recommendations was that they were to be the same for both variances.

Mr. Feldt answered in the affirmative.

Mr. Satre asked that condition number one be reworded so that it was the same as the first condition on VAR2013 0025.

The motion passed with no objection.

**XI. OTHER BUSINESS** - None

**XII. DIRECTOR'S REPORT**

COMMUNITY DEVELOPMENT

Mr. Hart said the eyes of the community are watching the Auke Bay Steering Committee. He said he had been contacted by representatives from the Douglas community, asking for Mr. Hart to provide them an update of the development and process in Auke Bay. He said there are a number of items in the Douglas area winding their way through the department, which the Commission would be seeing in forthcoming meetings. Mr. Hart said he had enquiries about the store attached to the gas station in Douglas which recently closed, and there is an effort to potentially demolish the old washateria building in Douglas. At the same time, said Mr. Hart, there are investments occurring in the area; a triplex, several homes, with other projects coming up in 2014, including the upgrade of some existing buildings.

Each project which occurs in the community creates the opportunity to address things not addressed before, such as a sidewalk and related amenities, said Mr. Hart.

The Planning Department is coordinating in Auke Bay, and looking at businesses which are expressing an interest in the area. Mr. Hart said that he will be sending out monthly reports regarding how many permits are issued in the area, as well as the progress of the Auke Bay Steering Committee from month to month.

BUILDING PERMITS

Mr. Hart said he will be providing the Commission with permit numbers from 2013. He said that Juneau had 60 new residential building applications totaling almost $15 million this past year. This was up 27 applications from the previous year, he added. Commercial development including remodels and additions totaled almost $78 million. Permit value is several percentages lower than the street market value for a property, Mr. Hart explained. The Planning Department issued 755 total permits issued last year, compared to 810 permits issued this year. Mr. Hart said if he is reading the data correctly, that Juneau is still falling behind in its issuance of building permits from previous years.

PICTURE OF THE COMMUNITY

Mr. Hart also wanted to provide the Commission with the information provided at the Assembly Committee of the Whole meeting the previous evening on community health indicators. He said all of this information added up to build a picture of the community. By looking at the available data, Mr. Hart said he was surprised to find that there are 1,300 people living out the road past Auke Bay.

QUESTIONS FOR THE DIRECTOR

Mr. Watson asked when Mr. Hart would be presenting the FY 13 information to the Assembly.

Mr. Hart said he would be meeting with the City Manager and Deputy City Manager tomorrow, and providing the rest of the information at different intervals. Mr. Hart said he was not sure at this time when he would be providing that information to the Assembly.

Mr. Watson said a permit for remodels is a real vote of confidence for the community. He said it is an indicator from the community that becoming involved in the community is worth the investment.

Mr. Watson said he has never seen a development director involved in the community as Mr. Hart is involved in the Juneau community. Mr. Watson said he sees Mr. Hart out in the community from early morning to late in the evening.

Mr. Hart said the Comprehensive Plan is an amazing document, and that it carries the Planning Department into many different venues.

Mr. Voelckers asked if there was enough information available to give a sense as to the progress of development in the community compared to other years.

Mr. Hart said his biggest concern and also his biggest hope rests with the neighborhoods. Housing is doing well, said Mr. Hart. He said he feels it is important to provide community development through working with people to draw them together to create a vision, but to also follow that with investment. It's an investment in the neighborhood, said Mr. Hart.

Mr. Hart said his biggest fear is that the community becomes too dependent on institutional funding for its big projects.

## XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

COMMISSION ON SUSTAINABILITY

Mr. Haight reported that the Commission on sustainability met last week. There is a retreat for the Commission scheduled for January, 25. They discussed a proposal by Alaska Hydropower to dedicate a $1 million from the head tax fund towards providing power for the cruise ships. There was also a presentation about the heating district concepts in the Willoughby area, and also discussion on the possible application of that to other areas.

PUBLIC WORKS AND FACILITIES

The Public Works and Facilities committee met on Monday and discussed an LID proposal for Dun Street, a street in name only at this point. This property belongs to Mr. Harris, and he has approached the Borough for him to pay for a street to be put in, and construct according to code. It was decided that this item proceed to the Committee of the Whole to be discussed.

They also received an update on bio solids. The Borough signed a five year contract on removing solid waste from the community. There is concern on both the Public Works committee and the Assembly that this is a band aid, and that a plan is needed.

AUKE BAY STEERING COMMITTEE

Mr. Watson attended the meeting of the Auke Bay Steering committee about a week ago, in which organization of the new committee began taking place. Mr. Watson said it appears the committee has a good feel for its mission and a good direction. The Planning staff was well represented, said Mr. Watson, which was very helpful for the committee.

HISTORICAL RESOURCES ADVISORY COMMITTEE

Mr. Satre said the Historical Resources Advisory committee which meets once a month is interested in having a representative from the Planning Commission on the committee. Mr. Satre said he would not be assigning a Planning Commission liaison to the committee, but if a Commission member was interested in serving on that committee, to let him know.

## XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Ms. Grewe commented that she was surprised how swiftly the Economic Development Plan got approved by the Assembly. She said on the one hand she was pleased with how fast it moved

through the channels to approval, but that she wanted to make sure the Commission and the staff are involved, because it has to have a life beyond elected officials.

Mr. Watson said that a comment had been made by a Commissioner about a conflict of interest on his part during the first application heard that evening. He said that any time that a Planning Commissioner feels that another Commissioner may have a conflict of interest, that they have the right to ask that Commissioner to step down at any time.

Attendance at Planning Commission meetings and Committee of the Whole meetings is very important for Planning Commission members, said Mr. Watson. He said he felt for those Commissioners who didn't attend the necessary meetings, that it put an unnecessary burden on the remaining members.

## XV. ADJOURNMENT

The meeting was adjourned at 9:46 p.m.

# THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - August 31, 2015

**MEETING NO. 2015-24:** The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Merrill Sanford.

## I. ROLL CALL

Assembly Present: Mary Becker, Karen Crane, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis (telephonic), Merrill Sanford, Kate Troll and Debbie White.

Assembly Absent: None.

Staff Present: Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Rorie Watt, Engineering-Public Works Director; Greg Chaney, Lands & Resources Manager; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Patricia DeLaBruere, Airport Manager; Jordan Nigro, Zach Gorden Youth Center Manager.

## II. SPECIAL ORDER OF BUSINESS

A. John Venables Proclamation

Robert Venables was present for Mayor Sanford's reading of a proclamation honoring the work of his father, John Venables, a beloved historical re-enactor, who portrayed many important figures in Alaska's history. He was instrumental in initiating the Seward Statue project, wrote a book "Journey to Statehood" and he honored all Alaska specific holidays. Mr. Venables said that his father loved Juneau and his family appreciated the honor.

## III. APPROVAL OF MINUTES

A. August 10, 2015 Regular Assembly Meeting No. 2015-22

Hearing no objection, the minutes of the August 10, 2015 Regular Assembly Meeting 2015-22 were approved.

B. August 17, 2015 Special Assembly Meeting No. 2015-23

Hearing no objection, the minutes of the August 17, 2015 Special Assembly Meeting 2015-23 were approved.

## IV. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Steedle requested that the item "Update on Recent Incident at Lemon Creek Correctional Center" be removed from the Agenda. He suggested moving the agenda item "Bicknell v Planning Commission" proposed decision on appeal from Unfinished Business to the end of the agenda to allow for an executive session. Mr. Steedle also noted that the manager's report for Ordinance 2015-41 under introduction of ordinances contained an error. The amount of rebate would be $225.00, not $200.This would be corrected in the next version.

Hearing no objection, the manager's requests for agenda changes were approved.

## V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

*Ben Wilcox* spoke about the work of the marijuana committee, and said it would be beneficial to add public members with the interest and time to commit to the issue to the committee. He was disappointed in that some committee members had missed meetings and had stated they did not have time to read the material prior to the meeting, and that some meetings had been cancelled.

*Wayne Coogan* referred to his recent communication with the Assembly regarding a 60 unit housing project he would like to propose to the community on the site near the Douglas Bridge. This may be a late proposal, but he did not see another parcel like this downtown and said it was worthy to discuss. This was not meant to be an "anti-whale sculpture" and some small adjustments to the plans could be made to allow both projects to go forward on the site.

Ms. Troll said she received the communication and found it intriguing but how did it blend in with the long term waterfront project and accommodate the whale sculpture. She asked if he would be willing to meet with staff on this.

Mr. Coogan said one of the biggest hurdles was parking. He was busy with projects and hoped it would be discussed.

*Zeke Smyth* said he was working on a housing / recreational project on Douglas Island across the street from the tank farms on USMS 569, and was cooperating with his neighbor on a subdivision project. He would be making a presentation to the Planning Commission at a future date.

## VI. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

*MOTION, by Becker, to adopt the consent agenda*. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

   a. Ordinance 2015-40 An Ordinance Extending the Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to Marijuana Establishments.

      On January 12, 2015, the Assembly adopted ordinance 2014-50, establishing a moratorium on the acceptance or approval of any development permit pertaining to marijuana establishments. The purpose of the moratorium was to allow the CBJ time to consider and enact time, place and manner legislation

concerning the operation of marijuana establishments in the CBJ. The moratorium is set to end on October 19, 2015, but the CBJ's work has not yet been completed.

This ordinance would extend the moratorium to December 31, 2015, to allow the CBJ time to adopt land use regulations prior to the deadline set by state law for the State to begin the processing of marijuana establishment registrations.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

b. Ordinance 2015-41 An Ordinance Amending the Uniform Sales Tax Code Relating to the Senior Citizen Sales Tax Exemption.

Based on recommendations from both the Assembly Tax Exemption Review Committee and the Finance Committee, this ordinance would amend CBJ 69.05.045, Senior Sales Tax Exemption, by limiting the exemption to purchases of essential items (defined as food, heating fuel, electricity and CBJ water and sewer utilities) except for those seniors with a household income at or under 250% of the federal poverty level established for Alaska, who would retain the full existing senior exemption on all purchases.

On July 30, 2015, the Finance Committee addressed two significant implementation policies and recommended the following:
1. The ordinance should define essential food items based on the Federal Food Stamp / SNAP definition of food items. Additionally, only SNAP program participating merchants will be able to exempt senior purchases of qualifying food.
2. CBJ 69.05.045 would provide for an annual rebate in the amount of $200 to each senior with a household income under 250% of the Federal poverty level for Alaska. This rebate would represent an estimate of the sales tax that would be paid on a senior's non-essential purchases.

The ordinance would have an effective date of January 1, 2016, to allow time for senior citizen education, merchant implementation and in order to allow the Finance Department sufficient time to plan for the implementation and administration of the program.

**The manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

c. Ordinance 2014-24(AW) An Ordinance Appropriating to the Manager the Sum of $15,390,272 to Fund the City and Borough of Juneau's Fiscal Year 2015 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This appropriation is the State's FY15 42.41% on-behalf PERS benefit paid for CBJ. Funding was authorized by passage of SB119 during the 2014 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on the CBJ's finances.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

d. Ordinance 2014-24(AX) An Ordinance Appropriating to the Manager the Sum of $13,974,804, to Fund Bartlett Regional Hospital's Fiscal Year 2015 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This appropriation is the State's FY15 42.41% on-behalf PERS benefit paid for Bartlett Regional Hospital. Funding was authorized by passage of SB119 during the 2014 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH's finances.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

e. Ordinance 2015-20(L) An Ordinance Appropriating to the Manager the Sum of $543,671 as Funding for the Juneau International Airport Terminal Rehabilitation Capital Improvement Project; Funding Provided by the Federal Aviation Administration and the State of Alaska Department of Transportation.

This ordinance would provide funding to acquire a Passenger Boarding Bridge and ADA Passenger Ramp. Funding is provided as follows:

| | |
|---|---|
| Federal Aviation Administration grant: | $526,133 |
| State of Alaska Department of Transportation: | $ 17,538 |

The FAA funds 93.75% of the project with the remainder being split between Alaska DOT and Juneau International Airport (Res 2713d Area Wide Sales Tax).

The Airport Board approved this action at its April 9, 2014, May 14, 2014, and August 13, 2014 meetings.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

f. Ordinance 2015-20(M) An Ordinance Appropriating to the Manager the Sum of $500,000 as Funding for the Juneau School District Deferred Maintenance and Minor Improvements Capital Improvement Project, and $300,000 for the Juneau School District Comprehensive Facility Plan; Funding Provided by the 2009 Special Capital Projects 1% Sales Tax Fund's Fund Balance.

This ordinance would appropriate a total of $800,000.

The Juneau Board of Education approved this action at its June 9, 2015 meeting.

The Committee of the Whole approved this action at its June 22, 2015 meeting.

The Assembly Finance Committee approved this action at its July 30, 2015 meeting.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

g. Ordinance 2015-20(N) An Ordinance Appropriating to the Manager the Sum of $160,000 as Funding for the Emergency Management Performance Grant; Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

This ordinance provides funding from the Division of Homeland Security and Emergency Management (DHS&EM) under the 2015 Emergency Management Performance Grant (EMPG), awarded to the City and Borough of Juneau.

Federal Grant Number: EMW-2014-EP-00054
State Grant Number: 20EMPG-GY15

These funds are provided to reimburse the City and Borough of Juneau for payroll and benefit costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant for CBJ emergency programs, police, and fire staff in the performance of emergency management functions in planning, training, exercise, and equipment procurement within the grant performance period.

EMPG performance includes, but is not limited to, the following tasks:

1. Preparing the jurisdiction's Local Capability Assessment (LCA) document for the State.
2. Required attendance of the State's 2016 Bi-Annual Conference, Multi-Year Training, and Exercise Plan Workshop (TEPW), and development of a local jurisdiction Multi-Year Training and Exercise Plan to be submitted to the DHS&EM at the TEPW.
3. EMPG-funded personnel should make every attempt to participate in no less than three exercises during the performance period.
4. Continued utilization and work towards adoption and implementation of the National Incident Management System (NIMS).
5. Complete the FEMA Independent Study Professional Development Series.
6. Timely submissions of quarterly reports.
7. Required dollar-for-dollar, in-kind match is provided through CBJ emergency management staff personnel services.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

h. Ordinance 2015-20(O) An Ordinance Appropriating to the Manager the Sum of $19,018 as Funding for the Local Planning Committee; Grant Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

This ordinance provides funding from the Division of Homeland Security and Emergency Management (DHS&EM) under the 2016 Local Emergency Planning Committee Grant (LEPC), awarded to the City and Borough of Juneau.

State Grant Program Number: 20LEPC-GY16

These funds are provided to reimburse the City and Borough of Juneau for payroll, benefits, and LEPC program implementation costs incurred in direct support of the goals and activities of the 2016 Local Emergency Planning Committee Grant for the Juneau LEPC. Activities funded under this grant include, but are not limited to:

1. Management to support the day-to-day sustainment of the committee.
2. Payroll and benefits.
3. Outreach to support the committee's baseline goals of public involvement in the emergency planning process, community right-to-know, all-hazards awareness, and LEPC membership.
4. Meeting room rental, office supplies, postal, printing, copying.
5. Promotional items: handouts and media campaigns.
6. Preparedness to support the LEPC's baseline goals of Tier II report monitoring, increasing awareness of and planning for chemical, and all-hazards events, and helping communities prepare and mitigate through planning and preparedness for potential events.
7. CERT program.
8. Preparedness Events (Training, EXPO).

There is no match requirement for this grant.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

2. Bid Award

a. Salt and Sand Storage Facility

Bid Award E16-013 Salt and Sand Storage Facility
Project includes construction of an approximately 18,000 square foot pre-engineered fabric structure, site work, concrete foundations, asphalt paving, ecology blocks, and limited lighting and power, for the bulk storage of salt and sand.

| Bidders | Total Bid |
|---|---|
| Dawson Construction Inc. | $1,139,200.00 |
| Trucano Construction | $1,161,179.00 |
| North Pacific Erectors, Inc. | $1,182,475.76 |
| Alaska Commercial Contractors, Inc. | $1,198,740.00 |
| Miller Construction Co. Ltd. | $1,287,750.00 |

**ENGINEER'S/ARCHITECT'S ESTIMATE**: $1,191,164.00

**The Manager recommends award of this bid to Dawson Construction Company, Inc. for the total bid amount of $1,139,200.00.**

## VII. PUBLIC HEARING

A. Ordinance 2015-03(c) An Ordinance Amending the Land Use Code Relating to Subdivisions.

The proposed ordinance would amend portions of Title 49, the Land Use Code, primarily regarding the requirements and improvements related to the subdivision of land.

The most significant proposed changes include increasing the number of lots in a minor subdivision, streamlining the process for major subdivision review, revising remote subdivision requirements, and revising street improvement standards to provide more options for street construction - including the option for developers to construct privately maintained access roads. There are a number of minor changes as well.

The Planning Commission reviewed the proposed ordinance at its May 26, 2015, meeting and recommended forwarding it to the full Assembly for approval. The Assembly Committee of the Whole considered this ordinance at its July 27 and August 3, 2015, meetings. Amendments are reflected in version (c) of the ordinance and are shown by italicized underlines and strikethroughs.

**The Manager recommends this ordinance be adopted.**

Public Comment: None.

Assembly Action:

*MOTION, by Gladziszewski, to adopt Ordinance 2015-03(c).*

*MOTION, by Gladziszewski, to amend on page 52 of the ordinance, regarding roadway construction standards, which were not variable, in the section "if more than 500 daily trips, street lights should be continuous" - to change"continuous" to "at all intersections."*

Ms. Gladziszewski said she spoke with the Engineering Director who had no issue with the proposed change.

Mr. Kiehl asked if the Planning Commission could review the largest arterial street feeding that subdivision and require lights along that largest street. Ms. Mead said these are minimum standards and the CBJ has the ability to prescribe different or additional standards if there is an unusual situation to allow for health and life safety protections.

Hearing no objections, the amendment was approved.

*MOTION, by Troll to amend on Page 7 regarding the purpose of subdivisions, to add to item 5, the words, "while addressing neighborhood harmony, and"*

Ms. Troll said much of the revisions in Title 49 was to move subdivisions forward in a more timely manner and this ordinance adjusted the parameters, but this effort needed to be balanced with some site by site accommodations. She said this provided a "soft touch" and attempts to be sensitive to the need to talk with neighbors about making small adjustments that would allow the subdivision to address neighborhood concerns and move the process forward.

Mr. Jones said the words neighborhood harmony were difficult to define. Issues arose when zoning districts abutted each other and conflicts arose based on uses. He thought the words "neighborhood harmony" were in the comprehensive plan and was not sure this was the right place for it. Ms. Mead said that the section proposed for amendment was a general applicability section and was correctly placed. Ms. Mead said CDD the comprehensive plan anticipated that CDD would use tools in Title 49 such as buffers, vegetative requirements and setbacks in the management of development of property to ensure preservation of neighborhood harmony. Mr. Jones suggested it be its own subsection and not related to housing.

Ms. White said she opposed adding this as she felt it would lead to problems.

Mr. Nankervis said he had also been to Planning Commission and has observed the difficulty of defining "neighborhood harmony," which lacks clarity.

Ms. Gladziszewski asked where in the code the Planning Commission was required to address neighborhood harmony. Ms. Mead said it was applicable to conditional use permits. Ms. Boyce confirmed that was the only application now of "neighborhood harmony."

Ms. Becker was opposed to the motion and said there were many ways to address the issues in the subdivision review process.

Mr. Jones said that when a subdivision request went before the Planning Commission there was not a discussion of uses in particular or the purpose of using the land. The issues of neighborhood harmony would come into play in the land use decisions.

Mr. Kiehl asked if neighborhood harmony was a part of the existing subdivision process and Ms. Boyce said yes, in a major subdivision in which a conditional use permit was needed.

Ms. Crane said the director would not be required to consider neighborhood harmony in this new minor subdivision review and that was her biggest problem with this ordinance. She thought addressing it up front would be better than having problems later on.

Roll call:
Aye: Crane, Gladziszewski, Kiehl, Troll
Nay: Becker, Jones, Nankervis, White, Sanford.
Motion failed: 4ayes, 5 nays.

*<u>MOTION</u>, by Troll, to amend on page 8, Item 2 regarding public notice, to have the public notice apply to subdivisions of two to thirteen lots.*

Ms. Troll said she wanted to have notice as outlined for subdivisions of 4-13 lots apply for minor subdivisions of 2-13 lots. She did not want to have two classes of public notice.

Ms. White said this issue had been discussed in detail in committee and did not support the motion.

Mr. Nankervis objected.

Roll call:
Aye: Crane, Jones, Gladziszewski, Troll

Nay: Becker, Kiehl, Nankervis, White, Sanford
Motion failed, 4 ayes, 5 nays.

Mr. Jones said if this ordinance was adopted there would be some conflict with current practice and asked if the amendment to this code to allow the current practice to remain was on track. Ms. Mead said CDD intends to apply the ordinance as drafted and there was one change proposed with a subsequent amendment. Currently the frontage and access requirements were standards that could not be varied, and in the draft before the Assembly access was found under the design section and design elements could be varied. It is being left there is so CDD can continue to apply different standards to allow subdivisions to move forward. The plan is for CDD to articulate internally the minimum standards to embody in the code and they were currently working on this. Ms. Boyce said the Planning Commission Committee of the Whole was tentatively scheduled for October 22 to address this topic and provide direction for action.

*MOTION, by Nankervis, to amend Division 4, Privately Maintained Access in Rights-of-Way, under 49.15.430, Purpose, to strike the words "located outside the urban service area."*

Mr. Nankervis said this was discussed at the COW and said he was concerned about the city being required to take over maintenance of dirt roads, which was more costly to CBJ.

Mr. Kiehl objected and said the previous discussion was to ensure the prohibition of roads inside the urban service boundary to be privately maintained at less than full public street standards. He spoke about the future requests from residents for the city to take over maintenance and do improvements if those type of streets were allowed within the urban service boundary, which would shift costs to the community a few years out.

Roll call:
Aye: Becker, Nankervis, White, Sanford
Nay: Crane, Jones, Gladziszewski, Kiehl, Troll
Motion failed 4 ayes, 5 nays.

Roll call to adopt Ordinance 2015-03 as amended:
Aye: Becker, Jones, Gladziszewski, Kiehl, Nankervis, Troll, White, Sanford
Nay: Crane
Motion passed, 8 ayes, 1 nay.

B. Ordinance 2015-20(F) An Ordinance Appropriating to the Manager the Sum of $72,500 as a Transfer to the Parks and Recreation Department, Recreation Division in the Roaded Service Area as Partial Funding for the After School Program and Young Parents Healthy Teen Program; Funding Provided by a Portion of the Social Services Advisory Board and Mayor and Assembly Grants in the General Fund.

This appropriation would consist of a $47,500 Assembly grant for the Juneau After School Coalition and a $25,000 Social Services Advisory Board grant for the Young Parents Healthy Teen program.

Parks and Recreation has been offered the opportunity to take over management of the Body and Mind (BAM) After School Program, and the Young Parent Healthy Teen Center (YPHTC). Both of these programs had been previously managed by Catholic Community Services. The senior management team of Parks and Recreation believes this is an excellent fit with the Zach Gordon Youth Center (ZGYC).

BAM operates in both middle schools and the YPHTC operates out of the ZGYC. Both programs will be managed by the ZGYC manager and will allow for Parks and Recreation to be at the forefront of youth offerings in our community. These programs will rely heavily on partnership and collaboration, so as to remain financially viable and offer the highest possible service to our community's youth.

**The Manager recommends this ordinance be adopted.**

Public Comment:

Kevin Ritchie introduced a video made for a fundraising campaign for the program, which the volunteers would continue. He distributed information on an analysis of the B.A.M. Program from 2012 - 2015.

Assembly Action:

*MOTION, by Becker, to adopt Ordinance 2015-20-(F).*

Mr. Jones asked about a transfer of funds to the Parks and Recreation Department from the grants program, and if in future budgets this would be a reduction to Assembly grants and an increase in the Parks and Recreation program. Mr. Steedle said that was correct and it would become an annual appropriation subject to Assembly approval.

Ms. Crane did not object but thought this was a good discussion to have at the Finance Committee.

Ms. Troll said she has participated in the program and said it does make a difference in the lives of students.

Hearing no objection, it was so ordered.

C. Ordinance 2015-20(I) An Ordinance Appropriating to the Manager the Sum of $669,055 as Funding for the Juneau International Airport Aircraft Rescue & Fire Fighting (ARFF) Truck Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Alaska Department of Transportation.

Funding is provided as follows:

| | |
|---|---|
| Federal Aviation Administration grant: | $647,473 |
| Alaska Department of Transportation grant: | $ 21,582 |

The FAA funds 93.75% of the project with the remainder being split between Alaska Department of Transportation and Juneau International Airport (Res 2713d Area Wide Sales Tax).

The Airport Board approved this action at its July 18, 2015 meeting, and recommended forwarding it to the full Assembly for approval.

**The Manager recommends this ordinance be adopted.**

Public Comment: None.

Assembly Action:

*MOTION, by Jones, to adopt Ordinance 2015-20-(I).*

Mr. Jones asked why Ordinance I and J were not combined into one ordinance.

Ms. DeLabruere said Ordinance I was for the truck, and Ordinance J was to modify the existing building to accommodate the new truck. She said they were still a year out for getting the truck in the purchase process.

Hearing no objection, it was so ordered.

D. Ordinance 2015-20(J) An Ordinance Appropriating to the Manager the Sum of $413,333 as Funding for the Juneau International Airport Aircraft Rescue & Fire Fighting (ARFF) Building Modification Design & Environmental Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Alaska Department of Transportation.

This appropriation is for designing the modification of the ARFF station to accommodate a new larger truck, and satisfying environmental requirements. Funding is provided as follows:

| | |
|---|---|
| Federal Aviation Administration grant: | $400,000 |
| Alaska Department of Transportation: | $ 13,333 |

The FAA funds 93.75% of the project with the remainder being split between Alaska Department of Transportation and Juneau International Airport (Res 2713d Area Wide Sales Tax).

The Airport Board approved this action at its July 18, 2015 meeting, and recommended forwarding it to the full Assembly for approval.

**The Manager recommends this ordinance be adopted.**

Public Comment: None.

Assembly Action:

*MOTION, by Jones, to adopt Ordinance 2015-20-(J).*

Mayor Sanford asked about the Sales Tax of $13,334 in the EIN. Ms. DeLabruere said that this amount was previously appropriated in a resolution.

Mr. Jones asked what the next appropriation for the construction would be and when would that take place. Ms. DeLabruere said the design would determine the work needed and the cost the Airport Board had programmed was roughly $1.8 million for the work in the FY16 budget. The funding source would be 93.75% FAA funding and the balance split between state and local funds.

Hearing no objection, it was so ordered.

E. Ordinance 2015-20(K)(b) An Ordinance Appropriating to the Manager the Sum of $868,025 as Funding for the Juneau International Airport Runway Safety Area (RSA) Phase IIB

Design Northeast (NE)/Northwest (NW) Apron and Continued Perimeter Fencing Capital Improvement Project; Funding Provided by the Federal Aviation Administration, Alaska Department of Transportation, and Juneau International Airport Fund's Fund Balance.

Funding is provided as follows:

| | | |
|---|---|---|
| Federal Aviation Administration grant: | *813,7$3** | |
| Alaska Department of Transportation: | *27,126** | $ |
| Juneau International Airport (Airport Fund Balance): | $ *27,126** | |

The FAA 2015 Reauthorization Bill allows federal financial participation on this project at *93.75%**, the remainder being split between Alaska Department of Transportation and Juneau International Airport.

The Airport Board approved this action at its July 18, 2015 meeting, and recommended forwarding it to the full Assembly for approval.

***Updates reflected in the (b) version of the Ordinance available in the packet. Does not constitute substantive change.***

**The Manager recommends this ordinance be adopted.**

Public Comment: None.

Assembly Action:

*MOTION, by Crane, to adopt Ordinance 2015-20-(K)(b).*

Mayor Sanford asked about the changes in version b. Ms. DeLabruere said it was previously anticipated that FAA would fund this at 95%, but through further discussion, they determined that it would be funded at 93.75%. She said the state's budget provided the higher amount necessary.

Hearing no objection, it was so ordered.

## VIII. UNFINISHED BUSINESS

A. Bicknell v Planning Commission - Appeal of AME2013 0015 - Request for Rezoning USS 1568 TR B

At the regular Assembly meeting on February 24, 2014, the Assembly accepted the appeal from petitioner Bicknell, Inc., regarding the Planning Commission's Decision in AME2013 0015 denying a request to rezone 82 acres of Rural Reserve land at USS 1568 TR B to a mixture of Industrial, Light Commercial and Rural Reserve. At a special Assembly meeting on March 10, 2014, the Assembly retained John Corso as hearing officer for the matter.

The hearing was held on June 15, 2015. Mr. Corso submitted a draft decision to the parties on July 29, 2015. One party objected. No response in support was received. Mr. Corso responded under separate cover.

The draft decision, the objection, and Mr. Corso's response have been provided to the Assembly for its review. You must decide whether to accept the draft decision as written, accept the decision with modifications, or reject the decision.

Code 01.50.140 Decision on the appeal, provides in (c)

(2)...Unless rejected or modified by an affirmative vote of the appeal agency on a motion to reject or modify, the proposed decision, as amended by the hearing officer if such an amendment has been filed, shall be deemed adopted by the appeal agency and shall be the appeal agency decision. No testimony or evidence of any nature other than that contained in a timely filed objection may be received by the appeal agency at the meeting at which the proposed decision is presented.
(3) If the proposed decision is rejected by the appeal agency, the matter shall be immediately referred to the hearing officer for a rehearing of the appeal after notice to the parties; provided, the appeal agency may refer the appeal to a different hearing officer, may limit the scope of the rehearing to specified issues, may request the hearing officer to reconsider the proposed decision solely in light of new evidence raised in an objection, may place similar or different limits or conditions on the rehearing or reconsideration by the hearing officer, may remand the matter, or may rehear the matter itself after notice to the parties.

**As this is a matter before the Assembly, the Manager makes no recommendation.**

*Discussion of this item was deferred to Executive Session at the end of the meeting.*

## IX. NEW BUSINESS

A. New Public Convenience Liquor License #5415 - Canton Asian Bistro, LLC d/b/a Canton Asian Bistro

The Assembly Human Resources Committee, at its meeting on Monday, August 31, will be reviewing the application for the above-mentioned liquor license. The HRC packet in your binders contains all the documents pertaining to the application and will provide a recommendation to the Assembly for action.

**The Manager recommends the Assembly proceed according to the recommendations of the Assembly Human Resources Committee.**

Public Comment: None.

Assembly Action:

*MOTION, by Jones, to waive the right to protest this public convenience license.*

Following Assembly and staff discussion, and hearing no objection, it was so ordered.

B. Senior Citizen/ Disabled Veteran Exemption Late File Determination - Nicolls

Public Comment: None.

Assembly Action:

*MOTION, by Crane, to accept the late file as if timely filed.* Hearing no objection, it was so ordered.

## X. STAFF REPORTS

Mr. Watt spoke about preparing a bid packet for demolition of the Gastineau Apartments - to be open September 30. A Special Assembly meeting may be needed to award that bid. The basement was full of water with some fuel and other issued had been discovered. Staff hoped to schedule project planning review at the Planning Commission to cover items such as road closure to allow the building to come down safely, efficiently and economically. Another long term issue was the disposition of the park and how much of the park to preserve. To maintain park items during demolition would slow the work. The park is not a particularly successful park and there was a persuasive argument that demolition of the park would allow for a more efficient demolition. Future redevelopment of the park may allow for future options to be considered. Parks and Recreation staff was not attached to preserving the park and it could be put on the tax rolls in the future.

Mayor Sanford asked about any private interest in purchase of the property. Ms. Mead said she heard there was a party meeting with the Barretts regarding a letter of intent to sell. There had been no communication from the Barretts in two weeks and no further progress in that regard to her knowledge.

Mr. Jones asked when the demolition work was anticipated. Mr. Watt anticipated completion by December 31. Mr. Jones asked about the appeal period for a bid award. Mr. Watt said any intent to protest would need to be filed within 24 hours. Staff would seek qualifications and price components in the RFP for an engineered demolition plan. Slope stability must be assured. Mr. Jones said the DBA and the downtown merchants would need some assistance with parking during the holiday time during demolition to balance the construction interruptions.

## XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford asked everyone to thank CBJ staff for their extra work due to all of the issues within the community and in the absence of the City Manager.

B. Committee Reports

*Committee of the Whole*: Chair Becker said the COW met on August 24 and discussed the property tax exemptions enabled by the legislature, the coordinated human services transportation plan, biosolids and all items were moved to the Assembly.

*City Manager Search Committee*: Chair Becker said the committee met on August 24 and distributed information to the full Assembly. The ad would go out the next day, the minimum qualifications and salary were determined and applications would be received until October 2. There was no objection to the ad as proposed to be published.

*Finance Committee*: Chair Crane said the committee met and discussed payment of overdue property taxes and arrived at a procedure to address taxes that were due for FY13 and FY14. The Law Department was reviewing the procedures but the Assembly was determined that

overdue property taxes should be paid and if not foreclosures would proceed. The next meeting was set for October 21.

*Human Resources Committee*: Chair Jones said the HRC met and considered annual reports from the Americans with Disabilities Act committee and the Youth Activities Board.

Chair Jones provided the recommendations from the HRC regarding committee appointments. Hearing no objections, the following appointments were confirmed:

Americans with Disabilities Act Committee:
Reappointment of Cheryl Putnam to a term expiring August 31, 2018
Appointment of Charlene Steinman to a term expiring August 31, 2018.

Local Emergency Planning Committee:
Recommendation of State appointment of Ed Quinto to the Fire Services seat to a term expiring December 31, 2016.

Sister City Committee:
Appointment of Larry Snyder to a term expiring January 1, 2017

Utility Advisory Board:
Appointment of William Brown to a term expiring May 31, 2018

Youth Activities Board:
Appointment of Elizabeth Lange to a term expiring August 31, 2018
Appointment of Liz Brooks to a term expiring August 31, 2016
Appointment of Kathy Tran to a youth seat, term expiring August 31, 2018.

Mr. Jones noted that Kristin Bartlett was appointed by the superintendent to represent the school district seat on the Jensen-Olson Arboretum Board.

*Lands and Resources Committee*: Chair Kiehl said the committee met August 24 and recommended forwarding to the Assembly to approval the Docks and Harbors / Cultural Preservation Lease with Goldbelt, Inc. for the Seadrome property, and reviewed the updated CBJ Lands Management Plan.

*Marijuana Committee*: Chair Kiehl said the committee met August 27 and heard updates from Treasury regarding issues of a marijuana business license and how it would handle remittance of cash from such businesses, which staff believed to be managable issues. The committee received new maps showing the 500 ft. buffers recommended by the Marijuana Control Board, and reviewed set three of the proposed MCB regulations. He distributed a letter from the committee for review and submission by the Assembly to the MCB. He outlined the points in the letter and Ms. Becker requested a vote on all points individually.

There was no objection to point 1 to allow local government officials access to the inventory tracking system of marijuana businesses. There was not objection to point 2, to allow violations of local law to be part of the state review of marijuana licenses.

Roll call vote on Point 3, to allow municipalities to determine, rather than the state, whether or not private clubs allowing the consumption of marijuana should be allowed:
Aye: Crane, Jones, Gladziszewski, Kiehl, Nankervis, Troll, White, Sanford

Nay: Becker
Motion passed, 8 ayes, 1 nay.

There was no objection to point 4, as amended, to read, "As you consider enacting testing requirements that sufficiently ensure health and safety, the CBJ asks that you keep in mind the needs of communities outside the Railbelt, especially those not accessible by land-based traffic..."

*Public Works and Facilities Committee*: Chair Nankervis said the next meeting was set for September 28.

C. Liaison Reports

*Affordable Housing Commission:* Liaison Troll said the next meeting was September 14 with the consultant of the Housing Plan.

*Airport Board*: Liaison White said the ARFF index would increase from B to C as the result of the Assembly actions tonight. The runway would shift the magnetic variance in the next year which aligns aircraft to runway.

*Alaska Committee*: Liaison Becker said meetings would resume this month.

*Alaska Municipal League*: Ms. Crane said the recent summer meeting in Ketchikan received a presentation from Governor Walker, the Commissioner of Revenue, and Gregg Erickson on past revenue situations in Alaska and why this scenario is different. All discussion focused on the next legislative session and the direction to take.

*Aquatic Facilities Board*: Mr. Jones said the board has had initial meetings and was determining a policy for setting charges and rates. The next meeting was set for September 15.

*Bartlett Regional Hospital Board*: Liaison Crane said the Board heard a presentation on email from the Deputy Clerk, an ethics presentation from the Deputy Attorney, and an update on the Juneau Emergency Services contract. The Board received a report from the McDowell Group on a needs assessment for the Child Adolescent Mental Health Unit and there was no consensus from stakeholders on the need. The committee was taking a hard look at the study and numbers. All the conditions for participation have been met regarding the Joint Commission Report. The rural demonstration project remains in limbo which is costing money every month and a bill for extension has been prepared but has not moved. The next meeting was set for September 29. There would be a strategic planning retreat on December 5.

*Chamber of Commerce:* Liaison Becker said regular lunch meetings continued on Thursdays and a "meet the candidate" cruise was coming up.

*Docks and Harbors Board:* Liaison Nankervis said the Board received 3 bids for leasing property at the Thane Ore House. The Pacific Coast Conference of Port Managers would be held in Juneau in September 15 - 18 at Centennial Hall. The next meeting was set for September 24.

*Downtown Business Association*: Mr. Jones said the group met last week and discussed property tax exemptions on deteriorated properties. They formed a subcommittee to review the issues. Parking and marijuana issues were discussed.

*Downtown Improvement Group* (DIG): Mr. Jones said the group met and discussed smoking issues, marijuana regulations and parking.

*Eaglecrest Board*: No report.

*Juneau Commission on Sustainability:* Liaison Troll said the commission was trying to get good data on the energy plan and heard a presentation on locally grown foods.

*Juneau Convention and Visitors Bureau*: Liaison White said the JCVB was hosting a breakfast series and the next topic was the US Forest Service investment in recreational areas.

*Juneau Economic Development Council:* Liaison Jones said the next meeting would be held on September 2 to discuss how to move forward with the Economic Development Plan and how they could learn about and take a position on state budget issues.

*Local Emergency Planning Committee*: Liaison Gladziszewski said the next meeting was set for September 2 and they were planning for the Preparedness Expo to be held September 11 and 12 at Centennial Hall.

*Parks and Recreation Advisory Committee*: Liaison Gladziszewski said the next meeting was set for Sept 8.

*Planning Commission:* Liaison Jones said the PC met last week and had only a few issues without contention and discussed CBJ e-mail.

*School Board*: Liaison Kiehl said the School Board would hold a work session on the proposed STEM charter school and its next regular Board meeting on September 15.

*Southeast Conference*: Liaison Becker said the SE Conference annual meeting would be held September 15-17.

*UAS Campus Council*: Liaison Kiehl said first meeting not scheduled yet.

D. Presiding Officer Reports

None.

## XII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Jones reported on his work with the Marijuana Control Board.

Ms. Becker said she attended several "eating" events recently, including a tour of the Glacier Seafood processing plant, a meeting with British Columbia mining representative Bill Bennett, the United Way reception, Jim Fowler's artwork dedication at the Bishop Kenny Peace Park, and a joint celebration of the Filipino and Tlingit / Haida communities.

Ms. White enjoyed the meeting with the BC mines and appreciated the discussions.

Mr. Kiehl said the the Alaska Native Sisterhood and Filipino Community Inc. met together and acknowledged each other's contributions. He thanked the Mayor for the proclamation for John Venables.

Ms. Troll reported on her activity with the Tongass Advisory Committee.

Ms. Troll spoke about an email from a constituent asking for support to request that DOT put the Auke Bay Bypass road further up on its list of projects. She said the road was compatible with the Auke Bay Plan and asked the Assembly's thoughts on the matter. Following discussion, Mayor Sanford asked Ms. Troll to draft a letter for his consideration.

Mr. Nankervis asked for information on the trucks purchased for the WWTP: when were they purchased, how much did they cost, and was there an estimate of what the city could get for them if sold on the market. He would like to see all the projects on the DOT's list, including the Auke Bay Bypass, if the Assembly was making a request about DOT priorities.

Mr. Nankervis said he had met with Wayne Coogan about his housing proposal for Bridge Park and thought it was worth looking at this in more depth. He understood the seawalk/whale park project would be put out to bid September 1, but asked for Assemblymembers' thoughts on the matter.

Mr. Watt said there was an ad in the paper tomorrow advertising bids, the plan sets were available - the bid was out the door for the construction of the whale park. The sculpture was expected to arrive in Juneau in the spring. He was in contact with the Whale Committee. The fill needed to be done. Mayor Sanford asked if there was a way to put off the bid process a month to consider an alternative proposal. Mr. Watt said yes, he was not sure a month would give the time needed to evaluate all of the concepts that could be evaluated for that area. It took several years to get to this point with the whale project.

Ms. White said she recognized a lot of work had gone into the location of the whale. Senior housing was identified as a major need and she did not see a harm in taking a look at the project.

Mr. Nankervis said the Assembly would be remiss not to look at this proposal.

Ms. Crane said the Assembly had made a decision about the location of the whale. A look at housing needed to be more broad than just Mr. Coogan's proposal. She asked to stay the course.

Ms. Becker said it was hard to turn down the possibility of housing, but the whale statue location had been researched and she had not seen another location for it and the CBJ was responsible for its location. She agreed with Ms. Crane.

Mr. Nankervis said he thought there was a possibility to get both projects to be located on the site.

Mayor Sanford passed the gavel. He said Mr. Coogan's proposal was a good idea. Whether that idea would even fit had not been reviewed. If the Assembly was truly concerned about housing of any kind it needed all types to accommodate the community and he urged extending the bid a month and look at the proposal.

Ms. Becker asked Mr. Watt if relocating the whale was a possibility. Mr. Watt said this project had been through the Corps of Engineers, Parks and Rec, Docks and Harbors, the Whale Committee, and the Assembly, with a lot of time and effort. Any change would take a long time to consider. The only piece of ground not entirely spoken for is where the Marine

Exchange had proposed a facility and it could be considered a "placeholder" location. Perhaps some housing could go in there, but if this would modify the seawalk and whale location, he foresaw significant public process and permitting considerations.

Ms. White said she understood that the artwork was beautiful but it was not a priority over senior housing.

Ms. Gladziszewski suggested it would take a month to scope the idea - including the disposal of public land. The waterfront plan has been on the table for over ten years. She would limit any look at this to a month's time to tell us how much time and all of the work that would need to be done to change course.

*MOTION, by Nankervis, to extend the bid period an additional 30 days to examine the feasibility of co-locating the Whale statue and housing at the site.*

Ms. Becker said a month would not be sufficient time.

Mr. Jones said he would prefer to see any land there leased rather than sold.

Mr. Kiehl said he felt Ms. Becker's reluctance and spoke about the extensive process for the whale project development. He would be amenable to look at the land considered for the marine exchange or any other location that was not part of the current bid. The city had made a decision, had the corps permits and it was time to move forward with the project.

Roll call vote
Aye: Becker, Gladziszewski, Nankervis, White, Sanford
Nay: Crane, Jones, Kiehl, Troll
Motion passed 5 ayes, 4 nays.

*MOTION, by Jones, to extend the meeting to 11:30 p.m.* Hearing no objection, so ordered.

## XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

## XIV. EXECUTIVE SESSION

*MOTION, by Becker, to enter executive session to discuss the proposed Bicknell v Planning Commission Appeal decision, per CBJ 01.50.140.6.3.* Hearing no objection, the Assembly entered executive session at 10:34 p.m. and returned to regular session at 11:20 p.m.

Mayor Sanford said that during executive session, the Assembly discussed the draft decision.

*MOTION, by Crane, to concur with the hearing officer that this appeal is a legislative decision of this body.* Hearing no objection, so ordered.

*MOTION, by Crane, to concur with the Planning Commission, that the proposed rezone did not substantially conform with the lands use maps, and therefore the Assembly declined to have an ordinance brought before the Assembly for such consideration.*

Ms. White and Ms. Becker objected.

Ms. White said the staff recommendations were actually closer to what is going on as the land was experiencing isostatic rebound and was changing, it was adjacent to the airport, close to two heliports, a four lane highway, window manufacturing, welding shop, Fred Meyers and it was not wilderness. In another 20 years, it would be another 20 inches out of wetlands status would prefer a rezoning ordinance.

Mr. Nankervis said he agreed with Ms. White. He attended all of the Planning Commission meetings on the topic and he disagreed with the commissioners decision at the time and still did.

Ms. Becker said that land should be rezoned and be used for something valuable to the community.

Mr. Kiehl supported the motion and said the landowner had significant rights in its current zoning. He read a significant amount of the material and Planning Commissioner Bishop was eloquent in speaking about the will of the public. He did not see the land remaining untouched in its current zoning as there were still options for development there.

Roll call:
Aye: Crane, Jones, Gladziszewski, Kiehl, Troll
Nay: Becker, Nankervis, White, Sanford.
Motion passed, 5 ayes, 4 nays.

*MOTION, by Kiehl, to adopt the hearing officer's findings, except the section which states that the decision of the Planning Commission was not supported by adequate findings.* Hearing no objection, it was so ordered.

## XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 11:26 p.m.

Signed:_____ Laurie Sica, Municipal Clerk

Signed:_____ Merrill Sanford, Mayor

**OFFICE OF THE MUNICIPAL CLERK**
**CITY AND BOROUGH OF JUNEAU**
Ph: (907)586-0216 Fax: (907)586-4552
e-mail: laurie.sica@juneau.org

Clerk's Certification of Assembly Action

Re: *Bicknell v. Planning Commission and Territorial Sportsmen*

I HEREBY CERTIFY that at its regular meeting of August 31, 2015, The Assembly of the City and Borough of Juneau recessed into executive session to deliberate regarding adoption of the attached proposed decision in the above-referenced appeal. Upon returning from executive session the Assembly discussed the case and took action as set forth in the attached verbatim transcript, which I have prepared by listening to an audio recording of the meeting.

_____
Laurie Sica
Municipal Clerk

Date: September 10, 2015

**OFFICE OF THE MUNICIPAL CLERK**
**CITY AND BOROUGH OF JUNEAU**
Ph: (907)586-0216 Fax: (907)586-4552
e-mail: laurie.sica@juneau.org

**Transcript**

Re: *Bicknell v. Planning Commission and Territorial Sportsmen*

Excerpt from a portion of the Regular Assembly Meeting, August 31, 2015
Begin - 10:33 p.m.:

Mayor Sanford: Ms. Becker, can you move us into executive session?

Mary Becker: Thank you, Mr. Mayor. I move that we go into executive session to discuss the proposed Bicknell decision on appeal, per CBJ 01.50.140.6.3, and ask for unanimous consent.

Mayor Sanford: Is there any objection? Is there any objection from the public of us going into executive session? Seeing and hearing none, if you want to stay, I don't know how long this is going to take us, but you can see we have extended our time to 11:30, and if you want to take chairs out there and sit you are more than welcome to. So we will take a little five minute break right here and if you come back in five minutes we will get going.

11:19 p.m.

Mayor Sanford: Mr. Nankervis, I want to make sure you are there (on the telephone).

Jerry Nankervis: I am, thank you.

Mayor Sanford: OK, loud and clear, thank you. So, we will come back into regular meeting. During executive session we discussed the decision brought down by the hearing officer, Mr. John Corso, on the Bicknell v Planning Commission and Territorial Sportsman proposed decision. So, what is the wishes of the Assembly, Ms. Crane?

Karen Crane: Well, I will start with a motion that we move to concur with the

hearing officer that this appeal is ultimately a legislative decision of this body.

Mayor Sanford: Is there any objection to that first step? Hearing and seeing none, so ordered. Ms. Crane?

Karen Crane: I would further make a motion to move to concur with the Planning Commission that the proposed rezone did not substantially conform with the land use maps and we therefore decline to have an ordinance brought before us.

Debbie White: I object.

Mary Becker: I object.

Mayor Sanford: Thank you. Did you get all of that? I'm going to depend on you Ms. Sica and not repeat it myself.

Laurie Sica: Motion, by Crane, to concur with the Planning Commission that the rezone did not substantially conform with the land use maps and to decline to have an ordinance brought before the Assembly. And it was objected to by Ms. White and Ms. Becker.

Mayor Sanford: OK, so any discussion?

Debbie White: You know, I think the staff recommendations were a little bit closer to what is actually going on and while I know that this is relatively young land which is experiencing isostatic rebound and the land is changing, the fact is that it is adjacent to a very busy airport, it is really close to two heliports, a four lane highway, window manufacturing, welding shop, Fred Meyers, it is not wilderness. And, I just, whatever it is today, in 20 years it is going to be another 20 inches out of the wetlands status. I would prefer that we put forward a rezoning ordinance.

Jerry Nankervis: Mr. Mayor?

Mayor Sanford: Mr. Nankervis.

Jerry Nankervis: Mr. Mayor, I would concur with Ms. White. I also object to the motion. I sat through, I believe, all of the Planning Commission meetings on this topic and then I sat through a year and a half, almost two years, waiting for this appeal to reach us. And I know as I sat through the Planning Commission meetings I disagreed with the commissioner's decision at the time and I still do, thank you.

Mayor Sanford: Thank you Mr. Nankervis. Ms. Becker, anything?

Mary Becker: I agree. I think we should rezone it and let that land be used for something that would be valuable to our community.

Mayor Sanford: Anyone else down the way? Mr. Kiehl.

Jesse Kiehl: Thank you Mr. Mayor. I will support the motion. The land is not zoned anything like wilderness and the land owner has significant rights in its current zoning. At the same time, the Planning Commission did spend vast amounts of time as Mr. Nankervis said. I won't pretend I read everything, but I read hundreds of pages of staff reports, public comments and minutes, and I think former Planning Commissioner Bishop may have been the most outspoken when he talked about the will of the public. But others talked about the land use map to the Comprehensive Plan and so nobody should get the impression that my vote tonight has the effect of preserving this land untouched in its current zoning. There are, there is a lot of development potential to it, but I think the Planning Commission ultimately got this one right, so I will support the motion.

Mayor Sanford: Thank you. Anyone else? So we have objection, can we get a roll call please, Ms. Sica?

Laurie Sica: Mr. Jones?

Loren Jones: Yes.

Laurie Sica: Ms. Gladziszewski?

Maria Gladziszewski: Yes.

Laurie Sica: Mr. Kiehl?

Jesse Kiehl: Yes.

Laurie Sica: Mr. Nankervis?

Jerry Nankervis: No.

Laurie Sica: Ms. Troll?

Kate Troll: Yes.

Laurie Sica: Ms. White?

Debbie White: No.

Laurie Sica: Mrs. Becker?

Mary Becker: No.

Laurie Sica: Ms. Crane?

Karen Crane: Yes.

Laurie Sica: Mayor Sanford?

Mayor Sanford: No.

Laurie Sica: Motion carries.

Mayor Sanford: Thank you. Ok, Ms. Mead, is there anything else we need to do on this issue?

Amy Mead: You need to make a decision about the rest of the decision. You need to accept it as written, modify it, or reject it. There was a motion that you concurred with Mr. Corso's final conclusion that this is a legislative decision, but as to the rest of the decision, what is your wish?

Mayor Sanford: Mr. Kiehl?

Jesse Kiehl: Thank you Mr. Mayor, I move that as to the remainder of the decision we adopt the hearing officer's findings, except for his finding that the decision of the Planning Commission is not supported by adequate written findings.

Mayor Sanford: Is there objection? Hearing none, so ordered.

Mayor Sanford: Anything else Ms. Mead?

Amy Mead: No.

End - 11:25 p.m.

FROM THE DESK OF

JOHN CORSO

August 20, 2015

Re: *Bicknell v. Planning Commission and Territorial Sportsmen*; proposed decision

Dear Mayor Sanford and Assemblymembers:

Here is my proposed decision in the Bicknell appeal together with the Planning Commission's objection to the proposed decision, and my response; all placed before the Assembly at a regular or special meeting as required by the appellate code. At the meeting, the Assembly has three options:

- ***Take no action at this meeting.*** The proposed decision will be deemed adopted and shall be the Assembly's decision in this case. The result will be as specified in the findings on page 22: the Planning Commission's decision will be set aside and the question of whether to grant or deny a rezone will be forwarded as a legislative proposal to the Assembly. The findings expressly disavow any recommendation regarding the introduction or adoption of the legislation.
- ***Reject the proposed decision by an affirmative vote.*** The form of motion would be "I move to reject the proposed decision." If the motion passes, the matter shall be immediately referred to me for a rehearing of the appeal after notice to the parties; provided, the Assembly may refer the appeal to a different hearing officer, may limit the scope of the rehearing to specified issues, may place similar or different limits or conditions on the rehearing or reconsideration by the hearing officer, may remand the matter back to the Planning Commission, or may rehear the matter itself after notice to the parties.
- ***Modify the proposed decision by affirmative vote.*** The form of motion would be "I move to modify the proposed decision by [additions, deletions, or corrections to the text of the proposed decision]"

Whichever of these options the Assembly selects, it should do so without receiving testimony or evidence of any nature. All documents in the case and a recording of the hearing are available at bicknellappeal.com.

Thank you for the opportunity to work on this interesting case. If I may be of further assistance, please advise the City Attorney and I will be happy to work with her to again serve the Assembly.

John Corso

copies: Parties
City Attorney

2311 WESTWOOD DR. ANACORTES WASHINGTON 98221 (360) 391-9437 JOHN@CORSO.ORG

# Before the Assembly of the City & Borough of Juneau

## On Appeal from the Planning Commission

**Bicknell, Inc.**
*Appellant*
v.
**CBJ Planning Commission**
*Appellee*
and
**Territorial Sportsmen, Inc.**
*Appellee-Intervenor*

**CCD file**
**AMD 2013 0015**

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

- The Planning Commission decision is set aside because it is not supported by adequate written findings. The Commission diligently examined facts and opinions over a fair and lengthy hearing process, then adopted wholly inadequate findings. In effect, the Commission ran for 95 yards, then dropped the ball.
- It is not necessary to remand this case to the Planning Commission to address differences between the 2008 and 2013 comprehensive plans because for purposes of this appeal there is no difference.
- Denial of the requested rezone does not constitute an unlawful taking without just compensation because Bicknell does not have a right to a rezone.
- Whether by remand back to the Planning Commission, by referral from this appeal, or by a third rezone application and a protest under the new rezone procedures, only the Assembly can resolve this matter by adopting or rejecting an ordinance. Justice is served by referring the case now.

*This summary is for the convenience of the reader and is not part of the Proposed Decision. The official proposed findings are on page 22.*

## Proposed Decision

### I. Factual and Procedural Background

This appeal concerns the use of 82 acres of land located near the east end of the Juneau International Airport runway ("the Property").[1] The Property is currently zoned Rural Reserve (RR) under a Comprehensive Plan Future Land Use Designation of Resource Development.[2] The owner, Bicknell Inc., seeks to have the Property rezoned to a mixture of Industrial, Light Commercial, and Rural Reserve.

1 The legal description is USS 1568 TR B. The CBJ Parcel Code Number is 5-B14-0-102-007-0.
2 (Record, page 30)

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

The Property has been in use as a gravel dredge pond since being granted its original CBJ permit by the Assembly in 1965. The pit and access road were opened in 1966. The CBJ permit was renewed as a gravel extraction permit in 1997, then again as a conditional use permit in 2007.[3] The CDD staff report for the 2007 permit—approved by the Planning Commission on its consent agenda—noted that the applicable 1995 Comprehensive Plan "categorizes this site as '*Identified for Future Park*'", but that "The site is private property and the applicant has the right to use the property in conformance with current zoning.[4]

The 1995 Comprehensive Plan was updated[5] in 2008. The sequence of relevant procedural events thereafter is:

| | |
|---|---|
| July, 2012 | Bicknell submits, then withdraws an application to rezone the Property to a mixture of Industrial and Light Commercial. |
| August 27, 2012 | The Assembly amends the rezoning standards at CBJ 49.75.120 to allow a rezone which is in "substantial conformance" with land use maps of the Comprehensive Plan. Previously, the ordinance had prohibited uses which "violate" the maps. |
| February 2, 2013 | Bicknell applies for an amendment to Comprehensive Plan Map G from Resource Development to a mix of Industrial, General Commercial, and Resource Development in the area of Honsinger Pond. Staff recommends approval. |
| April 9, 2013 | The Commission denies the requested map amendment but does not adopt findings. |
| May 10, 2013 | At the request of the Law Department, CDD staff makes "an attempt to draft the attached proposed findings based on the recorded deliberations of the Commission at the April 9, 2013 hearing, for the Commission's review and consideration."[6] |
| May 14, 2013 | The Commission approves the 2013 Comprehensive Plan update. |
| May 17, 2013 | The Commission issues a Notice of Decision denying the map amendment. The NOD incorporates staff's proposed findings without change. |

3 Toner-Nordling & Associates, Inc. application for CBJ use permit 07-13, April 11, 2007. Staff report, April 18, 2007. I take official notice of CDD records pursuant to CBJ 01.50.130, Chapter 8, Paragraph G(7) of the Alaska Hearing Officer's Manual, and Rule 201(b) of the Alaska Rules of Evidence. The parties are free to object to noticed evidence in their comments to this Proposed Decision. All officially noticed records were accessed via public CBJ websites.

4 Staff Report, USE2007-00013, page 4. (Emphasis in original, citation omitted.)

5 "Updated", like "review" and "amendment" is a term of art in CBJ comp plan procedure. As the current Plan notes, at page 229, "It is important to highlight the distinction between the Planning Commission's 'review' of the *Plan*, their entertaining a specific 'amendment' to the *Plan*, and 'updating' the *Plan*." Basically, review means to look at, amendment means limited review and changes, and update means extensive review and changes.

6 Memo, CDD staff to Planning Commission re AME2013 0007, May 10, 2013.

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

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| September 18, 2013 | Bicknell submits the current rezone application. CDD staff recommends approval of Industrial and denial of Light Commercial rezoning. |
| November 4, 2013 | The Assembly adopts Ordinance 2013-26, amending CBJ 49.05.200 to incorporate the 2013 Comprehensive Plan update in the CBJ code. |
| November 26, 2013 | The Commission takes up Bicknell's rezone request. |
| December 4, 2013 | The 2013 Comprehensive Plan update becomes effective. |
| December 10, 2013 | The Commission denies the rezone. For findings, it slightly amends then adopts findings from its denial of Bicknell's map amendment request. Notice of reconsideration is given. |
| January 14, 2014 | A motion for the Commission to take up reconsideration fails. A motion to rescind is ruled out of order. |
| January 15, 2014 | The Commission issues a Notice of Decision incorporating the findings . |
| February 3, 2014 | Bicknell files this appeal. |
| September 29, 2014 | The Assembly adopts Ordinance 2014-14(c)(am) amending CBJ 49.75.130 to provide a legislative protest rather than an adjudicatory appeal procedure for rezone denials. The effective date of the amendment is "30 days after current, outstanding appeals are resolved." |
| April 6, 2015 | The Assembly amends Ordinance 2014-14(c)(am) to make it effective "30 days after April 16, 2015". |

## II. Changed Laws; which version rules?

### A. Changes to the Rezone Procedures Ordinance

The history summarized above shows how the substantive and procedural law applicable to this case has changed since Bicknell applied for a rezone. These changes are important issues in the case.

Rezoning is governed by Article I of CBJ 49.75, the substantive section of which has not changed during this case and provides:

> **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.

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

Rezoning procedures are governed by CBJ 49.75.130. This ordinance has a tortured history that reflects an essential but problematic characteristic of rezones: they are accomplished by changing zoning and, if necessary, comprehensive plan maps[7] that were adopted by ordinance. Only the Assembly can change an ordinance, and must do so in accordance with Charter requirements. It has long been the case that a rezone follows the procedure for a major development permit, with the proviso that a Commission decision for approval is only a recommendation to the Assembly, which must act on it by adopting or rejecting an ordinance. However, until 2012, a Commission decision to *deny* a rezone was a procedural orphan, unmentioned in the code but handled the same way—as a recommendation— by a code interpretation.[8] On April 2, 2012, the Assembly addressed this situation by adopting Ordinance 2012-11, which amended CBJ 49.75.130 by the addition of a new subsection (3), providing that a rezone denial could be appealed to the Assembly with the usual procedures under the general CBJ appellate code.

> **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.
> (2) As soon as possible after the commission's recommendation, the assembly shall provide public notice and hold a public hearing on the proposed rezoning. A rezoning 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 changed in accordance therewith.
> (3) The commission decision for denial shall constitute a final agency decision on the matter which will not be presented to the Assembly unless it is appealed to the Assembly in accordance with CBJ 49.20.120.[9]

The use of legal appeal procedures for a rezone denial but not for an approval was described by the City Attorney as a "middle course" that would "provide due process for the applicant and a check against error in the Commission's decision, without putting the decision on an equal footing with

7 Zoning maps are adopted by reference in ordinances codified at CBJ 49.25.110. The Comprehensive Plan and its included maps are likewise adopted and codified at CBJ 49.05.200. The CBJ charter at §5.2(f), in what may be its most awkwardly worded section requires that "In addition to other actions required by this Charter, those actions of the assembly shall be by ordinance which: … (f) Adopt or modify the official map, platting or subdivision controls or regulations, or zoning controls."

8 Memo, City Attorney to Assembly, March 28, 2012, at ¶3.

9 CBJ 49.20.120 is a part of the land use code, but adopts CBJ 01.50, the appellate code, by reference with modifications not relevant here.

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

[an approval]."[10] The Assembly adopted the ordinance by unanimous consent without discussion.[11]

The rezone-denial appeal procedure established by Ordinance 2012-11 has been used twice: in *Harris v. Planning Commission*[12] and in this case. In *Harris*, a property owner requested a Comprehensive Plan map amendment from MDR, medium density residential, and a rezone from D-10 to Light Commercial for his property at 9150 Atlin Drive. He requested that the Comprehensive Plan amendment be put on hold while he pursued the zoning map amendment. The Commission denied the rezone on the grounds suggested by CDD staff in its report, "LC Zoning does not substantially conform with the Land Use Maps of the Comprehensive Plan."[13] On appeal, the Assembly reversed and directed the City Attorney to draft an ordinance providing for the requested rezone and forward it to the Assembly for introduction.

The procedure described above lasted until May 6, 2015, the effective date of Ordinance 2014-14(c)(am), the current law. The ordinance amended rezone procedures to create a "protest" procedure for people dissatisfied with a Commission rezone decisions. The procedure following Commission approval is much the same as before: staff prepares an ordinance amending the zoning map[14] and presents it to the Assembly. Interested parties then attack and defend it politically as with any ordinance. The big change was to procedures following a denial. Under Ordinance 2014-14, the disappointed applicant files a legislative protest, not a legal appeal. The net effect of the two procedures is much the same as the informal interpretation-based procedure employed before Ordinance 2012-11: the protest of a Commission decision—whether approval or denial—is handled by the Assembly legislatively. Ordinance 2014-14 adds one entirely new feature: if the Assembly "approves the zoning map amendment with modifications" the ordinance "shall become effective only with the written consent of the owner(s) of the property to be rezoned."[15]

10 March 28 memo, *supra*, at ¶5. The Manager's Report accompanying Ordinance 2012-11 said that the appeal procedure was suggested by a landowner in the Atlin Drive area affected by a 2011 rezone denial.
11 Minutes, Assembly Meeting of April 2, 2012, page 4.
12 *Harris v. CBJ Planning Commission*, CDD File No. AME2013 0006 (March 19, 2014)
13 Minutes of Planning Commission Meeting of September, 24, 2013, page 14, and attached Staff Report, September 19, 2013, page 12.
14 The ordinance does not address a rezone that requires amendment of the Comprehensive Plan maps.
15 This provision was added at the request of Assemblymember Kiehl at the September 22, 2014 meeting of the Assembly Committee of the Whole (Minutes, p. 3) Mr. Kiehl cited the Anchorage Municipal Code as the source of this idea, an apparent reference to AMC 21.03.160(D)(8)(b), which requires owner consent, but only to the modifications rather than the entire ordinance. A consent provision such as this, which allows owners to withhold consent for any reason or no reason, is subject not only to being gamed among property owners in a multi-owner rezone, but to attack as an unconstitutional standardless delegation of legislative power to private citizens. *Eubank v. City of Richmond*, 226 U.S. 137, 141 (1912)

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

Which procedure to apply in this case; the legal appeal system of Ordinance 2012-11 or the protest system of Ordinance 2014-14(c)(am)? The new ordinance was first adopted by the Assembly at its regular meeting of September 29, 2014 with an effective date of "30 days after current outstanding appeals are resolved". This language was suggested by Assemblymember Troll who said she did not want to change any rules mid-stream on any appeals underway. The City Attorney noted that an unidentified pending appeal would otherwise be directly effected by the ordinance.[16] At the time, this case was "the only relevant outstanding appeal" and was "understood at the time to be close to resolution" according to the Manager's Report accompanying the ordinance when it was revisited by the Assembly at its regular meeting of April 6, 2015.[17] The purpose of the revisit was to deal with the reality that this case was not, in fact, "close to resolution", that the Commission had a new round of rezone applications coming up, and the new procedures were needed right away. Accordingly, the effective date of the April 6 ordinance was amended to the usual "30 days after its adoption."

The Commission argues that "Although the Assembly specifically described that ordinance 2014-14 does not apply to this appeal, the protest provisions of Ordinance 2014-14 provide the proper means for the legislative body to resolve the matter."[18] Bicknell opposes this view, arguing that its appeal was filed on February 3, 2014, well before the amended effective date of May 6, 2015.[19] The Commission's argument conflates two different versions of the ordinance—one with a *Bicknell* trigger and one without—then dismisses without analysis the Assembly's intent in the first version to protect Bicknell from a mid-stream procedural alteration. The Commission would instead apply what it regards as the more proper second version of the ordinance and thereby compel Bicknell to start all over again.

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(lack of discretion in the streets committee to determine whether a building line should be established when neighbors along the street could make such determination held unconstitutional delegation of legislative authority); *Thomas Cusack Company v. City of Chicago*, et al., 242 U.S. 526 (1916) (Property owners could waive an existing prohibition on billboards); *Washington ex rel. Seattle Title Trust Company, Trustee, etc. v. Roberge, Superintendent of Building of Seattle*, 278 U.S. 116 (1928)(standardless delegation allowing neighbors to withhold consent for any or no reason is repugnant to the due process clause of the Fourteenth Amendment because it subjects one property owner to the whim and caprice of another). Under this line of cases, the distinction between "waiver" and "consent' is crucial.

16 Minutes, September 29 2014 Assembly Meeting, page 5

17 Minutes, April 6 2015 Assembly meeting, page 18

18 Planning Commission Answering Brief, page 11

19 Bicknell also resists application of the amended effective date, arguing, as did Assemblymember Kiehl at the April 6 hearing, that the amending ordinance was adopted with insufficient public notice. Bicknell Reply Brief, page 3 and footnote 9. Given my disposition of the retroactivity issue, it is not necessary to reach the notice issue, which probably turns on whether the change in effective date is a "matter of major substance" under CBJ Charter §5.3(a).

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

Bicknell has the better argument here, and it turns on the concept of a "retroactive"[20] law, a concept described by the Alaska Supreme Court:

> A statute will be considered retroactive insofar as it gives to pre-enactment conduct a different legal effect from that which it would have had without passage of the statute. A statute creates this different legal effect if it would impair rights a party had when he acted, increase a party's liability for past conduct, or impose new duties with respect to transactions already completed.[21]

In this case, Bicknell acted—applied for a rezone—well before Ordinance 2014-14(c)(am) was adopted. The ordinance would impair the appeal rights Bicknell had when it acted. Therefore, Ordinance 2014-14(c)(am) would be retroactive if applied to the current permit application.

CBJ law is silent on the subject of retroactive ordinances.[22] Charter Section 5.3(b) specifies with some exceptions not relevant here that an ordinance becomes effective "at the expiration of 30 days after adoption unless a later date is specified in the ordinance", but does not specify whether this applies to an amendment making an ordinance retroactive.

At the state level, AS 01.10.090 provides "No statute is retrospective unless expressly declared therein", a reflection of the "undisputed proposition that all statutes are presumptively non-retroactive."[23] CBJ lacks a similar recognition of retroactivity, but that does not mean retroactive ordinances are disallowed. Retroactive legislation is not in and of itself unconstitutional[24], although it can be as applied.[25] Some cities address the problem of retroactive land use laws and the related issues of "vested rights" by specifying in ordinance that a developer is entitled to rely on the law as it existed at the time the developer applied for a permit, the time the permit was granted, or some other point in the permitting process.[26] CBJ has no such provision in its land use code, but the effective date of the first version of Ordinance 2014-14 made clear that the Assembly wanted to avoid making it retroactively applicable to this case. When the amended version was before the Assembly on April 6,

20 The Alaska Supreme Court uses the terms "retroactive" and "retrospective" interchangeably in this context. *Pfeiffer v. State Dept. of Health and Social Services*, 260 P.3d 1072, footnote 31 (Alaska, 2011).
21 *Rush v. State, Dep't of Natural Res.*, 98 P.3d 551, 555 (Alaska 2004)
22 The CBJ land use code does address the related concept of nonconforming uses, CBJ 49.30, but that is not in issue here.
23 *Eastwind, Inc. v. State*, 951 P.2d 844, 846 (Alaska 1997)
24 *Norton v. Alcoholic Beverage Control Bd.*, 695 P.2d 1090, 1093 (Alaska 1985)
25 *Pfeifer*, *supra*., at footnote 19, in which the court considered whether retroactive application of a statute constituted a taking, an ex post facto law, or a denial of substantive due process.
26 See the discussion at footnote 34 herein, relating to comprehensive plan retroactivity.

there was no such express reservation, but in response to a question by Assemblymember Jones, the City Attorney responded that the change was "to make clear that the new process was in place and there were several rezoning issues before the Planning Commission, and that this ordinance would apply."[27]

Given the general presumption against retroactive application of laws, the Assembly's initial effort at its September 29, 2014 meeting to preserve Bicknell's procedural rights, and its focus at its April 6 meeting on providing new procedures for post-*Bicknell* cases, I believe the better course is to preserve Bicknell's right to the appeal process of Ordinance 2012-11 and not send it back to the Planning Commission for proceedings under Ordinance 2014-14.[28]

**B. Changes to the Comprehensive Plan**

As noted above, the CBJ adopted the 2013 "update"—document-wide review and changes—to the 2008 Comprehensive Plan while Bicknell's rezone request was pending. The Commission approved the update on May 14, 2013. Bicknell filed for this rezone on September 18, the Assembly adopted the update as an ordinance on November 4, and it became effective on December 4.

At my request, The Statement of Issues on Appeal[29] includes this inquiry: "Which version of the CBJ Comprehensive Plan—2008 or 2013—applies to which issues in this case?" In its opening brief Bicknell responded that it doesn't matter because the 2008 and 2013 versions are the same with respect to the issues in this case.[30]

The Commission responded[31] that the two versions are different in their description of Resource Development (the land designation applicable to the Property) but the 2008 version cannot be applied because the requested rezone has not yet been granted and therefore Bicknell has no vested right to the 2008 version. Further, says the Commission, the 2013 version cannot now be applied to

27 Minutes, April 6 Assembly Meeting, page 19.
28 This approach also avoids the problematic "consent" provision of Ordinance 2014-14 and preserves the Assembly's sole authority to modify the requested rezone by, for example, disallowing Light Commercial, as the CDD staff report recommended. (Record at page 23) See footnote 15, above.
29 This May 6, 2014 document is styled "Preliminary Statement of Issues on Appeal" in order to preserve the parties' right to add or object to its contents, but they did not do so and thus it became the final Statement of Issues on Appeal.
30 Bicknell Opening Brief at page 10, footnote 4.
31 Commission Reply Brief at page 2.

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

this legal proceeding because in its decision, the Commission applied the 2008 standards, not the 2013 standards and only it or the Assembly in its legislative capacity can correct this error. The Commission concludes that Bicknell must start over.

TSI responded that the 2013 version should apply because "all of the issues, dates, and actions in this appeal are either coincident with, or subsequent to the adoption of the 2013 Comprehensive Plan…"[32] TSI also argues that the 2013 version should apply because by its own terms it must be kept current, because there is nothing in the record that refers to the 2008 plan, and because the 2013 version is the later-adopted plan.

Bicknell in its reply brief acknowledged the Commission's discovery of a difference between the 2008 and 2013 descriptions of the RD designation and argued that the 2013 language supports reversal of the Commission's decision, but to the extent the 2008 version is more favorable to Bicknell, it should be applied.[33]

These arguments are variously persuasive[34], but not dispositive. Bicknell's opening argument is simply incorrect. As pointed out by the Commission, there is indeed a difference in language between the two plans. However, in my judgment there is no difference in meaning.

As shown below (legislative-style emphasis added) the differing language appears in Chapter 11, "Comprehensive Plan Land Use Maps" in the subsection titled "Description of Land Use Categories". The 2008 version describes the Resource Development category as:

32 TSI Answering Brief
33 Reply Brief at page 7, footnote 9
34 The Commission's reference to "vested rights" is particularly interesting. The cited authority, *Municipality of Anchorage v. Schneider*, 685 P.2d 94 (Alaska 1984), concerned an attempt by Anchorage to revoke a building permit that had been issued in violation of a zoning restriction imposed by a rezone that the parties were unaware of when the permit was issued. The court found that the developer had reasonably relied on the permit and so Anchorage was estopped from revoking it. The instant case does not involve a developer's reliance on a mistaken permit the government has revoked, but it does involve a developer's reliance on a law that the government has changed. *Schneider* does not mention vested rights, but the concept is commonly used by legislatures and courts for resolving these kinds of issues. The majority rule is that the developer's right to rely on a zoning standard vest only when a building permit is issued. The minority rule is that rights vest when the government issues any site-specific approval such as a preliminary plan. An emerging minority rule grants vesting as of the date the developer applies for a permit. CBJ could adopt one of these rules by ordinance and define "vesting" along the way, saving itself and developers much guessing. See Karen L. Crocker, *Vested Rights and Zoning: Avoiding All-or-Nothing Results*, 43 B.C.L. Rev. 935 (2002), http://lawdigitalcommons.bc.edu/bclr/vol43/iss4/4

> Land to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed. ~~Such specific uses may include, where appropriate, resource extraction and development, recreational and visitor-oriented facilities, and residential uses~~. The area outside the study area of this Comprehensive Plan is considered to be designated Resource Development.

The 2013 version describes the Resource Development category as:

> Land to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed. The area outside the study area of this Comprehensive Plan is considered to be designated Resource Development. *As resources are identified or extracted from these lands, they should be re-designated and rezoned appropriately*.

The emphasized sentences use different words but say the same thing: Resource Development land should be put to other uses when appropriate. The 2008 plan mentions several specific uses and may thereby appear to be more restrictive than the 2013 plan, but these uses are merely examples, they are not limitations. The key is the predicate phrase "may include". This idea is often phrased as "may include but is not limited to" but the additional language is superfluous. The code, at CBJ 01.15.010, provides that "Include and including mean 'by way of illustration only' and shall not be interpreted as a limitation, except where expressly so provided." The 2008 plan does not so provide, and thus its mention of recreational and visitor-oriented facilities and residential uses are by way of illustration only and other appropriate uses can be allowed, just as they can in the 2013 plan.

The 2013 plan mentions that "as resources are identified or extracted from RD lands they should be re-designated and rezoned appropriately"—a phrase not found in the 2008 version— but this language does little more than restate the first sentence and adds nothing of substance to the RD description generally, and especially as applied in this case. The first clause is in the disjunctive— identified *or* extracted—and in this case there is no doubt that this land has been identified as a gravel resource and little doubt that the gravel has been extracted.[35]

The second clause says that lands should be appropriately re-designated and rezoned by the Assembly when appropriate, but this is true under either version of the plan: the Assembly needs no authorization to do so, certainly not from the same plan it adopted in the first place. The clause serves no better as a standard, at least in rezone cases, where the very question being presented is

35 Record at page 97.

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

whether it is appropriate to grant a rezone.

The new language in the 2013 version might be a useful bit of commentary, but viewing it as a requirement in need of a finding would, in this case, put the Commission in the position of saying "The applicant says that it is appropriate to rezone this gravel pit. In order to resolve this issue, we must first determine whether this gravel pit is a gravel pit and whether it is appropriate to rezone it." This circular question does not need to be asked or answered.[36]

The essential part of the RD description in both the 2008 and 2013 versions is the unchanged first sentence: RD land is "to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed." The changed language is just commentary; it establishes no new policies, standards, or guidelines for the Planning Commission to consider.

I conclude that for purposes of this appeal, the 2008 and 2013 comprehensive plans are the same.

**III. The Planning Commission Decision**

The Planning Commission has devoted a lot of time and hard work to this and the preceding case regarding the Property. At the November 26, 2013 hearing on the rezone request it heard 22 witnesses and reviewed 170 pages of material. It ran out of time to deliberate and continued the matter to December 10, when it engaged in another discussion that extends through 8 pages of the official minutes. Testimony was at times impassioned.

Unfortunately, when it came time to make a decision at the December 10 meeting, the matter suffered from a disadvantage that has plagued Planning Commission decisions through the ages: because the commissioners disagreed with the recommendation of the CDD director, they could not use his proposed findings. The director recommended granting the Industrial but not the Commercial rezone, and the Commission decided to deny both. The director had prepared a set of findings to support his recommended decision, but not any other decision. Mr. Satre, Chair of the Commission, announced that in preparation for this eventuality, he had asked a member of the staff to make available the findings of fact from the last time the issue was before the Commission as a compre-

36 The logical fallacy here is *petitio principii*, ("asking for the starting point") in which the Planning Commission would attempt to prove a proposition based on a premise that itself requires proof. The fallacy is more often known as "begging the question".

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

hensive plan map amendment and he now proposed that the Commission adopt those findings "with some wordsmithing to reflect the existing application". Commissioner Lawfer moved "That the Commission adopt the findings as previously stated with the following changes with number four that 'General' be changed to 'Light' and that on number 10 the 'map amendment' is changed to say 'there has been a significant amount of public opposition to this rezoning proposal'. It would remove 'map amendment' and [her] prior [form of the motion] withdrawn." after a further amendment was defeated, the motion carried without objection. [37]

There are two problems here. One is that a Comprehensive Plan map amendment is not the same thing as a rezone. A rezone must be "in substantial conformance with the land use maps of the comprehensive plan" CBJ 49.75.120. Although a map amendment should be in conformance with the Plan as a whole[38] it must necessarily be out of conformance with whatever map it is amending. Thus, findings sufficient to support a map amendment, while similar to those supporting a rezone or a rezone denial, cannot be just copied and pasted into a rezoning decision, which is what the Planning Commission did.

The second problem is that the findings in this case—copied and pasted from a hearing at which the Commission likewise rejected the staff recommendation and findings—are completely inadequate to support a map amendment, a rezone, or any other land use decision. They are not really Commission findings at all,[39] they are just a loose confederation of warring thoughts from individual commissioners:

> 1. The parcel, as it is zoned today, has development opportunities. The current zoning does not prohibit it from being used or developed. Current uses can include resource extraction, recreation, visitor-oriented, and residential uses.
> 2. The City has missed an opportunity by not purchasing the property to maintain the scenic and habitat values.
> 3. Industrial uses so close to a sensitive habitat area is a concern.
> 4. Light commercial is not appropriate for the area.
> 5. Working with the situation, we can maintain the view shed.

37 Record at page 217.
38 If an amendment does not conform to the plan as a whole, it could be illegal "spot zoning". "Faced with an allegation of spot zoning, courts determine first whether the rezoning is compatible with the comprehensive plan or, where no plan exists, with surrounding uses." *Griswold v. City of Homer*, 925 P.2d 1015, 1020 (Alaska 1996)
39 They barely qualify as "written": they are transcribed oral remarks.

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

> 6. The Comprehensive Plan shows a need for industrial land and also shows intent to acquire the land for public purposes, for a park and viewshed protection.
> 7. This parcel of land is an important scenic corridor and iconic viewshed that defines the community.
> 8. The wetlands and the parcel have value to the community of Juneau. We can't allow further degradation of the wetlands. The loss of 39 percent of the wetlands over time, per public comment, is credible and concerning.
> 9. This parcel of land, as it is currently zoned has social, environmental, and financial value to future generations.
> 10. There has been a significant amount of public comment in opposition to this rezoning proposal. There hasn't been any public support shown for this development concept.
> 11. Large water fowl create safety concerns for the airport, but there is a float plane pond adjacent to the airport. And, there is a water canal system that has been developed between the airport and the airport dike trail. These water systems also attract birds and are very close to the airport.
> 12. The Wetlands Review Board recommended the best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. The benefits of this approach would be to increase the safety of the airport by removing the pond that attracts large birds and also to provide additional buffer for the Mendenhall State Game Refuge.[40]

CBJ 01.50.070(a)(2) provides that the hearing officer may set aside the decision being appealed if it is not is supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decisions were made. Findings are so important that courts require them even if ordinances do not.

> Although no ordinance requires the Commission to make specific findings of fact to support its conditional use decisions, we have held that zoning boards and other agencies making adjudicative decisions must articulate the reasons for their decisions. Such findings facilitate judicial review, insure careful administrative deliberation, assist the parties in preparing for review, and restrain agencies within the bounds of their jurisdiction. The test of sufficiency is thus a functional one: do the Commission's findings facilitate this court's review, assist the parties and restrain the agency within proper bounds?[41]

The "proper bounds" for a rezoning decision are established by CBJ 49.75.120, which is nowhere

40 Record at pages at 225-226 (1/15/14 PC decision).
41 *South Anchorage Concerned Coalition, Inc. v. Coffey*, 862 P.2d 168, 175 (Alaska 1993)(Citations omitted)

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

mentioned in the findings. The Comprehensive plan is mentioned once, in paragraph 6, where it is cited in support of industrial development. The findings are internally inconsistent, with paragraph 1 saying the Property has development opportunities as currently zoned, paragraph 6 citing a need for industrial land, and paragraph 12 promoting restoration to its natural state. Individual findings lack any clear relationship to the Property, such as paragraph 11 discussing large water fowl and airport water systems, or outside the Commission's jurisdiction, such as paragraph 2, lamenting a missed opportunity for CBJ to purchase the property, paragraph 10, citing a lack of public support for the rezone and paragraph 9, claiming that the parcel as currently zoned has financial value to future generations.

These criticisms of the findings are essentially the same as those raised by Bicknell in its opening brief. Neither the Commission nor TSI responded to this issue in their answering briefs[42] and therefore waived any argument in defense of the findings.[43]

I conclude that the Planning Commission findings in this case do not satisfy the requirements of CBJ 01.50.070(a)(2) and the decision is set aside. Accordingly, it is not necessary to address the other issues raised by Bicknell, with the exception of its claim that a denial of its rezone request constitutes a unconstitutional taking without just compensation. This issue may have consequences for further proceedings.

**IV. Further Proceedings**

The Commission's main argument is that only the Assembly can resolve this issue, and must do so in its legislative capacity by consideration of an ordinance, not in its quasi-judicial capacity by deciding this appeal. This is not a formalistic issue of which hat the Assembly should wear: there are significant differences in the procedures and criteria for an appeal and those for an ordinance. Most notably, in an appeal the Assembly is required to defer to the body below if it can. The appellate code

42 TSI in its answering brief was under the misapprehension that it was permitted to brief only the three questions that I asked in the February 26 Amended Pre-Hearing Order. However, that Order amended only paragraphs 5 and 8 of the May 29 Pre-Hearing Order, which referred in paragraph 2 to the Preliminary Statement of Issues on Appeal, which lists ten issues. In its brief, TSI entertained the possibility that I might consider more than the three questions and, if so, reserved the right to address them in supplemental briefing. At the hearing, after considering many more issues than three, I offered counsel for TSI the opportunity for supplemental briefing. He declined.

43 *Fernandes v. Portwine*, 56 P.3d 1 at n.9(Alaska 2002)

at CBJ 01.50.070(a) provides that the appeal agency or the hearing officer may set aside the decision being appealed *only* if evidence, findings, or due process are inadequate. But when the Assembly considers legislation, its members are free to adopt or reject an ordinance because it is wise, because it is the least unwise alternative, because they want to be re-elected, or for any other reason that does not offend the constitution.

This primacy of the CBJ Assembly's legislative function was affirmed by the Alaska Supreme Court in a case[44] involving Chuck Keen and his plan to acquire city land in order to build a tram. Mr. Keen claimed that CBJ was obligated by contract to convey land to him, an action that would require adoption of an ordinance.

> Not only does the contract place an obligation on the city which may create conflicts of interest, but it also creates an obligation to legislate in the future. The area of zone changes, changes in street entrances, flood control, etc., are all legislative in nature. A contract which binds a legislative body, present or future, to a course of legislative action is void against public policy. The conveyance of City land can only be authorized by the Assembly. See CBJ Ordinance 53.09.200. Thus, even if Ordinance No. 85-53am constituted a contract providing that the City would both treat Keen's tunnel claim as valuable in the future and transfer land to Keen in exchange for an agreement to abandon it, such a contract would likely be unenforceable because it requires future legislative action. That is, it would require the Assembly to agree in advance to authorize the exchange of unspecified parcels of land in the future.[45]

*Mount Juneau Enterprises* addresses the distinction between the Assembly's legislative function and its proprietary, not its quasi-judicial function. However, the case does make clear that zone changes are legislative, and a later case from Kenai[46] establishes that this is true for small-scale rezonings—even spot zoning— that affect the rights and liabilities of particular persons and for that reason are regarded as quasi-judicial in some other states.

Bicknell does not directly challenge the legislative status of rezones or claim that this appellate case can accomplish the rezone it seeks. It agrees that "At a minimum, the Assembly can direct the

44 *Mount Juneau Enterprises, Inc. v. City and Borough of Juneau*, 923 P.2d 768, 776 (Alaska 1996)

45 CBJ 01.01.020 provides that the "Code sections in history notes and cross references shall be cited by giving the title, chapter and section numbers preceded by CBJ." The Supreme Court has never been comfortable with this form of citation and has taken to using the form "CBJ ordinance xx.xx.xxx" This at least is better than the unfortunate "CC & BJ" it used in the otherwise judicious *Thane Neighborhood Ass'n v. City and Borough of Juneau*, 922 P.2d 901 (Alaska 1996). I suggest "CBJC", which provides acronymical accuracy but avoids confusing code sections with ordinances, many of which are noncode or amend multiple code sections.

46 *Cabana v. Kenai Peninsula Borough*, 21 P.3d 833 (Alaska 2001)

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

Municipal Attorney to "draft an ordinance providing for the requested rezone and forward it to the Assembly for introduction" as it did in *Harris*."[47]

In its briefing on this case, the Commission took the position that there is no legal remedy for a rezone denial and the current appeal is futile. Further, says the Commission, because the new language in the 2013 Comprehensive Plan imposes new standards that only the Commission can analyze, I cannot recommend reversal[48] and Bicknell's only option is to start all over again with a new rezone request.

At the hearing, counsel for the Commission refined its position, proposing a second option: that this appeal be rejected, that the Assembly, on its own, order that the rezone be submitted to it in its legislative capacity, consistent with Ordinance 2014-14. The Assembly would then likely need the Community Development Department to draft an accompanying staff report analyzing whether the rezone is consistent with the 2013 Comprehensive Plan. In its brief and in the hearing the Commission offered to waive the limitation of CBJ 49.75.110 that rezone requests be submitted only in January and June, and the limitation of CBJ 49.75.120 that rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered.[49]

Procedural disagreements in this case are becoming less significant. The parties agree that only way to address the merits of this rezone is to present legislation to the Assembly. The Commission acknowledges that the equities of this case warrant relief from the usual scheduling requirements. The Commission argues that the Assembly must analyze the rezone under the 2013 Comprehensive Plan, and while it cannot do so within the procedural framework of this legal appeal, it could in the legislative process, with the availability of advice from CDD.

As noted above, I think the comprehensive plan changes are more form than substance and require no revisiting of facts or analysis by CDD or the Planning Commission, especially given that the

47 Bicknell Reply Brief at page 6. At the hearing, counsel for Bicknell explicitly confirmed that only the Assembly in its legislative capacity can accomplish a rezone.

48 Commission Brief at page 19. At the hearing, counsel for the Commission made it clear that he was not picking on the hearing officer: the argument is that neither the HO nor the Assembly in its quasi-judicial capacity can conduct the analysis and arrive at findings under the new standard. Also, I assume that by "reversal", the Commission means "grant the rezone request" and not "set aside for failure to provide findings."

49 At the hearing, neither Bicknell nor TSI responded to this second option. TSI—consistent with the terms of the order granting intervention—confined most of its argument to the importance of considering the cumulative environmental impact of development in the Mendenhall Wetlands.

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

rezone requires only "substantial conformance" with the plan. But even if the 2013 plan did impose new standards, the Assembly could analyze them in its quasi-judicial role. The Commission has cited *Bolieu v. Our Lady of Compassion Care Center*[50] for the proposition that a quasi-judicial body cannot make its own factual findings.[51] However, *Bolieau* was an appeal from the Alaska Workers Compensation Board to Superior Court. Unlike a court, the CBJ Assembly in its quasi-judicial role is largely unrestricted by separation of powers notions and enjoys considerable fact-finding authority courtesy of its organic legislation. The CBJ appellate code allows the Assembly to supplement the record[52], issue subpoenas[53], consider depositions[54], affidavits[55] and exhibits[56], allow the cross-examination and impeachment of witnesses[57], take official notice[58], modify the decision below[59] and request a hearing officer to reconsider the proposed decision in light of new evidence raised in objections to it.[60] The Assembly's situation is more like that in *Anchorage Board of Adjustment v. LBJ, LLC* in which the Anchorage Platting Board required a developer to improve a road, but on appeal, the Board of Adjustment reversed for lack of substantial evidence, and substituted its own judgment. On appeal to superior court, the appellant argued that the court should view the BOA decision just as the supreme court views a decision of the superior court sitting as an intermediate court: with no deference. The court disagreed, saying it owed deference to both municipal bodies and this would be true even if the two bodies came down on opposite sides of an important issue: "Given the deferential standard, it is conceivable that both decisions could be supported by substantial evidence. While courts try to be consistent in applying the standard of review, it is not always a completely straight-

50 983 P.2d 1270 (Alaska 1999)
51 Commission Brief at footnote 6 and again at page 19, the former citing the case as a limitation on the judiciary, the second stating that it applies to a hearing officer. At oral argument, counsel applied it to quasi-judicial bodies.
52 CBJ 01.50.030(f)
53 CBJ 01.50.080
54 CBJ 01.50.090
55 CBJ 01.50.120
56 CBJ 01.50.110(b)(2)
57 CBJ 01.50.110(3) and (4)
58 CBJ 01.50.130
59 CBJ 01.50.140(a). In theory, issues and evidence not presented to the agency below cannot be raised on appeal unless it is "Newly discovered evidence which by due diligence could not have been discovered previously and disclosed during the prehearing process, and further could not have been submitted to the agency whose decision is being appealed" CBJ 01.50.110(e)(1). This somewhat porous due diligence standard is nonetheless well-suited to this case, where the new evidence in issue—the 2013 plan—became effective at the very end of the Planning Commission process.
60 CBJ 01.50.140(c)(3)

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

forward exercise."[61]

Although the Assembly in its quasi-judicial capacity could consider the possible impact of the 2013 language, the disposition of this appeal as ordered by this decision does not require it to do so. The case could be returned to the Commission for better findings, including a finding about the new 2013 RD language. Whether that procedure would be subject to the old rezone-appeal procedures or the new rezone-protest procedures is unclear, but given the dubious relevance of the 2013 language there is little to gain by finding out. As stated above, the 2013 language creates no new standard implicating Planning Commission expertise. The better solution is much the same as that used by the Assembly in the *Harris* case and proposed by the Commission as its second option here: to simply set aside the Planning Commission decision and refer the matter to the Assembly in the form of an ordinance for introduction.

At the hearing, counsel for the Commission expressed some concern about the lack of cases in support a referral from a quasi-judicial body to a legislative body, and the point is well taken. However, there is no doubt that one remedy in any appeal from the Planning Commission is to send the matter back to the Planning Commission. And if, as the Commission argues in its brief, the Planning Commission is a legislative committee of the Assembly, there seems little separation-of-powers reason to deny the legislature what its committee may have. More importantly, a direct referral will serve the interests of justice. This rezone effort has required Bicknell to expend significant time and money in numerous different procedures seeking the same thing but with no clear result. It is manifest that it would work an injustice to require strict adherence to yet more such procedures when current rezone applicants enjoy direct access to the lawmaking powers of the Assembly.

> **01.50.260 - Relaxation of requirements**. This chapter is designed to facilitate the business of the appeal agency or hearing officer, and shall be construed to secure the reasonable, speedy and inexpensive determination of every appeal. The procedural requirements of this chapter may, in the discretion of the appeal agency or hearing officer, be relaxed in any case where it is manifest to the appeal agency that a strict adherence to them will work injustice.

61 228 P.3d 87, 89 (Alaska 2010). The case featured an ordinance not present here: AMC 21.30.190 provides that both the Platting Board and the BOA shall not be reversed except for a lack of substantial evidence.

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

**V. The Takings Issue**

Both the federal and state constitutions prohibit the government from taking property without just compensation. The state prohibition[62] also requires compensation when private property is "damaged", and Bicknell correctly cites *Tlingit-Haida Regional Electrical. Authority v. State*[63] for the proposition that Alaska thus provides broader protection to property owners. Bicknell would make the protection broad enough to require compensation in this case, but its briefing does not clearly identify the property which it believes has been taken or damaged. At the hearing, counsel for Bicknell argued that it had a very solid case for the rezone it sought and CDD staff recommended a rezone, but the Commission denied the rezone for the principal reason of keeping the Property zoned RR as a form of leverage so CBJ could acquire the Property at a depressed price and that this effect would extend to Bicknell's efforts to market the Property to other buyers. The property that Bicknell sees taken, then, appears to be the difference in value between the Property zoned as it is and the Property zoned as Bicknell wishes it were.

Bicknell is arguing that the government can be liable for a taking when it does nothing; a calamitous rule given the nature of governments everywhere. But it conditions this argument on the premise that in this case the government *should* have done something—grant Bicknell's rezone request—and its failure to do so is compensable.

It is true that the concept of a "taking" has evolved over the years from the notion of a physical seizure to that of a diminution of the owner's rights and attributes of ownership. In *Anchorage v. Sandberg*[64] the Alaska Supreme Court acknowledged this evolution but cautioned against taking it too far. The case involved a developer, SD&R, who acquired several lots in an undeveloped subdivision with the intention of improving and selling them. Over several years, SD&R and the municipality engaged in a variety of actions with each other: local improvement districts, buying and selling lots with adjoining property owners, subdividing property; all circling around the possibility that the city would develop a park and associated water, sewer and road improvements in the neighborhood. The developer wound up with eight lots surrounded on three sides by municipal property designated

62 Alaska Const. art. I, § 18
63 15 P.3d 754 (Alaska 2001)
64 861 P.2d 554, 558 (Alaska 1993)

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

as park land, and suggested that the city buy them. The parties entered into negotiations, and when a cash purchase became unworkable, the city suggested a land trade, but that didn't work either. Then the city initiated a petition to "re-ballot" the LID's, claiming that soil tests now showed that construction costs would be much higher than originally planned. SD&R protested, claiming that the city was attempting to walk away from the situation created by its park acquisitions. In the re-ballot, the city voted its majority interest and the new LID's were defeated. The Anchorage Assembly then abolished the earlier districts. The developer sued, claiming inverse condemnation.

The court first reiterated the factors which the court must consider in taking cases where, as here, the government has neither physically invaded the property nor denied its owner all economically feasible use of the property: (1) the character of the governmental action; (2) its economic impact and (3) its interference with reasonable investment-backed expectations. This test was a hard one for SD&R:

> Government actions become "takings" under principles of inverse condemnation when a private land owner is forced to bear an unreasonable burden as a result of the government's exercise of power in the public interest.
>
> This case involves neither a physical invasion nor even a regulation constraining SD&R's use of its property. Instead, it involves a series of municipal decisions which, indirectly, have rendered SD&R's development plans economically infeasible. To find a taking where the infringement of SD&R's property rights is so unclear, the severity of the economic impact and the reasonableness of SD&R's expectations concerning its development plans must weigh heavily in SD&R's favor.
>
> …
>
> This case differs significantly from [earlier regulatory takings cases] in that the municipality has never threatened or initiated condemnation proceedings. In fact, unlike the typical regulatory taking case, the municipality has never placed any direct restrictions on SD&Rs right to use and develop any portion of its property. Nevertheless we recognize that it has now become economically infeasible for SD&R to develop its land in part due to the municipality's change of plans. The real question presented by this case is whether SD&R's expectations concerning its development plans were reasonable and whether those expectations should be afforded constitutional protection.
>
> …
>
> It is undisputed that SD&R's lots could not be developed without the approval and construction of the necessary water, sewer and road improvements. In order to find a compensable taking under [an earlier case], we would have to conclude that the Assembly's approval of the water and sewer districts constituted some kind of "guarantee" or "express promise" that the road improvement district providing access to SD & R's property would eventually be approved and constructed. There is absolutely no basis for such a conclusion.[65]

65 The court noted, at 560, that the ruling was "in the absence of a viable estoppel claim". Bicknell has not

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

In this case, Bicknell has acknowledged[66] that CBJ condemnation proceedings are not a threat. The city has placed no direct restrictions on Bicknell's use of its land, other than the zoning it has always had.

Bicknell does not allege that CBJ has evidenced an unequivocal intention to take the Property, nor any evidence that the rezone was denied for the purpose of depressing its price.[67] *In Ehrlander v. Alaska Department of Transportation*[68] A property owner sought damages for a decrease in the value of his property resulting from an impending condemnation by the state. The court adopted a four-part test to determine whether the condemnation valuation date should be advanced to a time well before the impending condemnation depressed the value:

> For the time of valuation to be advanced, marketability must be substantially impaired and the condemning authority must have evidenced an unequivocal intention to take the specific parcel of land. The special use of the land by the owner must be acquiring and holding the property for subsequent development and sale. Further, the owner must have taken active steps to accomplish this purpose.

Bicknell may claim that it has a very strong case for its rezone under the comprehensive plan, but a strong case is not the same as a guarantee, as every lawyer who walks the earth can tell you. It is not even a reasonable investment-backed expectation, given the language of CBJ 49.05.200:

> (c) *No rights created*. The goals and policies set forth in the comprehensive plan are aspirational in nature, and are not intended to commit the City and Borough to a particular action, schedule, or methodology. Neither the comprehensive plan nor the technical appendix adopted under this section nor the amendment of either creates any right in any person to a zone change nor to any permit or other authority to make a particular use of land; neither do they constitute a regulation of land nor a reservation or dedication of privately owned land for public purpose.

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claimed estoppel. The court also quoted with approval from *Habersham at Northridge v. Fulton County, Georgia*, 632 F.Supp. 815, 823-24 (N.D.Ga.1985) which held that a county zoning board's refusal to change a property's zoning from residential to commercial did not constitute a taking.

66 Record, at page 97.

67 At page 13 of its opening brief, Bicknell cites to pages 101 and 178 of the Record, where a member of the public argues that a rezone would increase acquisition costs, but this view should not be attributed to the Planning Commission, which avoided such speculation, as stated by Commissioner Watson, in the minutes of the December 10 meeting, "He said the Commission has an application before it, and it is charged with making a decision on land use only, not on speculative purchases. He said purchasing the land has always been the plan of Parks and Recreation, but it has never had the funds to do so. He said that is not something for the Commission to even consider at this point, since it is all hypothetical." Record, at page 213.

68 797 P.2d 629, 634 (Alaska 1990)

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

Similarly, in *Tlingit-Haida Regional Electrical Authority v. State*, cited above, an electrical utility that claimed a property right to a government certificate was denied compensation when it was revoked because the government had explicitly reserved the right to modify the certificate.

Bicknell did not have a reasonable investment-backed expectation that it would be granted a rezone, nor has it presented any evidence of extraordinary delay, bad faith, estoppel or other mitigating factors. I conclude that it has not made out a case for inverse condemnation.

**VI. Proposed Findings**

Pursuant to CBJ 01.50.140(a) and for the reasons set out above, the Assembly finds:

1. The decision by the Planning Commission is not supported by adequate written findings and is set aside by authority of CBJ 01.50.070. The parties will each bear their own costs.
2. Under the rule of *Harris v. Planning Commission,* in correspondence to current rezone procedures, and in the interests of justice pursuant to CBJ 01.50.260, the rezone at issue is forwarded as a legislative proposal to the Assembly. The Manager is directed to prepare and submit to the Assembly for introduction an ordinance or ordinances amending the comprehensive plan map, the zoning map, or both as necessary to accomplish the rezone as recommended by CDD staff in its memos of April 4, 2013 and November 21, 2013, which memos shall also be submitted. The Manager will make the record on appeal in this case available to the Assembly and shall include such staff reports as may be necessary or useful to advise the Assembly of facts or laws that have become relevant since the rezone application was filed.
3. This disposition of this appeal is based on the legal reasoning set out herein and implies no recommendation regarding the introduction or adoption of the legislation described above.

This proposed decision will be circulated to the parties for their review and any objections pursuant to cbj 01.50140(c). Thereafter, the decision, any objections, and my response to any objections will be forwarded to the Assembly. Unless rejected or modified by an affirmative vote of the Assembly on a motion to reject or modify, the proposed decision, as amended if such an amendment has been filed, shall be deemed adopted by the appeal agency and shall be the appeal agency decision. At that point it will be a final administrative decision of the Assembly of the City and Borough of Juneau, Alaska and may be appealed to the Juneau Superior Court, pursuant to the Alaska Rules of Court, if such appeal is filed within 30 days.

Ordered this 19th day of August, 2015

John Corso
Hearing Officer

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

**BEFORE THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU**

**ON APPEAL FROM THE PLANNING COMMISSION**

| | |
|---|---|
| BICKNELL, INC.,<br>*Appellant*<br><br>v.<br><br>CBJ PLANNING COMMISSION,<br>*Appellee*<br><br>and<br><br>TERRITORIAL SPORTSMEN, INC.<br>*Appellee-Intervenor* | Appeal of:<br>CDD File: AMD 2013-0015 |

**APPELLEE CBJ PLANNING COMMISSION'S OBJECTION**

The Proposed Decision was circulated to the parties on July 29, 2015. A party may file an objection within five days of distribution of the proposed decision. CBJ 01.50.140(c)(1). August 5, 2015, is five working days from the date the Proposed Decision was circulated. *See* Civil Rule 6(a).

The Commission does not object to the conclusion that the Assembly has complete discretion whether to consider a rezone ordinance. Proposed Decision pages 14-18, 22.

However, the Commission submits this objection because the Proposed Decision appears to adjudicate the merits of this case, Proposed Decision pages 3-14, without describing how this quasi-judicial body has subject matter jurisdiction. This case is governed inconsistently by Ord. 2012-11 and by CBJ 49.10.170(d), CBJ 01.50.020(a), CBJ 01.50.020(b), and CBJ 01.50.030(e)(2). As such, the Commission reiterates that the Hearing Officer lacked subject matter jurisdiction over this appeal, primarily because the relief requested was enactment of

legislation and only the Assembly—sitting in its legislative capacity—has authority to enact legislation. Commission Opposition Brief at 10-16 and 19-20.

This appeal should be denied and the Assembly—in a separate agenda item and in its legislative capacity—could decide whether to have a rezone ordinance introduced. Alternatively, Bicknell would be free to file a similar rezone request consistent with CBJ 49.75.120 or sooner as determined by the Assembly, which would be governed by Ord. 2014-14.

Finally, Appellant in its opening brief cited to *Bolieu v. Our Lady of Compassion Care Center*, 983 P.2d 1270 (AK 1999), for authority. *Compare* Appellant's Opening Brief at 5:16-18 *with* Proposed Decision at 17:2-7. Additionally, Appellant appears to concede that "Orders based on contradictory findings are not adequate and are routinely subject to vacation and remand." Appellant's Opening Brief at 6:22-25. The Hearing Officer has discretion to determine whether these distinctions are relevant on the sub-issue of adequacy of written findings. *See* Appellant's Opening Brief at 9 (requesting reversal and implicitly remand).

Dated this 5th day of August, 2015.

By: _____
Robert H. Palmer III,
*Attorney for Planning Commission*
Alaska Bar No. 1405032

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing CBJ Planning Commission's Objection and this Certificate of Service were served on the following parties as indicated below:

| | |
|---|---|
| *For Appellants*<br>Daniel Bruce, ABA #8306022<br>Baxter Bruce & Sullivan P.C.<br>P.O. Box 32819<br>Juneau, AK 99803<br>(907) 789-3166, tel / (907) 789-1913, fax<br>dbruce@baxterbrucelaw.com | ☐ *Legal Messenger*<br>☐ *Hand Delivered*<br>☐ *Facsimile*<br>☐ *First Class Mail*<br>☑ *Email* |
| *Appellee-Intervenor Territorial Sportsmen, Inc*<br>Bruce Weyhrauch, ABA #8706057<br>whyrock@gci.net | ☐ *Legal Messenger*<br>☐ *Hand Delivered*<br>☐ *Facsimile*<br>☐ *First Class Mail*<br>☑ *Email* |
| *Hearing Officer*<br>Mr. John Corso<br>appeal@corso.org | ☐ *Legal Messenger*<br>☐ *Hand Delivered*<br>☐ *Facsimile*<br>☐ *First Class Mail*<br>☑ *Email* |
| *Municipal Attorney for the Assembly*<br>Amy Mead<br>Amy.Mead@juneau.org | ☐ *Legal Messenger*<br>☐ *Hand Delivered*<br>☐ *Facsimile*<br>☐ *First Class Mail*<br>☑ *Email* |
| *Municipal Clerk*<br>City.Clerk@juneau.org | ☐ *Legal Messenger*<br>☐ *Hand Delivered*<br>☐ *Facsimile*<br>☐ *First Class Mail*<br>☑ *Email* |

DATED at Juneau, Alaska, this _5_ day of August, 2015.

Samantha J. Senkiw

Litigation and Civil Support Assistant
City and Borough of Juneau
One Sealaska Plaza, Suite 202
Juneau, AK 99801
Ph: (907) 586-5242
Fx: (907) 586-1147

# Before the Assembly of the City & Borough of Juneau

## On Appeal from the Planning Commission

**Bicknell, Inc.**
*Appellant*
v.
**CBJ Planning Commission**
*Appellee*
and
**Territorial Sportsmen, Inc.**
*Appellee-Intervenor*

**CCD file**
**AMD 2013 0015**

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

**Hearing Officer's Response to**
**Appellee's Objection to Proposed Decision**

As required by the CBJ appellate code[1], I provided the parties with copies of the Proposed Decision for their review and comment. The Commission filed a timely Objection. The other parties did not respond. I have reconsidered the Proposed Decision in light of the Commission's Objection, have concluded that no change in the Proposed Decision should be made[2], and herein set forth the reason for the rejection of the Commission's Objection.

In its Objection, the Commission reiterates its argument that I[3] lack subject matter jurisdiction primarily because the relief requested by Bicknell was enactment of legislation, and only the Assembly in its legislative capacity can do that. The Commission is correct to argue that this appeal cannot grant an ordinance, but incorrect to end the analysis there.

The precise relief requested by Bicknell in its Notice of Appeal is "Reversal of the Decision being appealed *and* granting of the rezone request." [emphasis added] Granting a rezone request does indeed require an ordinance, but reversing the decision being appealed does not, and is well within the

1 CBJ 01.50.140(c)
2 I did correct a typographical error, and clarified the language at page 13, line 18 to eliminate a confusing use of "required" and "requirement".
3 As noted in footnote 48 of the Proposed Decision, I assume that the Commission does not mean to raise an objection unique to the hearing officer and would likewise argue that the Assembly in its appellate capacity lacks subject matter jurisdiction.

John R. Corso
2311 Westwood Dr. Anacortes, WA 98221
appeal@corso.org

subject matter jurisdiction of the Assembly in its appellate capacity and the derived jurisdiction of this hearing officer.[4]

The appellate code does not use the term "reversal" but does provide that the Assembly may "set aside" the decision being appealed.[5] The Proposed Decision does just that, and for a reason—inadequate findings—that no party has contested. It is difficult to see how this constitutes, as the Objection suggests, "a decision on the merits". Only the Assembly in its legislative capacity can make a decision on the merits of a rezone. The Proposed Decision merely resolves this appeal on procedural grounds in a "reasonable, speedy and inexpensive"[6] manner so that the Assembly in its legislative capacity may consider the other half of Bicknell's requested relief.

The Proposed Decision, the Commission's Objection, and this Response shall be forwarded to the Assembly for its consideration under CBJ 01.50.140(c)(2). Unless rejected or modified by an affirmative vote of the Assembly on a motion to reject or modify, the Proposed Decision shall be deemed adopted by the Assembly and shall be the Assembly's decision. No testimony or evidence of any nature may be received by the Assembly at the meeting at which the Proposed Decision is presented.

ORDERED this 19th day of August, 2015

John Corso
Hearing Officer

4 A "reversal" is not necessarily an order imposing the opposite of what was decided below. It can be an order to conduct further proceedings such as making better findings, *Elk v. McBride*, 344 P.3d 818, 826 (Alaska 2015), or it can be a method of vacating a judgment, Alaska R. Civ. P. 60(b)(5), or it can be an unexplained part of a judgment in which a lower court ruling is "reversed, vacated, and set aside", *Matter of Mendel*, 897 P.2d 68, 77 (Alaska 1995)

5 CBJ 01.50.140(a) says in relevant part "A decision may affirm, modify, or set aside an agency decision in whole or in part. A decision may be to remand any issue to the agency." The Commission asserts in its Objection at page 2, line 18 that Bicknell in its opening brief "implicitly" requested a remand, but a careful review of the cited briefing provides no support for this assertion. A better indicator is Bicknell's explicit request in its reply brief at page 6, line 2 for precisely the relief provided by the Proposed Decision, though not, as the koan on page 9, line 15 would have it "for each of the reasons which Bicknell has stated, each of which applies to every other reason."

6 CBJ 01.50.260

# Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

**PLANNING COMMISSION**

**NOTICE OF RECOMMENDATION **REVISED****

Date: March 6, 2017
File No.: AME2016 0007

City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

| | |
|---|---|
| Application For: | A request to rezone 23 acres of an 83 acre parcel from Rural Reserve to Industrial zoning. |
| Legal Description: | USS 1568 Tract B |
| Parcel Number: | 5-B14-0-102-007-0 |
| Property Address: | Yandukin Drive |
| Hearing Date: | January 24, 2017 |

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 12, 2017 and recommended that the City and Borough Assembly adopt staff's recommendation to rezone 23 acres of an 83 acre parcel from Rural Reserve to Industrial Zoning, with the following condition:

1. Prior to a zone change from Rural Reserve to Industrial, the property owner shall obtain and develop legal access to the subject parcel from Maplesden Way or an alternate access approved by the CBJ Community Development Department Director, in conformance with CBJ Code 49.15.424.

Attachments: January 12, 2017 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding AME2016 0007.

This Notice of Recommendation constitutes a recommendation of the City & Borough of Juneau 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: _____
Teri Camery, Senior Planner
Community Development Department

_____
Benjamin Haight, Chair
Planning Commission

_____
Filed With City Clerk

3/6/2017
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

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

**DATE:** January 12, 2017

**TO:** Planning Commission

**FROM:** Teri Camery, Senior Planner
Community Development Department

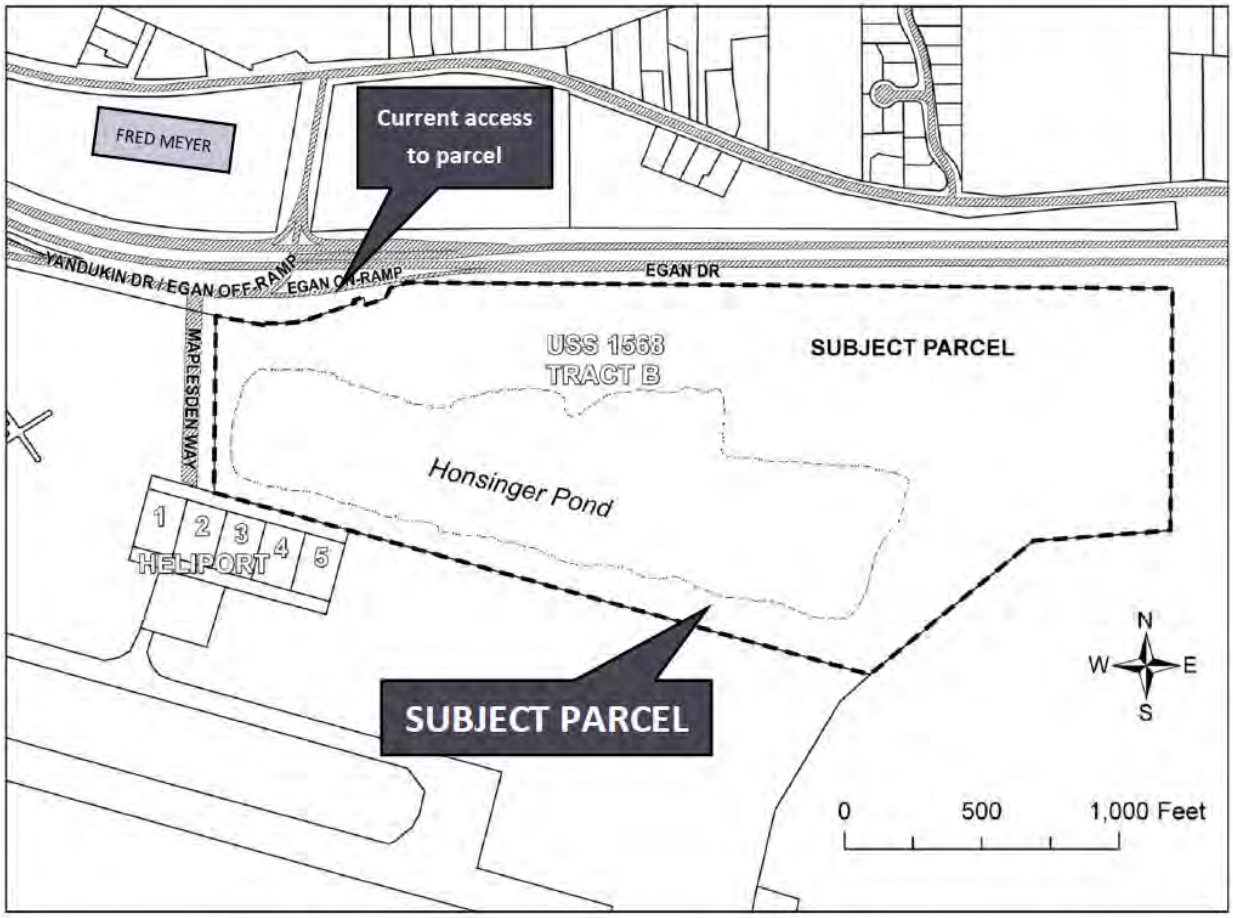
**FILE NO.:** AME2016 0007

**PROPOSAL:** A request to rezone 23 acres of an 83 acre parcel from Rural Reserve to Industrial zoning

| | |
|---|---|
| Applicant: | Bicknell Inc. |
| Property Owner: | Bicknell Inc. |
| Property Address: | Yandukin Drive |
| Legal Description: | USS 1568 TR B |
| Parcel Code No.: | 5-B14-0-102-007-0 |
| Site Size: | 82.66 Acres |
| Zoning: | RR - Rural Reserve |
| Comprehensive Plan Future Land Use Designation: | RD - Resource Development |
| Utilities: | City water and sewer |
| Access: | Yandukin Way/Egan Drive |
| Existing Land Use: | vacant/dredge pond |
| Surrounding Land Use: | North- D-5; Juneau Christian Church<br>Northwest – Light Commercial: Fred Meyer retail |

South - Industrial; Juneau International Airport
East - Mendenhall Wetlands State Game Refuge
West - Industrial; Juneau International Airport

**Vicinity Map**




**ATTACHMENTS**

| | |
|---|---|
| Attachment 1 | Development Permit Application |
| Attachment 2 | Zone Change Application |
| Attachment 3 | Zone Change Boundary Map |
| Attachment 4 | Project Narrative |
| Attachment 5 | Parcel Map |
| Attachment 6 | Zoning Map |
| Attachment 7 | 2013 Juneau Comprehensive Plan Land Use Designation Map |
| Attachment 8 | 2013 Juneau Comprehensive Plan Scenic Corridor Viewshed Map |

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|---|---|
| Attachment 9 | Juneau Wetlands Management Plan Map |
| Attachment 10 | U.S. Army Corps of Engineers Wetland Fill Permit |
| Attachment 11 | Alaska Department of Transportation and Public Facilities Comments, July 26, 2016 |
| Attachment 12 | Juneau International Airport Comments |
| | A. November 18, 2016 comments with Federal Aviation Administration (FAA) references |
| | B. November 23, 2016 summary comments |
| | C. JIA Land Status Map with Chart |
| | D. JIA Layout Plan, pages 1-11 |
| | E. May 27, 2014 FAA letter to JIA regarding the airport's as-built layout plan |
| | F. INM Noise Models, Year 2015 and Year 2035 |
| | G. Supplemental information |
| Attachment 13 | Draft October 20, 2016 Wetlands Review Board Minutes |
| Attachment 14 | AME 2013 0015 Notice of Decision |
| Attachment 15 | AME2013 0007 Notice of Decision |
| Attachment 16 | CBJ Code 49.25.300 Table of Permissible Uses, with Industrial and Rural Reserve Zoning Districts Highlighted |

**INTRODUCTION**

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan. CBJ 49.75.130 describes re-zoning procedures.

**PROPOSAL**

The applicant requests a rezone to change 23 acres of an 83 acre parcel from Rural Reserve to Industrial zoning. The parcel is an old gravel extraction site adjacent to the Juneau International Airport and Mendenhall Wetlands State Game Refuge, developed in the 1970s to support the original construction of Egan Drive. While the site is adjacent to Egan Drive, physical access is a driveway connecting to Yandukin Way. This section of Yandukin Way is located on the on-ramp to Egan Drive. Access issues will be addressed near the end of this staff report.

In the Project Narrative, the applicant states that because gravel resources have been extracted from the property, the Rural Reserve zoning designation is no longer consistent with the surrounding uses and does not support CBJ policies regarding in-fill development. The re-zone application process does not require the applicant to declare specific uses or a development plan for the property. However the applicant states that the existing gravel extraction pond would be filled and a significant area of the filled pond would be utilized for industrial purposes.

The applicant has a U.S. Army Corps of Engineers permit authorizing the wetland fill. (Attachment 10)

The applicant's Project Narrative notes that the proposed re-zone complies with Comprehensive Plan policies 5.9, 5.10, and 10.7 regarding the need for additional Industrial properties. The property is flat and surrounded on three sides by Industrial and General Commercial zoning. The proposed rezone would retain 59.5 acres in the existing Rural Reserve zone. The applicant states that this change would preserve a buffer between the industrial uses and adjacent wetlands, and minimize visual impacts on views down the channel. (Attachment 4)

**BACKGROUND**

The subject parcel has an extensive history of gravel extraction followed by recent requests to change the zoning and the Comprehensive Plan maps to allow for new uses. Below is a brief history of the parcel obtained from CDD records:

**USE-CU66-04**. An application for a borrow pit. Approved.

**USE-CU85-33**. A Conditional Use Permit to allow continued use of an existing borrow pit. Approved.

**AME2012 0011**. An application to rezone the Honsinger Pond parcel to a combination of Industrial and Light Commercial classifications. This application was withdrawn before the Planning Commission hearing.

**AME2013 0007**. A request to amend the Comprehensive Plan Map G from Resource Development to a mix of Industrial, General Commercial, and Resource Development in the area of Honsinger Pond. The map amendment failed to win a recommendation for approval after a 3-3 vote of the Commission. This tie resulted in a denial recommendation, and the recommendation was appealed to the Assembly but withdrawn before it was heard.

**AME2013 0015**. A request to rezone 83 acres of Rural Reserve to a mixture of Industrial, Light Commercial, and Rural Reserve. The Planning Commission denied the request. The Commission's decision was appealed to the Assembly. The Assembly declined to have an ordinance introduced to rezone the property at that time.

**BLD2013 0052.** A grading permit for 150,000 cubic yards of fill. Approved.

CDD has also received a Conditional Use Permit application for a motocross park at the site. A motocross park may be allowed in either the Rural Reserve or Industrial zone with an approved permit. A date has not yet been set for Commission review of this application.

**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 OR was the zone change initiated by the commission or director?

**Yes**. The application for the subject zone change was initiated by the property owner in January 2016.

2. Has the director provided adequate public notice through newspaper advertising, property owner mailings and by requiring a public notice sign to be posted on-site?

**Yes.** Notice has been provided according to the chart below:

| AME16-07 Hearing Scheduled | Abutters Notice sent Out | Juneau Empire 1st Notice | Juneau Empire 2nd Notice |
|---|---|---|---|
| 11/8/16 | October 4<br>October 10 (notice sent a second time to provide a better map) | N/A | N/A |
| 11/8/16 POSTPONED | Postponement Notice sent October 17, 2016 | N/A | N/A |
| 1/24/17 | December 21, 2016 | January 13, 2017 | January 23, 2017 |

In addition, a public notice sign was posted on the site on January 10, 2017, visible from the right-of-way, for two weeks prior to the Planning Commission hearing.

**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. Rezone requests which are substantially the same as a rezoning request rejected within the previous twelve 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.*

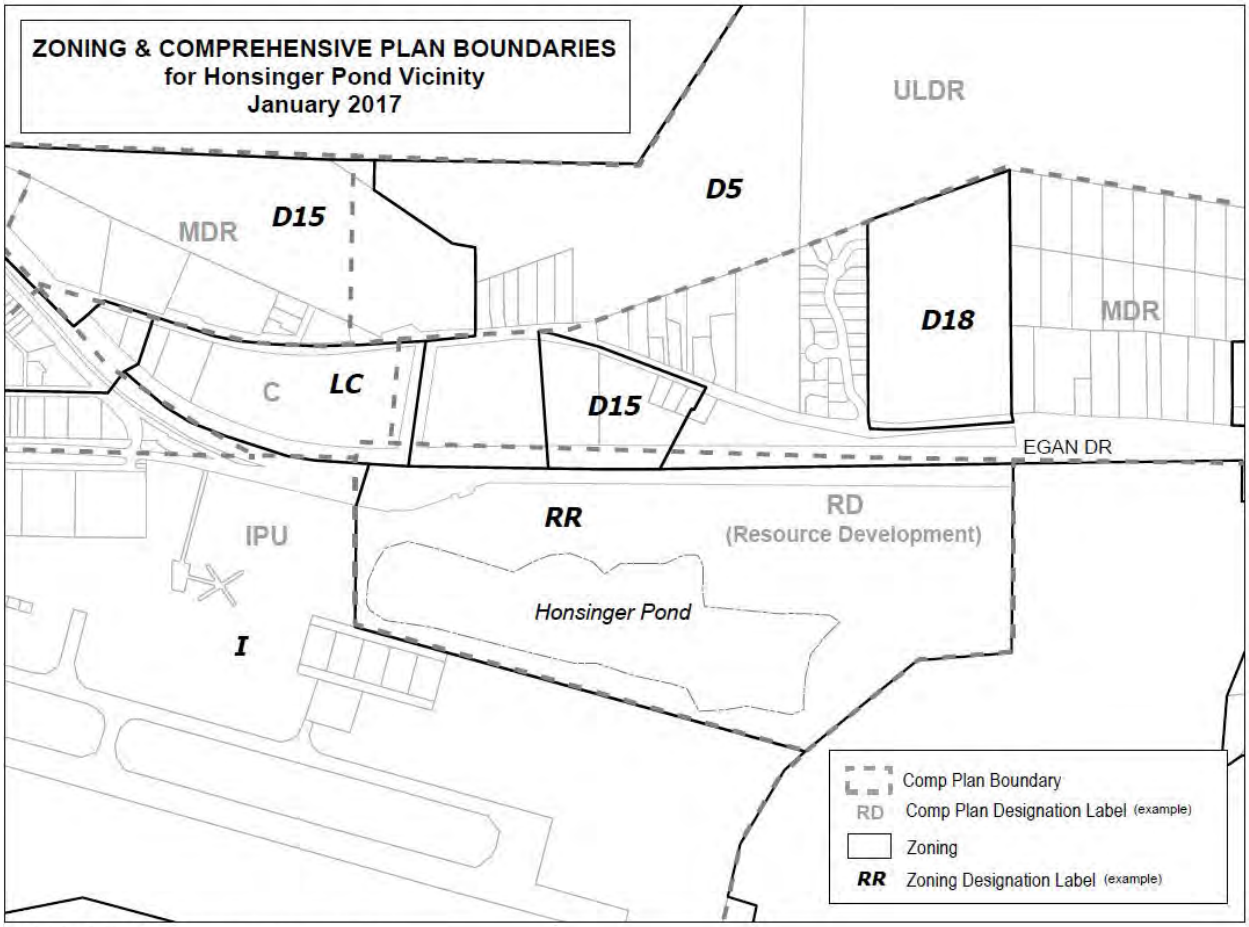
The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request is for 23 acres, significantly more than 2 acres, and is also an expansion of the Industrial zoning district.

2. No similar request has been made in the past year.

**COMPLIANCE WITH THE 2013 JUNEAU COMPREHENSIVE PLAN**

Comprehensive Plan designations and zoning districts are shown in drawing below:




P:\quinn\Projects\CDD\honsinger_zoning_compplan.mxd

In Chapter 11, Comprehensive Plan Land Use Maps, the following guidance is offered in regard to rezoning:

> *In considering a re-zoning request, 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. (p.143)*

When there is a discrepancy between the Comprehensive Plan and the Land Use Code, the Land Use Code prevails. Specifically, CBJ Code 49.05.200(b) states, "....Where there is a conflict between the comprehensive plan and any ordinance adopted under or pursuant to this title, such ordinance shall take precedence over the comprehensive plan."

Chapter 1 of the Comprehensive Plan further supports the flexibility of the plan, but emphasizes that it should be used when considering community growth, along with other current information. Specifically, the Plan states:

> *Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. ....[The Plan] should...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 data in the Plan is out of date. [The Plan]....provides a logical, consistent, and purposeful approach to managing community growth and development. (p. 1)*

When considering this request it is important to understand what the Comprehensive Plan intends when describing land use designations. The Plan states that the designations are intended to describe the overall character of development for each land use category. The Plan definitions are not intended to be firm or restrictive definitions. However, in contrast, zoning uses that are allowed outright, or allowed through a Conditional Use Permit, are firm and restrictive. The designations are to be used to guide the formation of zoning regulations. The land use designations and their allowed uses reflect cultural values and economic and societal needs, and over time, the Comprehensive Plan descriptions of land use categories will change to reflect changing values and circumstances. (p. 144) The Comprehensive Plan Map for this area is shown on Attachment 7.

CBJ 49.75.120 partially incorporates those Comprehensive Plan policies and directs that, "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." Thus, the issue is whether this rezone request substantially conforms with the land use maps of the Comprehensive Plan.

"Substantial conformance with the land use maps of the Comprehensive Plan" means the proposed zoning district (Industrial) needs to substantially conform with the Comprehensive Plan land use map designation (Resource Development). The term "substantial conformance" means that the proposed zoning district may deviate slightly from the Comprehensive Plan land use map designation but must be materially the same.

The proposed zone change to Industrial substantially conforms with the Resource Development designation, as described in the next section.

**Comprehensive Plan Land Use Designations**

The site is located in Subarea 4 of the 2013 Comprehensive Plan (map G). The plan shows this lot as RD, or Resource Development. Page 147 of the 2013 Comprehensive Plan describes RD as follows:

> *Land to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed. Such specific uses may include, where appropriate, resource extraction and development, recreational and visitor-oriented facilities, and residential uses. The area outside the study area of this Comprehensive Plan is considered to be designated Resource Development. As resources are identified or extracted from these lands, they should be re-designated and re-zoned appropriately.*

Staff notes that the majority of Resource Development lands in the Borough are either publicly owned or located outside of the Urban Service Area. The subject property is a notable exception.

The area immediately adjacent to the subject parcel is identified as Institutional and Public Use (IPU). Page 146 of the 2013 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.*

Although not specifically listed, the airport is a public facility and is an appropriate use in this area. If the airport was a private facility, the area would likely be designated as Industrial on the Comprehensive Plan maps.

The Comprehensive Plan Resource Development designation is broad and somewhat vague. While conservation is noted in the definition, so are resource extraction and development, and visitor facilities. The Industrial zoning district similarly encompasses a broad variety of potential uses including resource extraction, recreational facilities, and restaurants, though it does not allow visitor facilities. The Comprehensive Plan Resource Development designation indicates that "as resources are identified or extracted from these lands, they should be re-designated and re-zoned appropriately." Gravel extraction has been completed on the site; therefore a re-zone from Rural Reserve to Industrial is appropriate and substantially conforms with the vision of the Comprehensive Plan. As noted earlier, Chapter 11, Comprehensive Plan Land Use Maps, states that "In considering a re-zoning request, the Planning Commission and Assembly should aim to promote the highest and best use of the land....In some cases, the highest and best use may be increased density or more intensive use of the land..." The requested industrial zone would allow for increased use of the property, in a central area adjacent to Egan Highway and airport, following this guidance.

**Comprehensive Plan Scenic Viewshed Corridor**

The Mendenhall Wetlands State Game Refuge immediately adjacent to this parcel is an identified Scenic Viewshed/Corridor (SVC) in the 2013 Comprehensive Plan. The plan states that this designation is suitable for public properties. Page 146 of the 2013 Comprehensive Plan describes SCV areas as follows, with emphasis added:

> *This designation is suitable for <u>CBJ owned and other public lands whose views of, or whose near and/or distant views from the locale, are deemed as spectacular and/or represent a significant and important representation of the visual character of the CBJ.</u> The views of, or from, the designated SCV land area toward public vista points or viewscape: 1) demonstrate a scenic view of great natural beauty, a spectacular landscape, an important historic building, or site; 2) provide views of the aurora borealis, sea, harbors, or of cityscape that is a "signature" viewscape of the CBJ; and 3) is valued by residents and visitors alike and conveys the CBJ as a special place. Lands in the scenic corridor or viewscape should be protected from visual intrusion or obstructions from structures, night light and glare, invasive flora and/or other similar elements that would diminish the visual prominence of the viewscape. Lands within the SCV designations may be zoned for a mix of zoning districts, most particularly the same district as the surrounding lands; however, any new zoning request or rezoning application should identify specific view corridors that would be protected by any new*

> *development therein. Land uses that do not require view-blocking structures should be permitted, such as public vista plazas and seating areas, community gardens, boat launch facilities, fishing areas or utility poles.* (Emphasis added)

The Comprehensive Plan map (Attachment 8) and definition quoted above refer to both Scenic Corridor and Viewshed (SCV), however only the scenic corridor is specifically mapped; the viewshed is not. This Comprehensive Plan designation explicitly refers to public land, not private, and is therefore not applicable to the rezone request.

In the Project Narrative, the applicant has explained that under the proposed rezone 59.5 acres of the parcel would remain in the Rural Reserve zone to preserve a buffer between industrial uses and the adjacent wetlands and to minimize the visual impact on views down the channel. (Attachment 4)

**Comprehensive Plan Policies, Guidelines, and Considerations**

While CBJ Title 49 specifically requires a proposed rezone to substantially conform with the Comprehensive Plan **maps** (CBJ 49,70.120), a number of policies, guidelines and considerations in the plan also provide some context.

The CBJ Parks and Recreation Comprehensive Plan, Chapter 8, discusses potential public acquisition of a section of the subject property. However this discussion is not relevant to the proposed rezone because this area is outside of the requested rezone boundaries.

On page 181 of the Comprehensive Plan, Subarea 4, Guideline/Consideration 7 addresses industrially zoned land:

> *Seek new industrial zoning districts to compensate for the encroachment of existing industrial districts by retail, office and other non-industrial commercial uses. Designate the industrial districts that have a visual connection from and vehicular access to major thoroughfares and that have already been encroached upon by retail and office uses as heavy commercial/light industrial districts within which industry may remain and non-industrial commercial uses can expand. In other industrial districts, prohibit retail, office, residential and other non-industrial or non-Public uses. (p. 181)*

As discussed above, the site is currently designated as Resource Development in the 2013 Comprehensive Plan. The proposed zone change would leave approximately 59.5 acres of the parcel in Rural Reserve status, including approximately two thirds of the pond (which would be filled in accordance with an approved permit from the U.S. Army Corps of Engineers) and most of the western and southern areas of the lot. The applicant's project narrative states that this

area would preserve scenic views and provide a buffer between Industrial uses and the Mendenhall Wetlands Refuge.

The requested rezone, if approved, would create new industrially-zoned land which would have a visual connection from and vehicular access to major thoroughfares consistent with Guideline 7, above.

The Comprehensive Plan also addresses the Honsinger Pond area in Chapter 11, Comprehensive Plan Land Use Maps:

> *Industrial districts were designated according to the type of industrial use therein or based on the location criteria of industrial businesses. Due to the incremental, yet significant, encroachment of commercial retail, office and service uses into industrially-zoned districts in Lemon Creek and near the airport, these areas were re-designated from industrial use to heavy commercial/light industrial use. Other lands that had previously been designated for future park use near the airport (an abandoned land and gravel pit) and for resource development in Lemon Creek (an active gravel pit) were designated Resource Development; these areas are expected to be available for development in the long-term.* (p. 144) (Emphasis added)

This paragraph explicitly states that the subject property, adjacent to the airport, is intended for expanded development after completion of resource extraction.

Chapter 10, Land Use, discusses commercial and industrial land use as well as the availability of land for these uses. Juneau is far from national markets and serves as a regional hub for goods and services. This section of the plan says that much of Juneau's industrially-zoned land within the urban service area contains wetlands and is largely unsuitable for development. The buildable lands inventory that was done for the 2008 plan found that lands suitable for development in the near future include current and former gravel extraction sites. Policy 10.7 states:

> *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.*

With conditions, the proposed rezone would provide safe access to the subject property and allow a broader variety of commercial and industrial uses allowed in the Industrial zoning district.

Chapter 5, Economic Development, also discusses commercial and industrial development. This chapter articulates the need for additional industrially-zoned lands and again suggests that

"areas around gravel extraction activities can convert to industrial districts once the land is leveled and the gravel extraction on those lands is complete." (p. 58) Policy 5.10 states:

> *To designate sufficient and suitable land for anticipated commercial and industrial development as part of its overall economic development program.*

Furthermore, Standard Operating Procedure 5.10 SOP2 states:

> *When additional land is needed for commercial or industrial uses or when there are particular locational requirements for certain activities, initiate appropriate amendments to the Comprehensive Plan and Zoning maps to accommodate this need. These new commercial and industrial zones should be evaluated in relation to all applicable policies of the Comprehensive Plan. (p. 58)*

Chapter 8, Transportation, contains an extensive section on the Juneau International Airport. Page 104 states:

> *Typically, land surrounding an airport is placed in an industrial use designation, which is more compatible with the impacts of aircraft and the shipping functions of the airport; industrial tenants are more tolerant of noise, dust, fumes, and traffic associated with airports than are residential neighbors. With the very limited number of buildable sites for residential and commercial uses in the borough, those uses have encroached into the industrial buffer zone surrounding the airport, making vacant land for aviation-related businesses more expensive and hard to find.*

This paragraph is perhaps the most direct support for the proposed rezone in the Comprehensive Plan, as it specifically highlights the need for industrial property adjacent to the airport.

Finally, Policy 8.1 expresses the need for the airport to work with the private sector to facilitate commerce:

> *To promote and support aviation safety; to develop and maintain airport facilities meeting the aviation transportation needs for Juneau, its residents, visitors and commerce; and to work with the public and private sectors to facilitate commerce, economic development, and access to Alaska's Capital City.*

In conclusion, the proposed rezone substantially conforms with the 2013 Juneau Comprehensive Plan map designation, Resource Development, because the Resource Development designation states that properties under this designation should be rezoned after resource extraction has been completed. The plan includes many policies that support the

requested rezone from Rural Reserve to Industrial. These policies indicate a need for more industrial property within the borough and again state that the subject property is intended for expanded development after resource extraction has been completed, which it has. The plan also states that industrial zoning is the preferred designation for properties adjacent to the airport.

**2015 JUNEAU ECONOMIC DEVELOPMENT PLAN**

The 2015 Juneau Economic Development Plan is incorporated into the Comprehensive Plan in CBJ Code 49.05.200(b)(1)(N). The proposed rezone does not specifically address any of the eight economic development initiatives identified in the plan. However the rezone indirectly addresses one of the economic development planning concepts and practices listed in Chapter Two, as follows:

> *Land availability - an adequate supply of appropriately zoned land is available for commerce and industry, as well as residential development. This includes access to the land needed to support commercial, industrial, and other development. This also includes zoning that supports neighborhood- based small business growth that creates jobs and provides services which area residents and the community need. This type of small business development and growth also supports quality of life and walkable mixed-use neighborhoods.*

The proposed zone change from Rural Reserve to Industrial may create more opportunities for commercial and industrial development, as shown in the chart found in the Discussion section later in this report. The Economic Development Plan concept also notes the need for access to commercial and industrial development. Access to the subject property is an important issue which will be addressed later in this report.

Appendix A-7 of the plan also refers to the need for more Industrial property, which would be addressed by the proposed zone change:

> *Juneau does not have a large pool of industrial land available. When asked about over 20 possible barriers to their business or organization's growth during the 2014 JEP Business Survey, "availability of commercial/industrial property in Juneau" is seen as a significant barrier by 21% and somewhat a barrier by 24% of participating businesses.*

Along with policies in the Comprehensive Plan, specifically noted in Chapters 5, 8, and 10, the Juneau Economic Development Plan supports the need for industrial property to promote economic growth.

**COMPLIANCE WITH TITLE 49 LAND USE CODE**

The following language is provided by the CBJ Land Use Code to describe the current zoning designation, Rural Reserve:

> *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. (49.25.200)*

The applicant has requested that approximately 23 acres of the site be zoned Industrial, with 59.5 acres remaining in Rural Reserve. The CBJ Land Use Code describes the Industrial zone as:

> *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. (49.25.240)*

The Land Use Code states that rezones must substantially comply with the Comprehensive Plan maps, which designate this property as Resource Development. As discussed in the preceding analysis, the Industrial zoning district substantially complies with the Resource Development designation on the Comprehensive Plan maps and meets the intent of many Comprehensive Plan policies which encourage a transition to expanded development options after resource extraction has been completed and industrial uses adjacent to airports. In addition, Rural Reserve is primarily intended for large vacant public tracts of land that do not yet have development plans or for private parcels outside of the Urban Service Boundary. The subject property is in private ownership, centrally located adjacent to Egan Drive and the airport, the community needs more industrial land, this is an appropriate location for industrial land, and resource extraction has been completed. For all of these reasons, the Industrial zoning district is consistent with the Land Use Code.

**49.70.900-49.70.1097 Coastal Development, Habitat, and Wetlands**

The 2008 Juneau Wetlands Management Plan (based on the original wetland studies conducted in the 1980s) categorizes wetlands into four categories: A, B, C and D; A is the highest value and D the lowest. Class A and B wetlands require a Corps of Engineers Permit before they can be developed. The Wetlands Management Plan identifies a portion of this site as having a wetlands classification of B. The dredge pond portion of the site is identified as EP-Enhancement Potential. The Wetlands Management Plan does not classify intertidal wetlands, which constitute the remainder of this site. The most recent 2016 Juneau Wetlands Management Plan, which is currently in draft form, does not address this parcel. The applicant

has obtained a U.S. Army Corps of Engineers permit to fill the pond. (Attachment 10) CBJ Wetlands Board review is addressed in the following section.

**Agency Review**

An agency review period was conducted from June 23 through July 11, 2016. (Staff notes that although the application was initiated in January 2016 in accordance with code requirements, the applicant's project narrative was received in June. Therefore the agency review period was delayed.)

CDD did not receive any comments from: the Alaska Department of Environmental Conservation, Alaska Department of Fish and Game, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, CBJ Lands Division, CBJ Streets Division, CBJ Building Division, CBJ Assessor, or Alaska Electric Light and Power Company.

The CBJ Fire Department responded that they had no issues. The CBJ General Engineering Division stated, "GE supports the rezone which allows for additional development that would complement other Airport activities."

The CBJ Wetlands Review Board reviewed the proposal at its October 20, 2016 regular meeting. The Board discussed the habitat values of the site and reviewed the Industrial and Rural Reserve zoning districts with staff. The Board concluded that there was no need to make a motion on the proposal, noting that the Board would review specific developments in the future as needed. Draft board minutes are included in Attachment 13.

CDD received extensive comments from both the Alaska Department of Transportation and Public Facilities (ADOT/PF) and the Juneau International Airport (Attachments 11 and 12). The primary concern raised from the agency review process was vehicular access to the site. These issues will be addressed in the Access section of this report.

**DISCUSSION**

**Uses in the Rural Reserve and Industrial Zones**

As discussed in the Background section of this report, this site has historically been used for gravel extraction. This resulted in the borrow pit that is locally known as Honsinger Pond. The site is currently vacant, and the current zoning of Rural Reserve (RR) allows a wide variety of land uses.

There are commercial, church and residential uses across Egan Drive from this site. Zoning in this area is a mix of Light Commercial, and D-5 and D-15 residential uses. At this location Egan

Drive has four travel lanes, two turn lanes, and two acceleration lanes, which creates a significant delineation between other uses and also impedes pedestrian crossing. The adjacent Mendenhall Wetlands State Game Refuge was established in 1976 to protect habitat and game populations and to provide recreation. The airport is the nearest active land use. It is zoned Industrial and is shown as Institutional and Public Use (IPU) on the Comprehensive Plan maps.

The table below illustrates a variety of uses that might be permitted in the current Rural Reserve zoning as well as the proposed Industrial zoning for 23 acres of the site. This table does not include all uses that may be permitted in these zoning districts. The full Table of Permissible Uses, CBJ Code 49.25.300, has been attached for reference with the Industrial and Rural Reserve zoning districts highlighted. (Attachment 16)

**A Sample of Permissible Uses in the Rural Reserve and Industrial Zones**

| | Rural Reserve | Industrial |
|---|---|---|
| Duplex | 1 | |
| Hotel | 1 | |
| Light, medium, and heavy manufacturing | 3 T | 1, 3 |
| Restaurant/bar | 3 T | 3 |
| Gas station | 3 T | 3 |
| Landfill | 3 | 3 |
| Sand and gravel | 3 | 3 |
| Stable | 3 | 3 |
| Day Animal Services | 3 | 1,3 |
| Veterinary clinic | 3 | 1 |
| General retail | | 3 |
| Marine retail | 3 T | 3 |
| Motor vehicle sales | | 1,3 |
| Motor vehicle maintenance | | 1 |
| Commercial greenhouse | 3 | 1 |
| Health care clinic | | |
| Child care | 3 | |
| Outdoor recreation | 3 | 3 |
| Indoor recreation | | 3 |

Blank space - Use not allowed
1 – Allowed with a building permit
3 – Allowed with an approved Conditional Use Permit
3 T – Allowed with an approved Conditional Use Permit, and the proposed use must meet the requirement of Footnote T in the Table of Permissible Uses, 49.25.300, which states, “Must be associated with a unique site specific feature in order to function. Example: glacier research station – Juneau Icefield location.”

The table illustrates a key difference in permitting requirements between the Industrial and Rural Reserve zoning districts. While many uses require an approved Conditional Use Permit in both zones, several significant uses—such as manufacturing—have an additional requirement in the Rural Reserve zone for compliance with footnote T, an association with a unique site specific feature. This footnote was added to the Table of Permissible Uses as part of major code changes in 2010. A project addressing this requirement has not yet come before the Planning Commission. This requirement is potentially quite restrictive, therefore the Industrial zoning district may provide significantly more development opportunities than Rural Reserve. Staff notes that the table is intended to provide some examples and is not intended to serve as a substitute for analysis of allowed uses in the Table of Permissible Uses during the actual permitting process for a development.

As another way to evaluate the differences between the current zoning and the requested zoning, it may be useful to review the dimensional standards of the two zoning districts, as follows:

| | RR | I |
|---|---|---|
| Setbacks | | |
| Front | 25’ | 10’ |
| Rear | 25’ | 10’ |
| Side | 15’ | None |
| Street side | 17’ | 10’ |
| Lot coverage | | |
| Permissible uses | 10% | None |
| Conditional uses | 20% | None |
| Building Height | 45’ | None |
| Vegetative coverage | None | 5% |

Additional height limitations may be necessary on the property due to potential restrictions imposed by the Federal Aviation Administration, since the property is immediately adjacent to the Juneau International Airport. These issues are described in the following section.

**Juneau International Airport (JIA) Considerations**

Staff has worked extensively with the Juneau International Airport (JIA) throughout the review process and has held many meetings to address development questions, potential impacts to the airport, and access concerns. JIA has submitted several documents for the record as follows (Attachments 12A-12G):

A. November 18, 2016 detailed comments that include Federal Aviation Administration (FAA) references

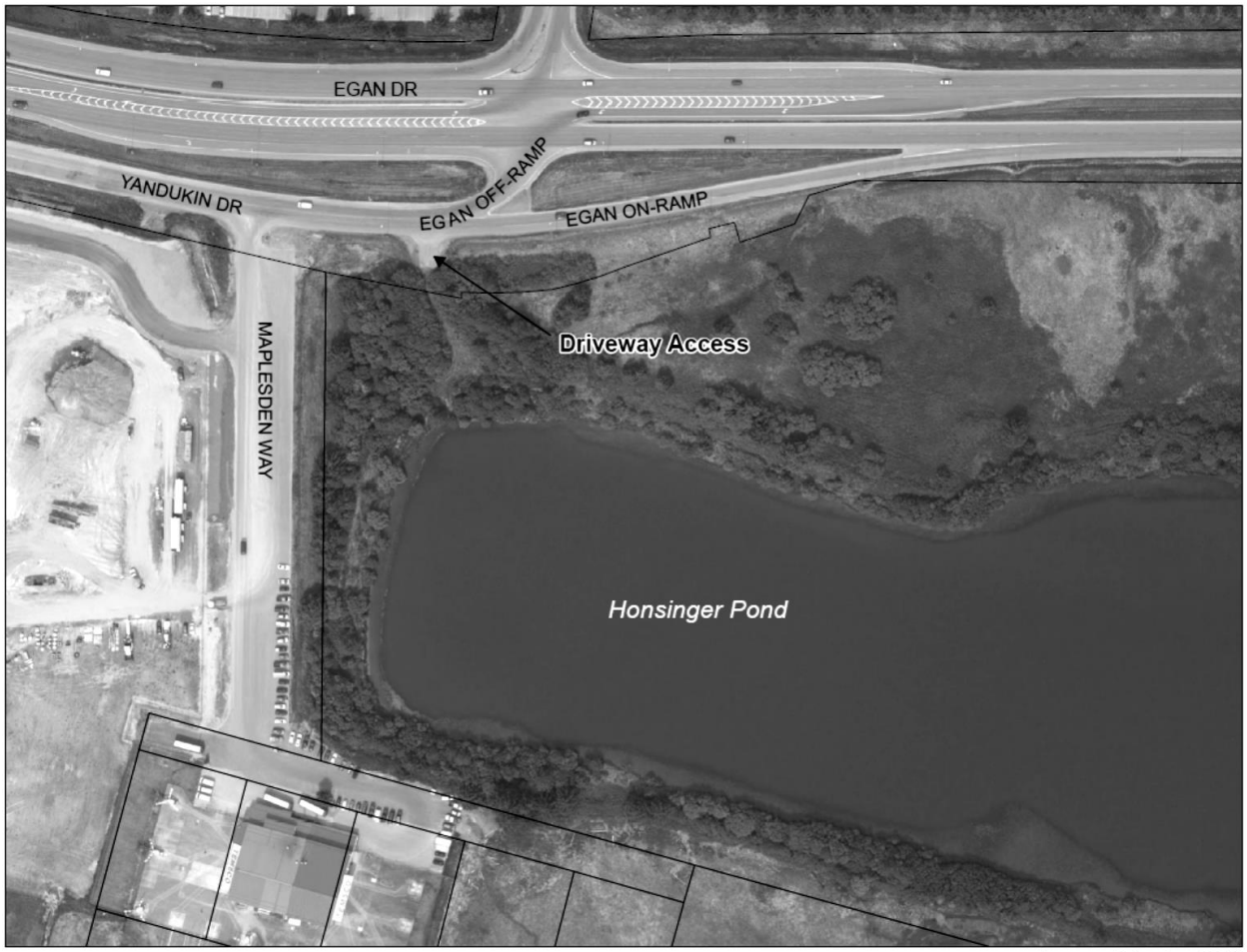
B. November 23, 2016 summary comments
C. JIA Land Status Map with chart
D. JIA Layout Plan, pages 1-11
E. May 27, 2014 FAA letter to JIA regarding the airport's as-built layout plan.
F. INM Draft Noise Models, Year 2015 and Year 2035)
G. Supplemental Information

JIA has concluded that the rezone is "premature" because some forms of development may interfere with aircraft safety. Staff observes that this is not relevant to the rezone itself and instead has to do with potential future development. CDD already has a protocol in place to inform JIA of development plans so that they may work with the applicant and the Federal Aviation Administration (FAA) as needed.

JIA notes that granting access to the applicant from Maplesden Way may require that the FAA be reimbursed for the road section connecting to the subject property, since that road section will not be used for airport-only purposes. This is a JIA monetary issue that is also not relevant to the rezone. The Alaska Department of Transportation has stated that any expanded use of the property, regardless of the zoning district, will require an alternate access point because the current driveway access is not safe. This is addressed in the next section of this report.

**ACCESS**

Access to the subject property is currently via Yandukin Way, through a driveway permit that was first issued by the Alaska Department of Transportation and Public Facilities (ADOT/PF) in 1972, during the original construction of Egan Drive. This section of Yandukin Way is located on the on-ramp to Egan Drive, as shown in the photo on the next page. The driveway permit for this location has been acknowledged and retained by ADOT/PF in subsequent Egan Drive/Yandukin Way improvements in 1981, 1994, 1999, and 2012, as documented in ADOT/PF surveys.




Imagery Date: June 2013

During CDD's Agency Review Process, CDD staff asked ADOT/PF to comment regarding the safety of the Yandukin Way driveway access and whether the driveway permit would be continued if uses on the property expanded through the re-zone process or other means. In an email message dated 7/26/16, ADOT/PF Right-of-Way Agent Emily Haynes responded with the following statements, reprinted in full (Attachment 11):

> *DOT&PF has included this access point in our projects along Yandukin. Within Alaska Preconstruction Manual (450.12.3), the driveway is considered to be permitted as-is per the as-builts for these projects. However, once the 1) land use of property served is changed; 2) the location of the driveway is changed, or; the driveway is modified in any other way (e.g. width, radii, grade, etc.) the landowner is required to obtain a new permit. Due to the fact that this is going to be rezoned to industrial, it is subject to a new review and permit.*
>
> *Within any subsequent driveway permit review, these are some major concerns that we've identified with allowing the access:*

- *The location is classified as an intersection and we have minimum distance requirements for access points from intersections*
- *Road classification*
    - *The on ramp is classified as a principal arterial and the rest of Yandukin is a major collector*
    - *Arterials are controlled access and private drives are not allowed; major collector allow us to limit accesses*
- *Alternative access to Maplesden present (unless it was restricted in the right of way designation)*
- *Safety Issues*
    - *Left hand turning vehicles from Egan (northbound) into the property could be stopped by southbound Yandukin traffic which may result in vehicles backing up across Egan*
    - *Left hand turning vehicles from the property onto Yandukin would have to watch northbound Egan traffic (those turning left to Yandukin) as well as southbound Yandukin traffic*
    - *Right hand turning vehicles on to the Yandukin on ramp would have to speed up to Egan speed*
    - *Right hand turning vehicles from Yandukin into the property would stop those trying to gain speed to Egan*

*There may be more issues that come to light during a review and there may be concessions we allow with approved development plans.*

*DOT&PF would prefer the property owner to use Maplesden Way as the access point as it is already existing and is far safer than allowing industrial facilities and associated traffic to the existing point of access.*

The parcel map shown in Attachment 5 shows the Yandukin Way driveway access and also shows Maplesden Way, located on the southwest property line. Maplesden Way was first constructed as an access road to cross Juneau International Airport (JIA) property to what is now the Temsco helicopter pad and office. Maplesden Way was later reconstructed and realigned to its current condition. JIA currently maintains the road, but the road is not a designated public right-of-way.

Based on ADOT/PF's comments, CDD has determined that the Yandukin Way driveway access is a significant public safety concern, particularly if use on the site expands as a result of the re-zone application. JIA has expressed reluctance to allow access from Maplesden Way. However no evidence indicates that Maplesden Way cannot be used to access this property, especially if the applicant and JIA negotiate. Staff notes that there are other roads, like Shell Simmons Drive

and Yandukin Way, that bisect JIA property and provide for non-airport related traffic. Alternatively, the property may be accessible across the Mendenhall Wetlands State Game Refuge. (See Alaska Statute 16.20.034(d) for reference.)

Without some alternative access from Maplesden Way or across the Mendenhall Wetlands State Game Refuge, the property owner would likely be denied any new development of the subject property regardless of the zoning district but especially under the expanded development options of the Industrial zone. Therefore staff recommends that Maplesden Way serve as the dedicated access to the parcel, with the following condition:

1. Prior to a zone change from Rural Reserve to Industrial, the property owner shall obtain and develop legal access to the subject parcel from Maplesden Way or an alternate access approved by the CBJ Community Development Department Director, in conformance with CBJ Code 49.15.424.

CBJ Code 49.15.424 states, in part, "Except as provided below, the department shall designate one right-of-way as principal access to the entire subdivision. Such access, if not already accepted for public maintenance, shall be improved to the applicable standards for public acceptance and maintenance."

A subdivision may not be required for anticipated future development, which would trigger implementation of CBJ Code. 49.15.424. Therefore requiring legal access from Maplesden Way prior to a change to the Industrial zone will ensure that subsequent development will be guaranteed safe access, thereby protecting the public health, safety, and welfare. Promoting public health, safety, and welfare is a key purpose and intent of the CBJ Land Use Code, as noted in 49.05.100(4).

**PUBLIC COMMENTS**

No public comments have been received at this writing.

**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 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.*

The intent of the Land Use Code 49.05.100 is shown below.

*(1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;*
*(2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*
*(3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*
*(4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
*(5) To provide adequate open space for light and air; and*
*(6) To recognize the economic value of land and encourage its proper and beneficial use.*

The request meets the two requirements to be considered for rezoning, in accordance with CBJ 49.75.120, because the parcel is greater than 2 acres and the request is not substantially the same as a rezone request rejected in the past 12 months. Furthermore, the request for Industrial zoning is an expansion of an existing zoning district.

As discussed in other sections, the rezone request meets the intent of the Land Use Code, item 1, because it substantially conforms with the Comprehensive Plan, specifically because it complies with the Resource Development designation on the Comprehensive Plan maps, and meets the intent of many Comprehensive Plan policies. The rezone request meets the intent of the Land Use Code, item 6, by recognizing the economic value of the subject property and allowing potentially expanded development within a zoning district that meets the intentions of Comprehensive Plan maps and policies. The condition to require access from Maplesden Way, or an alternative access, ensures that the development meets the intent of item 4 by providing safe access to promote public health, safety, and welfare.

**ZONE CHANGE OPTIONS AND ALTERNATIVES**

The applicant has requested to have 23 acres of the 82.66 acre site rezoned to Industrial and the remainder of the parcel, approximately 59.5 acres retained in the Rural Reserve district.

Options are to approve the request as submitted, deny the request as submitted, or recommend an alternative to the Assembly.

**FINDINGS**

After review of the application materials, the CBJ Land Use Code, and the CBJ 2013 Comprehensive Plan the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code.

2. Rezoning approximately 23 acres to the Industrial zoning district is in substantial conformance with the Land Use maps of the Comprehensive Plan, specifically Map G.

3. The proposed condition to require access from Maplesden Way or an alternative access approved by the CDD Director ensures that the rezone will protect public health, safety, and welfare.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommends that the rezone request to change 23 acres to Industrial be approved with the following condition:

1. Prior to a zone change from Rural Reserve to Industrial, the property owner shall obtain and develop legal access to the subject parcel from Maplesden Way or an alternate access approved by the CBJ Community Development Department Director, in conformance with CBJ Code 49.15.424.

# DEVELOPMENT PERMIT APPLICATION

| Project Number | CITY and BOROUGH of JUNEAU | Date Received: 1/28/16 |
|---|---|---|
| Project Name (City Staff to Assign Name) | | |

## PROJECT / APPLICANT INFORMATION

**Project Description**
Rezone 23 Acres of Rural Reserve to Industrial

### PROPERTY LOCATION

| Street Address | City/Zip |
|---|---|
| 0 Glacier HWY | Juneau 99801 |

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

**Assessor's Parcel Number(s)**
5B1401020070

### LANDOWNER/ LESSEE

| Property Owner's Name | Contact Person: | Work Phone: |
|---|---|---|
| Bicknell Inc | David | 789-5727 |
| **Mailing Address** | **Home Phone:** | **Fax Number:** |
| PO Box 33517 Juneau, AK 99803 | | 789-2644 |
| **E-mail Address** | **Other Contact Phone Number(s):** | |
| dblommer@bicknellinc.com | | |

### 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: 1/27/16

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: |
|---|---|---|
| Same | | |
| **Mailing Address** | **Home Phone:** | **Fax Number:** |
| | | |
| **E-mail Address** | **Other Contact Phone Number(s):** | |
| | | |

X _____ Applicant's Signature — Date of Application: 1/27/16

----------OFFICE USE ONLY BELOW THIS LINE----------

## STAFF APPROVALS

| ✓ | Permit Type | ***SIGN | 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) | | | |
| | Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change) | | | |
| | Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment) | | | |
| | Variance Case (De Minimis and all other Variance case types) | | | |
| | Wetlands Permits | | | |
| ✓ | Zone Change Application | BMC | 1-27-16 | AME 16-007 |
| | Other (Describe) _____ | | | |

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

Comments:

Permit Intake Initials: BMC

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

# ZONE CHANGE APPLICATION

| Project Number | Project Name (15 characters) | Case Number | Date Received |
|---|---|---|---|
| | | AME 16-007 | 1-27-16 |

TO BE COMPLETED BY THE APPLICANT

**LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED:**

**IS THIS AN EXPANSION OF AN EXISTING ZONE?** ☑ Yes ☐ No

Total Land Area of Proposed Change 23 acres

Comp Plan Designation RD

Current Zone(s) Rural Reserve

Comp Plan Map G

New Zone Requested Industrial

**TYPE OF ZONE CHANGE REQUESTED:**
☑ Regular ☐ Transition

**HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS?**
☐ Yes ☑ No

**UTILITIES AVAILABLE:** WATER: ☑ Public ☐ On Site SEWER: ☑ Public ☐ On Site

**PURPOSE OF THE REQUESTED ZONE CHANGE:**
To create industrial land to meet the demand in Juneau. To use the land at its highest and best use.

**IS THERE A PROPOSED USE OF THE LAND?** ☑ Yes ☐ No

**PROPOSED BUFFERS TO ADJACENT ZONES?** ☐ Yes ☑ No

**DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT):**
Industrial Development similar to the development on Commercial Boulevard

**DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:**

**STREETS:** Streets will be new contruction and accessed off of Yandukin Road

**WATER:** Water is located at site and will have minimal impact on public infrastructure

**SEWER:** Sewer is located at site and will have minimal impact on public infrastructure

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.

**ZONE CHANGE FEES**

| | Fees | Check No. | Receipt | Date |
|---|---|---|---|---|
| Application Fees | $600 [illegible] | | | |
| Admin. of Guarantee | $ | | | |
| Adjustment | $ | | | |
| Pub. Not. Sign Fee | $ 80.00 | | | |
| Pub. Not. Sign Deposit | $ 100.00 | | | |
| Total Fee | $ 780.00 | 0932416 | cdd 7560 | 1/25/16 |

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**

Rezone to Industrial
23 Acres

This Rezone request is for the property with the parcel # 5B1401020070. It is located between Fred Meyers and the airport along Glacier Highway. The land is currently zoned Rural Reserve which we are requesting be changed to a mixture of Industrial and Rural Reserve. The change would add approximately 23 acres of Industrial land and be consistent with surrounding uses and the 2013 Comprehensive Plan adopted by Ordinance 2013-26.

The property is currently zoned Rural Reserve which allows a variety of development under the table of permissible uses; however, the intensity of the allowed uses do not represent the highest and best use of the property to the owner or to the community. Under the 2013 Comprehensive Plan the area is shown as Resource Development on the Map G of the land use maps. The Comprehensive Plan defines such zoning as:

> *Land to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed. ... As resources are identified or extracted from these lands, they should be re-designated and re-zoned appropriately.*

The gravel resources have been extracted from the property and it should be rezoned as industrial as the Rural Reserve zoning is not consistent with the surrounding uses and CBJ policies of supporting in fill development.

The development plan would include filling in the pond to create a significant part of the area to be rezoned to Industrial. It is well known that there is a shortage of Industrial zoned land available for development. Furthermore, flat land close to essential transportation that could be zoned industrial is even scarcer. The need for this type of land is discussed in the Comprehensive Plan (Policy 5.9):

> *Commercial and industrial activity requires sufficient and suitable land. Careful attention to the spatial requirements and locational considerations of potential uses is necessary to promote and maintain the local economy.*

The Comprehensive Plan also addresses the need to designate sufficient and suitable land for anticipated commercial and industrial development as a part of its overall economic development program. See Policy 5.10. The standard operating procedure under Policy 5.10 is:

*When additional land is needed for commercial or industrial uses or when there are particular locational requirements for certain activities, initiate appropriate amendments to the Comprehensive Plan and Zoning maps to accommodate this need. These new commercial and industrial zones should be evaluated in relation to all applicable policies of the Comprehensive Plan.* See Policy 5.10 ï SOP2

The Comprehensive Plan Policy also promotes designating lands within the Urban Service Area that are appropriately located to accommodate future commercial and industrial uses. See Policy 10.7. Development Guideline 10.10 ï DG2 states that:

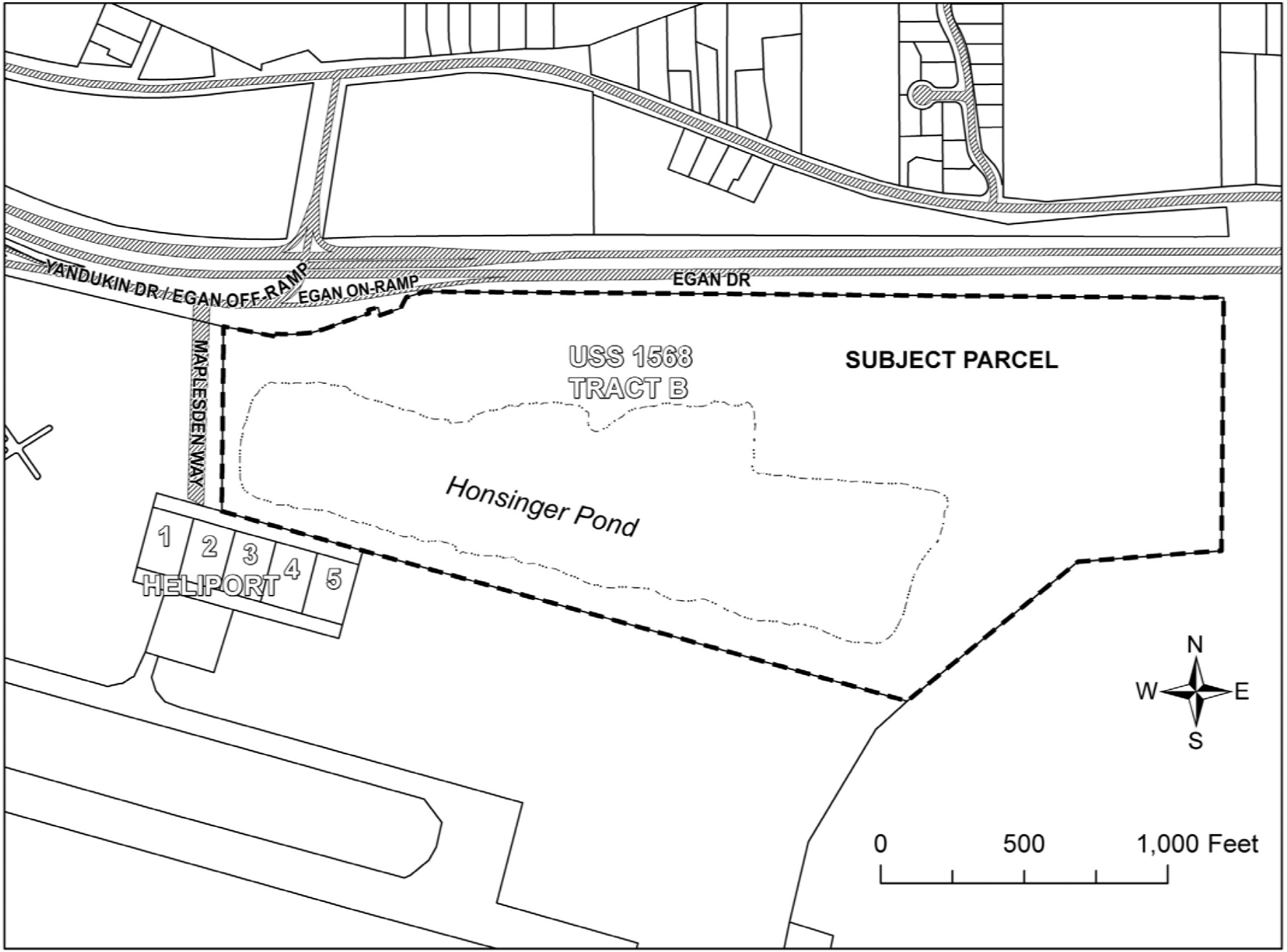
> *When designating land for heavy and light industrial uses on the Comprehensive Plan Land Use Maps and the Land Use Code zoning maps, evaluate the sites based on the following criteria:*
> *A. Physical site conditions: Industry needs flat, dry land with soils that can sustain heavy loads;*
> *B. Access and capacity of adjacent streets with consideration for heavy-load-carrying capacity and wide turning radii to accommodate large truck turning movements;*
> *C. Distance from sensitive receptors, such as homes, schools and hospitals, to potential offsite impacts generated by industry including noise, dust, fumes, odors and nighttime light glare.*

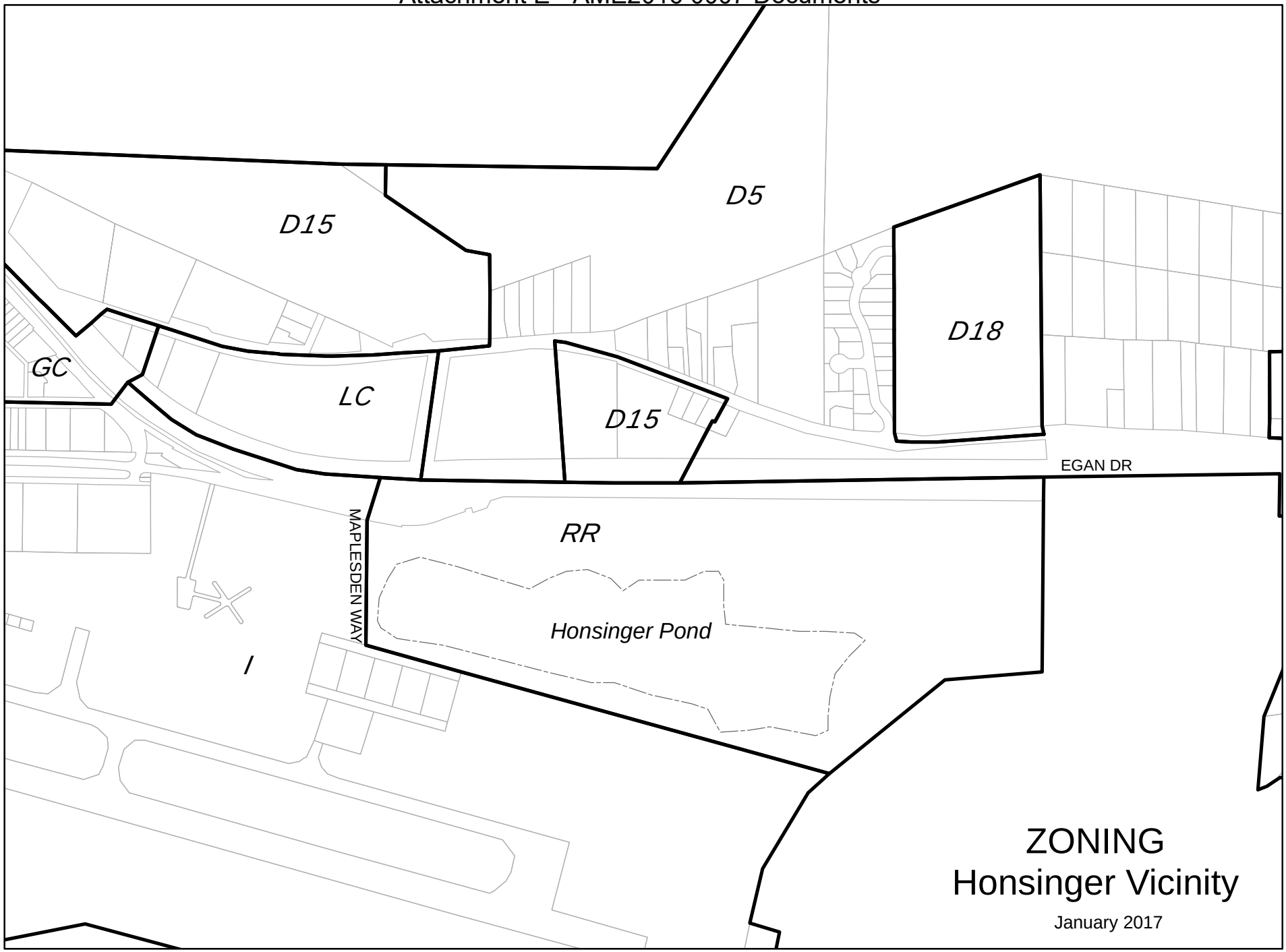
Rezone of the Honsinger pond parcel provides for expansion of Juneauôs Industrial lands on land that is relatively economic to develop given its flat topography and provides an excellent opportunity for in fill development. It lies squarely in the urban service boundary and is surrounded on three sides by uses that are either industrial or general commercial and fronts on Egan Drive, the major arterial between downtown Juneau, the Mendenhall Valley and the Juneau International Airport. The airport has had some concerns about waterfowl from the Honsinger Pond creating a safety issue. By allowing the pond to be filled in, it would alleviate these concerns.

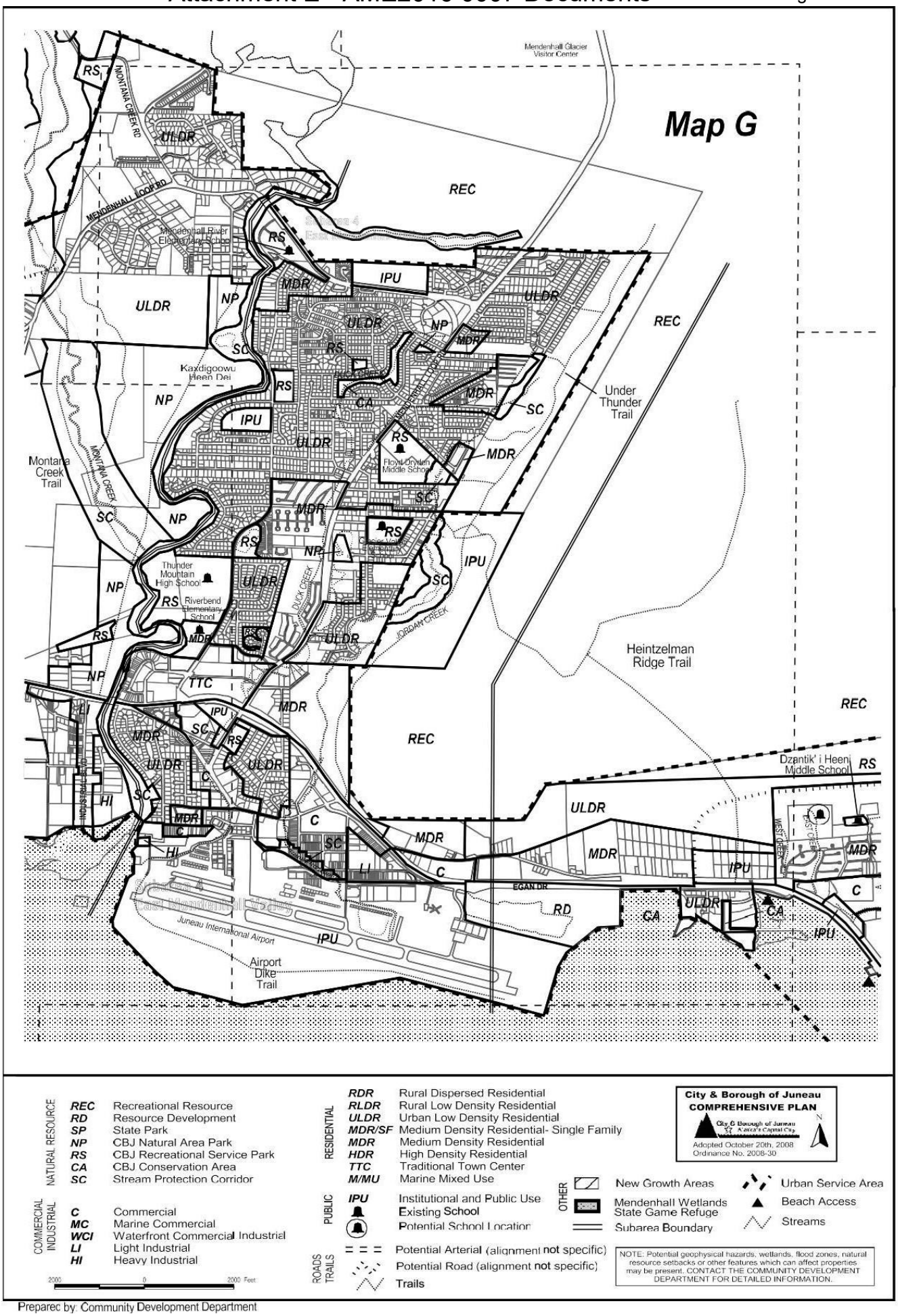
Also it should be noted that the proposed rezone excludes 59.5 acres from the application. This section of land preserves a buffer between the industrial uses and adjacent wetlands and minimizes the visual impact on views down the channel.

The property is located adjacent to the Scenic Viewshed Corridor which is also discussed in the Comprehensive Plan. The land if rezoned Industrial would not have a height limitation; however, being in close proximity to the airport height FAA limitations would be imposed so that impacts on views. If there are still concerns, they could be addressed during the permitting process.

The rezone of this parcel as proposed would add approximately 23 acres of scarce Industrial land for development. This amount of land would meet the current need for this type of land and also meet the need future development. Furthermore, the development of this parcel would meet a number of the policies expressed in the 2013 Comprehensive Plan. Industrial land in this area should provide opportunities for the basic sustainable industries to develop which would strengthen and diversify Juneauôs economy.


YANDUKIN DR / EGAN OFF-RAMP
EGAN ON-RAMP
EGAN DR
MARLESDEN WAY
USS 1568
TRACT B
SUBJECT PARCEL
Honsinger Pond
1
2
3
4
5
HELIPORT
N
W
E
S
0
500
1,000 Feet


D5
D15
D18
GC
LC
D15
EGAN DR
MAPLESDEN WAY
RR
Honsinger Pond
I
ZONING
Honsinger Vicinity
January 2017




NATURAL RESOURCE

| | |
|---|---|
| REC | Recreational Resource |
| RD | Resource Development |
| SP | State Park |
| NP | CBJ Natural Area Park |
| RS | CBJ Recreational Service Park |
| CA | CBJ Conservation Area |
| SC | Stream Protection Corridor |

COMMERCIAL INDUSTRIAL

| | |
|---|---|
| C | Commercial |
| MC | Marine Commercial |
| WCI | Waterfront Commercial Industrial |
| LI | Light Industrial |
| HI | Heavy Industrial |

2000 0 2000 Feet

RESIDENTIAL

| | |
|---|---|
| RDR | Rural Dispersed Residential |
| RLDR | Rural Low Density Residential |
| ULDR | Urban Low Density Residential |
| MDR/SF | Medium Density Residential- Single Family |
| MDR | Medium Density Residential |
| HDR | High Density Residential |
| TTC | Traditional Town Center |
| M/MU | Marine Mixed Use |

PUBLIC

| | |
|---|---|
| IPU | Institutional and Public Use |
| | Existing School |
| | Potential School Location |

ROADS TRAILS

| | |
|---|---|
| | Potential Arterial (alignment not specific) |
| | Potential Road (alignment not specific) |
| | Trails |

OTHER

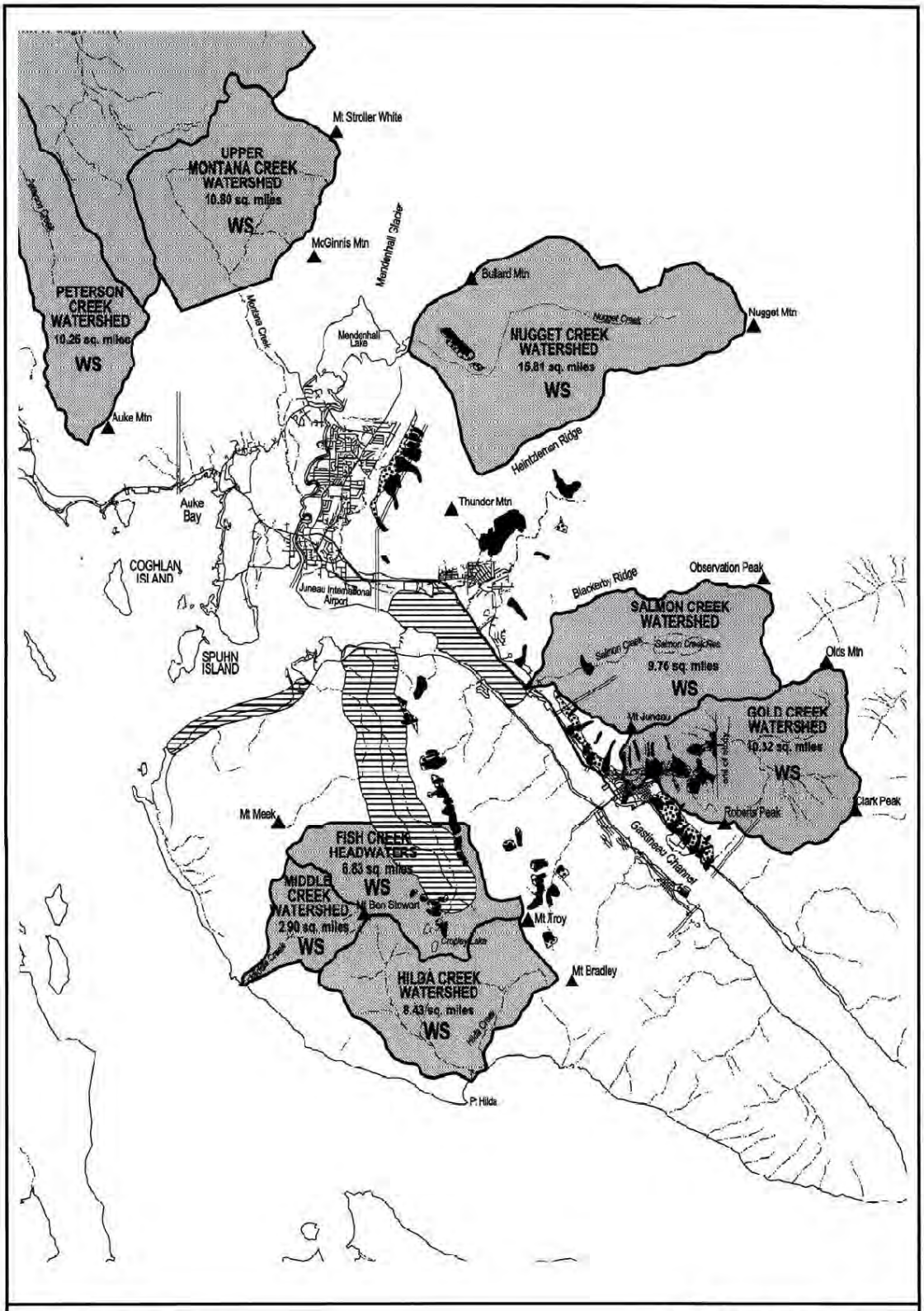
| | |
|---|---|
| | New Growth Areas |
| | Mendenhall Wetlands State Game Refuge |
| | Subarea Boundary |
| | Urban Service Area |
| | Beach Access |
| | Streams |

**City & Borough of Juneau**
**COMPREHENSIVE PLAN**
City & Borough of Juneau
Alaska's Capital City
Adopted October 20th, 2008
Ordinance No. 2008-30

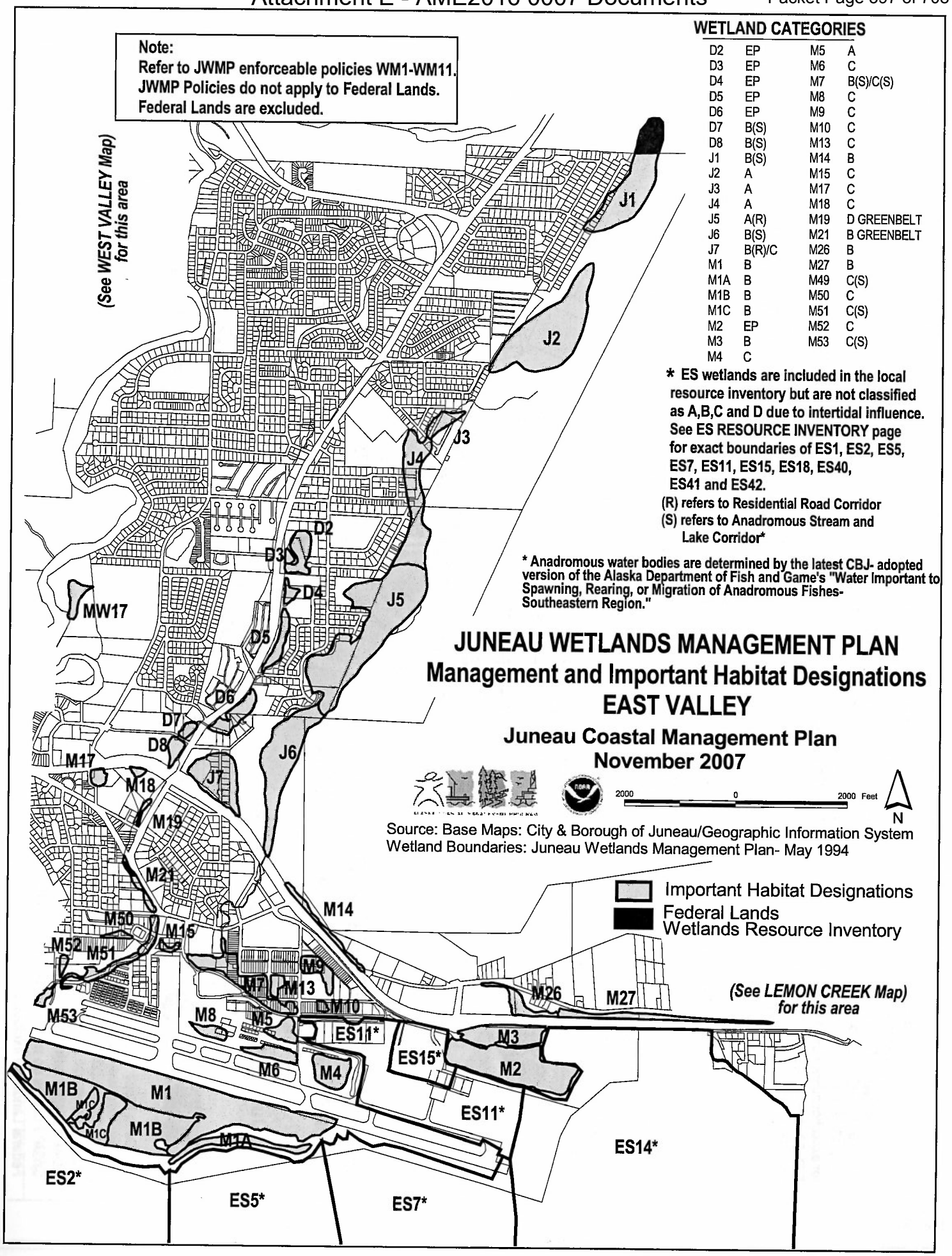
N

NOTE: Potential geophysical hazards, wetlands, flood zones, natural resource setbacks or other features which can affect properties may be present. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR DETAILED INFORMATION.

Prepared by: Community Development Department




Prepared by: Community Development Department


Note:
Refer to JWMP enforceable policies WM1-WM11.
JWMP Policies do not apply to Federal Lands.
Federal Lands are excluded.
WETLAND CATEGORIES
D2 EP
D3 EP
D4 EP
D5 EP
D6 EP
D7 B(S)
D8 B(S)
J1 B(S)
J2 A
J3 A
J4 A
J5 A(R)
J6 B(S)
J7 B(R)/C
M1 B
M1A B
M1B B
M1C B
M2 EP
M3 B
M4 C
M5 A
M6 C
M7 B(S)/C(S)
M8 C
M9 C
M10 C
M13 C
M14 B
M15 C
M17 C
M18 C
M19 D GREENBELT
M21 B GREENBELT
M26 B
M27 B
M49 C(S)
M50 C
M51 C(S)
M52 C
M53 C(S)
* ES wetlands are included in the local resource inventory but are not classified as A,B,C and D due to intertidal influence. See ES RESOURCE INVENTORY page for exact boundaries of ES1, ES2, ES5, ES7, ES11, ES15, ES18, ES40, ES41 and ES42.
(R) refers to Residential Road Corridor
(S) refers to Anadromous Stream and Lake Corridor*
* Anadromous water bodies are determined by the latest CBJ- adopted version of the Alaska Department of Fish and Game's "Water Important to Spawning, Rearing, or Migration of Anadromous Fishes- Southeastern Region."
JUNEAU WETLANDS MANAGEMENT PLAN
Management and Important Habitat Designations
EAST VALLEY
Juneau Coastal Management Plan
November 2007
2000 0 2000 Feet
N
Source: Base Maps: City & Borough of Juneau/Geographic Information System
Wetland Boundaries: Juneau Wetlands Management Plan- May 1994
Important Habitat Designations
Federal Lands
Wetlands Resource Inventory
(See WEST VALLEY Map) for this area
(See LEMON CREEK Map) for this area
J1
J2
J3
J4
J5
J6
J7
D2
D3
D4
D5
D6
D7
D8
MW17
M17
M18
M19
M21
M50
M52
M51
M15
M14
M9
M7
M13
M10
M26
M27
M53
M8
M5
ES11*
M3
ES15*
M2
M6
M4
M1B
M1
M1C
M1C
M1B
M1A
ES11*
ES14*
ES2*
ES5*
ES7*

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Mr. Roscoe Bicknell IV, Bicknell, Inc.

**Permit No.:** POA-2012-750

**Issuing Office:** U.S. Army Engineer District, Alaska

**NOTE**: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description**: Utilize an existing pond, commonly referred to as "Honsinger Pond", as a disposal site for unclassified fill material. This work includes the placement of 953,000 cubic yards of fill material into 27 acres of lacustrine waters of the United States for disposal purposes.

All work will be performed in accordance with the attached plan, sheets **1-6**, dated April 27, 2015.

**Project Location**: The project site is located within Section 32, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; located at the Honsinger Pond along Glacier Highway, in Juneau, Alaska.

**Permit Conditions**:

**General Conditions**:

1. The time limit for completing the work authorized ends on December 31, 2030.
If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions**:

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Self-Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

**Further Information**:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a revaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Robert G Bicknell IV President Bicknell inc — Dec 23 2015

(PERMITTEE) AND TITLE — (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Jan 29, 2016

FOR (DISTRICT COMMANDER) — (DATE)
Colonel Michael S. Brooks
Jamie Hyslop, Project Manager
Southeast Branch, Regulatory Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions have the transferee sign and date below.

(TRANSFEREE) — (DATE)

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Environmental Conservation
DIVISION OF WATER
Wastewater Discharge Authorization Program

555 Cordova Street
Anchorage, Alaska 99501-2617
Main: 907.269.6285
Fax: 907.334.2415
www.dec.alaska.gov/water/wwdp

October 30, 2015

Roscoe Bicknell IV
Bicknell Inc.
P.O. 33517
Juneau, AK 99803

Re: Gastineau Channel
Reference No. POA–2012-750

Dear Mr. Bicknell:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation (DEC) is issuing the enclosed Certificate of Reasonable Assurance for placement of dredged and/or fill material in waters of the U.S., including wetlands and streams, associated with the development of a landfill for unclassified waste material.

DEC regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 15 days of the permit decision. Visit http://www.dec.state.ak.us/commish/ReviewGuidance.htm for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,

James Rypkema
Program Manager, Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)
Matthew Brody, USACE, Juneau
Sigrid Dahlberg, Carson Dorn, Inc.
Jackie Timothy, ADF&G
USFWS Field Office Juneau
Mark Jen, EPA Operations, Anchorage

# STATE OF ALASKA
# DEPARTMENT OF ENVIRONMENTAL CONSERVATION
# CERTIFICATE OF REASONABLE ASSURANCE

In accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards (18 AAC 70), a Certificate of Reasonable Assurance, is issued to Bicknell Inc., attention Roscoe Bicknell IV, at P.O. Box 33517, Juneau, AK 99803, for placement of dredged and/or fill material in waters of the U.S. including wetlands and streams in association with the development of a landfill for unclassified waste in Juneau, Alaska.

The project includes using and existing pond (Honsinger Pond) as a disposal site for unclassified fill material. The work would include the placement of 953,000 cubic yards of fill material into 27 acres of lacustrine Waters of the U.S. for disposal purposes. The material would consist of unclassified land clearing waste such as stumps, organic overburden, and frost-susceptible soils.

A state issued water quality certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit (POA-2012-750) and a discharge of pollutants to waters of the U.S. located in the State of Alaska may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180 in the Corps Public Notice POA-2012-750 posted from September 29, 2015 to October 28, 2015.

The proposed activity is located within Section 32, T. 40 S., R. 66 E., Copper River Meridian; Latitude 58.35516° N., Longitude -134.55418° W.; in Juneau, Alaska.

The Department of Environmental Conservation (DEC) reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the CWA and the Alaska Water Quality Standards, 18 AAC 70, provided that the following additional measures are adhered to.

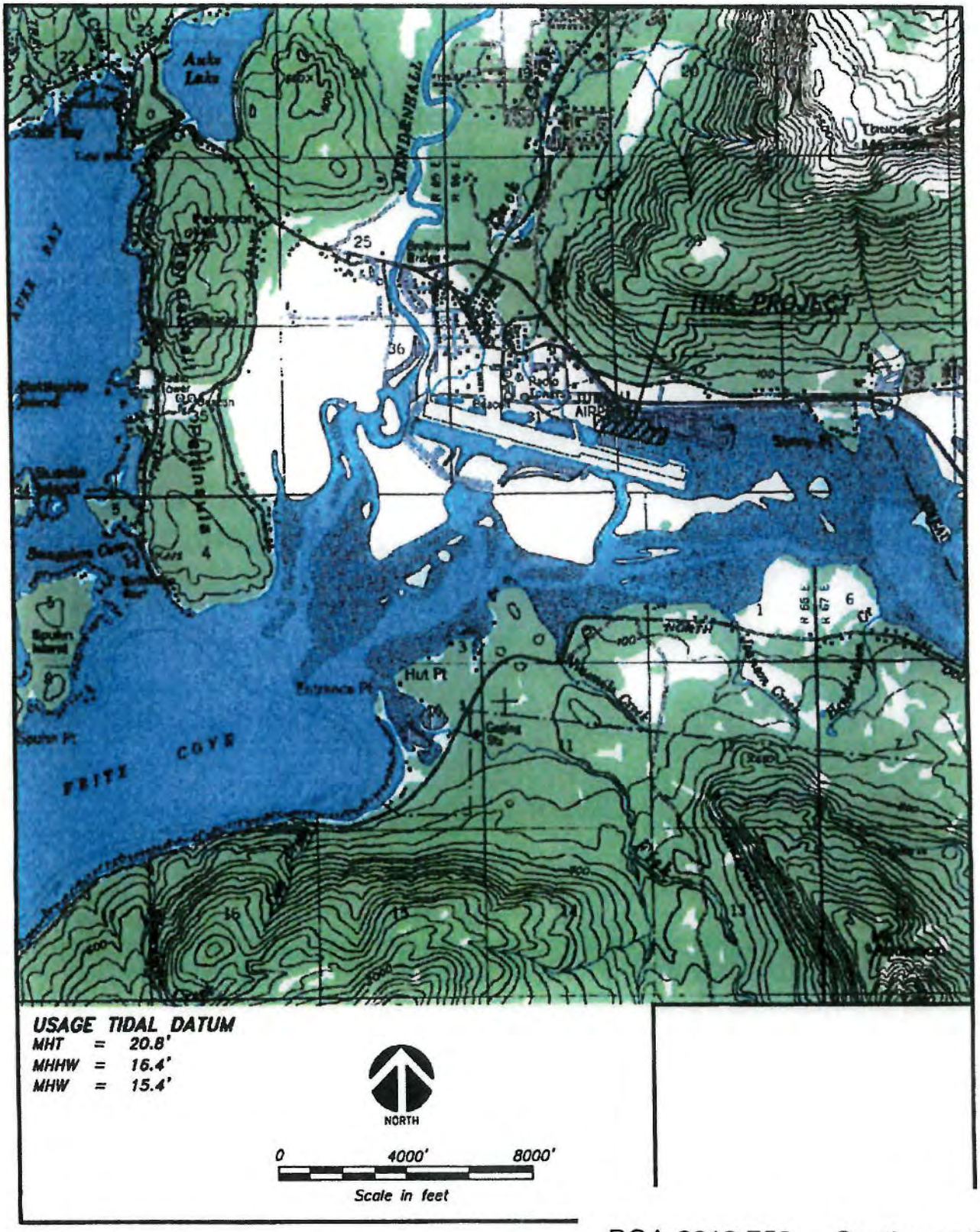
1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, subsurface, or surface waterbodies.
2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The applicant must contact by telephone the DEC Area Response Team for Southeast Alaska (907) 465-5340 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802.
3. Runoff discharged to surface water (including wetlands) from a construction site disturbing one or more acres must be covered under Alaska's General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (AKR100000). This permit requires a Storm Water Pollution Prevention Plan (SWPPP). For projects that disturb more than five acres, this SWPPP must also be submitted to DEC (William Ashton, 907-269-6283) prior to construction.

4. During the work construction equipment shall not be operated below the ordinary high water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected and recorded in a log on a daily basis for leaks. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.
5. All work areas, material access routes, and surrounding wetlands involved in the construction project shall be clearly delineated and marked in such a way that equipment operators do not operate outside of the marked areas.
6. Natural drainage patterns shall be maintained, to the extent practicable, without introducing ponding or drying.
7. Excavated or fill material, including overburden, shall be placed so that it is stable, meaning after placement the material does not show signs of excessive erosion. Indicators of excess erosion include: gullying, head cutting, caving, block slippage, material sloughing, etc. The material must be contained with siltation best management practices (BMPs) to preclude reentry into any waters of the U.S., which includes wetlands.
8. Include the following BMPs to handle stormwater and total stormwater volume discharges as they apply to the site:
   a. Divert stormwater from off-site around the site so that it does not flow onto the project site and cause erosion of exposed soils;
   b. Slow down or contain stormwater that may collect and concentrate within a site and cause erosion of exposed soils;
   c. Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
9. Fill material must be clean sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts. If sheen appears during construction please contact DEC's Area Response Team for Southeast Alaska (907) 465-5340 and the contaminated sites program located in Juneau, Alaska at (907) 465-5390.
10. Any disturbed ground and exposed soil not covered with fill must be stabilized and re-vegetated with endemic species, grasses, or other suitable vegetation in an appropriate manner to minimize erosion and sedimentation, so that a durable vegetative cover is established in a timely manner.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under U.S Army Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

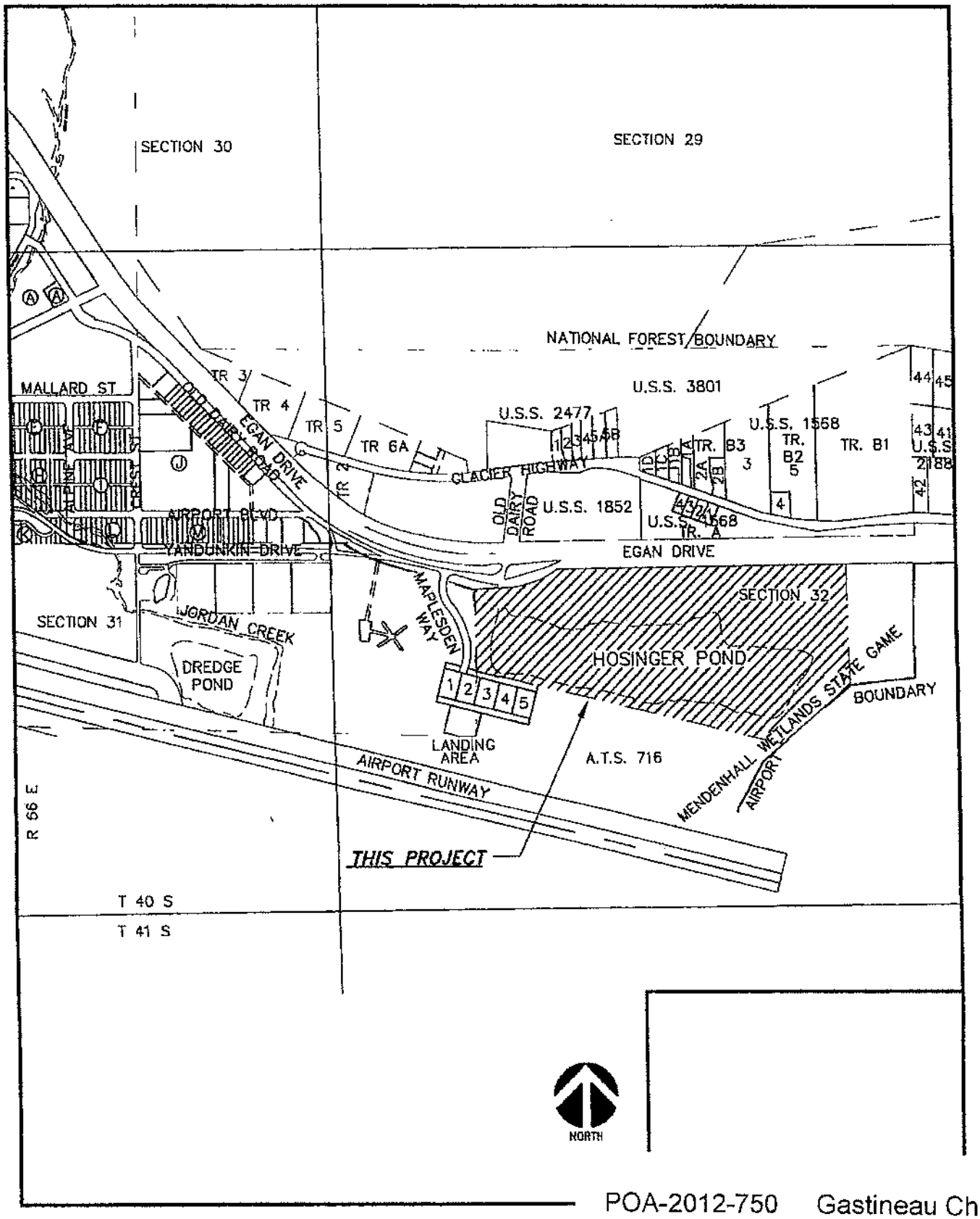
Date: October 30, 2015

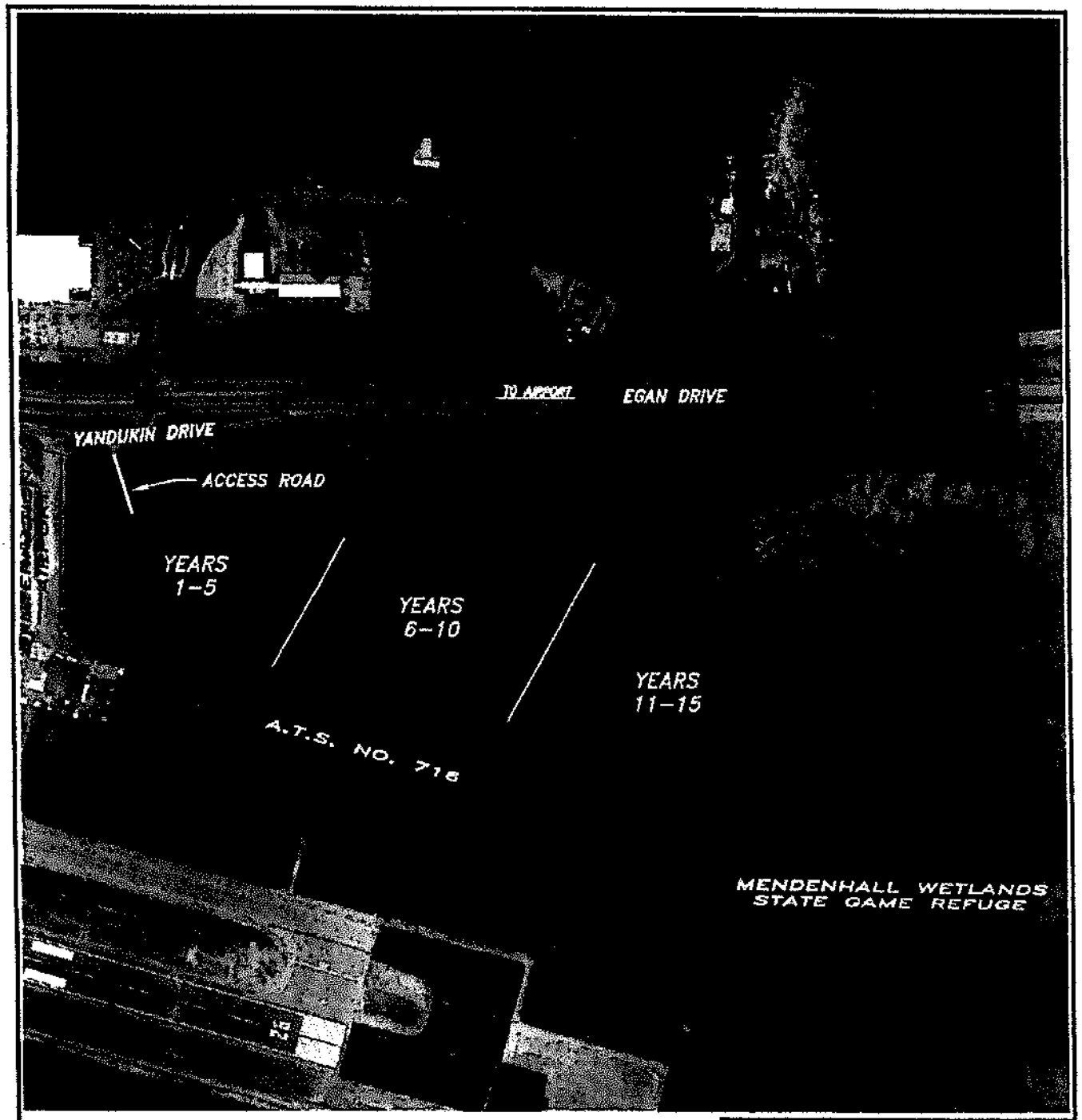
James Rypkema, Program Manager
Storm Water and Wetlands




POA-2012-750
April 27, 2015

Gastineau Channel
Sheet 1 of 6


SECTION 30
SECTION 29
NATIONAL FOREST BOUNDARY
MALLARD ST
TR 3
TR 4
TR 5
TR 6A
TR 2
OLD TIMBER ROAD
EGAN DRIVE
U.S.S. 3801
U.S.S. 2477
U.S.S. 1568
TR. B3
TR. B2
TR. B1
GLACIER HIGHWAY
OLD DAIRY ROAD
U.S.S. 1852
U.S.S. 1568
TR. A
AIRPORT BLVD
YANDUNKIN DRIVE
EGAN DRIVE
MAPLESDEN WAY
SECTION 32
SECTION 31
JORDAN CREEK
DREDGE POND
HOSINGER POND
STATE GAME BOUNDARY
WETLANDS
MENDENHALL AIRPORT
LANDING AREA
A.T.S. 716
AIRPORT RUNWAY
THIS PROJECT
R 66 E
T 40 S
T 41 S
NORTH

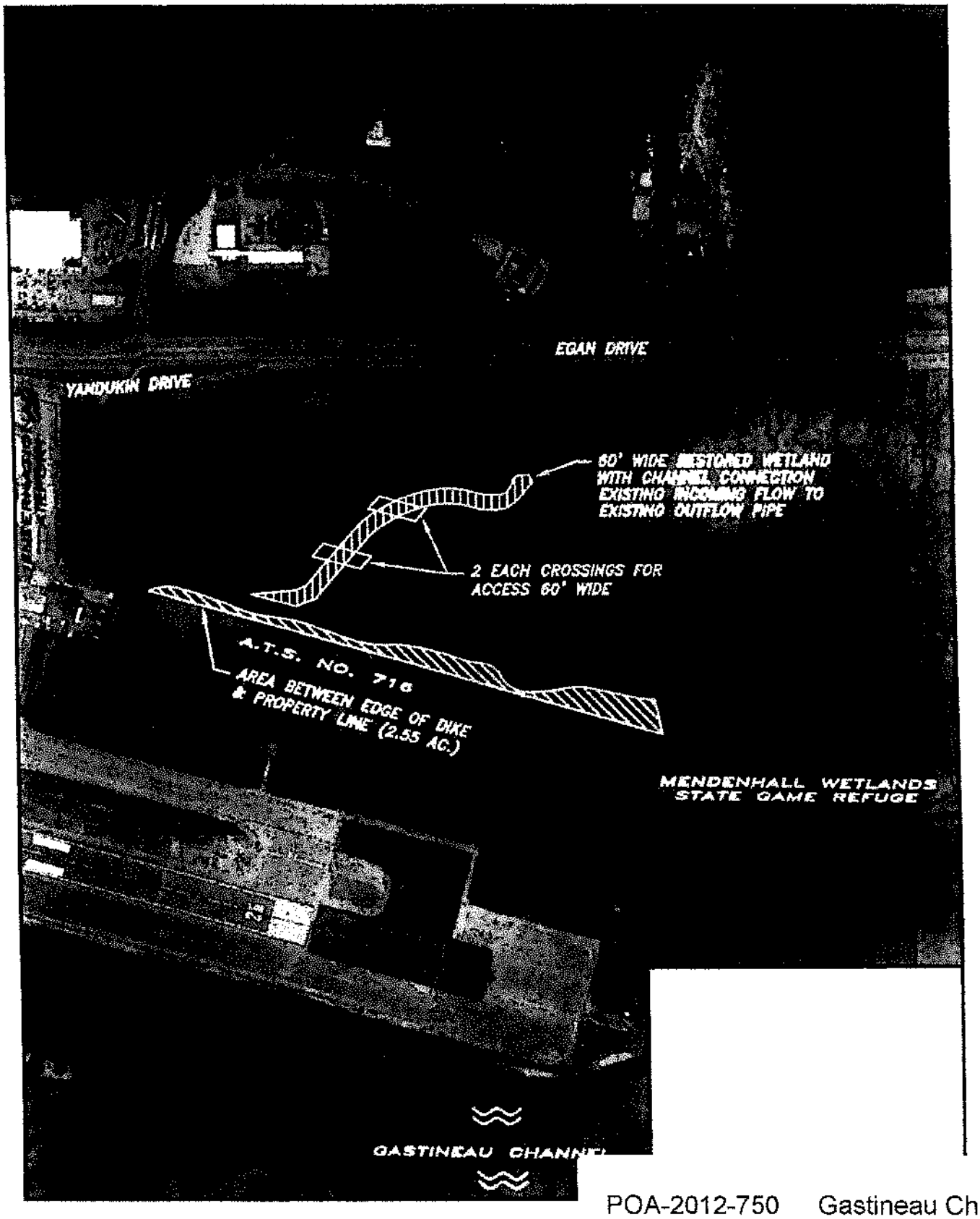


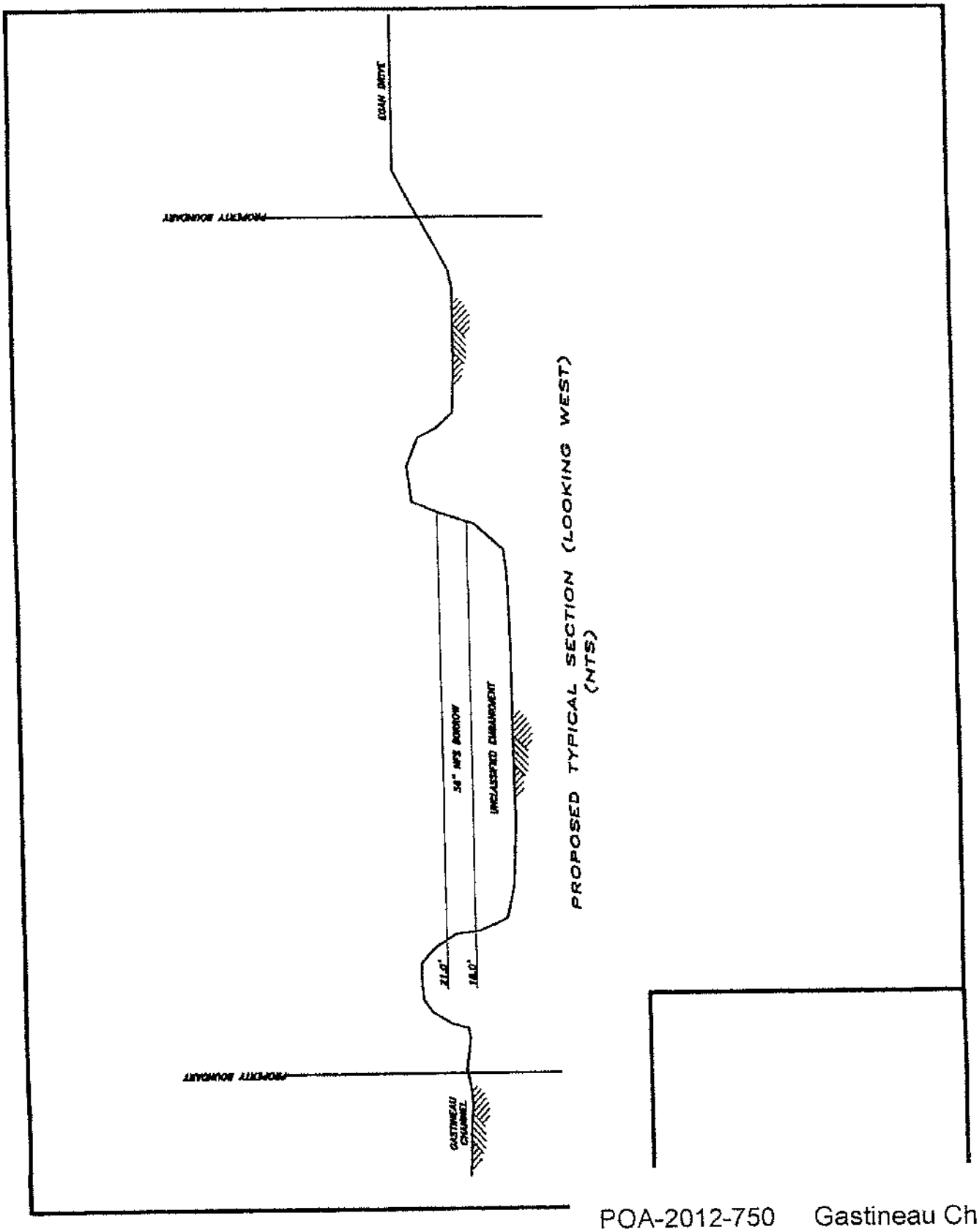

**YEARS 1–5**
DREDGE POND FILL AREA = 6.8 AC.
DREDGE POND FILL VOLUME = 240,000 C.Y.

**YEARS 6–10**
DREDGE POND FILL AREA = 11.1 AC.
DREDGE POND FILL VOLUME = 391,800 C.Y.

**YEARS 11–15**
DREDGE POND FILL AREA = 9.1 AC.
DREDGE POND FILL VOLUME = 321,200 C.Y.

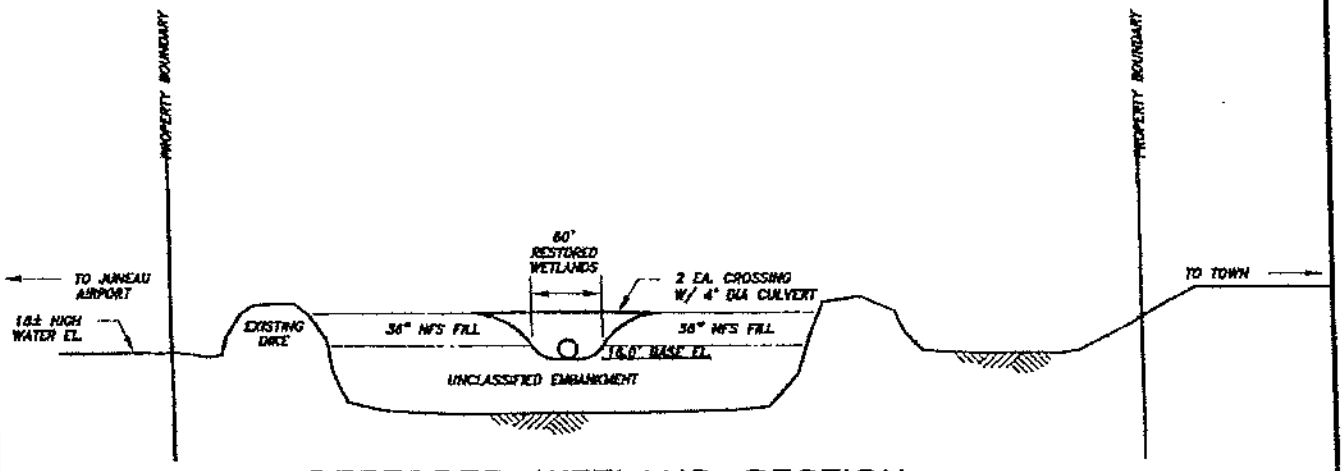
**ENTIRE POND**
DREDGE POND FILL AREA = 27.0 AC.
DREDGE POND FILL VOLUME = 953,000 C.Y.


EGAN DRIVE
YANDUKIN DRIVE
60' WIDE RESTORED WETLAND
WITH CHANNEL CONNECTION
EXISTING INCOMING FLOW TO
EXISTING OUTFLOW PIPE
2 EACH CROSSINGS FOR
ACCESS 60' WIDE
A.T.S. NO. 716
AREA BETWEEN EDGE OF DIKE
& PROPERTY LINE (2.55 AC.)
MENDENHALL WETLANDS
STATE GAME REFUGE
GASTINEAU CHANNEL

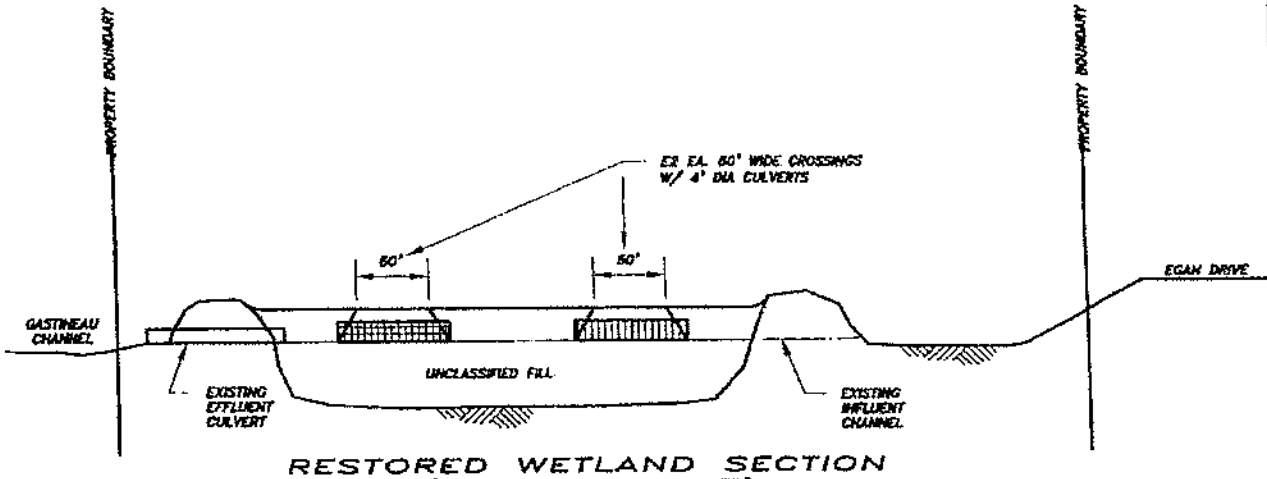



POA-2012-750
April 27, 2015

Gastineau Channel
Sheet 5 of 6




RESTORED WETLAND SECTION
(LOOKING NORTH)
(NTS)




RESTORED WETLAND SECTION
(LOOKING WEST)
(NTS)

**From:** Haynes, Emily R (DOT)
**To:** Teri Camery
**Cc:** Patty Wahto (deLaBruere); Ken Nichols; Buck, Joseph T (DOT); Epstein, David B (DOT); Heidemann, Marie E (DOT)
**Subject:** RE: Agency comments requested for re-zone application
**Date:** Tuesday, July 26, 2016 1:47:38 PM

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Teri,

DOT&PF has included this access point in our projects along Yandukin. Within Alaska Preconstruction Manual (450.12.3), the driveway is considered to be permitted as-is per the as-builts for these projects. However, once the 1) land use of property served is changed; 2) the location of the driveway is changed, or; the driveway is modified in any other way (e.g. width, radii, grade, etc.) the landowner is required to obtain a new permit. Due to the fact that this is going to be rezoned to industrial, it is subject to a new review and permit.

Within any subsequent driveway permit review, these are some major concerns that we've identified with allowing the access:

- The location is classified as an intersection and we have minimum distance requirements for access points from intersections
- Road classification
  - The on ramp is classified as a principal arterial and the rest of Yandukin is a major collector
  - Arterials are controlled access and private drives are not allowed; major collector allow us to limit accesses
- Alternative access to Maplesden present (unless it was restricted in the right of way designation)
- Safety Issues
  - Left hand turning vehicles from Egan (northbound) into the property could be stopped by southbound Yandukin traffic which may result in vehicles backing up across Egan
  - Left hand turning vehicles from the property onto Yandukin would have to watch northbound Egan traffic (those turning left to Yandukin) as well as southbound Yandukin traffic
  - Right hand turning vehicles on to the Yandukin on ramp would have to speed up to Egan speed
  - Right hand turning vehicles from Yandukin into the property would stop those trying to gain speed to Egan

There may be more issues that come to light during a review and there may be concessions we allow with approved development plans.

DOT&PF would prefer the property owner to use Maplesden Way as the access point as it is already existing and is far safer than allowing industrial facilities and associated traffic to the existing point of access.

Thank you,

Emily Haynes

Right of Way Agent ¦ Permitting
Department of Transportation & Public Facilities
907.465.2838 ¦ fax: 907.465.8485

**From:** Teri Camery [mailto:Teri.Camery@juneau.org]
**Sent:** Monday, July 18, 2016 3:22 PM
**To:** Haynes, Emily R (DOT)
**Cc:** Patty Wahto (deLaBruere); Ken Nichols
**Subject:** RE: Agency comments requested for re-zone application

Hi Emily,

I have several questions for you and DOT.

Mark Pusich at R&M provided that series of drawings showing that DOT has accepted the driveway within the right-of-way at this location since 1981, continuing through successive improvements to Egan Drive and Yandukin several times through 2012. My question for you is, do you have anything in DOT's records that would indicate that the acceptance of the driveway is/was tied to any specific uses of that property? In other words, if the use of that property significantly changed with authorization of the re-zone or through some other method, would/could DOT re-evaluate the legal rights to access along the right-of-way? Or would that be upheld regardless of the use, as a pre-existing right?

There are several questions within questions here. The proposed change from Rural Reserve to Industrial could lead to (but does not definitely lead to) more commercial use. And I wonder if there is a threshold of commercial use where DOT would not accept the driveway in the right-of-way at the on-ramp there. It may be that that scenario would be evaluated with a specific development proposal instead of the re-zone. But some commercial developments in Industrial would require a building permit only, not Planning Commission review with a public safety review.

It has been suggested to me that after we receive the information we're waiting for from the Juneau International Airport regarding the designation of Maplesden Way--and the formal prohibition on anything except aviation use for that road--that CDD and DOT should work together to determine a new access point, through CDD's assessment of health, safety and welfare in the re-zone review. That's a log sentence, forgive me!

Thanks very much for your help.

Teri

Teri Camery, Senior Planner

City and Borough of Juneau
Community Development Department
155 S. Seward
Juneau, AK 99801
(907) 586-0755

Please consider the environment before printing this email.

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**From:** Haynes, Emily R (DOT) [mailto:emily.haynes@alaska.gov]
**Sent:** Thursday, June 30, 2016 2:00 PM
**To:** Teri Camery
**Cc:** Heidemann, Marie E (DOT)
**Subject:** RE: Agency comments requested for re-zone application

Teri,

The CBJ Atlas and GIS site show different property lines than what DOT&PF and the applicant have.

- The applicant shows the western property line as bordering the Maplesden Way ROW – is this accurate?
- Could you please clarify where the landowner intends to provide access to this industrial lot?
- Is there any reason CBJ would not support access from the industrial facilities to Maplesden Way?

Thank you,

Emily Haynes

Right of Way Agent ¦ Permitting
Department of Transportation & Public Facilities
907.465.2838 ¦ fax: 907.465.8485

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**From:** Heidemann, Marie E (DOT)
**Sent:** Friday, June 24, 2016 8:11 AM
**To:** Haynes, Emily R (DOT); Trousil, Robert E (DOT); Carroll, Lawrence P (DOT); Epstein, David B (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Gray, Scott J (DOT); Stevens, Mike A (DOT)
**Subject:** FW: Agency comments requested for re-zone application

Comments to me please.

---

**From:** Teri Camery [mailto:Teri.Camery@juneau.org]
**Sent:** Thursday, June 23, 2016 4:39 PM
**To:** Charlie Ford; Ron King; Greg Chaney; Ed Foster; Dan Jager; darrell.wetherall@aelp.com; Heidemann, Marie E (DOT); Pikul, Gretchen M (DEC); Timothy, Jackie L (DFG); 'Randy Vigil'; Robin Potter; 'John_Hudson@fws.gov'
**Subject:** Agency comments requested for re-zone application

Hello everyone,

We have received a re-zone application to change 23 acres from Rural Reserve to Industrial in property along Egan Drive between Fred Meyer and the airport, formerly known as the Honsinger Pond or Field of Fireweed area. This is a modification of a previous re-zone request.

Please review the attached application materials and provide comments no later than 4:30 pm on Monday July 11. Please let me know if you have questions or need additional information.

Thanks very much for your time.

Teri Camery

Teri Camery, Senior Planner
City and Borough of Juneau
Community Development Department
155 S. Seward
Juneau, AK 99801
(907) 586-0755

Please consider the environment before printing this email.

# This list of federal requirements/regulation should accompany the Airport Comments dated November 18, 2016.

FAA Airport Compliance Manual Order 5190.6B, page 20-1, 2009.

Definition of Compatible Land Use

Compatibility of land use is attained when the use of adjacent property neither adversely affects flight operations from the airport nor is itself adversely affected by such flight operations. In most cases, the adverse effect of flight operations on adjacent land results from exposure of noise sensitive development, such as residential areas, to aircraft noise and vibration.

Land use that adversely affects flight operations is that which creates or contributes to a flight hazard. For example, any land use that might allow tall structures, block the line of sight from the control tower to all parts of the airfield, inhibit pilot visibility (such as glaring lights, smoke, etc.), produce electronic aberrations in navigational guidance systems, or that would tend to attract birds would be considered an incompatible land use. For instance, under certain circumstances, an exposed landfill may attract birds. If open incineration is regularly permitted, it can also create a smoke hazard.

FAA Land Use Compatibility and Airports, page III-14, 1998.

FAR Part 77, in effect identifies the maximum height at which a structure would be considered an obstacle at any given point around an airport. The extent of the off-airport coverage needing to be evaluated for tall structures impacts can extend miles from an airport facility.

Airport Sponsor Assurances, page 1, 2014.

A. General

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.

2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term ‘public agency sponsor’ means a public agency with control of a public-use airport; the term “private sponsor” means a private owner of a public-use airport; and the term ‘sponsor’ includes both public agency sponsors and private sponsors.

3. Upon acceptance of [a] grant offer by the sponsor, these assurances are incorporated in and become part of [a] grant agreement.

B. Duration and Applicability

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of [a] grant agreement shall remain in full force and effect an airport development or noise compatibility program project, or acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project

Airport Sponsor Assurances, page 5, 2014.

Grant Assurance 5. Preserving Rights and Powers.

a. [The Airport] will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

b. [The Airport] will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.

c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.

e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.

f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.

g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

Grant Assurance 21. Compatible Land Use – [The Airport] will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

<u>Airport Sponsor Assurances, page 17, 2014.</u>

Grant Assurance 31. Disposal of Land

a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary

for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.

c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

*Juneau International Airport*
*November 18, 2016:*

## *Comments on Bicknell Property, aka Honsinger Pond, A Fraction of Tract B, USS 1568 & USS 1852, Adjacent to NE Quadrant of Juneau International Airport.*

The Airport's comments on the above property are two-fold: Bicknell's request to Rezone and Access to the property (if rezoned). It is the Airport's understanding that the property owner is in the process of requesting a condition use permit and rezone from Rural Reserve to Industrial.

The Airport contends there are potential restrictions to this parcel due to its location adjacent to the Airport. Granting a conditional use and/or rezone is premature. The City and the property owner should be put on notice about the restrictions to established flight paths and use that is compatible with airport and safe flight operations.

Conditional Use/Rezone:
Any steps to rezone this property must take into consideration future use in proximity to the Airport per FAA Land Compatibility Use . The property is situated in an established flight corridor for the adjacent heliport. TEMSCO has been operating from the heliport since 1983. Flight patterns require helicopters to stay north of the runway and typically fly over the 'Pond' area. This flight pattern keeps helicopters away from the runway corridor, and out of the '*missed*' approach path for Instrument (IFR) traffic from either direction on the runway (Runway 8 or 26). Airport grant assurances require airports to maintain these flight corridors/airspace (not allow building into established flight paths). Obstructions to airspace and/or navigation are prohibited. See attached TEMSCO Flight Paths.

*TEMSCO Route 1: The Routes 1 depicts arrival and departure routes for steep creek in red and blue. The green and yellow would be Auke bay and Mendenhall departures and arrivals. Routes would be revered for wind direction i.e. East/West flow.*

*TEMSCO Route 2: The Routes 2 depicts departures to the downtown Egan area or lemon creek/Blackerby in red and blue. Departures south of the runway are depicted in green and yellow.*
*Routes would be revered for wind direction i.e. East/West flow.*

As such, Federal Aviation Administration (FAA) requires protection of airspace around airports under 14 CFR Part 77—SAFE EFFICIENT USE, AND PRESERVATION OF THE NAVIGABLE AIRSPACE. Proposed development (now or future) requires assessment. Any conditional use or rezone should stipulate established and future aeronautical need to preserve airspace and instrument approaches. This includes the Airport's future goal of extending the east Runway 26 Airport approach lighting system for the Medium Intensity Approach Lighting System with Runway Alignment Indicator (MALSR).

FAA strongly recommends that any development near aircraft approach and departure paths be for low level concentration of people. The FAA does not recommend developing churches, schools, sporting event areas (football, baseball, racetracks, etc.), parks, etc. Accident data shows that majority of crashes tend to occur near runway ends (fixed wing aircraft), as well as below and adjacent to approach and departure flight paths (helicopter, fixed wing) therefore discourage development in those areas.

The Airport currently has an abbreviated Medium Intensity Approach Lighting System (MALS). While the installation of the equipment itself does not impact the Bicknell property, the property is within the aircraft instrument containment area. The Required Navigation Procedures (RNP) developed by both Alaska Airlines and Delta Air Lines for landing with reduced minimums (ceilings and visibility) specifies a containment area that extends north of the runway and penetrates the eastern portion of the pond and property. Development in this area must be assessed for the impact to the containment area for this approach. When the approach lighting system expands to a full MALSR, the air carrier minimums are reduced further; and the containment area for the RNP increases, and would further impact the

pond/property for development. It does not mean that the property cannot be 'developed' due to RNP, but it would need further assessment by FAA and air carriers and may have limitations.

Certain types of new development adjacent to airports are prohibited by the FAA. Development near an airport/approach corridors prohibit development or activity which would attract wildlife (AC 150/5200-33B) and become a hazard to aircraft operations. Again, a stipulation on a conditional use or rezone should require full disclosure on exact development or use so that the Airport and FAA may assess hazardous or wildlife attractant conditions.

For example: The Airport understands that there is a proposed motocross for the property. Dust associated with this type of activity is considered hazardous for large air carrier operations, helicopters in this area. When airports are under construction, the airport or contractors are tasked with applying dust palliative to prevent ingestion to aircraft and wing flaps. A dust palliative should be required to keep dust from drifting to the airport/aircraft; as well as keep a 'dust haze' abated (Soldotna Airport). The Airport experienced dust issues during the Runway Safety Area project and dust control measures were required for safety. While the dust may also impact Egan, the consideration is beyond the discussion for the Airport, but should be considered overall. Dust is a concern for motocross activities nationwide, but especially at airports.

Additionally, the Airport is finalizing the updated 20-year Sustainability Master Plan (Spring 2017). As a part of that plan, the Airport must update their Noise Contour mapping. The baseline of 65dB and higher (70 and 75 dB) is detailed on the 2015 Draft Noise Contour Model; and for future planning, the 2035 Draft Noise Contour Model. Development in the area will need to consider the Noise Contour mapping for noise sensitive improvements (hotels, etc). Also refer to 14 CFR Part 150.

Use and/or rezone should require the owner to complete an aviation compatibility use study. This 'step' is required for anything related to the airport especially because of its location. The property lies within noise sensitive areas, RNP containment for instrument approaches, flight paths for helicopters and height restrictions on improvements. Consideration of wildlife attractants, dust control measures and non-compatible use in the vicinity of an airport need to be assessed. Additionally, any development on the adjacent parcel would require the appropriate airspace determinations and consideration of wildlife hazards/height/obstructions on any planned development.

Access:

Bicknell's property (Honsinger Pond) currently has driveway access along the on-ramp to Egan. If the owner proposes different use/rezone, the State of Alaska will not allow a public entry at the driveway location due to traffic. (Note that the entrance to Maplesden off Yandukin is as close to the on-ramp of Egan as the State/Alaska will allow.) There is a request to use Maplesden Road for access to the Bicknell property. Maplesden Road is Airport property; not a public right-of-way. The property tract containing Maplesden is subject to FAA rules for land use (refer to FAA Order 5190.6B FAA Airport Compliance Manual for Federally Obligated airports). Masplesden Road was built by TEMSCO Helicopter in 1983 in exchange for rent credit. In 2009-2011, Maplesden Road was relocated (and straightened) with FAA Airport Improvement Program (AIP) funding. The purpose of AIP funding is to support aviation

development and Maplesden provides access to existing aviation users as well as to areas intended for future aviation growth and build up the Northeast quadrant of the airport. This is an aviation-use road maintained by the Airport and Airport funds.

The FAA would consider access from Maplesden to an off-airport, non-aeronautical user without reimbursement, to be a violation of the Airport's grant assurances. Non-aeronautical lease and rates could apply for a portion of the area (to allow access), so long as it is under lease with the Airport and the Airport could terminate at any time. The Airport is obligated to protect its assets as well as airspace.

- Maplesden Road was reconstructed with AIP funds as an airport road. Refer to **Table P-3 of the AIP handbook (Order 5100.38D)** which stipulates eligibility criteria for access roads. If the Airport allows the proposed access without benefit back to the Airport , FAA may consider a portion of Maplesden Road to be ineligible and require reimbursement of the AIP funds. Benefits may include a limited non-aeronautical lease/rate, a land trade for the access area, or sale of land (requires federal process and costs).

- As outlined in FAA Order 5190.6B, Maplesden Road is part of Tract 14 (conveyed via Quit Claim Deed in 1975) of the Juneau International Airport Exhibit 'A' Land Map (FAA legal land ownership document) and part of the Airport Layout Plan (ALP), which designates ownership of the Tracts/how obtained, etc. This is an official FAA –Airport signed document. With each federal grant, the Airport and CBJ Attorney sign acknowledging that they abide by the FAA AIP Grant Assurances. This includes the preservation of airport land for aviation purposes, air space etc. See airport-sponsor-assurances attachments section 5, 21, 31. All Airport land is subject to Federal land use, obligations and grant assurances regardless of how it was originally acquired. Please refer to Exhibit A/Airport Layout Plan.

The Airport has outlined the following 'choices' on Honsigner Pond access:

1) Do nothing; no rezone. Property used as-is.
2) *Allow Public Access through property transfer/disposal of property. This is a federal process that takes time through Federal Register and assess value of property loss (as well as reimbursement of AIP funds to the FAA).
3) *Land Swap. Public Access in exchange for other adjacent property for airport use.
4) *Airport would purchase Honsinger Pond land outright (need a financial plan)
5) *Combination: Airport purchase Honsinger Pond through partial cash + Bicknell use of land for dumping (stumps and unsuitable material) for a period of time or to make up difference in total cost $.
6) Aviation Compatibility Use Study (regardless, all the * items 2-5 would require this process), another updated appraisal on the property is required since the current one is too old for FAA, and separate from the Use Study.
    a. Identify Aviation current/future use & impact
    b. FAA rules for adjacent to airport
    c. FAA funding rules/operations in area (NOTE: new noise compatibility contours in draft; extends noise area further out)
    d. Liabilities/opportunities for the Airport.

**It is in the best interest of the Airport to protect its land assets and a requirement to protect airspace and navigation.**

Some Additional References:

Order 5190.6B
AIP Handbook (Order 5100.38D)
The below are the main resources used for justification:

1. FAA Order 5190.6B Airport Compliance Manual (Ch. 20, Compatible Land Use and Airspace Protection
2. ACRP Report 27. Enhanced Airport Land Use Compatibility, Volume 1: Land Use Fundamentals and Implementation Resources.

**b. Guidance.** There are a number of sources that can assist an airport sponsor in dealing with noise, obstructions, and other incompatible land uses. Some of these are:

**(1).** *A Model Zoning Ordinance to Limit Height of Objects Around Airports*, Advisory Circular (AC) 150/5190-4A.

**(2).** *Citizen Participation in Airport Planning,* AC 150/5050-4.

**(3).** *Guidelines for Considering Noise in Land Use Planning and Control,* Federal Interagency Committee on Urban Noise, June 1980.

**(4).** *Hazardous Wildlife Attractants on or Near Airports*, AC 150/5200-33B, August 28, 2007.

**(5).** *Noise Control Planning,* FAA Order 1050.11A, January 13, 1986.

**(6).** *Noise Control and Compatibility Planning for Airports*, AC 150/5020-1.

**(7).** *Federal and State Coordination of Environmental Reviews for Airport Improvement Projects*. (RTF format) – Joint Review by Federal Aviation Administration and National Association of State Aviation Officials (NASAO), issued March 2002.

**(8).** *Land Use Compatibility and Airports, a Guide for Effective Land Use Planning* (PDF format), issued by the FAA Office of Environment and Energy.

**(9).** *Compatible Land Use Planning Initiative* (PDF format), 63 Fed. Reg. 27876, May 21, 1998.

**(10).** *Draft Aviation Noise Abatement Policy 2000* (PDF format) 65 Fed. Reg. 43802, July 14, 2000.

**(11).** *Airport Noise Compatibility Planning Toolkit – FAA's Initiative for Airport Noise and Compatibility Planning*, issued by the FAA Office of Environment and Energy.

**From:** Patty Wahto (deLaBruere)
**To:** Trinidad Contreras; Rob Steedle
**Cc:** Patty Wahto (deLaBruere); Amy Mead
**Subject:** Development of Adjacent Property Commonly Referred to as Honsinger Pond
**Date:** Wednesday, November 23, 2016 11:17:12 AM
**Importance:** High

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Good Morning.

This message provides some resources for compatible land use in general and specifically related to the property northeast of the airport, east of Maplesden, and north of TEMSCO helicopters commonly referred to as Honsinger Pond currently owned by Bicknell, Inc.

FAA and several states have extensive guidance on compatible land use. Below are some links to relevant guidance documents.

FAA: http://www.faa.gov/about/office_org/headquarters_offices/apl/noise_emissions/planning_toolkit/media/III.B.pdf
Washington: http://www.wsdot.wa.gov/aviation/Planning/ACLUguide.htm
Oregon: http://www.oregon.gov/aviation/pages/landuseguidebook.aspx

In particular the Bicknell property adjacent to the airport is affected by or will have an impact on many things because of its proximity to the airport. Most of the items below are described within or referenced by the airport design guide AC 150/5300-13A, but there are more than 100 guidance documents that include relevant topics.

- Imaginary surfaces related to the airspace of the airport described in Federal Aviation Regulation (FAR) Part 77.
- TERPS (Terminal Instrument Procedures) related to instrument arrivals and departures at the airport.
- Safety Containment Areas that are a part of the Required Navigation Performance (RNP) special procedures developed by both Alaska Airlines and Delta Air Lines.
- Visual flight paths of aircraft in the vicinity and over the property governed by the Juneau Commercial Operators Letter of Agreement. https://sites.google.com/site/juneauloa/
- Visual flights paths of helicopters, TEMSCO in particular.
- Noise impacts from helicopters as shown in the Draft Noise Impact contours developed in the Airport Master Plan. These maps show impact to a large portion of the property at a “significant” level. Residential use of any kind would be incompatible in the greater than 65 DNL impact area.
- Clear zones around the Airport Surface Observation System (ASOS).
- Wildlife hazards. In order to minimize attraction to wildlife certain uses should be prohibited. FAA provides guidance for landfills in AC 150/5200-34A.

Any development of the property must be carefully coordinated with the airport as the airport is required to take action to protect the operations of the airport through grant assurances and operating certificate requirements. Development of the Bicknell property poses particular concern because access to the property is being considered through the airport property. FAA has layer upon layer of requirements for use of airport property by an outside user. In addition, FAA has strict requirements for “release” of property that is encumbered by grant assurances restrictions. Below are links to a few of the documents:

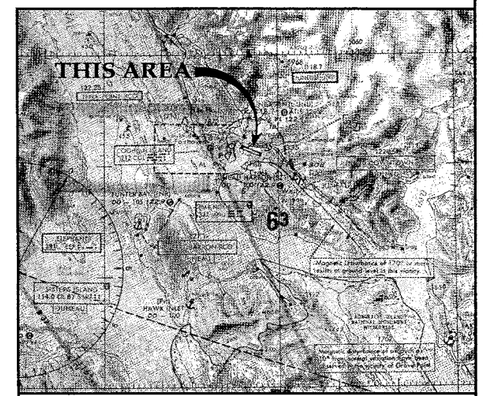
AIP Handbook: http://www.faa.gov/airports/aip/aip_handbook/
14 CFR Part 139: http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=8313bcceee050ec81d7e8fb3377331177&rgn=div5&view=text&node=14:3.0.1.1.14&idno=14
Grant Assurances: http://www.faa.gov/airports/aip/grant_assurances/ These vary over time so the appropriate assurances must be consulted.
Airport Compliance Handbook: http://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/

In my opinion, development of the property without due consideration of impacts to the airport could have an adverse affect on the operations of the airport. Everyone should be aware that FAA does not typically enforce against the property owner or developer in cases of penetrations to airspace or new obstructions erected in approach and departure surfaces. Enforcement falls on the local jurisdiction. If action is not taken by the local jurisdiction, then FAA will take action to restrict aircraft operations to maintain safety, which could result in an adverse affect on the operations of the airport.

*Patty Wahto*
*Airport Manager*
*Juneau International Airport*
*(907) 789-7821*

NOTE NEW EMAIL: Patty.Wahto@jnuairport.com

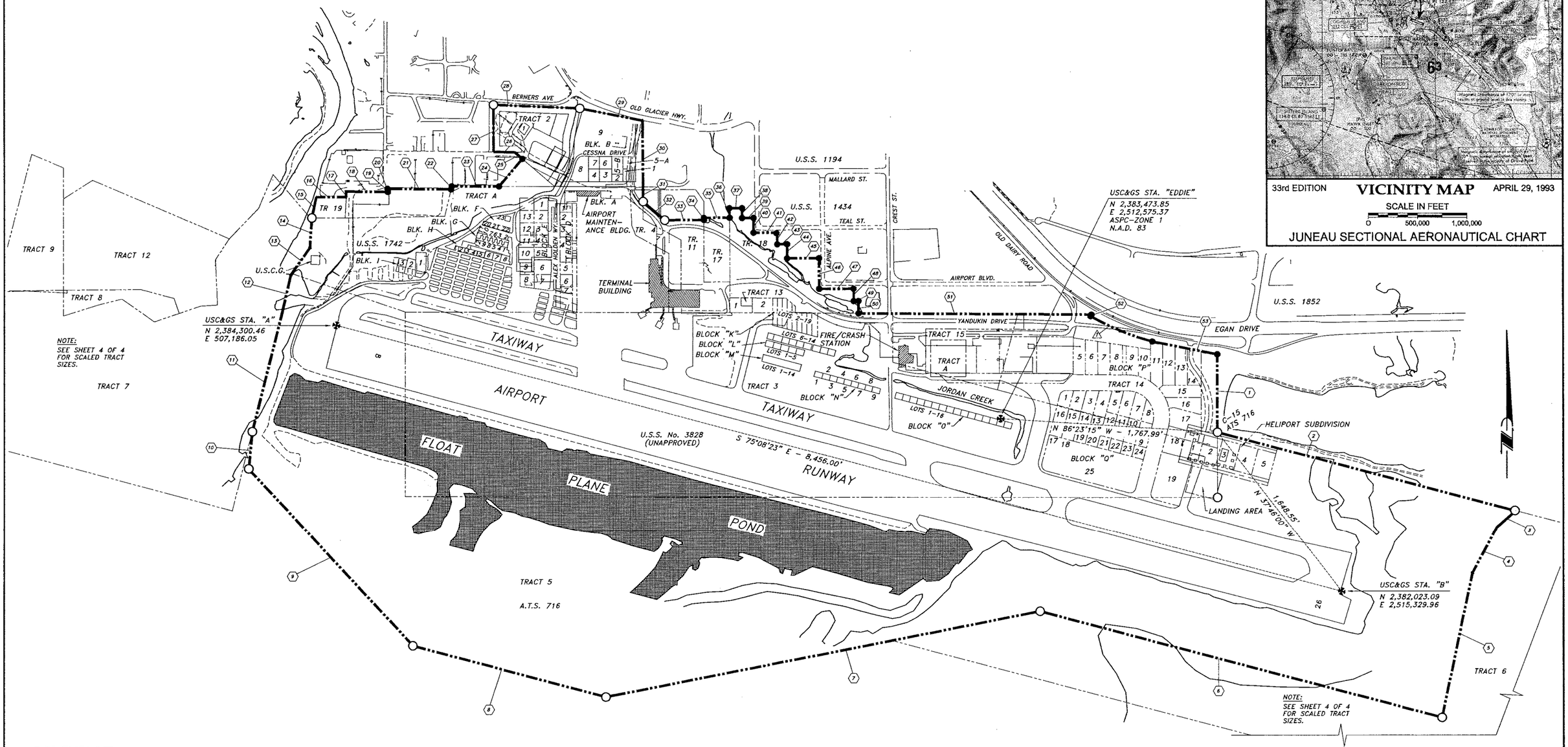
R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS




33rd EDITION **VICINITY MAP** APRIL 29, 1993

SCALE IN FEET
0 500,000 1,000,000

JUNEAU SECTIONAL AERONAUTICAL CHART




## LEGEND

- JUNEAU INTERNATIONAL AIRPORT BOUNDARY LINE
- BOUNDARY / PROPERTY LINE
- PRIMARY SURVEY MONUMENT
- SECONDARY SURVEY MONUMENT
- BUILDING
- EDGE OF RIVER, CREEK, POND, ETC.
- GRAVEL ROAD
- EDGE OF PAVEMENT

# JUNEAU INTERNATIONAL AIRPORT
## LAND STATUS MAP WITH BOUNDARY DIMENSIONS

GRAPHIC SCALE IN FEET
0 400 800 1200 1600 2000 2400 2800 3200

# JUNEAU INTERNATIONAL AIRPORT
## EXHIBIT "A"
## LAND STATUS MAP

CLIENT:
C.B.J. AIRPORT DEPARTMENT
1873 SHELL SIMMONS DRIVE
JUNEAU, ALASKA 99801

SURVEYOR:
R&M ENGINEERING, INC.
P.O. BOX 34278
JUNEAU, ALASKA 99803

SHEET 1 OF 4

R&M PROJECT No. 011797

AUGUST 30, 2001

I:\2001PROJ\011797\SHEET-1.dwg 1:1 PLOT: 8-30-01 at 9:00 AM by SAM

FILE: 1-872

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS

## SUMMARY OF SURVEY COURSES (PROPERTY DIMENSIONS)

| FLAG | RECORD | SURVEYED |
|---|---|---|
| 1 | (SOUTH - 636.75') | SOUTH - 636.75' |
| 2 | (S 75°08'00" E - 2,507.00') | S 75°08'00" E - 2, 507.00' |
| 3 | (S 48°10'45" W - 205.66') | S 48°10'45" W - 205.66' |
| 4 | (S 27°51'30" W - 421.00') | S 27°51'30" W - 421.00' |
| 5 | (S 11°52'00" W - 1,207.00') | S 11°52'00" W - 1,207.00' |
| 6 | (N 75°08'00" W - 3,385.00') | N 75°08'00" W - 3,385.00' |
| 7 | (S 78°41'30" W - 3,600.00') | S 78°41'30" W - 3,600.00' |
| 8 | (N 75°08'00" W - 1,623.50') | N 75°08'00" W - 1,623.50' |
| 9 | (N 42°35'00" W - 1,960.00') | N 42°35'00" W - 1,960.00' |
| 10 | (N 5°20'00" E - 308.68') | N 5°20'00" E - 308.65' |
| 11 | (N 13°48'45" E - 996.87') | N 13°48'45" E - 996.77' |
| 12 | (N12°59'00" E - 319.22') | N12°59'00" E - 319.19' |
| 13 | (N 35°00'45" E - 271.81') | N 35°00'45" E - 271.77' |
| 14 | (N 3°46'00" E - 242.92') | N 3°46'00" E - 242.90' |
| 15 | (N 11°08' E - 173.17') | N 11°52'15" E - 173.17' |
| 16 | (N 89°56'15" E - 239.19') | N 89°56'15" E - 242.48' |
| 17 | (N 1°03'00" E - 45.55') | N 1°03'00" E - 45.52' |
| 18 | (S 89°19'00" E - 331.76') | S 89°34'00" E - 331.78' |
| 19 | (N 0°41'00" E - 25.00') | N 0°41'00" E - 25.00' |
| 20 | (N 0°41'00" E - 25.00') | N 0°41'00" E - 25.00' |
| 21 | (S 89°19'00" E - 524.38') | S 89°13400" E - 520.00' |
| 22 | (N 13°22'00" E - 25.62') | N 13°07'30" E - 25.62' |
| 23 | (S 89°44'00" E - 380.69') | S 89°57'45" E - 381.05' |
| 24 | (N 40°50'00" E - 295.71') | N 40°35'30" E - 295.56' |
| 25 | (N 49°14'30" E - 83.26') | N 49°14'30" E - 83.26' |
| 26 | (N 89°30'30" W - 173.25") | N 89°30'30" W - 173.25" |
| 27 | (NORTH - 383.04') | N 0°01'30" W - 383.04' |
| 28 | (N 89°44'OO" E - 697.31') | N 87°41'45" E - 703.04') |
| 29 | (S 79°00'00" E - 520.00') | S 79°00'00" E - 520.00' |
| 30 | (SOUTH - 567.67') | S 0°22'15" E - 562.18' |
| 31 | (S 0°05'15" W - 95.00') | S 0°05'15" W - 95.00' |
| 32 | (S 49°29'30" E - 232.61') | S 49°29'30" E - 232.61' |
| 33 | (N 89°37'15" E - 320.00') | N 89°37'15" E - 320.00' |
| 34 | (N 0°28'00" E - 17.99') | N 0°09'30" E - 17.99' |
| 35 | (N 89°37'15" E - 207.46') | N 89°37'15" E - 207.46' |
| 36 | (N 0°21'00" W - 78.00') | N 1°17'30" W - 77.74' |
| 37 | (N 89°39'00" E - 101.26') | N 89°44'00" E - 101.17' |
| 38 | (S 0°21'00" E - 80.00') | S 0°18'45" E - 80.03' |
| 39 | (N 89°39'00" E - 91.27') | N 89°37'00" E - 91.70' |
| 40 | (S 0°21'00" E - 120.00') | S 0°10'30" E - 120.06' |
| 41 | (N 89°39'00" E - 197.00') | N 89°39'45" E - 196.79' |
| 42 | (S 0°21'00" E - 95.00') | S 0°17'30" E - 95.02' |
| 43 | (N 89°39'00" E - 80.00') | N 89°39'00" E - 79.99' |
| 44 | (S 0°21'00" E - 115.00') | S 0°22'15" E - 115.00' |
| 45 | (N 89°39'00" E - 257.00') | N 89°39'00" E - 257.09' |
| 46 | (S 0°21'00" E - 250.00') | S 0°18'00" E - 249.89' |
| 47 | (N 89°39'00" E - 277.00') | N 89°41'30" E - 276.79' |
| 48 | (S 0°21'00" E - 100.54') | S 0°24'45" E - 100.72' |
| 49 | (N 89°39'00" E - 40.00') | N 89°33'45" E - 39.99' |
| 50 | (S 0°21'00" E - 100.54') | S 0°19'45" E - 100.39' |
| 51 | (S 89°45'45" E - 1,899.18') | S 89°42'45" E - 1,896.20' |
| 52 | (S 29°46'15" W - 15.00') | S 29°46'15" W - 15.00' |
| 53 | (S 78°24'45" E - 538.21') | S 78°45'30" E - 536.64' |

## CURVE DATA

| FLAG | RECORD | SURVEYED |
|---|---|---|
| 1 | Δ = 15°13'00"<br>R = 2,064.86'<br>T = 548.33'<br>L = 275.79'<br>CH = S 67&&D50'15" E<br>545.62' | Δ= 15°13'00"<br>R = 2,064.86'<br>T = 548.33'<br>L = 275.79'<br>CH = S 67°50'15" E<br>545.62' |

## REAL & LEASE PROPERTY STATUS

| | |
|---|---|
| TRACT 1 | QUITCLAIM DEED FROM CIVIL AERONAUTICS ADMINISTRATION, OCTOBER 28, 1953. |
| TRACT 2 | QUITCLAIM DEED FROM CIVIL AERONAUTICS ADMINISTRATION, OCTOBER 28, 1953. |
| TRACT 3 | QUITCLAIM DEED FROM CIVIL AERONAUTICS ADMINISTRATION, OCTOBER 28, 1953; AS INTERPRETED BY ACTION No. 73-206 IN THE SUPERIOR COURT IN THE FIRST JUDICIAL DISTRICT, JUNEAU, ALASKA. |
| TRACT 4 | QUITCLAIM DEED FROM FEDERAL AVIATION ADMINISTRATION, APRIL 26, 1967. |
| TRACT 5 | PATENT FROM STATE OF ALASKA, NOVEMBER 30, 1972 (ALASKA TIDELAND SURVEY No. 716.) |
| TRACT 6 | AVIGATION EASEMENT FROM STATE OF ALASKA, DIVISION OF LANDS, ADL 34756, 31, 1972. |
| TRACT 7 | AVIGATION EASEMENT FROM STATE OF ALASKA, DIVISION OF LANDS, ADL 34756, 31, 1972. |
| TRACT 8 | WARRANTY DEED FROM WILDE, GIBSON AND MAIER, MAY 30, 1967 |
| TRACT 9 | AVIGATION EASEMENT FROM FILE AND AASA, FEBRUARY 5, 1965. |
| TRACT 10 | DEED FROM GLACIER INVESTMENT COMPANY, SEPTEMBER 12, 1961 |
| TRACT 11 | DEEDED TO C.B.J. AS OF 7-29-1997 |
| TRACT 12 | AVIGATION EASEMENT FROM JOE AND BETTY SMITH, MAY 1, 1973 |
| TRACT 13 | E.S.S.A. INSTRUMENT SPACE AGREEMENT PERMIT FROM C.B.J. TO UNITED STATES WEATHER BUREAU THROUGH DECEMBER 2005. |
| TRACT 14 | QUITCLAIM DEED FROM FRED S. HONSINGER, E. LENORE HONSINGER, THEODORE J. SMITH AND SARA J. SMITH, DECEMBER 24, 1975. |
| TRACT 15 | QUITCLAIM DEED FROM FRED S. HONSINGER, E. LENORE HONSINGER, THEODORE J. SMITH, AND SARA J. SMITH MAY 29, 1976. |
| TRACT 16 | WARRANTY DEED FROM GLACIER INVESTMENT COMPANY JULY 30, 1976. |
| TRACT 17 | STATUTORY WARRANT DEED FROM VIVIAN ERWIN, LINDA M. BURLING, AND MARSHA BENNET, SEPTEMBER 12, 1979. |
| TRACT 18 | CONDEMNATION FROM FRANCIS A., JOSEPH M., SIDNEY J., THOEDORE J., AND BETTY SMITH, MAY 28, 1980. |
| LOT 1 TRACT 18 | STATUTORY WARRANTY DEED FROM DAVID & JEANIE ALLISON TO C.B.J., DATED AUGUST 22, 1985. |
| LOT 2 TRACT 18 | STATUTORY WARRANTY DEED FROM ALASKA AIRLINES, INC. TO CHANNEL FLYING, INC. DATED JULY 28, 1978 |
| TRACT 19 | WARRANTY DEED FROM ROSEMARY GUTE AND CLARK GREUNING, JULY 2001 |

## AIRPORT LAND AREA'S

| DESCRIPTION | AREA IN ACRES | AREA IN SQUARE FEET |
|---|---|---|
| ALL AIRPORT PATENTED LANDS | 661.76 | 28,826,279 |
| TRACT 1 | 64.80' | 2,822,740 |
| TRACT 2 | 7.28 | 317,396 |
| TRACT 3 | 182.90 | 7,967,102 |
| TRACT 4 | 2.61 | 113,678 |
| TRACT 5 | 338.73 | 14,755,079 |
| TRACT 6 * | 22.15 | 9,589,734 |
| TRACT 7 * | 91.88 | 4,002,203 |
| TRACT 8 * | 2.94 | 128,180 |
| TRACT 9 * | 10.07 | 438,640 |
| TRACT 10 | 1.17 | 50,869 |
| TRACT 11 | 5.70 | 248,164 |
| TRACT 12 * | 22.01 | 958,929 |
| TRACT 13 ** | 0.15 | 655 |
| TRACT 14 | 29.13 | 1,268,903 |
| TRACT 15 | 11.08 | 482,836 |
| TRACT 16 | 3.28 | 83,359 |
| TRACT 17 | 2.51 | 109,145 |
| TRACT 18 | 11.56 | 503,636 |
| TRACT 19 | 1.01 | 43,838 |

* AVIGATION EASEMENT ONLY AND AREA NOT INCLUDED IN AIRPORT PATENTED LAND AREAS.
** LEASE AREA ONLY AND NOT INCLUDED IN AIRPORT PATENTED LAND AREAS.

## LAND SURVEY NOTES

1. THE BASIS OF BEARING AND UNIFIED SURVEY COURSES WAS THE LINE-OF-SIGHT BETWEEN CORNER 4, U.S. SURVEY NO. 3828, COMMON TO CORNER 1, MEANDER CORNER, U.S. SURVEY NO. 1195, AND MEANDER CORNER 5, U.S. SURVEY NO. 3828/CORNER 1, ALASKA TIDELAND SURVEY NO. 716. THE BEARING OF RECORD FOR THIS MONUMENTED LINE-OF-SIGHT IS NORTH. U.S. SURVEY NO. 3828 IS AN UNIMPROVED B.L.M. SURVEY.
2. A CONTINUOUS TRAVERSE SURVEY WAS CONDUCTED IN 1978 AND EXPANDED IN 1982 AND 1987 FROM THE BASIS-OF-BEARING PREVIOUSLY MENTIONED CIRCUMVENTING THE ENTIRE AIRPORT LANDS AND LOCATING MONUMENTATION WITHIN THE U.S. SURVEY NO'S. 1195, 1434 (VALLEY CENTRE SUB-DIVISION), 381 (CONSISTING OF SUBDIVISIONS OF GLACIER MALL SUBDIVISION, COMMERCIAL FOX SUBDIVISION, TOTEM PARK SUBDIVISION, RIVERSIDE PARK SUBDIVISION, AND MEADOW GROVE SUB-DIVISION), 1193, 1919, 1042, 2136, AS WELL AS ALASKA TIDELAND SURVEY NO. 716.
3. BEARINGS OF THE ABOVE REFERENCED U.S. AND ALASKA TIDELAND SURVEYS AND THEIR SUBDIVISIONS WERE ROTATED TO AGREE WITH THE BASIS OF PROJECT BEARING FOR THIS SURVEY. WHERE BEARINGS AND/OR DISTANCES (SURVEY COURSES) DIFFER FROM RECORD BEARINGS AND/OR DISTANCES, THE RECORD BEARING AND DISTANCE IS FOUND IN THE APPROPRIATE TABLE OUTLINED BY PARENTHESIS, FOLLOWED BY THE MEASURED AND/OR COMPUTED COURSE BY THIS SURVEY. WHERE SURVEY COURSES DIFFER FROM RECORD SURVEY COURSES, THEY ARE SHOWN THUSLY; (N 89°44'00"W-2,640.00') N 89°42'45"W-2,639.58'.
4. ADJUSTMENTS OF U.S. SURVEY BOUNDARIES AND/OR SUBDIVISION LOTS, TRACTS, AND BLOCK LINES, WERE MADE BY THE PROPORTIONAL METHOD OF ADJUSTMENT WHERE MONUMENTS WERE RECOVERED OR BY THE COMPASS METHOD OF ADJUSTMENT WHERE A SERIES OF SURVEY COURSES EXIST BETWEEN RECOVERED AND RECORDED MONUMENTATION.
5. ALL BEARINGS ON THIS SURVEY PLAT WERE ROUNDED TO THE NEAREST 0°00'15" OF ARC. ALL HORIZONTAL DIMENSIONS ARE SHOWN IN U.S. SURVEY FEET.
6. ADDITIONAL MONUMENTS EXIST ON THE BOUNDARY OF THE AIRPORT AS PLACED BY THE "MENDENHALL WETLANDS STATE GAME REFUGE" SURVEY. REFERENCED TO THE LATER PLAT OF SURVEY FOR CLARIFI-CATION.

# JUNEAU INTERNATIONAL AIRPORT
# EXHIBIT "A"
## LAND STATUS MAP

CLIENT:
C.B.J. AIRPORT DEPARTMENT
1873 SHELL SIMMONS DRIVE
JUNEAU, ALASKA 99801

SURVEYOR:
R&M ENGINEERING, INC.
P.O. BOX 34278
JUNEAU, ALASKA 99803

SHEET 2 OF 4

R&M PROJECT No. 011797

AUGUST 30, 2001

I:\2001PROJ\011797\SHEET-2.dwg 1:1 PLOT: 8-30-01 at 10:00 AM by SAM
FILE: 1-872

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS

## AIRPORT LEASED PROPERTY SUMMARY

| LEGAL DESCRIPTION | | AREA | LAND OWNER | LESSEE |
|---|---|---|---|---|
| BLOCK / TRACT | LOT | | | |
| HELIPORT SUBD. | LOTS 1, 2, 3 | 99,000 | C.B.J. | TEMSCO HELICOPTERS |
| HELIPORT SUBD. | LOT 4 | 33,000 | C.B.J. | TEMSCO HELICOPTERS FIRST RIGHT OF REFUSAL |
| HELIPORT SUBD. | LOT 5 | 33,000 | C.B.J. | |
| BLOCK A | LOT 2 | 14,000 | C.B.J. | R & L LEASING, INC. (SUBLESSEE: FEDERAL EXPRESS) |
| BLOCK B | LOT 2 | 5,400 | C.B.J. | DELTA WESTERN (WESTERN PIONEER) |
| BLOCK B | LOT 5B | 13,420 | C.B.J. | AVIS RENTAL CAR |
| BLOCK B | LOT 6 | | C.B.J. | HERTZ RENTAL CAR |
| BLOCK B | LOT 7 | 9,000 | C.B.J. | ACS TELEPHONE |
| BLOCK B | LOT 8A | | C.B.J. | GROUND EQUIPMENT SERVICE |
| LORAN MON SITE | | 23,800 | C.B.J. | U.S. COAST GUARD |
| BLOCK D | LOT 1 & 2 | 17,103 | C.B.J. | L.A.B. FLYING |
| BLOCK D | LOT 3 | 10,000 | C.B.J. | HEIMBIGNER (SUBLEASE: JUNEAU FLIGHT SCHOOL) |
| BLOCK D | LOT 4 | 20,700 | C.B.J. | ALASKA AIRLINES |
| BLOCK D | LOTS 5, 6, 7 | 24,953.5 | C.B.J. | ALASKA AIRLINES |
| BLOCK E | LOT 1 | 11,500 | C.B.J. | |
| BLOCK E | LOTS 2, 3, 4A, 4B, 11A, 11B | 46,070.4 | C.B.J. (RESTRICTION TO DEED) | U.S. FISH & WILDLIFE SERVICE |
| BLOCK E | LOT 5 | 12,000 | C.B.J. | R & L LEASING, INC. |
| BLOCK E | LOTS 6A, 7A, 8A, 9A & 9B | 74,820 | C.B.J. | AERO SERVICES |
| BLOCK E | LOTS 9BB & 10A | 15,037.5 | C.B.J. | DUANE PACKER |
| BLOCK E | LOT 12 | 11,500 | C.B.J. | WAYNE D. PUTNAM, AL CLOUGH |
| BLOCK E | LOT 13 | 11,500 | C.B.J. | JOE JOHNSON |
| BLOCK F | LOTS 20, 21, 22 | 8,280 | C.B.J. | JOSEPH S. JOHNSON |
| BLOCK F | LOT 34 | 3,736 | C.B.J. | JOSEPH S. JOHNSON |
| BLOCK G | LOT 1 | 1,418 | C.B.J. | R&M ENGINEERING |
| BLOCK G | LOT 2 | 1,607 | C.B.J. | ROBERT REID |
| BLOCK G | LOT 3 | 1,213 | C.B.J. | KEN KAREEN |
| BLOCK G | LOT 4 | 1,213 | C.B.J. | SHARP / BIGGE |
| BLOCK G | LOT 5 | 1,607 | C.B.J. | KEN MONTOUR |
| BLOCK G | LOT 6 | 1,213 | C.B.J. | DAVE AND SUSAN FREDERICK |
| BLOCK G | LOT 7 | 1,213 | C.B.J. | LOREN STEPHENS |
| BLOCK G | LOT 8 | 1,213 | C.B.J. | DONALD L. GOOD |
| BLOCK G | LOT 9 | 1,213 | C.B.J. | KEN MONTOUR |
| BLOCK G | LOT 10 | 1,213 | C.B.J. | DENNIS BEDFORD |
| BLOCK G | LOT 11 | 1,213 | C.B.J. | LAUGHLIN |
| BLOCK G | LOT 12 | 1,418 | C.B.J. | JOHNSON |
| BLOCK H | LOT 1 | 2,000 | C.B.J. | LARRY GREGG |
| BLOCK H | LOT 2 | 2,000 | C.B.J. | DAVID CAVE |
| BLOCK H | LOT 3 | 2,000 | C.B.J. | CAVE / DILLY |
| BLOCK H | LOT 4 | 2,000 | C.B.J. | ROUNTREE / JEWELL |
| BLOCK H | LOT 5 | 3,959 | C.B.J. | SAMALON |
| BLOCK H | LOT 6 | 3,957.9 | C.B.J. | BERGDALL / KEMP |
| BLOCK H | LOT 7 | 4,738 | C.B.J. | BRISKE / PHILLIPS |
| BLOCK I | LOTS 1, 2 & 3 | 16,322 | C.B.J. | CIVIL AIR PATROL |
| BLOCK J | LOT 1 | 18,335 | C.B.J. | |
| BLOCK J | LOT 7 | 15,000 | C.B.J. | A.E.L.&P. |
| BLOCK J | LOT 6A | 10,982 | C.B.J. | AERO SERVICES |
| BLOCK J | LOT 8B | 10,579 | C.B.J. | DELTA WESTERN (WESTERN PIONEER) |
| BLOCK K | LOTS 2, 3 & 4 | 22,734 | C.B.J. | RED LEASING (WARD AIR) |
| BLOCK K | LOTS 11, 12, 13, 14 | 19,680.4 | C.B.J. | RED LEASING (WARD AIR) |
| BLOCK K | LOT 15 | | C.B.J. | |
| BLOCK K | LOT 16 | | C.B.J. | |
| BLOCK K | LOT 17 | | C.B.J. | |
| BLOCK K | LOT 18 | | C.B.J. | |
| BLOCK K | LOT 19 | | C.B.J. | |
| BLOCK L | LOT 1 | 3,250 | C.B.J. | COOK |
| BLOCK L | LOT 2 | 3,000 | C.B.J. | GERBI / MIDDLETON |

## AIRPORT LEASED PROPERTY SUMMARY ( CONT'D.)

| LEGAL DESCRIPTION | | AREA | LAND OWNER | LESSEE |
|---|---|---|---|---|
| BLOCK / TRACT | LOT | | | |
| BLOCK L | LOT 3 | 3,000 | C.B.J. | ROHWEDER |
| BLOCK L | LOT 4 | 3,000 | C.B.J. | BROOKS |
| BLOCK L | LOT 5 | 3,250 | C.B.J. | WILLARD |
| BLOCK L | LOT 6 | 3,500 | C.B.J. | |
| BLOCK L | LOT 7 | 3,750 | C.B.J. | ROUNTREE |
| BLOCK L | LOT 8 | 3,000 | C.B.J. | ROUNTREE |
| BLOCK L | LOT 9 | 3,000 | C.B.J. | WARD / LAUGHLIN |
| BLOCK L | LOT 10 | 3,000 | C.B.J. | GROGAN |
| BLOCK L | LOT 11 | 3,250 | C.B.J. | FREER |
| BLOCK L | LOT 12 | 3,250 | C.B.J. | KIBBY |
| BLOCK L | LOT 13 | 3,000 | C.B.J. | SMITH |
| BLOCK L | LOT 14 | 3,000 | C.B.J. | |
| BLOCK L WEST | LOT 1 | 12,000 | C.B.J. | COASTAL FUEL, INC. |
| BLOCK L WEST | LOT 2 | 46770.9 | C.B.J. | COASTAL HELICOPTERS, INC. |
| BLOCK M | LOT 1 | 1,547.04 | C.B.J. | MORRIS ENGINEERING |
| BLOCK M | LOT 2 | 1,722.7 | C.B.J. | BELFLOWER |
| BLOCK M | LOT 3 | 1,179.33 | C.B.J. | DEPUTE |
| BLOCK M | LOT 4 | 1,179.33 | C.B.J. | PALMER |
| BLOCK M | LOT 5 | 1,179.33 | C.B.J. | BLAIR |
| BLOCK M | LOT 6 | 1,179.33 | C.B.J. | STALEY |
| BLOCK M | LOT 7 | 1,179.33 | C.B.J. | (TAL AIR) JACQUES NORVELL |
| BLOCK M | LOT 8 | 1,179.33 | C.B.J. | STALEY |
| BLOCK M | LOT 9 | 1,179.33 | C.B.J. | CLOUGH / YOUNG |
| BLOCK M | LOT 10 | 1,179.33 | C.B.J. | SWANSON |
| BLOCK M | LOT 11 | 1,179.33 | C.B.J. | PIERCE |
| BLOCK M | LOT 12 | 1,179.33 | C.B.J. | QUINN |
| BLOCK M | LOT 13 | 1,722.7 | C.B.J. | SOUTHWICK TRUST |
| BLOCK M | LOT 14 | 1,547 | C.B.J. | JUNKER |
| BLOCK N | LOT 1 | 2,925 | C.B.J. | RUSSELL |
| BLOCK N | LOT 2 | 2,700 | C.B.J. | MONTOURE |
| BLOCK N | LOT 3 | 2,700 | C.B.J. | BELFLOWER |
| BLOCK N | LOT 4 | 2,700 | C.B.J. | COFFEE / MORSE |
| BLOCK N | LOT 5 | 2,700 | C.B.J. | GERBI |
| BLOCK N | LOT 6 | 2,700 | C.B.J. | SPENCER |
| BLOCK N | LOT 7 | 2,700 | C.B.J. | SWANSON |
| BLOCK N | LOT 8 | 2,700 | C.B.J. | WILLIAMS |
| BLOCK N | LOT 9 | 2,925 | C.B.J. | WILLIAMS, TOM |
| BLOCK O | LOT 1 | 2,925 | C.B.J. | KINNEY |
| BLOCK O | LOT 2 | 2,700 | C.B.J. | FIEHLER |
| BLOCK O | LOT 3 | 2,700 | C.B.J. | CARLSON |
| BLOCK O | LOT 4 | 2,700 | C.B.J. | CUMMINS |
| BLOCK O | LOT 5 | | C.B.J. | CLOUGH |
| BLOCK O | LOT 6 | | C.B.J. | SESSIONS |
| BLOCK O | LOT 7 | | C.B.J. | TURNER |
| BLOCK O | LOT 8 | | C.B.J. | BLAIR |
| BLOCK P | LOT 1 | 90,000 | C.B.J. | PAN ARCTIC CONTRACTORS |
| BLOCK P | LOT 2 | 90,000 | C.B.J. | SILVERBAY LOGGING |
| BLOCK P | LOT 3 | 90,000 | C.B.J. | ALASKA NATIONAL GUARD |
| BLOCK P | LOT 4 | 90,000 | C.B.J. | WINGS OF ALASKA |
| BLOCK P | LOT 5 | | C.B.J. | |
| BLOCK P | LOT 6 | | C.B.J. | |
| BLOCK P | LOT 7 | | C.B.J. | |
| BLOCK P | LOT 8 | | C.B.J. | |
| BLOCK P | LOT 9 | | C.B.J. | |
| BLOCK P | LOT 10 | | C.B.J. | |
| BLOCK P | LOT 11 | | C.B.J. | |
| BLOCK P | LOT 12 | | C.B.J. | |
| BLOCK P | LOT 13 | | C.B.J. | |
| BLOCK P | LOT 14 | | C.B.J. | |
| BLOCK P | LOT 15 | | C.B.J. | |
| BLOCK P | LOT 16 | | C.B.J. | |
| BLOCK P | LOT 17 & 18 | | C.B.J. | TEMSCO HELICOPTERS |
| BLOCK P | LOT 19 | | C.B.J. | |
| BLOCK Q | | | C.B.J. | |

# JUNEAU INTERNATIONAL AIRPORT
# EXHIBIT "A"
## LAND STATUS MAP

CLIENT:
C.B.J. AIRPORT DEPARTMENT
1873 SHELL SIMMONS DRIVE
JUNEAU, ALASKA 99801

SURVEYOR:
R&M ENGINEERING, INC.
P.O. BOX 34278
JUNEAU, ALASKA 99803

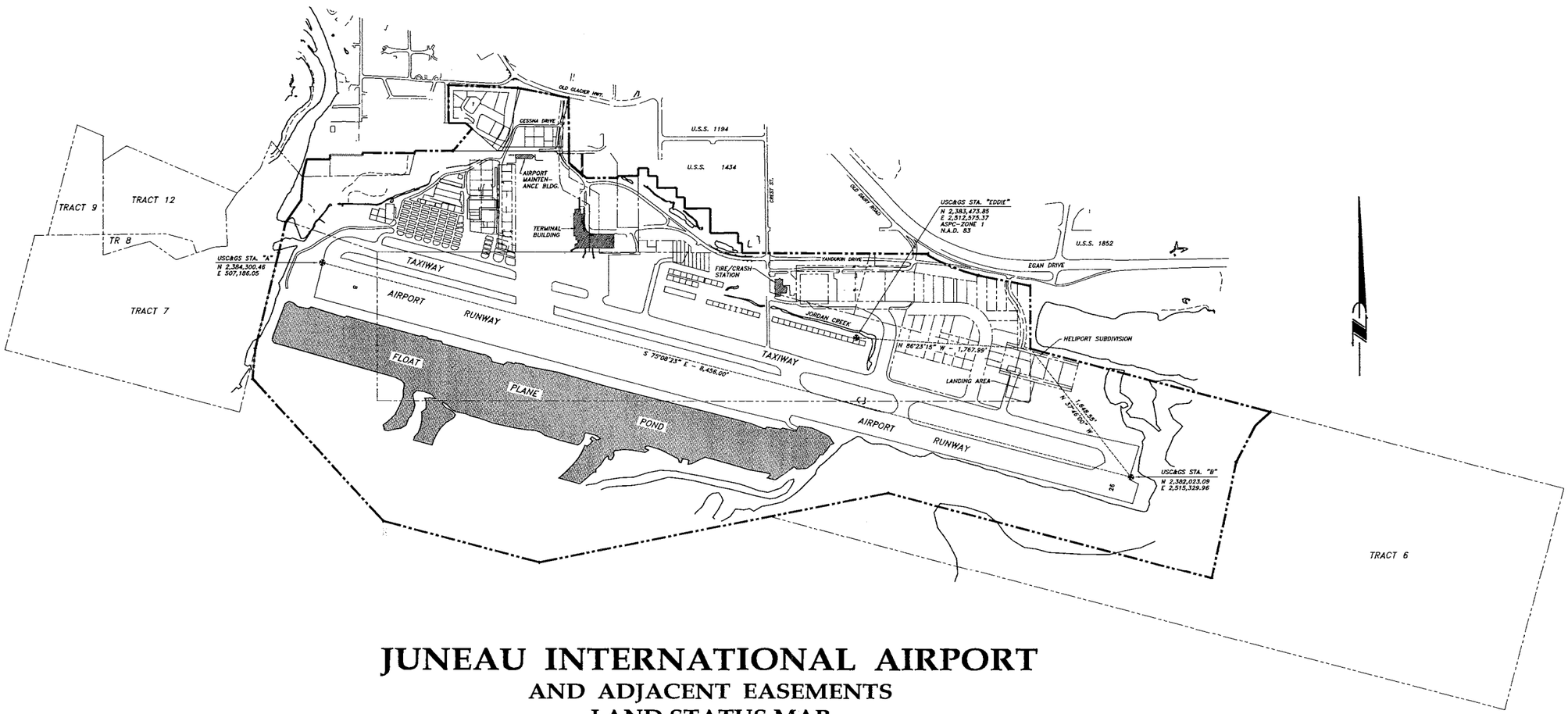
SHEET 3 OF 4

R&M PROJECT No. 011797

AUGUST 30, 2001

I:\2001PROJ\011797\SHEET-3.dwg 1:1 PLOT: 8-30-01 at 9:00 AM by SAM

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS




# JUNEAU INTERNATIONAL AIRPORT
## AND ADJACENT EASEMENTS
## LAND STATUS MAP

GRAPHIC SCALE IN FEET

0 600 1200 1800 2400 3000 3600 4200 4800

# JUNEAU INTERNATIONAL AIRPORT
# EXHIBIT "A"
## LAND STATUS MAP

CLIENT:
C.B.J. AIRPORT DEPARTMENT
1873 SHELL SIMMONS DRIVE
JUNEAU, ALASKA 99801

SURVEYOR:
R&M ENGINEERING, INC.
P.O. BOX 34278
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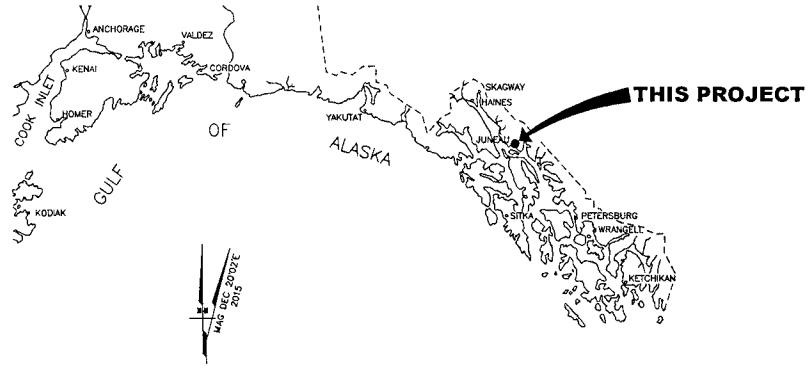
SHEET 4 OF 4

R&M PROJECT No. 011797

AUGUST 30, 2001

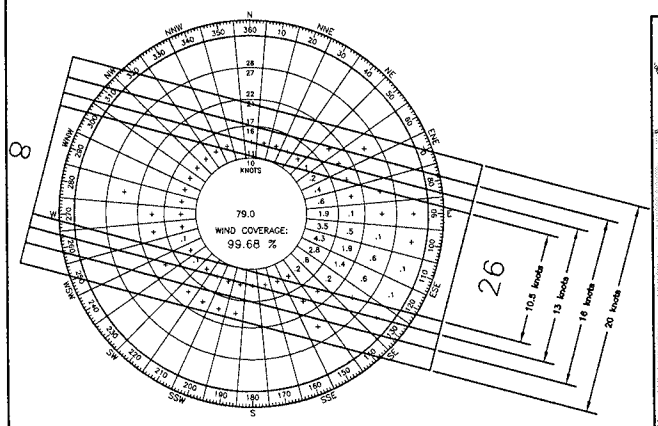
I:\2001PROJ\011797\SHEET-4.dwg 1:1 PLOT: 8-30-01 at 9:00 AM by SAM

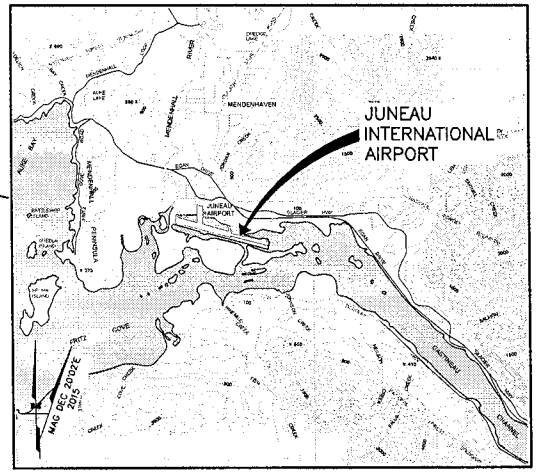



LOCATION MAP

| LEGEND | | |
|---|---|---|
| ITEM | EXISTING | ULTIMATE |
| AIRPORT REFERENCE POINT (A.R.P.) | | |
| ANTENNA | | |
| BLUFF | | |
| BUILDINGS | | |
| BUILDING RESTRICTION LINE | | |
| FENCE | —X—X—X— | —X—X—X— |
| PAPI | | |
| PROPERTY LINE | | |
| REIL | | |
| ROADWAYS | | |
| ROTATING BEACON | | |
| SHORELINE | | |
| SURVEY MONUMENT | | |
| THRESHOLD MARKERS/LIGHTS | | |
| TOPOGRAPHIC CONTOURS | | |
| TREE (LARGE SINGLE) | | |
| TREELINE | | |
| VASI | | |
| WIND CONE | | |
| WIND CONE AND SEGMENTED CIRCLE | | |

| GEOGRAPHIC COORDINATES TABLE | | | | |
|---|---|---|---|---|
| ITEM | EXISTING LATITUDE | EXISTING LONGITUDE | ULTIMATE LATITUDE | ULTIMATE LONGITUDE |
| ARP | 58°21'16.97"N | 134°34'42.88"W | 58°21'16.97"N | 134°34'42.88"W |
| THRESHOLD RW 8 | 58°21'28.25"N | 134°35'49.09"W | 58°21'28.25"N | 134°35'49.09"W |
| THRESHOLD RW 26 | 58°21'05.88"N | 134°33'08.63"W | 58°21'05.88"N | 134°33'08.63"W |
| THRESHOLD RW 8W | 58°21'22.82"N | 134°35'52.23"W | 58°21'22.82"N | 134°35'52.23"W |
| THRESHOLD RW 26W | 58°21'10.71"N | 134°34'25.26"W | 58°21'10.71"N | 134°34'25.26"W |




VICINITY MAP

SEC. 34, 35, 36, T 40 S, R 66 E,
COPPER RIVER MERIDIAN
U.S.G.S. JUNEAU (B-2), ALASKA

SCALE IN STATUTE MILES
1 SM .5 SM 0 1 SM 2 SM

| WIND DATA TABLE | | | | |
|---|---|---|---|---|
| RUNWAY | 10.5 kt | 13 kt | 16 kt | 20 kt |
| 8/26 | 96.68 | 99.92 | 99.99 | 100.00 |
| | | | | |
| | | | | |
| | | | | |

SOURCE: NATIONAL CLIMATIC DATE CENTER, ASHVILLE, NC
STATION: JNU, 70381
PERIOD: 1998-2008, 82558 OBSERVATIONS

| NON STANDARD CONDITIONS | | | |
|---|---|---|---|
| DESCRIPTION | STANDARD | EXISTING | ULTIMATE |
| RUNWAY OBJECT FREE AREA WIDTH | 800' | 730' | 730' |
| RUNWAY 8 SAFETY AREA LENGTH BEYOND RW END | 1000' | 600' | *1000' |
| RUNWAY 26 SAFETY AREA LENGTH BEYOND RW END | 1000' | 600' | *1000' |
| | | | |
| | | | |

*600' BEYOND RUNWAY END, 1000' BEYOND ASOA

| AIRPORT DATA TABLE | | |
|---|---|---|
| ITEM | EXISTING | ULTIMATE |
| ICAO IDENTIFIER | PAJN | PAJN |
| NATIONAL AIRPORT IDENTIFIER | JNU | JNU |
| FAA SITE NUMBER | 50385.*A | 50385.*A |
| AIRPORT ELEVATION NAVD88 | 25.3' | 25.3' |
| AIRPORT REFERENCE CODE | C-III | C-III |
| MEAN MAX. TEMPERATURE, HOTTEST MONTH | 65°F, JULY | 65°F, JULY |
| AIRPORT AND TERMINAL NAVIGATION AIDS | BEACON, NDB, LDA, LDIN, RVR | BEACON, NDB, LDA, LDIN, RVR, ADS-B |
| TAXIWAY LIGHTING/MARKING | MITL | MITL |
| OBSTRUCTION SURVEY SOURCE & TYPE | NONE | NONE |
| MAGNETIC DECLINATION, YEAR, RATE OF CHANGE | 20°02'E / 2015 | -0°19'(W) / YEAR |

| RUNWAY 8/26 DATA TABLE | | | |
|---|---|---|---|
| ITEM | EXISTING | NEAR TERM | ULTIMATE |
| RUNWAY TYPE UTILITY OR OTHER THAN UTILITY | OTHER THAN UTILITY | OTHER THAN UTILITY | OTHER THAN UTILITY |
| FAR PART 77 APPROACH CATEGORY (V, NPI, P) | NPI | NPI | NPI |
| APPROACH SURFACES | 34:1/50:1 | 34:1/50:1 | 34:1/50:1 |
| VISIBILITY MINIMUM | ≥1 SM | ≥1 SM | ≥1 SM |
| RUNWAY SURFACE | ASPHALT | ASPHALT | ASPHALT |
| PAVEMENT STRENGTH S,25,0,20,2D/2D2 x1000lbs | 75, 175, 200, 340, 500 | 75, 175, 200, 340, 500 | 75, 175, 200, 340, 500 |
| AIRCRAFT APPROACH CATEGORY | C | C | C |
| AIRPLANE DESIGN GROUP | III | III | III |
| TRUE BEARING | N75°8'44.50"W | N75°8'44.50"W | N75°8'44.50"W |
| EFFECTIVE GRADE | 0.02% | 0.02% | 0.02% |
| TOUCHDOWN ELEVATION NAVD88 (ESTIMATED) | 25.0' / 23.4' | 25.0' / 23.4' | 25.0' / 23.4' |
| RUNWAY DIMENSIONS | 8857' x 150' | 8857' x 150' | 8857' x 150' |
| RUNWAY SAFETY AREA (RSA) DIMENSIONS | 10057' x 500' | 10057' x 500' | 10057' x 500' |
| LENGTH BEYOND R/W END | 600' / 600' | 600' / 600' | 600' / 600' |
| RUNWAY PROTECTION ZONE (RPZ) DIM. – RW 8 | 1700' x 500' x 1010' | 1700' x 500' x 1010' | 1700' x 500' x 1010' |
| RUNWAY PROTECTION ZONE (RPZ) DIM. – RW 26 | 1700' x 500' x 1010' | 1700' x 500' x 1010' | 1700' x 500' x 1010' |
| RUNWAY OBJECT FREE AREA (ROFA) DIMENSIONS | 10057 x 730' | 10057 x 730' | 10057 x 730' |
| LENGTH BEYOND R/W END OR STOPWAY | 600' / 600' | 600' / 600' | 600' / 600' |
| RUNWAY OBSTACLE FREE ZONE (ROFZ) DIMENSIONS | 9257' x 400' | 9257' x 400' | 9257' x 400' |
| RUNWAY LIGHTING | HIRL | HIRL | HIRL |
| RUNWAY MARKING TYPE | NONPRECISION | NONPRECISION | NONPRECISION |
| RUNWAY VISUAL APPROACH AIDS – RW 8 | MALSF, LDIN, VASI, REILS | MALSF, LDIN, VASI, REILS | MALSF, LDIN, VASI, REILS |
| RUNWAY VISUAL APPROACH AIDS – RW 26 | MALS, PAPI, REILS | MALS, PAPI, REILS | MALS, PAPI, REILS |

| RUNWAY 8W/26W DATA TABLE | | | |
|---|---|---|---|
| ITEM | EXISTING | NEAR TERM | ULTIMATE |
| RUNWAY TYPE UTILITY OR OTHER THAN UTILITY | UTILITY | UTILITY | UTILITY |
| FAR PART 77 APPROACH CATEGORY (V, NPI, P) | V | V | V |
| APPROACH SURFACES | 20:1 | 20:1 | 20:1 |
| VISIBILITY MINIMUM | ≥1 SM | ≥1 SM | ≥1 SM |
| RUNWAY SURFACE | WATER | WATER | WATER |
| PAVEMENT STRENGTH S,25,0,20,2D/2D2 x1000lbs | N/A | N/A | N/A |
| AIRCRAFT APPROACH CATEGORY | A | A | A |
| AIRPLANE DESIGN GROUP | II | II | II |
| TRUE BEARING | N75°8'44.50"W | N75°8'44.50"W | N75°8'44.50"W |
| EFFECTIVE GRADE | 0% | 0% | 0% |
| TOUCHDOWN ELEVATION NAVD88 (ESTIMATED) | 12' | 12' | 12' |
| RUNWAY DIMENSIONS | 4800' x 400' | 4800' x 400' | 4800' x 400' |
| RUNWAY SAFETY AREA (RSA) DIMENSIONS | N/A | N/A | N/A |
| LENGTH BEYOND R/W END | N/A | N/A | N/A |
| RUNWAY PROTECTION ZONE (RPZ) DIMENSIONS | 1000' x 250' x 450' | 1000' x 250' x 450' | 1000' x 250' x 450' |
| RUNWAY OBJECT FREE AREA (ROFA) DIMENSIONS | 5200' x 400' | 5200' x 400' | 5200' x 400' |
| LENGTH BEYOND R/W END OR STOPWAY | N/A | N/A | N/A |
| RUNWAY OBSTACLE FREE ZONE (ROFZ) DIMENSIONS | 5200' x 400' | 5200' x 400' | 5200' x 400' |
| RUNWAY LIGHTING | N/A | N/A | N/A |
| RUNWAY MARKING TYPE | N/A | N/A | N/A |
| RUNWAY VISUAL APPROACH AIDS | NONE | NONE | NONE |

NOTES

1. THE HORIZONTAL DATUM IS NAD83(CORS96) (EPOCH:2010.00)
2. THE VERTICAL DATUM IS NAVD 88 ORTHOMETRIC HEIGHTS. THE BASIS OF ELEVATIONS IS THE NATIONAL GEODETIC SURVEY (NGS) PRIMARY AIRPORT CONTROL STATION (PACS) "JNU C", PID AI4906, HAVING A NAVD 88 ORTHOMETRIC HEIGHT OF 21.526 FEET. THE NAVD 88 ORTHOMETRIC HEIGHT FOR THIS POINT WAS DETERMINED BY UTILIZING THE NGS PUBLISHED ELLIPSOID HEIGHT AND A HIGH-RESOLUTION GEOID MODEL (GEOID-09).
3. RW 8W-26W DESIGN STANDARDS ARE FOR SMALL AIRCRAFT ONLY.

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

APPROVED: DATE:

PATRICIA deLABRUERE AIRPORT MANAGER

AIRPORT LAYOUT PLAN CONDITIONAL APPROVAL SUBJECT TO
ALP APPROVAL LETTER DATED ___/___/___
FAA AIRSPACE REVIEW NUMBER:_____

DATE:
FAA, AIRPORTS DIVISION ALASKAN REGION, AAL-

DRAWING INDEX

| SHT # | TITLE |
|---|---|
| 1 | AIRPORT DATA SHEET |
| 2 | EXISTING AIRPORT LAYOUT PLAN |
| 3 | ULTIMATE AIRPORT LAYOUT PLAN |
| 4 | DECLARED DISTANCES |
| 5 | INNER PORTION OF THE APPROACH SURFACE – RW 8-26 |
| 6 | INNER PORTION OF THE APPROACH SURFACE-RW 8W-26W |
| 7 | AIRPORT AIRSPACE, 14 CFR, PART 77 |
| 8 | AIRPORT AIRSPACE, 14 CFR, PART 77 |
| 9 | TERMINAL AREA PLAN |
| 10 | AIRPORT LAND USE |
| 11 | PROPERTY MAP |

**CITY AND BOROUGH OF JUNEAU**
**JUNEAU INTERNATIONAL AIRPORT**
**JUNEAU, ALASKA**

AIRPORT LAYOUT PLAN
AIRPORT DATA SHEET

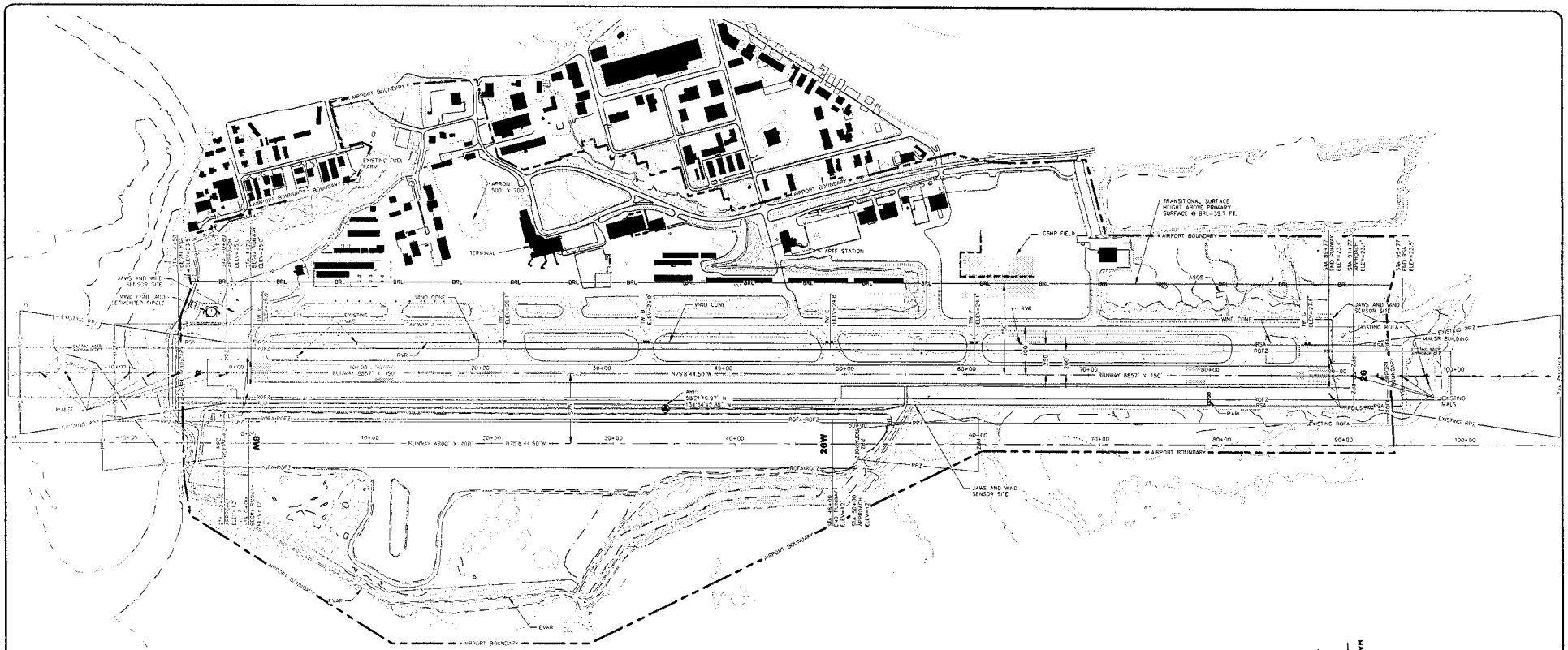
DATE: 04/15/2010
SHEET: 1 OF 11

FILE No.: 232-69

Date Plotted: 2/20/2014, 11:19 AM
User Name: mlewis
File Name: P:\Projects\70381\ALP_JNU-ALP.dwg

Designed By: mlewis
Drawn By: tmaglin
Checked By: bhanson

# Attachment E - AME2016 0007 Documents




SCALE IN FEET
400' 200' 0 400' 800'

## NOTES

THERE ARE NO ROFZ PENETRATIONS.

| TAXIWAY DATA | | | | | | |
|---|---|---|---|---|---|---|
| ITEM | WIDTH | | TSA | | OFA | |
| | EXISTING | STANDARD | EXISTING | STANDARD | EXISTING | STANDARD |
| T/W A | 75' | 50' | 118' | 118' | 186' | 186' |
| T/W B | 102.5' | 50' | 118' | 118' | 186' | 186' |
| T/W C | 260' | 50' | 118' | 118' | 186' | 186' |
| T/W D | 50' | 50' | 118' | 118' | 186' | 186' |
| T/W E | 100' | 50' | 118' | 118' | 186' | 186' |
| T/W F | 75' | 50' | 118' | 118' | 186' | 186' |
| T/W G | 242' | 50' | 118' | 118' | 186' | 186' |

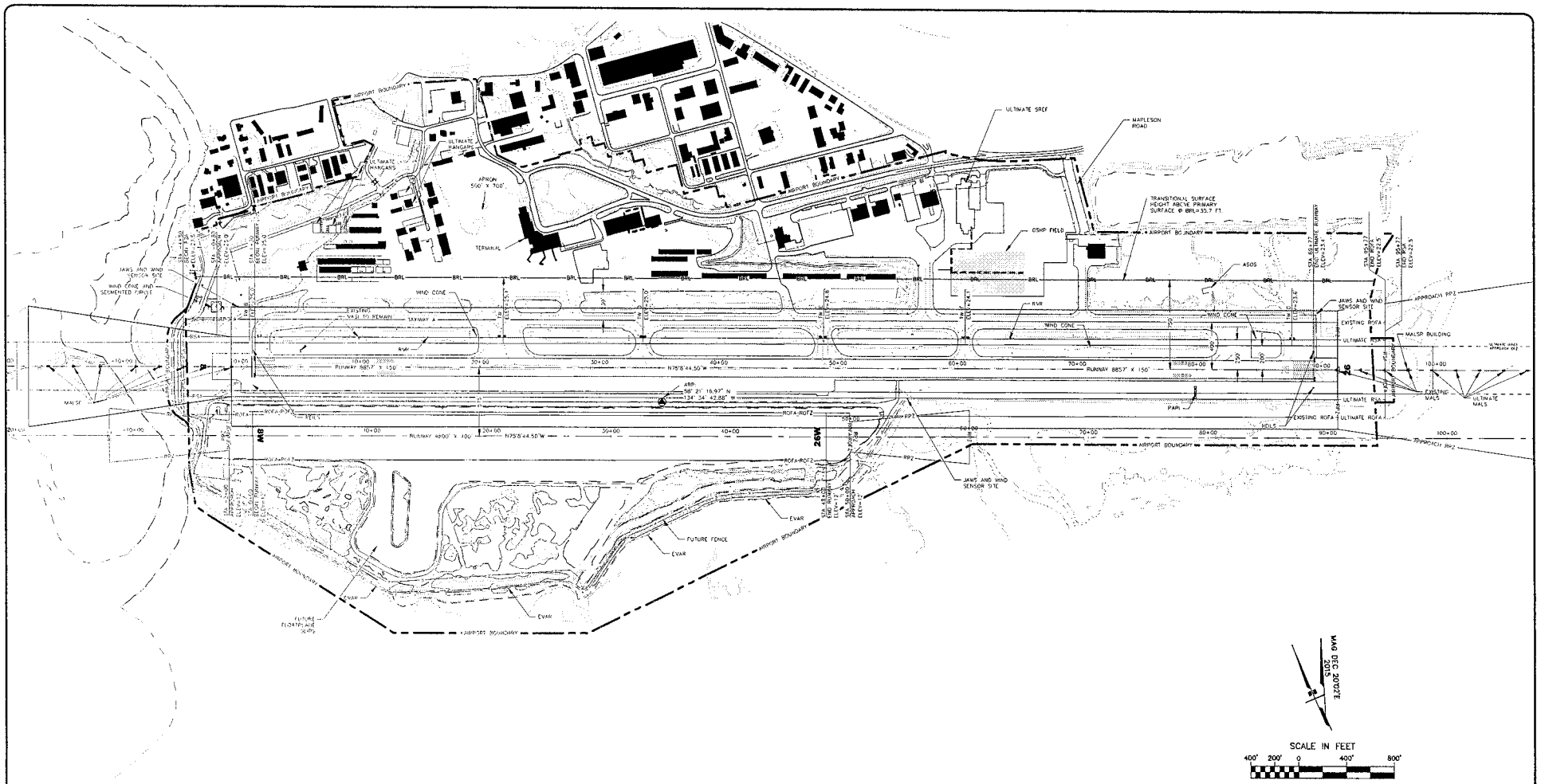
| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

**JUNEAU AIRPORT**
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN
EXISTING
AIRPORT LAYOUT PLAN

DATE: 04/15/2010
SHEET: 2 OF 11

Designed By: Chandler
Drawn By: Cahill
Checked By: Johnson
FILE No.: 233-89
Date Plotted:
Layout Name:
File Name:

# Attachment E - AME2016 0007 Documents




## NOTES

1. THERE ARE NO ROFZ PENETRATIONS.

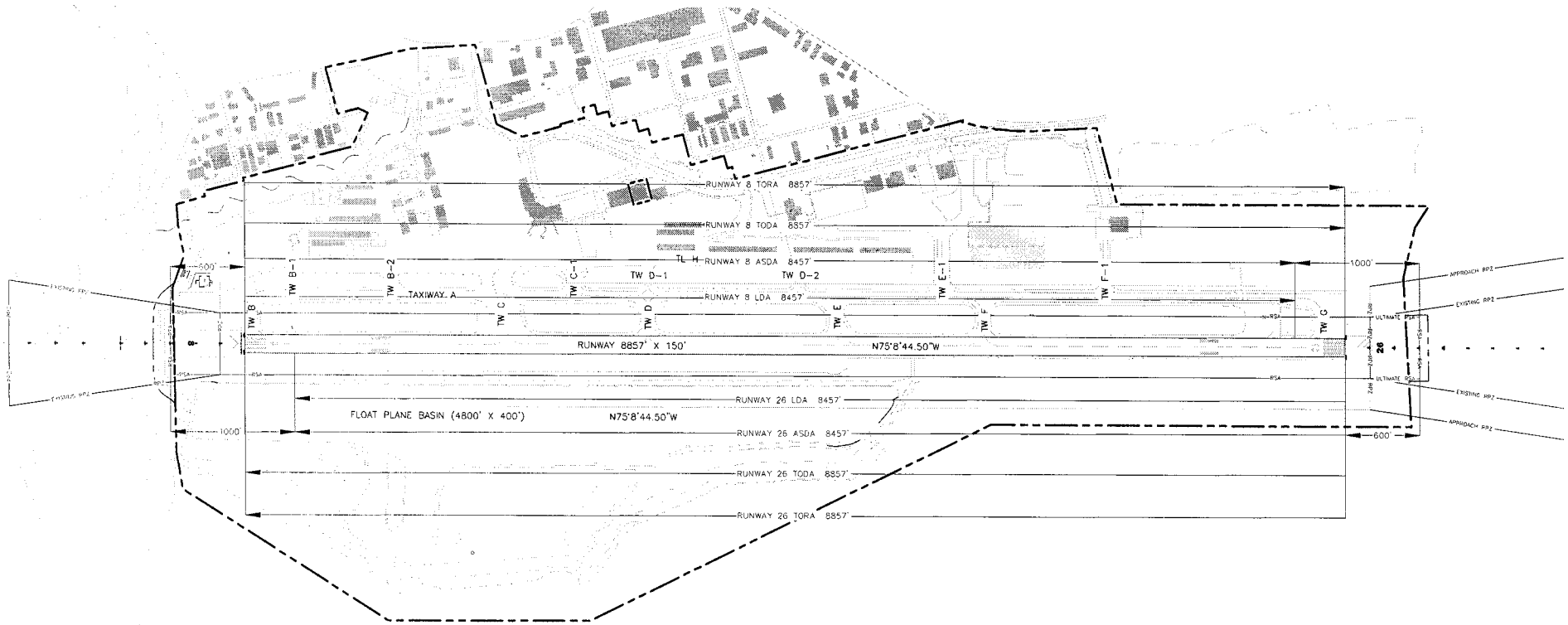
| TAXIWAY DATA | | | | | | |
|---|---|---|---|---|---|---|
| ITEM | WIDTH | | TSA | | OFA | |
| | EXISTING | STANDARD | EXISTING | STANDARD | EXISTING | STANDARD |
| T/W A | 90' | 50' | 118' | 118' | 186' | 186' |
| T/W B | 102.5' | 50' | 118' | 118' | 186' | 186' |
| T/W C | 260' | 50' | 118' | 118' | 186' | 186' |
| T/W D | 50' | 50' | 118' | 118' | 186' | 186' |
| T/W E | 100' | 50' | 118' | 118' | 186' | 186' |
| T/W F | 75' | 50' | 118' | 118' | 186' | 186' |
| T/W G | 245' | 50' | 118' | 118' | 186' | 186' |

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

**JUNEAU AIRPORT**
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN
ULTIMATE
AIRPORT LAYOUT PLAN

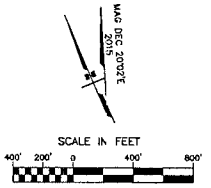
DATE: 04/15/2010
SHEET: 3 OF 11

Date Plotted:
Layout Name:
File Name:
Designed By: nilsen/jim
Drawn By: Cwill
Checked By: Dhanson
FILE No.: 232-89




EXISTING/ULTIMATE

| DECLARED DISTANCES | | |
|---|---|---|
| | RUNWAY 8/26 | |
| ITEM | EXISTING | FUTURE |
| TAKEOFF RUN AVAILABLE (TORA) | 8,857 / 8,857 | 8,857 / 8,857 |
| TAKEOFF DISTANCE AVAILABLE (TODA) | 8,857 / 8,857 | 8,857 / 8,857 |
| ACCELERATE STOP DISTANCE AVAILABLE (ASDA) | 8,457 / 8,457 | 8,457 / 8,457 |
| LANDING DISTANCE AVAILABLE (LDA) | 8,457 / 8,457 | 8,457 / 8,457 |



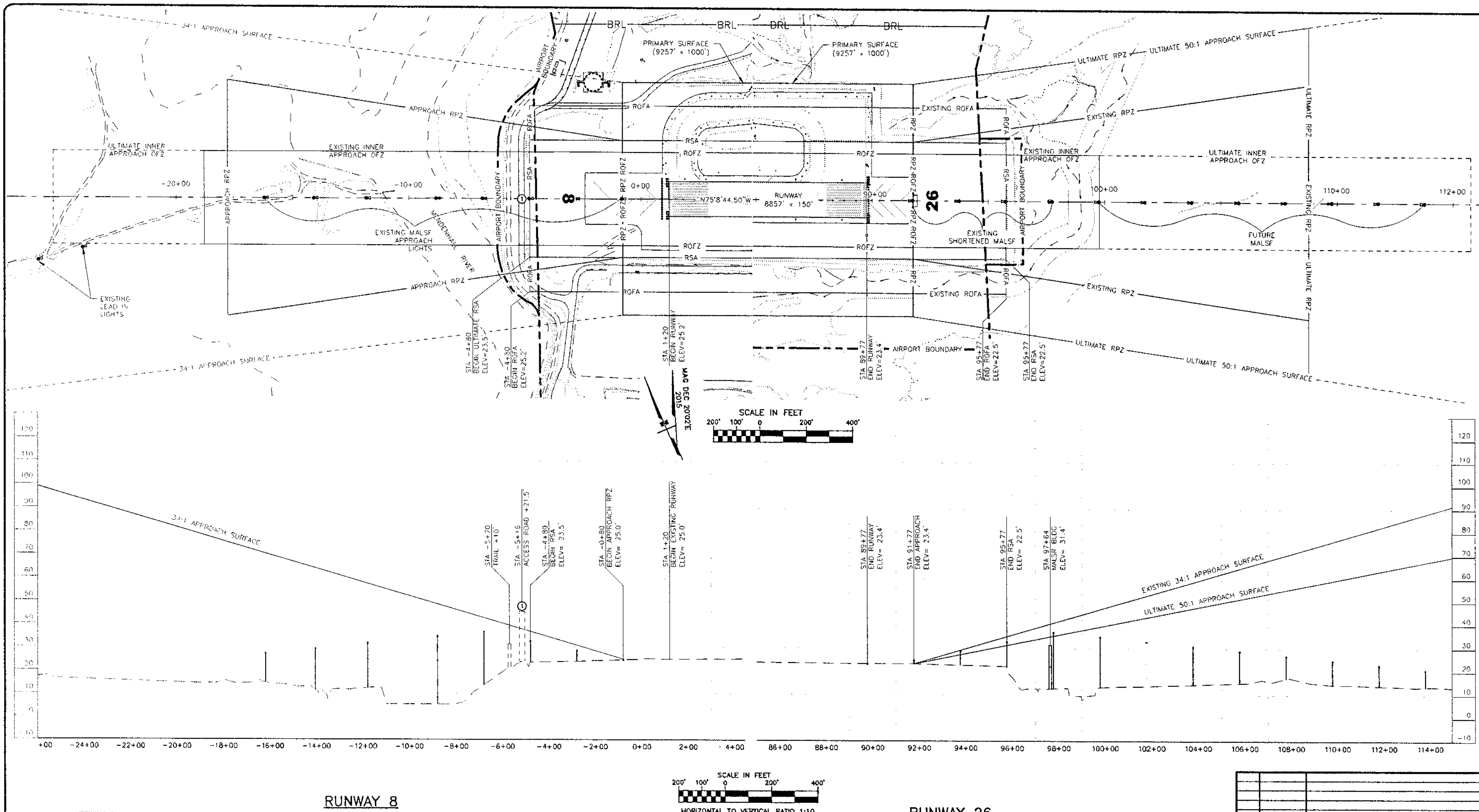

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

**JUNEAU AIRPORT**
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

DECLARED DISTANCES

DATE: 04/15/2010
SHEET: 4 OF 11

Designed By: Glewellyn
Drawn By: Dowell
Checked By: Dahlstrom
FILE No.: 232-09
Date Plotted:
Layout Name:
File Name:




## RUNWAY 8

| 34:1 APPROACH SURFACE OBSTRUCTIONS TABLE (INNER PORTION RW 8) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| ID # | DESCRIPTION | STATION/ OFFSET | ELEVATION | SURFACE PENETRATED | SURFACE ELEVATION | AMOUNT PENETRATION | DISPOSITION | STAGE TO CORRECT |
| (1) | ACCESS ROAD | -5+16/0 | 45.5' * | APPROACH | 38' | 7.5' | REMAIN | - |
| | | | | | | | | |
| | | | | | | | | |

REFER TO THE AIRPORT AIRSPACE DRAWING FOR PENETRATIONS OF THE OUTER APPROACH SURFACES.

* TOTAL CLEARANCE HEIGHT IS BASED ON THE HEIGHT OF A TOWING TRAILER (2') AND THE TAIL HEIGHT OF A TWIN OTTER (19.5') (21.5' TOTAL).

### NOTES

1. THE EXISTING OBSTRUCTION CLEARANCE SLOPE FOR RW 8 IS ESTABLISHED AS 8:1 PER FAA AC 150/5200-35, CHAP 4. THE ULTIMATE OBSTRUCTION CLEARANCE SLOPE FOR RW 8 IS ESTABLISHED AS 15:1 PER FAA AC 150/5200-35, CHAP 4.
2. THERE ARE NO OBJECT PENETRATIONS IN THE RUNWAY APPROACH END SITING SURFACE OF RUNWAY 8, AS DEFINED IN FAA AC 150/5300-13, TABLE A-2, ROWS 1 THRU 2.

## RUNWAY 26

| 50:1 APPROACH SURFACE OBSTRUCTIONS TABLE (INNER PORTION RW 26) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| ID # | DESCRIPTION | STATION/ OFFSET | ELEVATION | SURFACE PENETRATED | SURFACE ELEVATION | AMOUNT PENETRATION | DISPOSITION | STAGE TO CORRECT |
| | NONE | | | | | | | |
| | | | | | | | | |

REFER TO THE AIRPORT AIRSPACE DRAWING FOR PENETRATIONS OF THE OUTER APPROACH SURFACES.

### NOTES

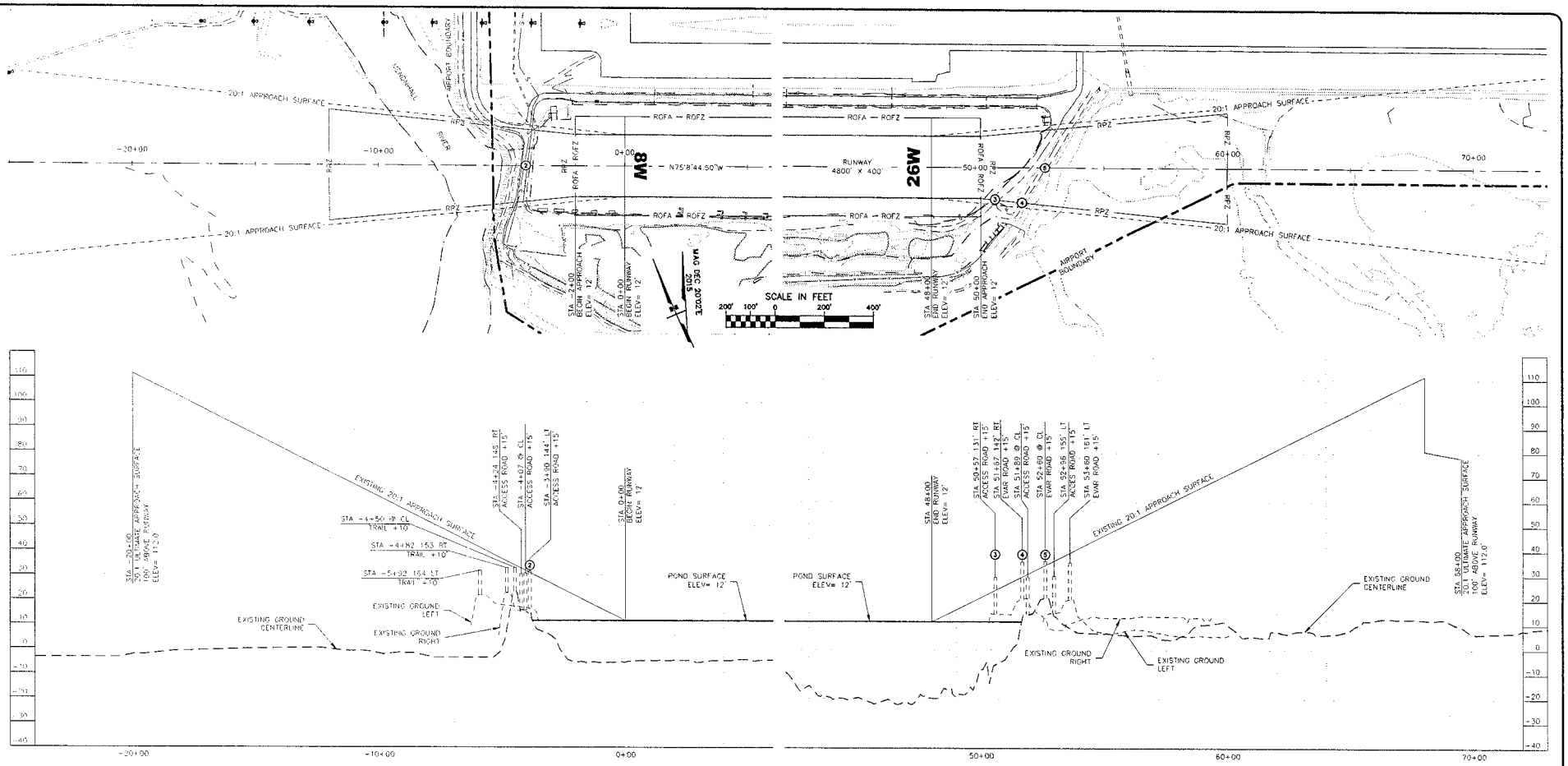
1. THE EXISTING AND ULTIMATE OBSTRUCTION CLEARANCE SLOPE FOR RW 26 IS ESTABLISHED AS 7:1 PER FAA AC 150/5200-35, CHAP 4.
2. THERE ARE NO OBJECT PENETRATIONS IN THE RUNWAY APPROACH END SITING SURFACE OF RUNWAY 26, AS DEFINED IN FAA AC 150/5300-13, TABLE A-2, ROWS 1 THRU 10.

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

**JUNEAU AIRPORT**
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

INNER PORTION OF THE APPROACH SURFACE-RW 8-26

DATE: 04/15/2010
SHEET: 5 OF 11




SCALE IN FEET
200' 100' 0 200' 400'
HORIZONTAL TO VERTICAL RATIO 1:10

## RUNWAY 8W

20:1 APPROACH SURFACE OBSTRUCTIONS TABLE (INNER PORTION RW 8W)

| ID # | DESCRIPTION | STATION/ OFFSET | ELEVATION | SURFACE PENETRATED | SURFACE ELEVATION | AMOUNT PENETRATION | DISPOSITION | STAGE TO CORRECT |
|---|---|---|---|---|---|---|---|---|
| ⊙ | ROAD | -3+90/144 LT | 32' | APPROACH | 31' | 1' | REMAIN | |
| | | | | | | | | |

REFER TO THE AIRPORT AIRSPACE DRAWING FOR PENETRATIONS OF THE OUTER APPROACH SURFACES.

### NOTES

1. THE OBSTRUCTION CLEARANCE SLOPE FOR RW 8W IS ESTABLISHED AS 15:1 PER FAA AC 150/5200-35, CHAP 4.
2. RUNWAY 8W MEETS THE CONDITIONS OF FAA AC 150/5300-13, TABLE A-2 ROW 1 FOR APPROACH END SITING SURFACE.

## RUNWAY 26W

20:1 APPROACH SURFACE OBSTRUCTIONS TABLE (INNER PORTION RW 26W)

| ID # | DESCRIPTION | STATION/ OFFSET | ELEVATION | SURFACE PENETRATED | SURFACE ELEVATION | AMOUNT PENETRATION | DISPOSITION | STAGE TO CORRECT |
|---|---|---|---|---|---|---|---|---|
| ⊙ | ROAD | 50+57/131 RT | 30' | APPROACH | 24' | 6' | REMAIN | |
| ⊙ | EVAR ROAD | 51+67/142 RT | 36' | APPROACH | 30' | 6' | REMAIN | |
| ⊙ | EVAR ROAD | 52+60/0 | 36' | APPROACH | 34' | 2' | REMAIN | |
| | | | | | | | | |

REFER TO THE AIRPORT AIRSPACE DRAWING FOR PENETRATIONS OF THE OUTER APPROACH SURFACES.

### NOTES

1. THE OBSTRUCTION CLEARANCE SLOPE FOR RW 26W IS ESTABLISHED AS 10:1 PER FAA AC 150/5200-35, CHAP 4.
2. RUNWAY 26W DOES NOT MEET ANY OF THE CONDITIONS OF FAA AC 150/5300-13, TABLE A-2 FOR APPROACH END SITING SURFACE.

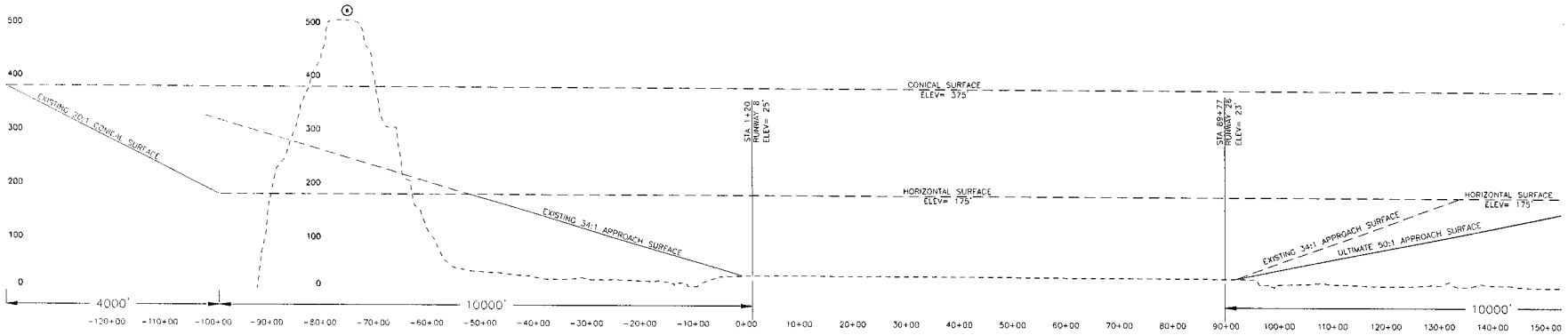
| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

**JUNEAU AIRPORT**
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

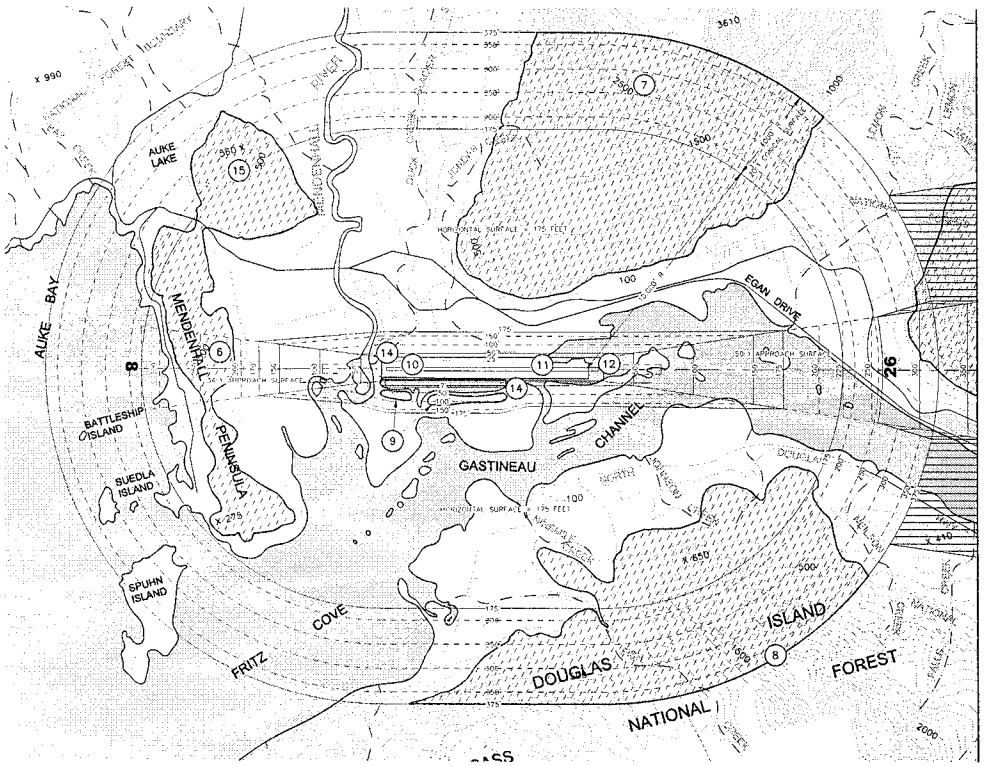
INNER PORTION OF THE APPROACH SURFACE-RW 8W-26W

DATE: 04/15/2010
SHEET: 6 OF 11

Designed By: JMM/JJH
Drawn By: JMM/JJH
Checked By: Stakeholders
FILE No.: 232-49
Date Plotted: 2/20/2014 9:46:00 AM
Plotted Scale: 1:1
File Name: P:\232-49 Juneau Airport Master Plan\Dwg\Airport Layout Plan\Inner Portion of the Approach Surface-RW 8W-26W.dwg




RUNWAY 8-26 PROFILE




SCALE IN FEET
2500' 1250' 0 2500' 5000'

MAG DECL 20°S
TRUE

| PART 77 SURFACE OBSTRUCTIONS TABLE (OUTER PORTION RW 8/26) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| ID # | DESCRIPTION | STATION/ OFFSET | ELEVATION | SURFACE PENETRATED | SURFACE ELEVATION | AMOUNT PENETRATION | DISPOSTION | STAGE TO CORRECT |
| (6)* | TERRAIN | -77+74/440' LT | 500' | APPROACH | 255' | 245' | WILL REMAIN | |
| (7)* | TERRAIN | 109+14/11830' LT | 2900' | CONICAL | 280' | 2620' | WILL REMAIN | |
| (8)* | TERRAIN | 183+18/11928' RT | 2100' | CONICAL | 383' | 1717' | WILL REMAIN | |
| (9) | TREES | 0+00-50+00/865' RT | 70' | TRANSITIONAL | 55' | 15' | WILL REMAIN | |
| (10) | RVR | 15+67/252' LT | 37' | PRIMARY | 29' | 8' | WILL REMAIN | |
| (11) | RVR | 64+61/254' LT | 28' | PRIMARY | 23' | 5' | WILL REMAIN | |
| (12) | JAWS | 90+10/474' LT | 48' | PRIMARY | 23' | 25' | WILL REMAIN | |
| (13) | JAWS | 55+80/259' RT | 50' | PRIMARY | 24' | 26' | WILL REMAIN | |
| (14) | JAWS | -0+22/499' LT | 51' | PRIMARY | 25' | 26' | WILL REMAIN | |
| (15)* | TERRAIN | -58+62/9180' LT | 560' | CONICAL | 212' | 348' | WILL REMAIN | |

* HIGHEST FEATURE IN A LARGE AREA OF TERRAIN PENETRATION. REFER TO HATCHED AREAS ON MAP.

## NOTES

1. AIRPORT ELEVATION IS 25'.
2. ALL CONTOURS ARE IN FEET. BASEMAP DATA IS FROM USGS QUAD.
3. PRIMARY SURFACE WIDTH IS 1000'.
4. PART 77 SURFACES BASED ON ULTIMATE AIRPORT LAYOUT.
5. REFER TO INNER PORTION OF THE APPROACH SURFACE DRAWING FOR CLOSE-IN OBSTRUCTIONS.
6. APPROACH SURFACE FOR RW 8 IS 34:1 BEGINNING AT 200 FEET BEYOND THE RUNWAY END.
7. APPROACH SURFACE FOR RW 26 IS 50:1 BEGINNING AT 200 FEET BEYOND THE RUNWAY END.

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

**JUNEAU AIRPORT**
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

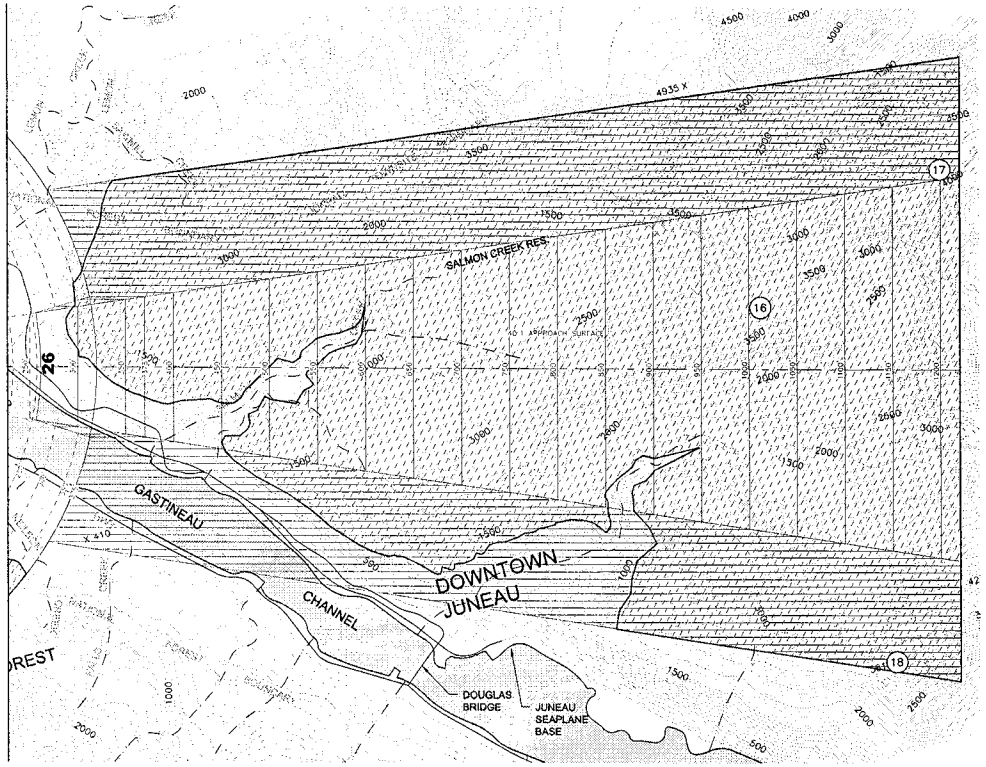
AIRPORT AIRSPACE
14 CFR, PART 77

DATE: 04/15/2010
SHEET: 7 OF 11

Date Plotted: 1:20 PM 11-20-98
Layout Name: 8-26 PROFILE
File Name: J:\JUNEAU\232-69\DWG\232-69-AP-01.DWG

Designed By: Hamilton
Drawn By: Cahill
Checked By: Dietrich

FILE No.: 232-69




| PART 77 SURFACE OBSTRUCTIONS TABLE (OUTER PORTION RW 8/26) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| ID # | DESCRIPTION | STATION/ OFFSET | ELEVATION | SURFACE PENETRATED | SURFACE ELEVATION | AMOUNT PENETRATION | DISPOSTION | STAGE TO CORRECT |
| (10)* | TERRAIN | 508+53/2545' LT | 4000' | APPROACH | 1015' | 2895' | WILL REMAIN | |
| (11)* | TERRAIN | 583+43/8302' LT | 3800' | TRANSITIONAL | 1955' | 1845' | WILL REMAIN | |
| (12)* | TERRAIN | 565+27/12202' RT | 4400' | TRANSITIONAL | 1255' | 3145' | WILL REMAIN | |

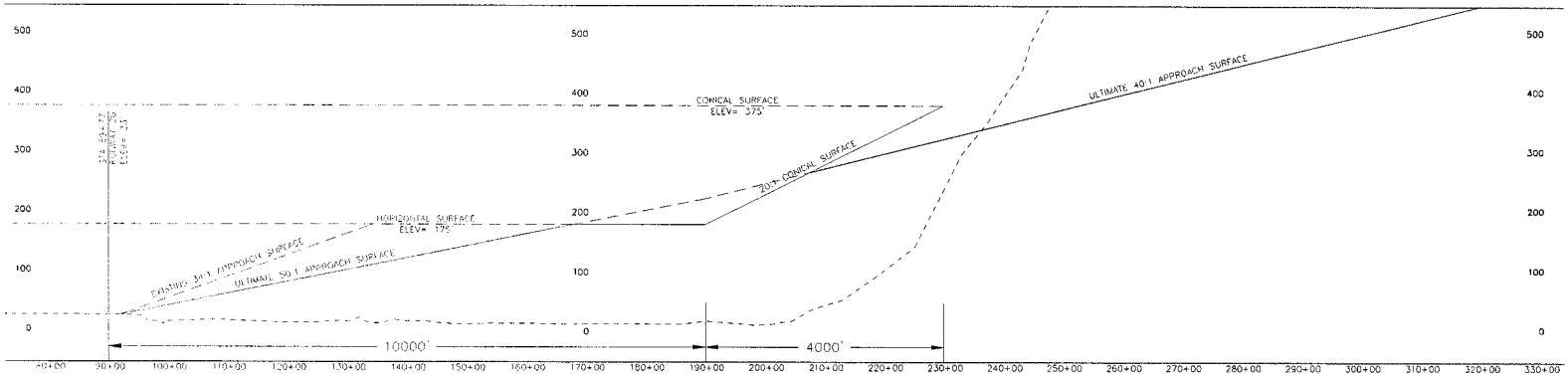
* HIGHEST FEATURE IN A LARGE AREA OF TERRAIN PENETRATION. REFER TO HATCHED AREAS ON MAP.

SCALE IN FEET
2500' 1250' 0 2500' 5000'

MAG DEC 20°22'E 2015

## NOTES

1. AIRPORT ELEVATION IS 25'.
2. ALL CONTOURS ARE IN FEET. BASEMAP DATA IS FROM USGS QUAD.
3. PRIMARY SURFACE WIDTH IS 1000'.
4. PART 77 SURFACES BASED ON ULTIMATE AIRPORT LAYOUT.
5. REFER TO INNER PORTION OF THE APPROACH SURFACE DRAWING FOR CLOSE-IN OBSTRUCTIONS.
6. APPROACH SURFACE FOR RW 8 IS 34:1 BEGINNING AT 200 FEET BEYOND THE RUNWAY END.
7. APPROACH SURFACE FOR RW 26 IS 50:1 BEGINNING AT 200 FEET BEYOND THE RUNWAY END.




RUNWAY PROFILE

1000' 500' 0 1000' 2000'
HORIZONTAL TO VERTICAL RATIO 1:10

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

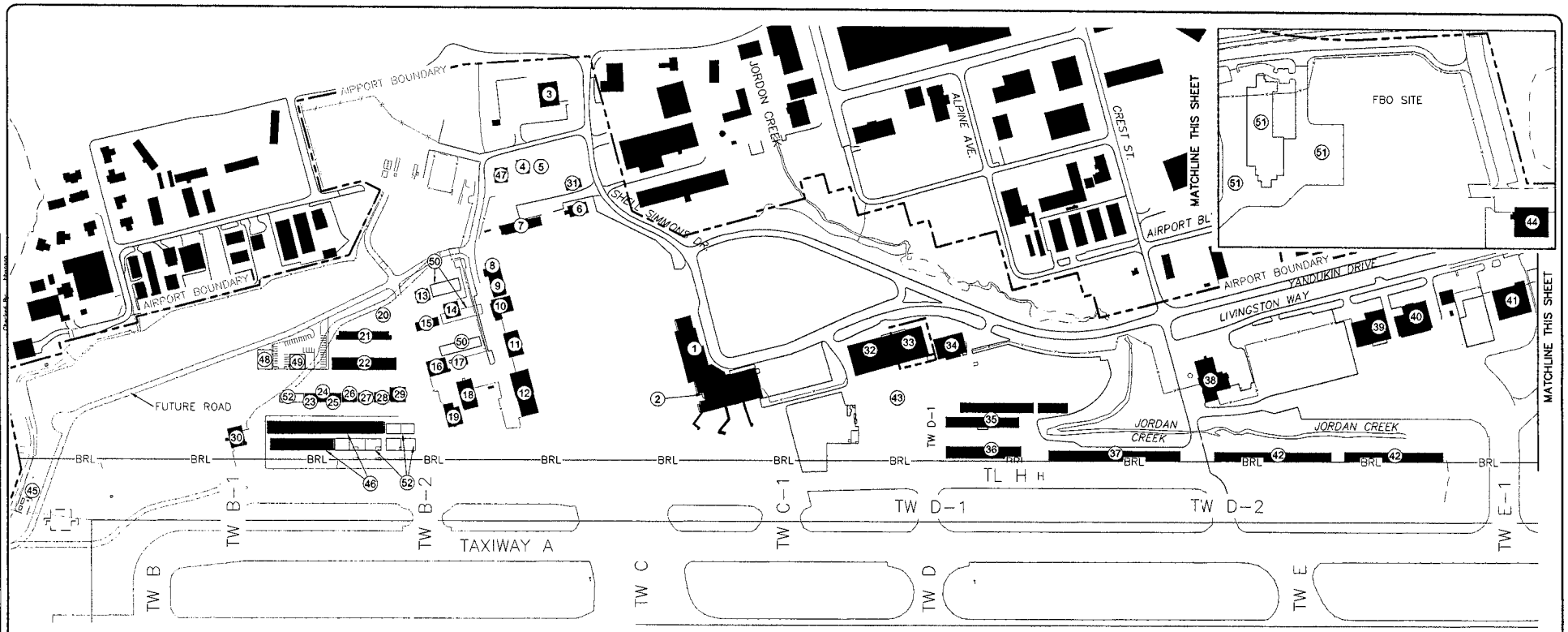
**JUNEAU AIRPORT**
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

AIRPORT AIRSPACE
14 CFR, PART 77

DATE: 04/15/2010
SHEET: 8 OF 11

Designed By: Hamilyn
Drawn By: CMT
Checked By: Brennan
FILE No: 232-89
Date Plotted:
Layout Name:
File Name:

# Attachment E - AME2016 0007 Documents




| BUILDING DATA TABLE | | | | | |
|---|---|---|---|---|---|
| BLDG. NO. | STRUCTURE NAME | TOP ELEV. | OBSTRUCTION MARKING | | REMARKS |
| | | | EXISTING | ULTIMATE | |
| 1 | TERMINAL BUILDING | 51 | – | – | |
| 2 | F.A.A. CONTROL TOWER | 95 | Y | Y | |
| 3 | AFSS / SACOM | 34 | – | – | |
| 4 | J/D TELEPHONE | 29 | – | – | |
| 5 | LEASED TO HERTZ | 37 | – | – | |
| 6 | AERO SERVICES (SUBLESSEE: FEDEX) R&L LEASING | 39 | – | – | |
| 7 | SNOW REMOVAL EQUIPMENT BUILDING | 38 | – | – | |
| 8 | LAB FLYING | 47 | – | – | |
| 9 | LAB FLYING | 47 | – | – | |
| 10 | HEIMBIGNER | 40 | – | – | |
| 11 | ALASKA AIRLINES | 34 | – | – | |
| 12 | ALASKA AIRLINES | 41 | – | – | |
| 13 | PRIVATE HANGAR | 38 | – | – | |
| 14 | FISH AND WILDLIFE | 46 | – | – | TO BE REMOVED |
| 15 | 3 PRIVATE T-HANGARS | 33 | – | – | |
| 16 | DUANE PACKER SUBLEASE TO UNITED PARCEL SERVICE | 49 | – | – | |
| 17 | R & L LEASING | 43 | – | – | |
| 18 | AERO SERVICES | 48 | – | – | |
| 19 | AERO SERVICES | 35 | – | – | |
| 20 | PRIVATE HANGAR | 39 | – | – | |
| 21 | T-HANGAR (7 UNITS) | 30 | – | – | |
| 22 | T-HANGAR (12 UNITS) | 34 | – | – | |
| 23 | PRIVATE HANGAR | 39 | – | – | |
| 24 | PRIVATE HANGAR | 36 | – | – | |
| 25 | PRIVATE HANGAR | 36 | – | – | |
| 26 | PRIVATE HANGAR | 42 | – | – | |
| 27 | PRIVATE HANGAR | 39 | – | – | |
| 28 | PRIVATE HANGAR | 39 | – | – | |
| 29 | PRIVATE HANGAR | 41 | – | – | |
| 30 | CIVIL AIR PATROL | 36 | – | – | TO BE REMOVED |
| 31 | DELTA WESTERN | 35 | – | – | |

| BUILDING DATA TABLE | | | | | |
|---|---|---|---|---|---|
| BLDG. NO. | STRUCTURE NAME | TOP ELEV. | OBSTRUCTION MARKING | | REMARKS |
| | | | EXISTING | ULTIMATE | |
| 32 | SAND STORAGE | 53 | – | – | |
| 33 | LOKEN AVIATION (PRIVATE PROPERTY) | 53 | – | – | TO BE REMOVED/RELOCATED |
| 34 | WARD AIR (RED LEASING) | 52 | – | – | ON PROPERTY INHOLDING |
| 35 | BLOCK 'L' EXECUTIVE HANGARS (TRUMAN MIDDLETON-5 UNITS) | 40 | – | – | |
| 36 | BLOCK 'M' T-HANGARS (14 UNITS) | 35 | – | – | |
| 37 | BLOCK 'N' EXECUTIVE HANGARS (9 UNITS) | 38 | – | – | |
| 38 | AIRCRAFT RESCUE AND FIRE FIGHTING BUILDING | 56 | – | – | |
| 39 | SILVER BAY LOGGING | 46 | – | – | |
| 40 | ALASKA NATIONAL GUARD | 51 | – | – | |
| 41 | WINGS OF ALASKA | 53 | – | – | |
| 42 | BLOCK 'O' EXECUTIVE HANGARS (14 UNITS) | 41 | – | – | |
| 43 | COASTAL FUEL | 26 | – | – | TO BE REMOVED/RELOCATED |
| 44 | TEMSCO HELICOPTERS | 48 | – | – | |
| 45 | F.A.A. SHELTER | | – | – | |
| 46 | BLOCK 1 HANGARS | | – | – | |
| 47 | R&L LEASING | | – | – | |
| 48 | FUTURE C.A.P. HANGAR | | – | – | |
| 49 | FUTURE FISH AND WILDLIFE HANGAR | | – | – | |
| 50 | FUTURE HANGARS | | – | – | |
| 51 | FUTURE SRE FACILITY | | – | – | |
| 52 | FUTURE HANGARS | | – | – | |

MAG DEC 2015
2°02'E

200' 100' 0 200' 400'
SCALE IN FEET

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

**JUNEAU AIRPORT**
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

TERMINAL AREA PLAN

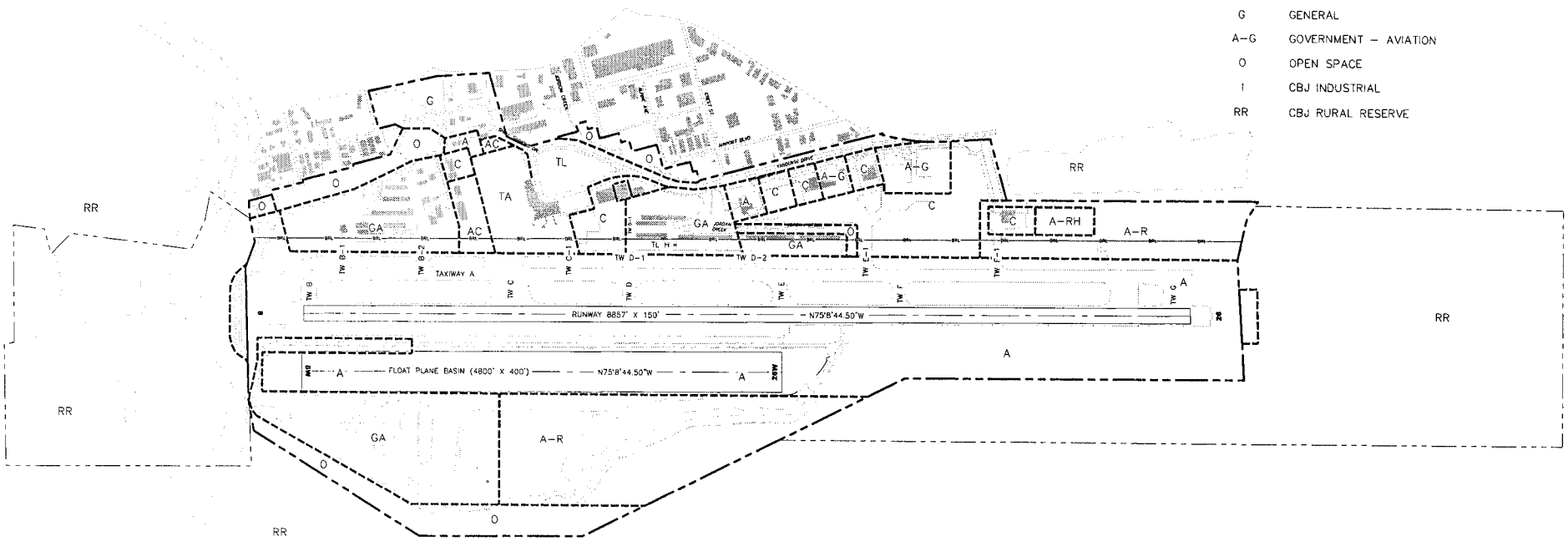
DATE: 04/15/2010
SHEET: 9 OF 11

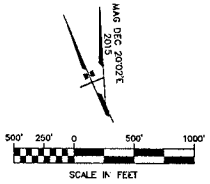
*LEGEND*

- EXISTING PAVEMENT
- EXISTING PROPERTY LINE
- EXISTING TRACT LINE
- LAND USE BOUNDARY
- BRL — BUILDING RESTRICTION LINE

ON-AIRPORT LAND USE

| | |
|---|---|
| A | AVIATION |
| TA | TERMINAL AREA (AIRSIDE) |
| TL | TERMINAL AREA (LANDSIDE) |
| C | COMMERCIAL (AVIATION) |
| GA | GENERAL AVIATION |
| AC | AIR CARGO |
| A-R | AIRPORT RESERVE |
| A-RH | AIRPORT RESERVE - HELICOPTER |
| G | GENERAL |
| A-G | GOVERNMENT - AVIATION |
| O | OPEN SPACE |
| I | CBJ INDUSTRIAL |
| RR | CBJ RURAL RESERVE |




| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

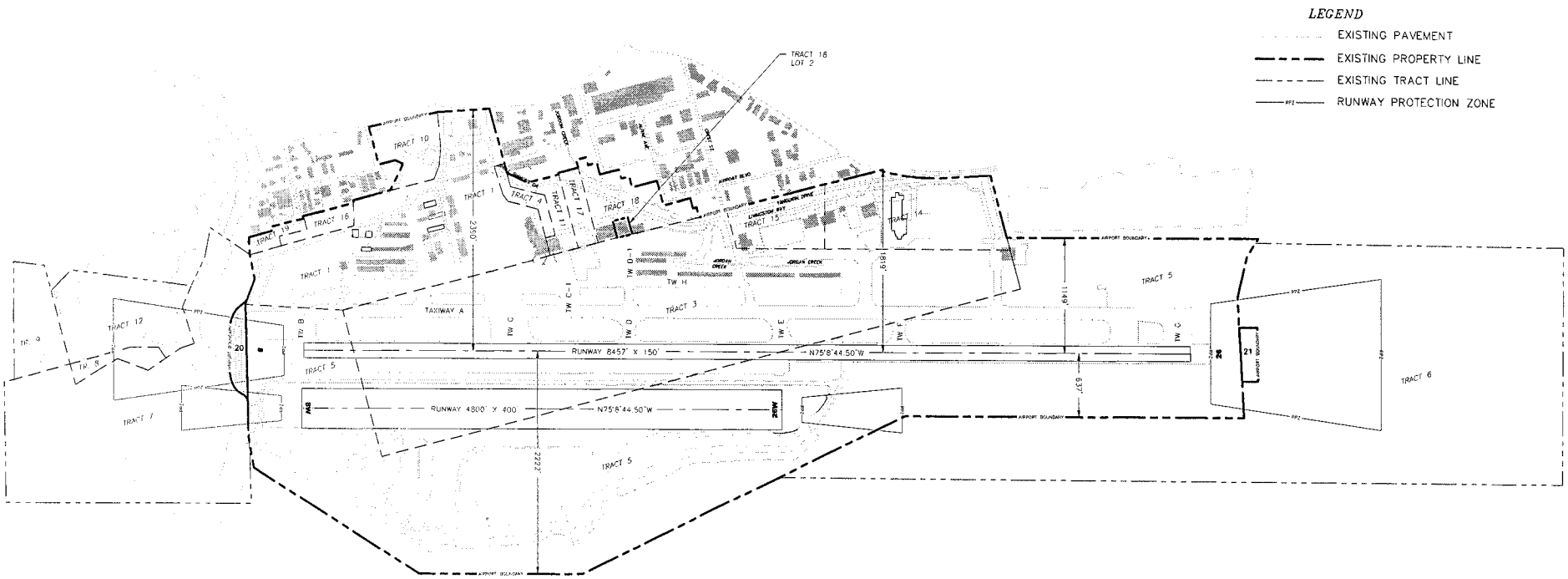
**JUNEAU AIRPORT**
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

AIRPORT LAND USE

DATE: 04/15/2010
SHEET: 10 OF 11

Designed By: Jones
Drawn By: Lefever
Checked By: Mattsson
DOWL FILE No.: 232-89
Date Plotted:
Layout Name:
File Name:

# Attachment E - AME2016 0007 Documents




NOTES:

1. THE BOUNDARY DATA SHOWN ON THIS MAP WAS COMPILED FROM RECORD DATA. NO BOUNDARY SURVEY WAS PERFORMED IN THE FIELD. THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY. ALL ACREAGES SHOWN ARE COMPUTED, AND ARE APPROXIMATE BASED ON THE RECORD DATA.

PROPERTY STATUS

| TRACT# | INTEREST | GRANTOR | GRANTEE | PARCEL SIZE | DATE ACQUIRED | RECORDED DOC NO. | ACQUIRED AIP NO. |
|---|---|---|---|---|---|---|---|
| 1 | QUIT CLAIM DEED | CIVIL AERONAUTICS ADMINISTRATION | CITY & BOROUGH OF JUNEAU | 64.80 AC.± | 10-28-1953 | | |
| 2 | QUIT CLAIM DEED | CIVIL AERONAUTICS ADMINISTRATION | CITY & BOROUGH OF JUNEAU | 7.28 AC.± | 10-28-1953 | | |
| 3 | QUIT CLAIM DEED | CIVIL AERONAUTICS ADMINISTRATION | CITY & BOROUGH OF JUNEAU | 182.90 AC.± | 10-28-1953 | | |
| 4 | QUIT CLAIM DEED | FEDERAL AVIATION ADMINISTRATION | CITY & BOROUGH OF JUNEAU | 2.61 AC.± | 04-26-1967 | | |
| 5 | PATENT | STATE OF ALASKA | CITY & BOROUGH OF JUNEAU | 338.73 AC.± | 11-30-1972 | | |
| 6 | AVIGATION EASEMENT | STATE OF ALASKA, DOL | CITY & BOROUGH OF JUNEAU | 22.15 AC.± | 11-31-1972 | | |
| 7 | AVIGATION EASEMENT | STATE OF ALASKA, DOL | CITY & BOROUGH OF JUNEAU | 91.88 AC.± | 11-31-1972 | | |
| 8 | WARRANTY DEED | WILDE, GIBSON AND MAIER | CITY & BOROUGH OF JUNEAU | 2.94 AC.± | 05-30-1967 | | |
| 9 | AVIGATION EASEMENT | FILE AND AASA | CITY & BOROUGH OF JUNEAU | 10.07 AC.± | 02-05-1965 | | |
| 10 | DEED | GLACIER INVESTMENT COMPANY | CITY & BOROUGH OF JUNEAU | 1.17 AC.± | 09-12-1961 | | |
| 11 | F.A.A. LEASE, TERMINATES 11-30-2014 | FEDERAL AVIATION ADMINISTRATION | CITY & BOROUGH OF JUNEAU | 5.70 AC.± | | | |
| 12 | AVIGATION EASEMENT | JOE AND BETTY SMITH | CITY & BOROUGH OF JUNEAU | 22.01 AC.± | 05-01-1973 | | |
| 13 | E.S.S.A INSTRUMENT SPACE AGREEMENT PERMIT | U.S. WEATHER BUREAU | CITY & BOROUGH OF JUNEAU | 0.15 ± | | | |
| 14 | QUITCLAIM DEED | FRED S. AND E. LENORE HONSINGER, THEODORE J. AND SARA J. SMITH | CITY & BOROUGH OF JUNEAU | 29.13 AC.± | 12-24-1975 | | |
| 15 | QUITCLAIM DEED | FRED S. AND E. LENORE HONSINGER, THEODORE J. AND SARA J. SMITH | CITY & BOROUGH OF JUNEAU | 11.08 AC.± | 05-29-1976 | | |
| 16 | WARRANTY DEED | GLACIER INVESTMENT COMPANY | CITY & BOROUGH OF JUNEAU | 3.28 AC.± | 07-30-1976 | | |
| 17 | STATUTORY WARRANT DEED | VIVIAN ERWIN, LINDA M. BURLING, AND MARSHA BENNET | CITY & BOROUGH OF JUNEAU | 2.51 AC.± | 09-12-1979 | | |
| 18 | CONDEMNATION | FRANCIS A., JOSEPH M., SIDNEY J., THEODRORE J., AND BETTY SMITH | CITY & BOROUGH OF JUNEAU | 11.56 AC.± | 05-28-1980 | | |
| 18 LOT 1 | DEED OF TRUST TO JAMES A. AND MARGARET H. MCCONAGHY | ALASKA N.W. PROPERTIES | CITY & BOROUGH OF JUNEAU | 0.8 AC.± | 02-01-1980 | | |
| 18 LOT 2 | NONE (INHOLDING) TO BE ACQUIRED | ALASKA AIRLINES | KENNETH H. LOKEN CHANNEL FLYING | 0.6 AC.± | AUGUST 1978 | | |
| 19 | DEED | CLARK S. GROENING AND ROSEMARY GUTE | CITY & BOROUGH OF JUNEAU | 2.0 AC.± | 01-29-2001 | | |
| 20 | TO BE ACQUIRED | STATE OF ALASKA | CITY & BOROUGH OF JUNEAU | 2.7 AC.± | – | | |
| 21 | TO BE ACQUIRED | STATE OF ALASKA | CITY & BOROUGH OF JUNEAU | 2.06 AC.± | – | | |

MAG DEC 2012°E 2015

500' 250' 0 500' 1000'
SCALE IN FEET

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

**JUNEAU AIRPORT**
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

PROPERTY MAP

DATE: 04/15/2010
SHEET: 11 OF 11

DOWL FILE No.: 232-69

Designed By: Jones
Drawn By: Jeffs
Checked By: Brennan

Date Plotted: 2/20/2014 2:12 PM
Layout Name: PROPERTY MAP
File Name: P:\Projects\2012\232-69\Dwg\Airport\Layout Plans\Property Map.dwg

U.S. Department
of Transportation

**Federal Aviation
Administration**

Alaskan Region

222 W. 7th Avenue #14
Anchorage, Alaska
99513-7587

May 27, 2014

RECEIVED
JUN - 4 2014
Juneau International
Airport

Patricia deLaBruere
Airport Manager
Juneau International Airport
1873 Shell Simmons Drive, Suite 200
Juneau, AK 99801

Dear Ms. deLaBruere:

**Juneau International Airport**
**Juneau, Alaska**
**As-Built Airport Layout Plan**
**2009-AAL-64-NRA**

We have completed our review of the Juneau International Airport As-Built Airport Layout Plan (ALP), and find it acceptable for documenting the existing conditions of the airport.

The FAA has only limited means to prevent the construction of structures near an airport. The airport sponsor has the primary responsibility to protect the airport environs through such means as local zoning ordinances, property acquisition, avigation easements, letters of agreement or other means.

This ALP approval is conditioned on acknowledgement that any development on airport property requiring Federal environmental approval must receive such written approval from FAA prior to commencement of the subject development. This ALP approval is also conditioned on acceptance of the plan under local land use laws. We encourage appropriate agencies to adopt land use and height restrictive zoning based on the plan.

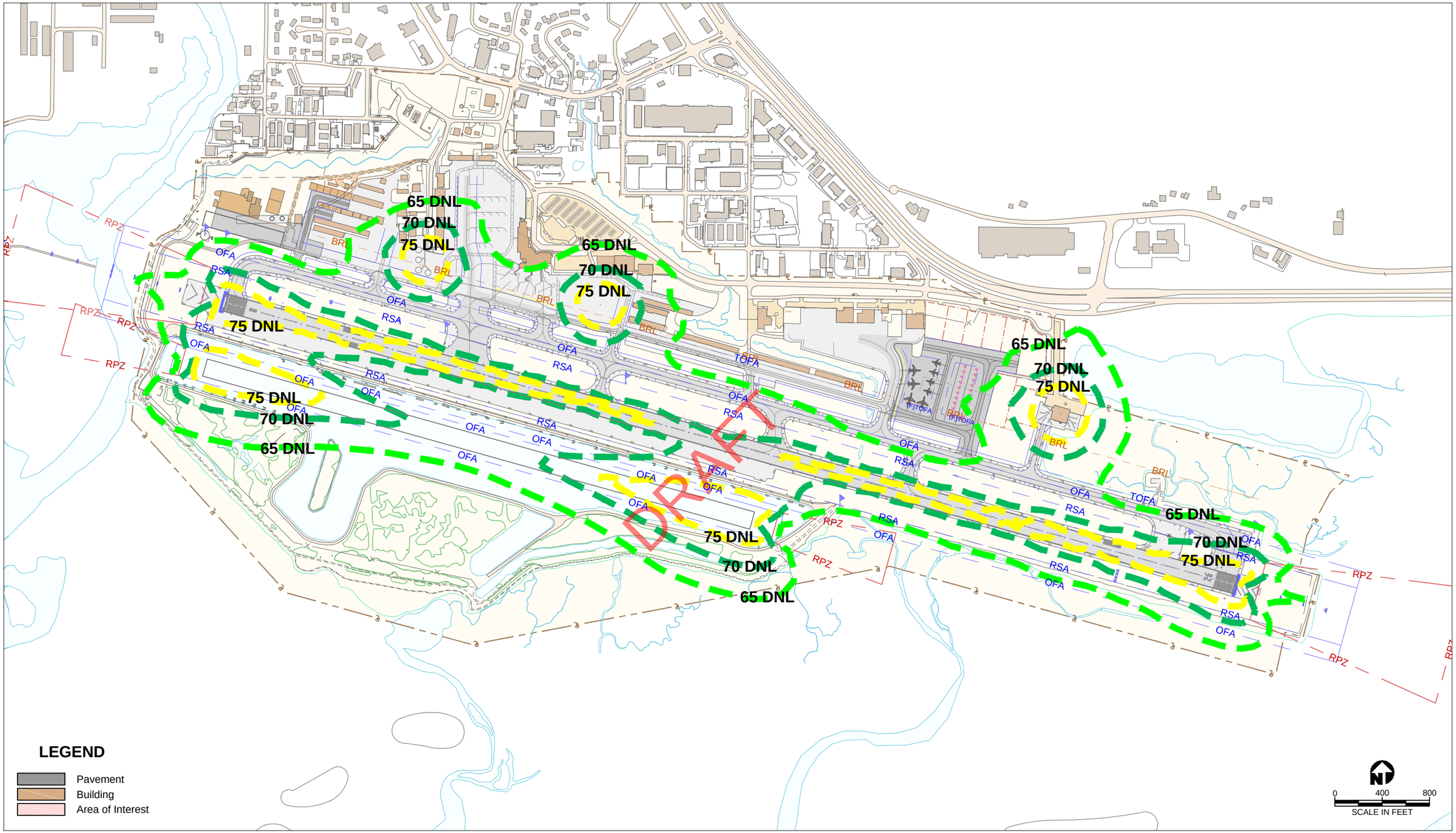
Approval of the plan does not indicate that the United States will participate in the cost of any development proposed. AIP funding requires evidence of eligibility and justification at the time a funding request is ripe for consideration. When construction of any proposed structure or development indicated on the plan is undertaken, such construction requires normal 45-day advance notification to FAA for review in accordance with applicable Federal Aviation Regulations (i.e., Parts 77, 157, 152, etc.). More notice is generally beneficial to ensure that all statutory, regulatory, technical and operational issues can be addressed in a timely manner.

Please attach this letter to the enclosed ALP and retain it in your files for future use.

Sincerely,

G. Eric Helms, Lead Engineer
Airports Division

Enclosure: Juneau International Airport ALP

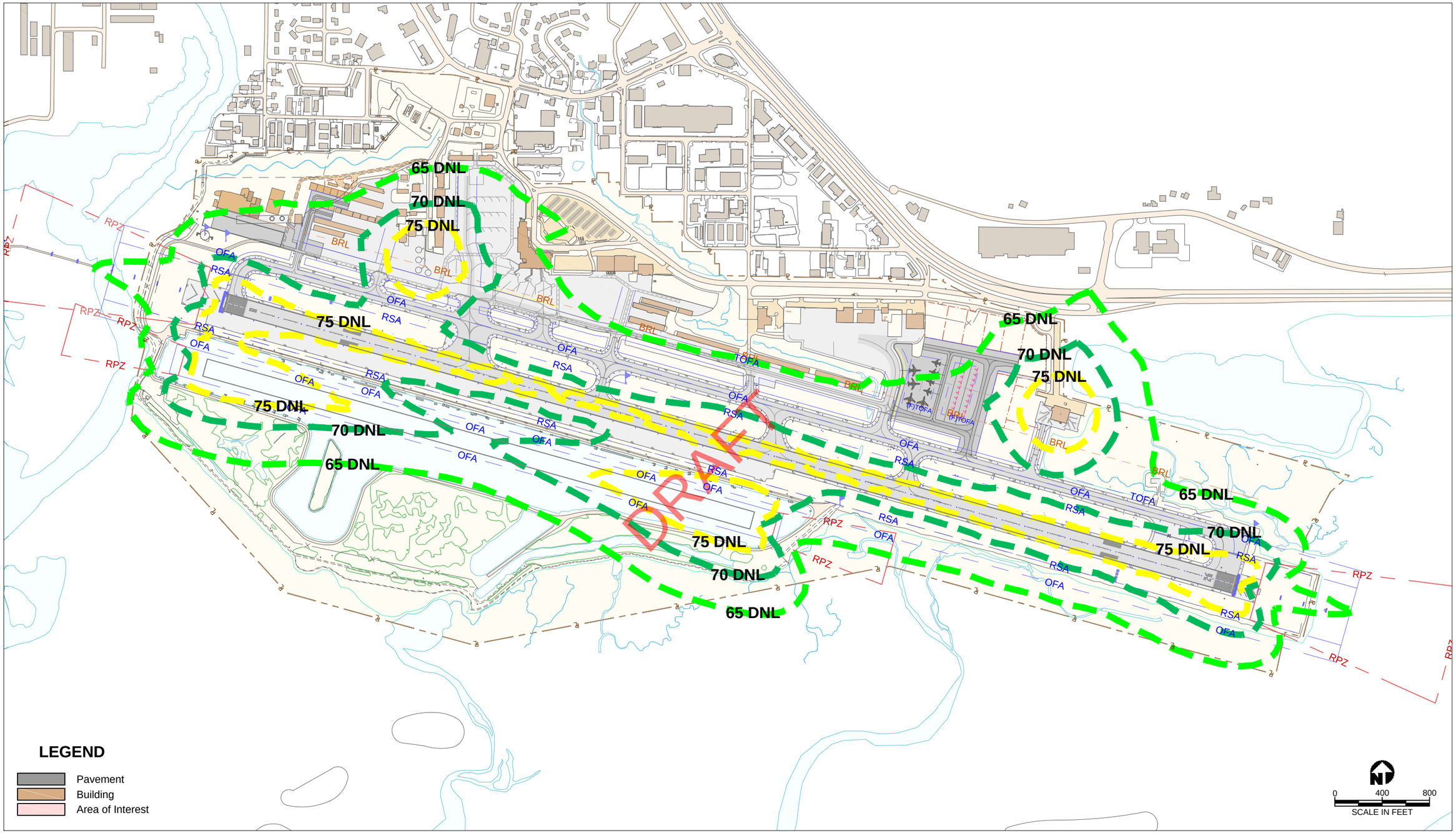



AECOM
1501 4TH AVENUE, SUITE 1400
SEATTLE, WA 98101
PHONE: (206) 438-2700

JUNEAU INTERNATIONAL AIRPORT
AIRPORT SUSTAINABILITY MASTER PLAN

INM Noise Model - Year 2015

SCALE:



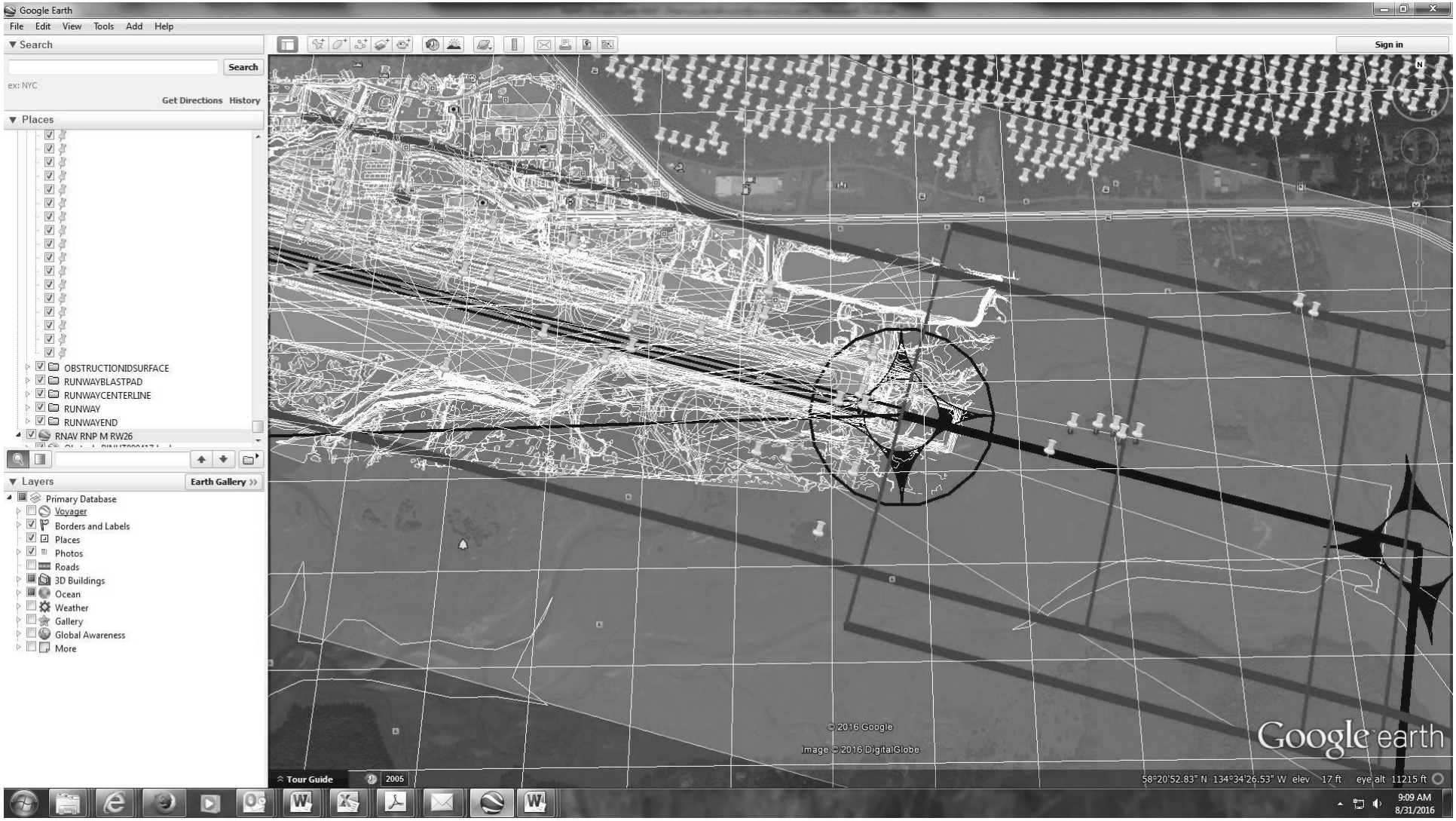

AECOM
1501 4TH AVENUE, SUITE 1400
SEATTLE, WA 98101
PHONE: (206) 438-2700

JUNEAU INTERNATIONAL AIRPORT
AIRPORT SUSTAINABILITY MASTER PLAN

INM Noise Model - Year 2035

SCALE:

# Attachment E - AME2016 0007 Documents



DRAFT MINUTES
**WETLANDS REVIEW BOARD**
October 20, 2016, 5:15 p.m. City Hall Room 224

**Meeting Summary**

Roll Call

Board Members Present: Brenda Wright, Lisa Hoferkamp, Irene Gallion, Hal Geiger, Nina Horne

Board Members Absent: Kirsten Shelton-Walker, Percy Frisby, Andrew Campbell, Amy Sumner

A quorum was present.

Staff Members Present: Teri Camery, Senior Planner; Eric Feldt, Planner II

Public Present: Spike Bicknell, Bicknell Inc.; David Blommer, Bicknell Inc.

Meeting called to order at 5:20 p.m.

**II.** Minutes approved as written for June 16, 2016 Regular Meeting

**III.** Agenda approved

**IV.** Public Participation on Non-Agenda Items**.**
None.

**V**. Board Comments.

None.

**VI.** **<u>Agenda Items</u>**

1) **AME2016 0007 Request to change 23 acres of the 83 acre Honsinger Pond parcel from Rural Reserve to Industrial zoning**

Dr. Geiger explained his wife's professional work with the applicant. He said that he had not discussed the development with her and felt he could review the application objectively. Ms. Wright, Board Chair, approved Dr. Geiger's participation in the review after confirming that board members and the applicants did not have any objection.

**Staff presentation**

Ms. Camery explained that the Board was reviewing this project in its advisory role, and that board comments would be included in agency review section of the staff report to the Planning Commission. She said that the Community Development Department's review of re-zone applications does not include review of habitat impacts, since there is no specific project proposed. She said that the review is based on conformance with the 2013 Juneau Comprehensive Plan. She provided an overview of the proposal, and explained the differences between the Rural Reserve and Industrial zoning districts. She particularly noted that Rural Reserve does not mean "reserved" in terms of preservation, and that this zoning district is almost exclusively used for outlying areas as a default zoning district until more specific uses may be identified. She said that the subject parcel was a rare remnant within an urban area. She said that specific project developments on the site would go back to the Board in the future if those developments impacted wetlands. She explained the Juneau Wetlands Management Plan wetland categories on the parcel, and said that the applicant has a U.S. Army Corps of Engineers Permit to fill the pond.

Applicant Presentation

Mr. Bicknell explained his reasons for the requested re-zone and the need for more industrial property within the Borough. He said that the re-zone is a starting point for future development, and that he does not have any specific uses planned at this time. He noted that the motocross application, also proposed for the site, would be a temporary use for approximately three years until the property is developed for other purposes.

Ms. Horne noted a stream that goes through the parcel and said that she would research the issue to determine if the stream reached the pond.

Ms. Wright asked about the depth of the pond and whether saltwater reached the pond. Mr. Bicknell said the pond depth was 28 feet, and the Alaska Department of Fish and Game (ADFG) had concluded that that the water was brackish. Ms. Wright asked about ADFG studies regarding the pond. Ms. Camery said that there were many studies on the pond and the adjacent wetlands, however she did not include this information in the board packet because Mr. Bicknell already has the permit to fill the pond, and because the board is not evaluating wetland fill footprints at this time.

Mr. Bicknell noted that he was in negotiations with the Southeast Alaska Land Trust to purchase the intertidal wetlands on the property. Board members reviewed the maps with Mr. Bicknell to review those boundaries.

Board Discussion and Motion

Ms. Gallion asked about comments from DOT, potential expansion of Yandukin Drive, and the Juneau International Airport. Ms. Camery said that CDD had received extensive comments from both agencies, and that access to the site was a primary concern. She said she was not aware of any potential road expansions into the wetland area.

The Board concluded that there was no need to make a motion on the proposal, noting that the Board would review specific developments in the future as needed.

## VII. Pending Permits and Updates

### Wetlands Management Plan Update and Streamside Setback Update

Ms. Camery said that work on the draft Juneau Wetlands Management Plan was still on hold due to other priorities. She said that she was working on the update to the streamside setback ordinance. She said that the general intention of the revision is to allow benign uses within the setback outright, provided that certain standards have been met. She said she would bring the revision to the board for their advisory review as soon as she has a solid draft.

## VIII. Planning Commission Liaison Update.

No Planning Commissioners were in attendance.

## IX. Next meeting:

Regular Meeting. Thursday November 17, 5:15 pm, City Hall room 224, tentative.

The meeting was adjourned at approximately 6:20 p.m.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

**PLANNING COMMISSION**
**NOTICE OF DECISION**
Date: January 15, 2014
File No.: AME2013 0015

Bicknell, Inc.
P.O. Box 33517
Juneau, AK 99803

| | |
|---|---|
| Application For: | A request to rezone 82 acres of Rural Reserve to a mixture of Industrial, Light Commercial and Rural Reserve. |
| Legal Description: | USS 1568 TR B |
| Property Address: | Glacier Highway |
| Hearing Date: | November 26, 2013 |

The Planning Commission, at its regular public meeting on December 10, 2013, did not adopt the analysis and findings listed in the attached memorandum dated November 21, 2013, and with five no votes and two yes votes, denied the request to rezone 82 acres of Rural Reserve (RR) to a mixture of Industrial, Light Commercial and Rural Reserve. The Commission adopted the findings below to support their decision:

1. The parcel, as it is zoned today, has development opportunities. The current zoning does not prohibit it from being used or developed. Current uses can include resource extraction, recreation, visitor-oriented, and residential uses.

2. The City has missed an opportunity by not purchasing the property to maintain the scenic and habitat values.

3. Industrial uses so close to a sensitive habitat area is a concern.

4. Light commercial is not appropriate for the area.

5. Working with the situation we can maintain the view shed.

6. The Comprehensive Plan shows the need for industrial land and also shows intent to acquire the land for public purposes, for a park and viewshed protection.

7. This parcel of land is an important scenic corridor and iconic viewshed that defines the community.

8. The wetlands and the parcel have value to the community of Juneau. We can't allow further degradation of the wetlands. The loss of 39 percent of the wetlands over time, per public comment, is credible and concerning.

9. This parcel of land, as it is currently zoned has social, environmental, and financial value to future generations.

10. There has been a significant amount of public comment in opposition to this rezoning proposal. There hasn't been any public support shown for this development concept.

11. Large water fowl create safety concerns for the airport, but there is a float plane pond adjacent to the airport. And, there is a water canal system that has been developed between the airport and the airport dike trail. These water systems also attract birds and are very close to the airport.

12. The Wetlands Review Board recommended the best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. The benefits of this approach would be to increase the safety of the airport by removing the pond that attracts large birds and also to provide additional buffer for the Mendenhall State Game Refuge.

At the regular Planning Commission meeting on January 14, 2014 the Commission considered a motion to reconsider the December 10 2013 vote on this rezone request. With a vote of two yes votes and three no votes the motion to reconsider failed.

Attachments: November 21, 2013 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2013 0015.

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).

Project Planner: _____
Beth McKibben, Planner
Community Development Department

_____
Michael Satre, Chair
Planning Commission

_____ 1/17/2014
Filed With City Clerk 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/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

**PLANNING COMMISSION**
**NOTICE OF DECISION**
Date: May 17, 2013
File No.: AME2013 0007

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 to amend the Comprehensive Plan Map G from *Resource Development* to mix of *Industrial, General Commercial,* and *Resource Development* in the area of Honsinger Pond. |
| Legal Description: | USS 1568 TR B |
| Property Address: | Glacier Hwy |
| Parcel Code No.: | 5-B14-0-102-007-0 |
| Hearing Date: | April 9, 2013 |

The Planning Commission, at its regular public meeting, did not adopt the analysis and findings listed in the attached memorandum dated April 4, 2013 by a vote of three yes and three no votes. No other motions or motions to reconsider were made, no further action was taken on AME2013 0007, and consequently the request for the map amendment has been denied. At the regular meeting on May 14, 2013 the Planning Commission adopted the findings below to support the action. The findings are:

1. The parcel, as it is zoned today, has development opportunities. The current zoning does not prohibit it from being used or developed. Current uses can include resource extraction, recreation, visitor-oriented, and residential uses.

2. The City has missed an opportunity by not purchasing the property to maintain the scenic and habitat values.

3. Industrial uses so close to a sensitive habitat area is a concern.

4. General commercial is not appropriate for the area.

5. Working with the situation we can maintain the view shed.

6. The Comprehensive Plan shows the need for industrial land and also shows intent to acquire the land for public purposes, for a park and viewshed protection.

7. This parcel of land is an important scenic corridor and iconic viewshed that defines the community.

8. The wetlands and the parcel have value to the community of Juneau. We can't allow further degradation of the wetlands. The loss of 39 percent of the wetlands over time, per public comment, is credible and concerning.

9. This parcel of land, as it is currently zoned has social, environmental, and financial value to future generations.

10. There has been a significant amount of public comment in opposition to both this map amendment and the prior withdrawn rezoning proposal. There hasn't been any public support shown for this development concept.

11. Large water fowl create safety concerns for the airport, but there is a float plane pond adjacent to the airport. And, there is a water canal system that has been developed between the airport and the airport dike trail. These water systems also attract birds and are very close to the airport.

12. The Wetlands Review Board recommended the best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. The benefits of this approach would be to increase the safety of the airport by removing the pond that attracts large birds and also to provide additional buffer for the Mendenhall State Game Refuge.

Attachments: April 4, 2013 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2013 0007.

May 10, 2013 memorandum from Beth McKibben, Community Development to the CBJ Planning Commission regarding AME2013 007.

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).

Project Planner: Beth McKibben, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

Filed With City Clerk Deputy

5/21/13
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.

**TABLE OF PERMISSIBLE USES - CBJ 49.25.300**

| | | | Zones | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Use Description** | | RR | D-1 | D-3 | D-5 | D-10 SF | D-10 | D-15 | D-18 | LC | GC | MU | MU2 | WC | WI | I |
| 1.000 | **RESIDENTIAL** | | | | | | | | | | | | | | | | |
| 1.100 | Single-family dwellings: | | | | | | | | | | | | | | | | |
| | 1.110 | Single-family detached, one dwelling per lot | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 A | 1 A |
| | 1.120 | Single-family detached, two dwellings per lot | 1 | 1 | 1 | | | | | | | | | | | | |
| | 1.130 | Single-family detached, accessory apartments X | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | |
| | 1.140 | Single-family detached, two dwelling per lot, accessory apartment X | 1, 3 | 1, 3 | 1, 3 | | | | | | | | | | | | |
| 1.200 | Duplex | | 1 | 1 | 1 | 1 | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | |
| 1.300 | Multifamily dwellings | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 | | |
| 1.500 | Child and Day care homes: | | | | | | | | | | | | | | | | |
| | 1.510 | Child; 12 or fewer children under the age of 12 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | |
| | 1.520 | Reserved | | | | | | | | | | | | | | | |
| | 1.530 | Adult; 12 or fewer people, 12 years and older | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | |
| | 1.540 | Reserved | | | | | | | | | | | | | | | |
| 1.550 | Child care residence, 6 to 9 children under 18 years of age | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1.600 | Miscellaneous, rooms for rent situations: | | | | | | | | | | | | | | | | |
| | 1.610 | Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site. | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 | 1 | 3 N | | |
| | 1.620 | Hotels, motels | 3 | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 N | 3 N | |
| | 1.630 | Single room occupancies with private facilities | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | |
| 1.700 | Home occupations | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 1.800 | Mobile homes: | | | | | | | | | | | | | | | | |
| | 1.810 | Residential mobile homes on individual lots E | 3 | 3 | 3 | | | | | | | | | | | | |
| | 1.815 | Caretakers mobile homes on individual lots E | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| | 1.820 | Mobile home parks E | | | | | 3 | 3 | 3 | 3 | 3 | 3 | | | | | |
| | 1.830 | Mobile home subdivision E | | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | | | |
| | 1.840 | Recreational vehicle parks F | 3 F | 3 F | 3 F | | | | | | | | | | | | |
| 1.900 | Common wall development: | | | | | | | | | | | | | | | | |
| | 1.910 | Two dwelling units | | | | 1 | 1 | 1 | 1 | 1 | | | | | | | |
| | 1.911 | Accessory apartments X | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | |
| | 1.920 | Three or more dwelling units | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | |
| | 1.930 | Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h) | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | 3 | | | |
| 2.000 | **SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT G** | | | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2.100 | With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods: | | | | | | | | | | | | | | | | |
| | 2.110 | Reserved | | | | | | | | | | | | | | | |
| | 2.120 | Miscellaneous | | | | | | | | | 1 | 1 | 1 | 1 | 3 N | 3 N | 3 |
| | 2.130 | Marine merchandise and equipment | 3 T | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 N | 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 | 1, 3 | 1, 3 | 1, 3 | 3 N | 3 N | 3 |
| 2.300 | Marijuana retail store | | 3 | | | | | | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| 3.000 | **PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES G** | | | | | | | | | | | | | | | | |
| 3.050 | Offices of not more than 1,000 square feet | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1 | 1 | 1 | 1 | 1 N | | |
| 3.100 | Offices greater than 1,000 but not more than 2,500 square feet | | | | | | | 3 | 3 | 3 | 1 | 1 | 1 | 1 | 3 N | | |
| 3.200 | Reserved | | | | | | | | | | | | | | | | |
| 3.300 | Research, laboratory uses | | 3 T | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 N , 3 N | 1 N , 3 N | 1, 3 |
| 3.400 | Offices greater than 2,500 square feet | | | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 N , 3 N | | 3 S |
| 3.500 | Marijuan testing facility | | 3 | | | | | | | | 3 | 3 | 3 | 3 | | | 3 |
| 4.000 | **MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS G** | | | | | | | | | | | | | | | | |
| 4.050 | Light manufacturing | | 3 T | | | | | | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 N , 3 N | 1 N , 3 N | 1, 3 |
| 4.070 | Medium manufacturing | | 3 T | | | | | | | | | 3 | 3 | 3 | 3 N | 1 N , 3 N | 1, 3 |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 4.100 | Heavy manufacturing | | 3 T | 3 Q | | | | | | | | | | | | 3 N | 3 |
| 4.150 | Rock crusher | | 3 T | 1 Q | 1 Q | | | | | | | | | | | 3 N | 3 |
| 4.200 | Storage of explosives and ammunition | | 3 | | | | | | | | | | | | | 3 N | 3 |
| 4.210 | Seafood processing | | 3 T | | | | | | | | | | | | 3 | 1, 3 | 1, 3 |
| 4.220 | Marijuana product manufacturing facility | | 3 AC | | | | | | | | | 3 | 3 | | | | 3 |
| 5.000 | **EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES** | | | | | | | | | | | | | | | | |
| 5.100 | Schools: | | | | | | | | | | | | | | | | |
| | 5.110 | Elementary and secondary schools including associated grounds and other facilities | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | |
| | 5.120 | Trade, vocational schools, commercial schools | 3 T | | | | | | | | 3 | 3 | 3 | 3 | 3 N | 3 N | 3 |
| | 5.130 | Colleges, universities | 3 T | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 N | 3 N | 3 |
| 5.200 | Churches, synagogues, temples | | 3 T | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 N , 3 N | 3 N | 1, 3 |
| 5.300 | Libraries, museums, art galleries | | 3 T | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 N | | |
| 5.400 | Social, fraternal clubs, lodges, union halls, yacht clubs | | 3 T | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 N , 3 N | 3 N | 1, 3 |
| 6.000 | **RECREATION, AMUSEMENT, ENTERTAINMENT** | | | | | | | | | | | | | | | | |
| 6.100 | Indoor activity conducted entirely within building or substantial structure: | | | | | | | | | | | | | | | | |
| | 6.110 | Bowling alleys, billiard, pool halls | | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | 3 |
| | 6.120 | Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges | | | | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | 3 |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 6.130 | Theaters seating for 200 or fewer | 3 T | | | | | | 3 | 3 | 1 | 1 | 1 | 1 | 3 N | | 3 |
| | 6.135 | Theaters seating from 201 to 1,000 | | | | | | | | | 3 | 1 | 1 | 1 | 3 N | | 3 |
| | 6.140 | Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people | | | | | | | | | | 3 | 3 | 3 | 3 N | | |
| | 6.150 | Indoor shooting range | 1, 3 | | | | | | | | | 3 | | | | | 3 |
| 6.200 | Outdoor activity conducted outside enclosed buildings or structures: | | | | | | | | | | | | | | | | |
| | 6.210 | Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | | | 3 N | | 3 |
| | 6.220 | Miniature golf courses, skateboard parks, water slides, batting cages | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 3 | 3 | 3 N | | 3 |
| | 6.240 | Automobile, motorcycle racing tracks; off-highway vehicle parks | 3 | | | | | | | | | 3 | | | | | 3 |
| | 6.250 | Reserved | | | | | | | | | | | | | | | |
| | 6.260 | Open space | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| | 6.262 | Parks with improved facilities, not approved in conjunction with a major subdivision | | | | | | | | | | | | | | | |
| | 6.264 | Capacity for up to 20 people W | 1 T | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 3 N | |
| | 6.266 | Capacity for more than 20 people W | 3 T | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 N | 3 N | |
| | 6.270 | Aerial conveyances and appurtenant facilities | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 N | 3 N | 3 |
| | 6.280 | Shooting ranges | 3 | | | | | | | | | | | | | | 3 |
| 7.000 | **INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES** | | | | | | | | | | | | | | | | |
| 7.100 | Hospital | | | | | | | | | | 3 | 3 | 3 | 3 | | | |

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 7.150 | Health care clinics, other medical treatment facilities providing out-patient care | | | | | | | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | |
| 7.200 | Assisted living | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | | | |
| 7.300 | Day care centers | | | | | | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | |
| 7.310 | Child care centers | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | |
| 7.500 | Correctional facilities | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | |
| 8.000 | **RESTAURANTS, BARS, NIGHTCLUBS** | | | | | | | | | | | | | | | |
| 8.050 | Small restaurants, less than 1,000 ft 2 without drive through service | 3 T | | | | | 3 | 3 | 3 | 1 | 1 | 1 | 1 | 1 N | | 3 |
| 8.100 | Restaurants, bars without drive through service | 3 T | | | | | | | | 1, 3 | 1 | 1, 3 | 1, 3 | 1 N , 3 N | 3 N | 3 |
| 8.200 | Restaurants, coffee stands with drive through service | | | | | | | | | 1, 3 | 1 | | 3 | 1 N , 3 N | 3 N | 3 |
| 8.300 | Seasonal open air food service without drive through | 3 | | | | | | | | 1, 3 | 1 | 1, 3 | 1, 3 | 1 N , 3 N | 3 N | |
| 9.000 | **BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS** | | | | | | | | | | | | | | | |
| 9.050 | Motor vehicle, mobile home sale or rental | | | | | | | | | 1, 3 | 1, 3 | 3 | 3 | | | 1, 3 |
| 9.100 | Motor vehicle repair and maintenance, including body work | | | | | | | | | | 3 | | | | | 1 |
| 9.200 | Automotive fuel station | 3 T | | | | | | | | 3 | 1 | | | | | 1 |
| 9.300 | Car wash | | | | | | | | | 3 | 1 | | | | | 1 |
| 9.400 | Boat sales or rental | 3 T | | | | | | | | 3 | 1 | | | 1 | 1 | 1 |
| 9.450 | Boat repairs and maintenance | 3 T | | | | | | | | | 3 | | | 1 | 1 | 1 |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 9.500 | Marine fuel, water sanitation | | 3 T | | | | | | | | | | | | 1, 3 | 1, 3 | 1, 3 |
| 9.600 | Marine commercial facilities including fisheries support, commercial freight, passenger traffic | | 3 | | | | | | | | | | | | 3 | 3 | |
| 10.000 | **STORAGE, PARKING, MOORAGE** | | | | | | | | | | | | | | | | |
| 10.100 | Automobile parking garages or parking lots not related to a principal use on the lot | | | | | | | | | | 3 | 1 | 1, 3 | 1, 3 | | | 1 |
| 10.200 | Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored: | | | | | | | | | | | | | | | | |
| | 10.210 | All storage within completely enclosed structures | 1, 3 | 3 | | | | | | | 3 | 1 | 1 U , 3 U | 1 U , 3 U | 1 N , 3 N | 1 N | 1 |
| | 10.220 | General storage inside or outside enclosed structures | 1, 3 | 3 | | | | | | | | 1, 3 | | | 1 N , 3 N | 1 N | 1 |
| | 10.230 | Snow storage basin | | | | | | | | | | | | | | | |
| | 10.232 | Neighborhood, less than ½ acre | 3 | 3 | 3 Z | 3 Z | 3 Z | 3 Z | 3 Z | 3 Z | 3 Z | 1 | | | 3 Z | 1 | 1 |
| | 10.235 | Regional, ½ to 1 acre | 3 | 3 | 3 Z | | | | | | 3 Z | 3 | | | 3 Z | 1 | 1 |
| | 10.237 | Area wide, over 1 acre | 3 | 3 Z | 3 Z | | | | | | | 3 Z | | | | 3 | 3 |
| 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, 3 | 3 | | | | | | | | 1, 3 | | | 1 N , 3 N | 1 N , 3 N | 1 |
| 10.400 | Temporary contractor's storage connected with construction project off-site for a specified period of time | | 1, 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 3 | 3 | 3 | 1 N | 1 |
| 10.500 | Moorage: | | | | | | | | | | | | | | | | |
| | 10.510 | Public, commercial | 3 | 3 | 3 | | | | | | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10.520 | Private | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 |
| 10.600 | Floating structures supporting seasonal, commercial recreation | | 3 | 3 | 3 | | | | | | | | | | 3 | 3 | |
| 11.000 | **MATERIALS SALVAGE YARDS, WASTE MANAGEMENT** | | | | | | | | | | | | | | | | |
| 11.100 | Recycling operations: | | | | | | | | | | | | | | | | |
| | 11.110 | Enclosed collection structures 0 of less than 80 square feet total and less than six feet in height | 1 P | 1 P | 1 P | 1 P | 1 P | 1 P | 1 P | 1 P | 1 | 1 | 1 P | 1 P | 1 | 1 | 1 |
| | 11.120 | Enclosed structures for recyclable materials collection | 1 P , 3 | 1 P , 3 | 1 P , 3 | 1 P , 3 | 1 P , 3 | 1 P , 3 | 1 P , 3 | 1 P , 3 | 1 P , 3 P | 1 P , 3 P | 3 | 3 | 1 | 1 | 1 P |
| | 11.130 | Sorting, storage, preparation for shipment occurring outside an enclosed structure | | | | | | | | | | | | | | 1 N | 1 |
| 11.200 | Reclamation landfill not associated with a specific use | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 N | 3 N | 1, 3 |
| 11.300 | Sanitary landfill | | 3 | | | | | | | | | | | | | | 3 |
| 12.000 | **SERVICES AND ENTERPRISES RELATED TO ANIMALS** | | | | | | | | | | | | | | | | |
| 12.100 | Veterinary clinic | | 3 | 3 | 3 | | | | | | 3 | 1, 3 | 3 | 3 | 1 N , 3 N | 1 N , 3 N | 1 |
| 12.200 | Kennel | | 3 | 3 | | | | | | | 3 | 3 | | | | | 1, 3 |
| 12.250 | Day animal services, grooming, walking, day care | | 3 | 3 | 3 | 3 | 3 | | | | 3 | 3 | 3 | 3 | | | 1, 3 |
| 12.300 | Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component | | 3 | 3 | | | | | | | 3 | 3 | | 3 | 3 N | | 3 |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 12.310 | Wild animal rehabilitation facilities without a visitor component | | 3 | 3 | 3 | 3 | | | | | 3 | 3 | | | 3 N | | 3 |
| 12.400 | Horseback riding stables, dog team yards | | 3 | 3 | | | | | | | 3 | 3 | | | | | 3 |
| 13.000 | **EMERGENCY SERVICES** | | | | | | | | | | | | | | | | |
| 13.100 | Fire, police, ambulance | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 N | 3 N | 1, 3 |
| 14.000 | **AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING** | | | | | | | | | | | | | | | | |
| 14.100 | Aquaculture | | 3 | 3 | 3 | | | | | | 3 | 3 | 3 | 3 | 1 | 1 | 3 |
| 14.150 | Weirs, channels, and other fisheries enhancement | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 | 1 | 1 |
| 14.200 | Commercial agricultural operations: | | | | | | | | | | | | | | | | |
| | 14.210 | Excluding farm animals | 1, 3 | 1, 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | | | 1, 3 |
| | 14.220 | Including farm animals M | 1, 3 | 3 | | | | | | | | | | | | | 1, 3 |
| | 14.230 | Stabling of farm animals M | 3 | 3 | 3 | 3 | | | | | 3 | 3 | | | | | 1, 3 |
| | 14.240 | Marijuana cultivation (500 square feet or more under cultivation) | 3 | | | | | | | | 3 | 3 | | | | | 3 |
| | 14.245 | Marijuana cultivation (fewer than 500 square feet under cultivation) | 3 | 3 AB | | | | | | | 3 | 3 | | | | | 3 |
| 14.250 | Personal use agriculture: | | | | | | | | | | | | | | | | |
| | 14.253 | Hens, 6 maximum | 1 | 1 | 1 | 1 | 1 | 1 | 3 | 3 | 1 | 1 | 3 | 3 | 1 | 1 | 1 |
| 14.300 | Silviculture and timber harvesting J | | 3 | 3 | | | | | | | | | | | | | 3 |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 14.400 | Mining operations | 2, 3 K | 3 | 3 | | | | | | | | | | 3 N | 3 N | 2 |
| 14.500 | Sand and gravel operations l | 3 | 3 | 3 | | | | | | 3 | 3 | | | 3 N | 3 N | 3 |
| 14.800 | Spring water bottling | 3 | 3 | | | 3 | 3 | 3 | 3 | 3 | 3 | | | | | 1, 3 |
| 15.000 | **MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES** | | | | | | | | | | | | | | | |
| 15.100 | Post office | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 N | 3 N | 1, 3 |
| 15.200 | Airport | 3 | | | | | | | | | | | | | | 1, 3 |
| 15.400 | Military reserve, National Guard centers | 3 | 3 | 3 | | | | | | 3 | 3 | | | 3 N | 3 N | 3 |
| 15.500 | Heliports, helipads | 3 | | | | | | | | | 3 | | | 3 N | 3 N | 3 |
| 15.600 | Transit facilities: | | | | | | | | | | | | | | | |
| 15.610 | Transit center | | | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 | | 1, 3 |
| 15.620 | Transit station | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 15.630 | Park and ride not associated with transit station | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1 | 1 | 3 | 3 | | | 1 |
| 15.700 | Public works facility | 3 | 3 | 3 | 3 | | | | | 3 | 3 | | | | | 1, 3 |
| 16.000 | **DRY CLEANER, LAUNDROMAT** | | | | | | | | | | | | | | | |
| 16.100 | Drop off and pickup only, no onsite laundry or dry cleaning process | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 N , 3 N | 1 N , 3 N | 1, 3 |

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 16.200 | Full service onsite laundry and/or dry cleaning | | | | | | | | | 3 | 1, 3 | 3 | 3 | 3 N | 1 N , 3 N | 1, 3 |
| 17.000 | **UTILITY FACILITIES** | | | | | | | | | | | | | | | |
| 17.100 | Minor | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 17.150 | Intermediate | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 3 | 3 | 1, 3 | 1 | 1 |
| 17.200 | Major | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | 3 | 3 | 3 |
| 17.300 | Driveways and private roads | | | | | | | | | | | | | | | |
| 18.000 | **TOWERS AND RELATED STRUCTURES** | | | | | | | | | | | | | | | |
| 18.100 AA | Towers and antennas 35 feet or less | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 18.200 AA | Towers and antennas 35 to 50 feet | 1 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 18.300 AA | Towers and antennas more than 50 feet in height | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1 |
| 18.400 | Amateur (ham) radio towers and antennas more than 35 feet in height R | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 18.500 | Wireless Communication Facilities | See CBJ 49.65, Wireless Communication Facilities | | | | | | | | | | | | | | |
| 19.000 | **OPEN AIR MARKETS, NURSERIES, GREENHOUSES** | | | | | | | | | | | | | | | |
| 19.100 | Open air markets (farm, craft, flea, and produce) | 1, 3 | 1, 3 | | | | | | | 1, 3 | 1 | 1, 3 | 1, 3 | 1 N , 3 N | 1 N , 3 N | 1, 3 |
| 19.200 | Nurseries, commercial greenhouses: | | | | | | | | | | | | | | | |
| | 19.210 Retail sales | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1 | 1 V | 1 V | | | 1 |

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 19.220 | Nonretail sales | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 | 1 V | 1 V | | | 1 |
| | 19.230 | Marijuana cultivation (500 square feet or more under cultivation) | 3 | | | | | | | | 3 | 3 | | | | | 3 |
| | 19.240 | Marijuana cultivation (fewer than 500 square feet under cultivation) | 3 | 3 AB | | | | | | | 3 | 3 | | | | | 3 |
| 20.000 | **CEMETERY, CREMATORIUM, MORTUARY** | | | | | | | | | | | | | | | | |
| 20.100 | Cemetery | | 1, 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | | | |
| 20.200 | Crematorium | | 3 | | | | | | | | | | | | | | 1, 3 |
| 20.300 | Funeral home | | 3 | 3 | 3 | 3 | 3 | 3 | | | 1, 3 | 1 | 3 | 3 | | | |
| 21.000 | **VISITOR-ORIENTED, RECREATIONAL FACILITIES** | | | | | | | | | | | | | | | | |
| 21.100 | Resort, lodge | | 3 | 3 | | | | | | | | | | | | | |
| 21.200 | Campgrounds | | 1, 3 | 3 | | | | | | | | | | | | | |
| 21.300 | Visitor, cultural facilities related to features of the site | | 3 | 3 | | | | | | | 3 | 3 | 3 | 3 | 3 N | | |
| 22.000 | **TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION** | | | | | | | | | | | | | | | | |
| 22.100 | Temporary structures used in connection with construction | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

**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 |

**NOTES:**

A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.

B. Reserved.

C. Reserved.

D. Reserved.

E. See special use regulations for mobile homes, chapter 49.65, article III.

F. See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.

G. All uses subject to additional performance standards, chapter 49.65, article VIII.

H. Reserved.

I. Reserved.

J. Applies to over 2 acres of harvest area.

K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.

L. See special use regulations, chapter 49.65.200, article II.

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.

N. Use must be water-dependent, water-related, or water-oriented.

O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.

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.

Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.

R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.

S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.

T. Must be associated with a unique site specific feature in order to function. Example: Glacier research station - Juneau Icefield location.

U. No storage permitted on the first floor of a building.

V. Primarily intended for rooftop locations in urban areas.

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.

X. Special requirements apply to accessory apartment applications. See CBJ § 49.25.510(k).

Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.

AA. Does not apply to wireless communication facilities.

AB. Use is prohibited in the urban service area but allowed outside the urban service area. An owner or manager must live on site.

AC. Use is prohibited within 1,000 feet of recognized neighborhood association established in accordance with CBJ chapter 11.35.

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

| | | | Zones | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Description | | RR | D-1 | D-3 | D-5 | D-10 SF | D-10 | D-15 | D-18 | LC | GC | MU | MU2 | WC | WI | I |
| 1.000 | RESIDENTIAL | | | | | | | | | | | | | | | | |
| 1.100 | Single-family dwellings | | | | | | | | | | | | | | | | |
| | 1.110 | Single-family detached, one dwelling per lot | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1[A] | 1[A] |
| | 1.120 | Single-family detached, two dwellings per lot | 1 | 1 | 1 | | | | | | | | | | | | |
| | 1.130 | Single-family detached, accessory apartment[X] | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | |
| | 1.140 | Single-family detached, two dwellings per lot, accessory apartments[X] | 1, 3 | 1, 3 | 1, 3 | | | | | | | | | | | | |
| 1.200 | Duplex | | 1 | 1 | 1 | 1 | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | |
| 1.300 | Multifamily dwellings | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 | | |
| 1.500 | Child and Day care homes | | | | | | | | | | | | | | | | |
| | 1.510 | Child; 12 or fewer children under the age of 12 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | |
| | 1.520 | Reserved | | | | | | | | | | | | | | | |
| | 1.530 | Adult; 12 or fewer people, 12 years and older | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | |
| | 1.540 | Reserved | | | | | | | | | | | | | | | |
| 1.550 | Child care residence, 6 to 9 children under 18 years of age | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | |

| | | | Zones | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Description | | RR | D-1 | D-3 | D-5 | D-10 SF | D-10 | D-15 | D-18 | LC | GC | MU | MU2 | WC | WI | I |
| 1.600 | Miscellaneous, rooms for rent situations | | | | | | | | | | | | | | | | |
| | 1.610 | Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site. | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 | 1 | 3[N] | | |
| | 1.620 | Hotels, motels | 3 | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3[N] | 3[N] | |
| | 1.630 | Single room occupancies with private facilities | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | |
| 1.700 | Home occupations | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 1.800 | Mobile homes | | | | | | | | | | | | | | | | |
| | 1.810 | Residential mobile homes on individual lots[E] | 3 | 3 | 3 | | | | | | | | | | | | |
| | 1.815 | Caretakers mobile homes on individual lots[E] | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| | 1.820 | Mobile home parks[E] | | | | | 3 | 3 | 3 | 3 | 3 | 3 | | | | | |
| | 1.830 | Mobile home subdivision[E] | | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | | | |
| | 1.840 | Recreational vehicle parks[F] | 3[F] | 3[F] | 3[F] | | | | | | | | | | | | |
| 1.900 | Common wall development | | | | | | | | | | | | | | | | |
| | 1.910 | Two dwelling units | | | | 1 | 1 | 1 | 1 | 1 | | | | | | | |
| | 1.911 | Accessory apartments[X] | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | |
| | 1.920 | Three or more dwelling units | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | |
| | 1.930 | Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h) | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | 3 | | | |

| | | | Zones | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Description | | RR | D-1 | D-3 | D-5 | D-10 SF | D-10 | D-15 | D-18 | LC | GC | MU | MU2 | WC | WI | I |
| 2.000 | SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT[G] | | | | | | | | | | | | | | | | |
| 2.100 | With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods | | | | | | | | | | | | | | | | |
| | 2.110 | *Reserved* | | | | | | | | | | | | | | | |
| | 2.120 | Miscellaneous | | | | | | | | | 1 | 1 | 1 | 1 | 3[N] | 3[N] | 3 |
| | 2.130 | Marine merchandise and equipment | 3[T] | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3[N] | 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 | 1, 3 | 1, 3 | 1, 3 | 3[N] | 3[N] | 3 |
| 2.300 | Marijuana retail store | | 3 | | | | | | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| 3.000 | PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES[G] | | | | | | | | | | | | | | | | |
| 3.050 | Offices of not more than 1,000 square feet | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1 | 1 | 1 | 1 | 1[N] | | |
| 3.100 | Offices greater than 1,000 but not more than 2,500 square feet | | | | | | | 3 | 3 | 3 | 1 | 1 | 1 | 1 | 3[N] | | |
| 3.200 | *Reserved* | | | | | | | | | | | | | | | | |
| 3.300 | Research, laboratory uses | | 3[T] | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1[N], 3[N] | 1[N], 3[N] | 1, 3 |
| 3.400 | Offices greater than 2,500 square feet | | | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1[N], 3[N] | | 3[S] |
| 3.500 | Marijuan testing facility | | 3 | | | | | | | | 3 | 3 | 3 | 3 | | | 3 |
| 4.000 | MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS[G] | | | | | | | | | | | | | | | | |
| 4.050 | Light manufacturing | | 3[T] | | | | | | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1[N], 3[N] | 1[N], 3[N] | 1, 3 |
| 4.070 | Medium manufacturing | | 3[T] | | | | | | | | | 3 | 3 | 3 | 3[N] | 1[N], 3[N] | 1, 3 |
| 4.100 | Heavy manufacturing | | 3[T] | 3[Q] | | | | | | | | | | | | 3[N] | 3 |
| 4.150 | Rock crusher | | 3[T] | 1[Q] | 1[Q] | | | | | | | | | | | 3[N] | 3 |

| | | | Zones | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Description | | RR | D-1 | D-3 | D-5 | D-10 SF | D-10 | D-15 | D-18 | LC | GC | MU | MU2 | WC | WI | I |
| 4.200 | Storage of explosives and ammunition | | 3 | | | | | | | | | | | | | $3^{N}$ | 3 |
| 4.210 | Seafood processing | | $3^{T}$ | | | | | | | | | | | | 3 | 1, 3 | 1, 3 |
| 4.220 | Marijuana product manufacturing facility | | $3^{AC}$ | | | | | | | | | 3 | 3 | | | | 3 |
| 5.000 | EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES | | | | | | | | | | | | | | | | |
| 5.100 | Schools | | | | | | | | | | | | | | | | |
| | 5.110 | Elementary and secondary schools including associated grounds and other facilities | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | |
| | 5.120 | Trade, vocational schools, commercial schools | $3^{T}$ | | | | | | | | 3 | 3 | 3 | 3 | $3^{N}$ | $3^{N}$ | 3 |
| | 5.130 | Colleges, universities | $3^{T}$ | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | $3^{N}$ | $3^{N}$ | 3 |
| 5.200 | Churches, synagogues, temples | | $3^{T}$ | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | $1^{N}$, $3^{N}$ | $3^{N}$ | 1, 3 |
| 5.300 | Libraries, museums, art galleries | | $3^{T}$ | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | $3^{N}$ | | |
| 5.400 | Social, fraternal clubs, lodges, union halls, yacht clubs | | $3^{T}$ | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | $1^{N}$, $3^{N}$ | $3^{N}$ | 1, 3 |
| 6.000 | RECREATION, AMUSEMENT, ENTERTAINMENT | | | | | | | | | | | | | | | | |
| 6.100 | Indoor activity conducted entirely within building or substantial structure | | | | | | | | | | | | | | | | |
| | 6.110 | Bowling alleys, billiard, pool halls | | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | 3 |
| | 6.120 | Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges | | | | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | 3 |
| | 6.130 | Theaters seating for 200 or fewer | $3^{T}$ | | | | | | 3 | 3 | 1 | 1 | 1 | 1 | $3^{N}$ | | 3 |
| | 6.135 | Theaters seating from 201 to 1,000 | | | | | | | | | 3 | 1 | 1 | 1 | $3^{N}$ | | 3 |

| | | | Zones | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Description | | RR | D-1 | D-3 | D-5 | D-10 SF | D-10 | D-15 | D-18 | LC | GC | MU | MU2 | WC | WI | I |
| | 6.140 | Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people | | | | | | | | | | 3 | 3 | 3 | 3[N] | | |
| | 6.150 | Indoor shooting range | 1, 3 | | | | | | | | | 3 | | | | | 3 |
| 6.200 | Outdoor activity conducted outside enclosed buildings or structures | | | | | | | | | | | | | | | | |
| | 6.210 | Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | | | 3[N] | | 3 |
| | 6.220 | Miniature golf courses, skateboard parks, water slides, batting cages | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 3 | 3 | 3[N] | | 3 |
| | 6.240 | Automobile, motorcycle racing tracks; off-highway vehicle parks | 3 | | | | | | | | | 3 | | | | | 3 |
| | 6.250 | *Reserved* | | | | | | | | | | | | | | | |
| | 6.260 | Open space | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| | 6.262 | Parks with improved facilities, not approved in conjunction with a major subdivision | | | | | | | | | | | | | | | |
| | 6.264 | Capacity for up to 20 people[W] | 1[T] | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 3[N] | |
| | 6.266 | Capacity for more than 20 people[W] | 3[T] | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3[N] | 3[N] | |
| | 6.270 | Aerial conveyances and appurtenant facilities | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3[N] | 3[N] | 3 |

| | | Zones | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Description | RR | D-1 | D-3 | D-5 | D-10 SF | D-10 | D-15 | D-18 | LC | GC | MU | MU2 | WC | WI | I |
| | 6.280 Shooting ranges | 3 | | | | | | | | | | | | | | 3 |
| 7.000 | INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES | | | | | | | | | | | | | | | |
| 7.100 | Hospital | | | | | | | | | 3 | 3 | 3 | 3 | | | |
| 7.150 | Health care clinics, other medical treatment facilities providing out-patient care | | | | | | | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | |
| 7.200 | Assisted living | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | | | |
| 7.300 | Day care centers | | | | | | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | |
| 7.310 | Child care centers | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | |
| 7.500 | Correctional facilities | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | |
| 7.600 | Sobering centers | | | | | | | | | 3 | 3 | 3 | 3 | | | |
| 8.000 | RESTAURANTS, BARS, NIGHTCLUBS | | | | | | | | | | | | | | | |
| 8.050 | Small restaurants, less than 1,000 $ft^2$ without drive through service | $3^T$ | | | | | 3 | 3 | 3 | 1 | 1 | 1 | 1 | $1^N$ | | 3 |
| 8.100 | Restaurants, bars without drive through service | $3^T$ | | | | | | | | 1, 3 | 1 | 1, 3 | 1, 3 | $1^N$, $3^N$ | $3^N$ | 3 |
| 8.200 | Restaurants, coffee stands with drive through service | | | | | | | | | 1, 3 | 1 | | 3 | $1^N$, $3^N$ | $3^N$ | 3 |
| 8.300 | Seasonal open air food service without drive through | 3 | | | | | | | | 1, 3 | 1 | 1, 3 | 1, 3 | $1^N$, $3^N$ | $3^N$ | |
| 9.000 | BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS | | | | | | | | | | | | | | | |
| 9.050 | Motor vehicle, mobile home sale or rental | | | | | | | | | 1, 3 | 1, 3 | 3 | 3 | | | 1, 3 |
| 9.100 | Motor vehicle repair and maintenance, including body work | | | | | | | | | | 3 | | | | | 1 |
| 9.200 | Automotive fuel station | $3^T$ | | | | | | | | 3 | 1 | | | | | 1 |
| 9.300 | Car wash | | | | | | | | | 3 | 1 | | | | | 1 |
| 9.400 | Boat sales or rental | $3^T$ | | | | | | | | 3 | 1 | | | 1 | 1 | 1 |
| 9.450 | Boat repairs and maintenance | $3^T$ | | | | | | | | | 3 | | | 1 | 1 | 1 |
| 9.500 | Marine fuel, water sanitation | $3^T$ | | | | | | | | | | | | 1, 3 | 1, 3 | 1, 3 |

| | | | Zone | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Description | | RR | D-1 | D-3 | D-5 | D-10 SF | D-10 | D-15 | D-18 | LC | GC | MU | MU2 | WC | WI | I |
| 9.600 | Marine commercial facilities including fisheries support, commercial freight, passenger traffic | | 3 | | | | | | | | | | | | 3 | 3 | |
| 10.000 | STORAGE, PARKING, MOORAGE | | | | | | | | | | | | | | | | |
| 10.100 | Automobile parking garages or parking lots not related to a principal use on the lot | | | | | | | | | | 3 | 1 | 1, 3 | 1, 3 | | | 1 |
| 10.200 | Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored | | | | | | | | | | | | | | | | |
| | 10.210 | All storage within completely enclosed structures | 1, 3 | 3 | | | | | | | 3 | 1 | $1^{U}$, $3^{U}$ | $1^{U}$, $3^{U}$ | $1^{N}$, $3^{N}$ | $1^{N}$ | 1 |
| | 10.220 | General storage inside or outside enclosed structures | 1, 3 | 3 | | | | | | | | 1, 3 | | | $1^{N}$, $3^{N}$ | $1^{N}$ | 1 |
| | 10.230 | Snow storage basin | | | | | | | | | | | | | | | |
| | 10.232 | Neighborhood, less than ½ acre | 3 | 3 | $3^{Z}$ | $3^{Z}$ | $3^{Z}$ | $3^{Z}$ | $3^{Z}$ | $3^{Z}$ | $3^{Z}$ | 1 | | | $3^{Z}$ | 1 | 1 |
| | 10.235 | Regional, ½ to 1 acre | 3 | 3 | $3^{Z}$ | | | | | | $3^{Z}$ | 3 | | | $3^{Z}$ | 1 | 1 |
| | 10.237 | Area wide, over 1 acre | 3 | $3^{Z}$ | $3^{Z}$ | | | | | | | $3^{Z}$ | | | | 3 | 3 |
| 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, 3 | 3 | | | | | | | | 1, 3 | | | $1^{N}$, $3^{N}$ | $1^{N}$, $3^{N}$ | 1 |
| 10.400 | Temporary contractor's storage connected with construction project off-site for a specified period of time | | 1, 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 3 | 3 | 3 | $1^{N}$ | 1 |

| | | | Zone | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Description | | RR | D-1 | D-3 | D-5 | D-10 SF | D-10 | D-15 | D-18 | LC | GC | MU | MU2 | WC | WI | I |
| 10.500 | Moorage | | | | | | | | | | | | | | | | |
| | 10.510 | Public, commercial | 3 | 3 | 3 | | | | | | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 |
| | 10.520 | Private | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 |
| 10.600 | Floating structures supporting seasonal, commercial recreation | | 3 | 3 | 3 | | | | | | | | | | 3 | 3 | |
| 11.000 | MATERIALS SALVAGE YARDS, WASTE MANAGEMENT | | | | | | | | | | | | | | | | |
| 11.100 | Recycling operations | | | | | | | | | | | | | | | | |
| | 11.110 | Enclosed collection structures[0] of less than 80 square feet total and less than six feet in height | $1^P$ | $1^P$ | $1^P$ | $1^P$ | $1^P$ | $1^P$ | $1^P$ | $1^P$ | 1 | 1 | $1^P$ | $1^P$ | 1 | 1 | 1 |
| | 11.120 | Enclosed structures for recyclable materials collection | $1^P$, 3 | $1^P$, 3 | $1^P$, 3 | $1^P$, 3 | $1^P$, 3 | $1^P$, 3 | $1^P$, 3 | $1^P$, 3 | $1^P$, $3^P$ | $1^P$, $3^P$ | 3 | 3 | 1 | 1 | $1^P$ |
| | 11.130 | Sorting, storage, preparation for shipment occurring outside an enclosed structure | | | | | | | | | | | | | | $1^N$ | 1 |
| 11.200 | Reclamation landfill not associated with a specific use | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | $3^N$ | $3^N$ | 1, 3 |
| 11.300 | Sanitary landfill | | 3 | | | | | | | | | | | | | | 3 |
| 12.000 | SERVICES AND ENTERPRISES RELATED TO ANIMALS | | | | | | | | | | | | | | | | |
| 12.100 | Veterinary clinic | | 3 | 3 | 3 | | | | | | 3 | 1, 3 | 3 | 3 | $1^N$, $3^N$ | $1^N$, $3^N$ | 1 |
| 12.200 | Kennel | | 3 | 3 | | | | | | | 3 | 3 | | | | | 1, 3 |
| 12.250 | Day animal services, grooming, walking, day care | | 3 | 3 | 3 | 3 | 3 | | | | 3 | 3 | 3 | 3 | | | 1, 3 |
| 12.300 | Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component | | 3 | 3 | | | | | | | 3 | 3 | | 3 | $3^N$ | | 3 |

| | | | Zone | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Description | | RR | D-1 | D-3 | D-5 | D-10 SF | D-10 | D-15 | D-18 | LC | GC | MU | MU2 | WC | WI | I |
| 12.310 | Wild animal rehabilitation facilities without a visitor component | | 3 | 3 | 3 | 3 | | | | | 3 | 3 | | | 3[N] | | 3 |
| 12.400 | Horseback riding stables, dog team yards | | 3 | 3 | | | | | | | 3 | 3 | | | | | 3 |
| 13.000 | EMERGENCY SERVICES | | | | | | | | | | | | | | | | |
| 13.100 | Fire, police, ambulance | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3[N] | 3[N] | 1, 3 |
| 14.000 | AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING | | | | | | | | | | | | | | | | |
| 14.100 | Aquaculture | | 3 | 3 | 3 | | | | | | 3 | 3 | 3 | 3 | 1 | 1 | 3 |
| 14.150 | Weirs, channels, and other fisheries enhancement | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 | 1 | 1 |
| 14.200 | Commercial agricultural operations | | | | | | | | | | | | | | | | |
| | 14.210 | Excluding farm animals | 1, 3 | 1, 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | | | 1, 3 |
| | 14.220 | Including farm animals[M] | 1, 3 | 3 | | | | | | | | | | | | | 1, 3 |
| | 14.230 | Stabling of farm animals[M] | 3 | 3 | 3 | 3 | | | | | 3 | 3 | | | | | 1, 3 |
| | 14.240 | Marijuana cultivation (500 square feet or more under cultivation) | 3 | | | | | | | | 3 | 3 | | | | | 3 |
| | 14.245 | Marijuana cultivation (fewer than 500 square feet under cultivation) | 3 | 3[AB] | | | | | | | 3 | 3 | | | | | 3 |
| 14.250 | Personal use agriculture | | | | | | | | | | | | | | | | |
| | 14.253 | Hens, 6 maximum | 1 | 1 | 1 | 1 | 1 | 1 | 3 | 3 | 1 | 1 | 3 | 3 | 1 | 1 | 1 |
| 14.300 | Silviculture and timber harvesting[J] | | 3 | 3 | | | | | | | | | | | | | 3 |
| 14.400 | Mining operations | | 2, 3[K] | 3 | 3 | | | | | | | | | | 3[N] | 3[N] | 2 |
| 14.500 | Sand and gravel operations[I] | | 3 | 3 | 3 | | | | | | 3 | 3 | | | 3[N] | 3[N] | 3 |
| 14.800 | Spring water bottling | | 3 | 3 | | | 3 | 3 | 3 | 3 | 3 | 3 | | | | | 1, 3 |
| 15.000 | MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES | | | | | | | | | | | | | | | | |
| 15.100 | Post office | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3[N] | 3[N] | 1, 3 |
| 15.200 | Airport | | 3 | | | | | | | | | | | | | | 1, 3 |
| 15.400 | Military reserve, National Guard centers | | 3 | 3 | 3 | | | | | | 3 | 3 | | | 3[N] | 3[N] | 3 |
| 15.500 | Heliports, helipads | | 3 | | | | | | | | | 3 | | | 3[N] | 3[N] | 3 |

| | | | Zoning | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Description | | RR | D-1 | D-3 | D-5 | D-10 SF | D-10 | D-15 | D-18 | LC | GC | MU | MU2 | WC | WI | I |
| 15.600 | Transit facilities | | | | | | | | | | | | | | | | |
| | 15.610 | Transit center | | | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 | | 1, 3 |
| | 15.620 | Transit station | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| | 15.630 | Park and ride not associated with transit station | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1 | 1 | 3 | 3 | | | 1 |
| 15.700 | Public works facility | | 3 | 3 | 3 | 3 | | | | | 3 | 3 | | | | | 1, 3 |
| 16.000 | DRY CLEANER, LAUNDROMAT | | | | | | | | | | | | | | | | |
| 16.100 | Drop off and pickup only, no onsite laundry or dry cleaning process | | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | $1^{N}$, $3^{N}$ | $1^{N}$, $3^{N}$ | 1, 3 |
| 16.200 | Full service onsite laundry and/or dry cleaning | | | | | | | | | | 3 | 1, 3 | 3 | 3 | $3^{N}$ | $1^{N}$, $3^{N}$ | 1, 3 |
| 17.000 | UTILITY FACILITIES | | | | | | | | | | | | | | | | |
| 17.100 | Minor | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 17.150 | Intermediate | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 3 | 3 | 1, 3 | 1 | 1 |
| 17.200 | Major | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | 3 | 3 | 3 |
| 17.300 | Driveways and private roads | | | | | | | | | | | | | | | | |
| 18.000 | TOWERS AND RELATED STRUCTURES | | | | | | | | | | | | | | | | |
| 18.100[AA] | Towers and antennas 35 feet or less | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 18.200[AA] | Towers and antennas 35 to 50 feet | | 1 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 18.300[AA] | Towers and antennas more than 50 feet in height | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1 |
| 18.400 | Amateur (ham) radio towers and antennas more than 35 feet in height[R] | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 18.500 | Wireless Communication Facilities | | See CBJ 49.65, Wireless Communication Facilities | | | | | | | | | | | | | | |
| 19.000 | OPEN AIR MARKETS, NURSERIES, GREENHOUSES | | | | | | | | | | | | | | | | |
| 19.100 | Open air markets (farm, craft, flea, and produce) | | 1, 3 | 1, 3 | | | | | | | 1, 3 | 1 | 1, 3 | 1, 3 | $1^{N}$, $3^{N}$ | $1^{N}$, $3^{N}$ | 1, 3 |
| 19.200 | Nurseries, commercial greenhouses | | | | | | | | | | | | | | | | |
| | 19.210 | Retail sales | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1 | $1^{V}$ | $1^{V}$ | | | 1 |
| | 19.220 | Nonretail sales | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 | $1^{V}$ | $1^{V}$ | | | 1 |

| | | | Zoning | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Use Description | | RR | D-1 | D-3 | D-5 | D-10 SF | D-10 | D-15 | D-18 | LC | GC | MU | MU2 | WC | WI | I |
| | 19.230 | Marijuana cultivation (500 square feet or more under cultivation) | 3 | | | | | | | | 3 | 3 | | | | | 3 |
| | 19.240 | Marijuana cultivation (fewer than 500 square feet under cultivation) | 3 | 3[AB] | | | | | | | 3 | 3 | | | | | 3 |
| 20.000 | CEMETERY, CREMATORIUM, MORTUARY | | | | | | | | | | | | | | | | |
| 20.100 | Cemetery | | 1, 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | | | |
| 20.200 | Crematorium | | 3 | | | | | | | | | | | | | | 1, 3 |
| 20.300 | Funeral home | | 3 | 3 | 3 | 3 | 3 | 3 | | | 1, 3 | 1 | 3 | 3 | | | |
| 21.000 | VISITOR-ORIENTED, RECREATIONAL FACILITIES | | | | | | | | | | | | | | | | |
| 21.100 | Resort, lodge | | 3 | 3 | | | | | | | | | | | | | |
| 21.200 | Campgrounds | | 1, 3 | 3 | | | | | | | | | | | | | |
| 21.300 | Visitor, cultural facilities related to features of the site | | 3 | 3 | | | | | | | 3 | 3 | 3 | 3 | 3[N] | | |
| 22.000 | TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION | | | | | | | | | | | | | | | | |
| 22.100 | Temporary structures used in connection with construction | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

**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.

**Notes:**

A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.

B. *Reserved.*

C. *Reserved.*

D. *Reserved.*

E. See special use regulations for mobile homes, chapter 49.65, article III.

F. See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.

G. All uses subject to additional performance standards, chapter 49.65, article VIII.

H. *Reserved.*

I. *Reserved.*

J. Applies to over 2 acres of harvest area.

K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.

L. See special use regulations, chapter 49.65.200, article II.

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.

N. Use must be water-dependent, water-related, or water-oriented.

O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.

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.

Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.

R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.

S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.

T. Must be associated with a unique site specific feature in order to function. Example: Glacier research station - Juneau Icefield location.

U. No storage permitted on the first floor of a building.

V. Primarily intended for rooftop locations in urban areas.

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.

X. Special requirements apply to accessory apartment applications. See CBJ § 49.25.510(k).

Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.

AA. Does not apply to wireless communication facilities.

AB. Use is prohibited in the urban service area but allowed outside the urban service area. An owner or manager must live on site.

AC. Use is prohibited within 1,000 feet of recognized neighborhood association established in accordance with CBJ chapter 11.35.

(Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010; 2014-32(e)am, §§ 6—8, 9-29-2014, eff. 10-29-2014 ; Serial No. 2015-07(b)(am), §§ 2—4, 2-23-2015, eff. 3-26-2015 ; Serial No. 2015-34(am), § 2, 7-20-2015, eff. 8-20-2015 ; Serial No. 2015-03(c)(am), § 19, 8-31-2015 ; Serial No. 2015-32, §§ 2, 3, 8-10-2015 ; Serial No. 2015-38(b)(am), § 6, 5-2-2016, eff. 6-2-2016 ; Serial No. 2015-39(am), §§ 2—7, 11-9-2015 ; Ord. No. 2018-31, § 2, 6-4-2018, eff. 7-5-2018 )

**Table 2-1. Land Use Compatibility with Yearly Day-Night Average Sound Levels (DNL)**

| | Yearly Day-Night Average Sound Level (DNL) in Decibels | | | | | |
|---|---|---|---|---|---|---|
| Land Use | Below 65 | 65-70 | 70-75 | 75-80 | 80-85 | Over 85 |
| **Residential** | | | | | | |
| Residential, other than mobile homes and transient | Y | N(1) | N(1) | N | N | N |
| Mobile home parks | Y | N | N | N | N | N |
| Transient lodgings | Y | N(1) | N(1) | N(1) | N | N |
| **Public Use** | | | | | | |
| Schools | Y | N(1) | N(1) | N | N | N |
| Hospitals and nursing homes | Y | 25 | 30 | N | N | N |
| Churches, auditoriums, & concert halls | Y | 25 | 30 | N | N | N |
| Government services | Y | Y | 25 | 30 | N | N |
| Transportation | Y | Y | Y(2) | Y(3) | Y(4) | Y(4) |
| Parking | Y | Y | Y(2) | Y(3) | Y(4) | N |
| **Commercial Use** | | | | | | |
| Offices, business and professional | Y | Y | 25 | 30 | N | N |
| Wholesale/Retail -bldg matrls/hardware/farm equip. | Y | Y | Y(2) | Y(3) | Y(4) | N |
| Retail trade – general | Y | Y | 25 | 30 | N | N |
| Utilities | Y | Y | Y(2) | Y(3) | Y(4) | N |
| Communication | Y | Y | 25 | 30 | N | N |
| **Manufacturing & Production** | | | | | | |
| Manufacturing – general | Y | Y | Y(2) | Y(3) | Y(4) | N |
| Photographic and optical | Y | Y | 25 | 30 | N | N |
| Agricultural (except livestock) and forestry | Y | Y(6) | Y(7) | Y(8) | Y(8) | Y(8) |
| Livestock farming and breeding | Y | Y(6) | Y(7) | N | N | N |
| Mining and fishing | Y | Y | Y | Y | Y | Y |
| **Recreational** | | | | | | |
| Outdoor sports arenas and spectator sports | Y | Y(5) | Y(5) | N | N | N |
| Outdoor music shells, amphitheaters | Y | N | N | N | N | N |
| Nature exhibits and zoos | Y | Y | N | N | N | N |
| Amusements, parks, resorts and camps | Y | Y | Y | N | N | N |
| Golf courses, riding stables and water recreation | Y | Y | 25 | 30 | N | N |

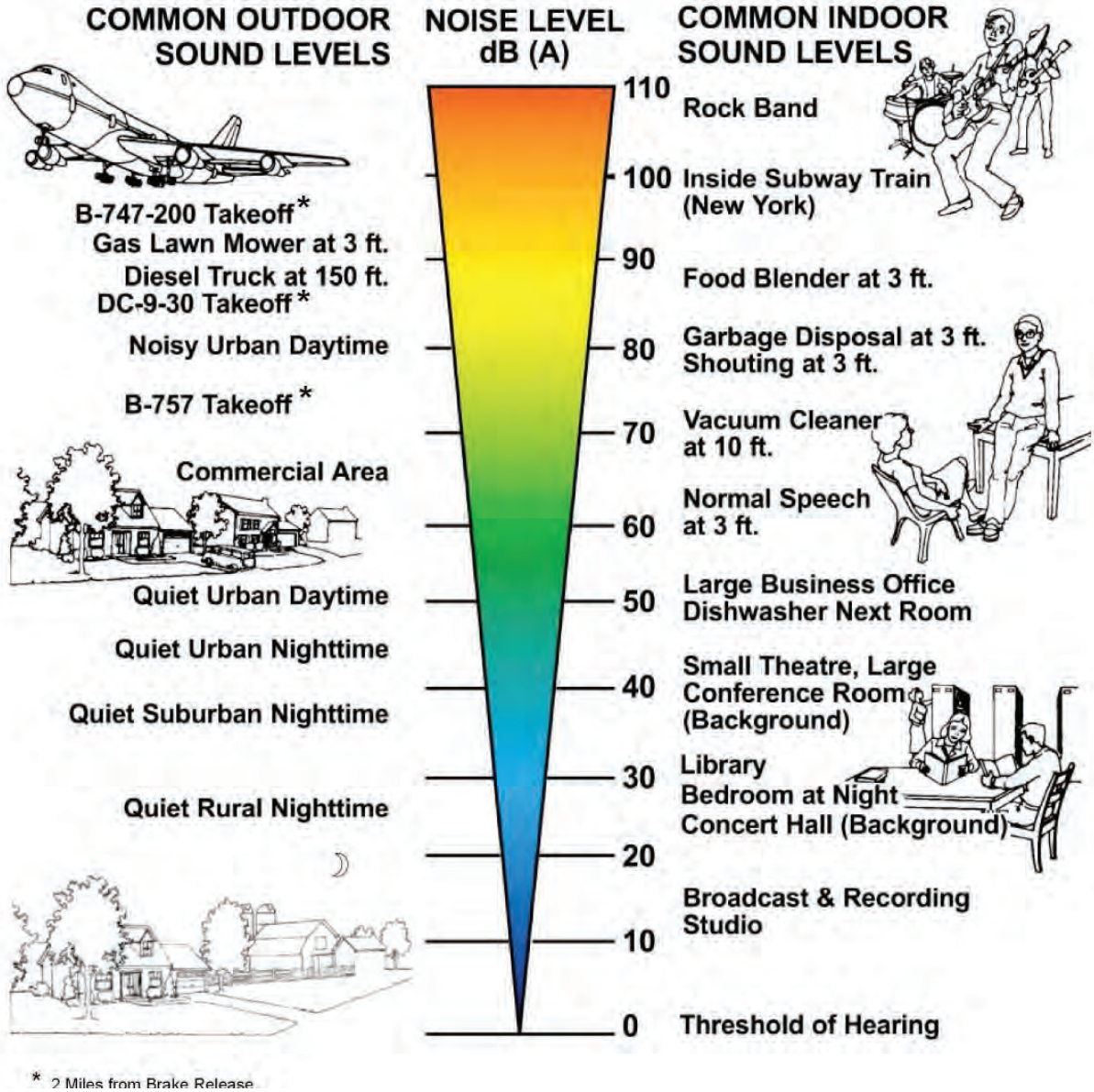
**Note:** The designations contained in this table do not constitute a federal determination that any use of land covered by the program is acceptable or unacceptable under federal, state, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.

**Key:** Y (yes) = Land use and related structures compatible without restrictions.
N (no) = Land use and related structures are not compatible and should be prohibited.
25, 30, 35 = Land use and related structures generally compatible; measures to achieve Noise Level Reduction of 25, 30, 35 dB must be incorporated into design and construction of structure.

**Notes:**
(1) = Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are often stated as 5, 10, or 15 dB over standard construction and assume mechanical ventilation and closed windows year-round. However, the use of NLR criteria will not eliminate outdoor noise problem.
(2) = Measures to achieve NLR 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(3) = Measures to achieve NLR 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(4) = Measures to achieve NLR 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(5) = Land use compatibility provided special sound reinforcement systems are installed.
(6) = Residential buildings require an NRL of 25 dB.
(7) = Residential buildings require an NRL of 30 dB.
(8) = Residential building not permitted.

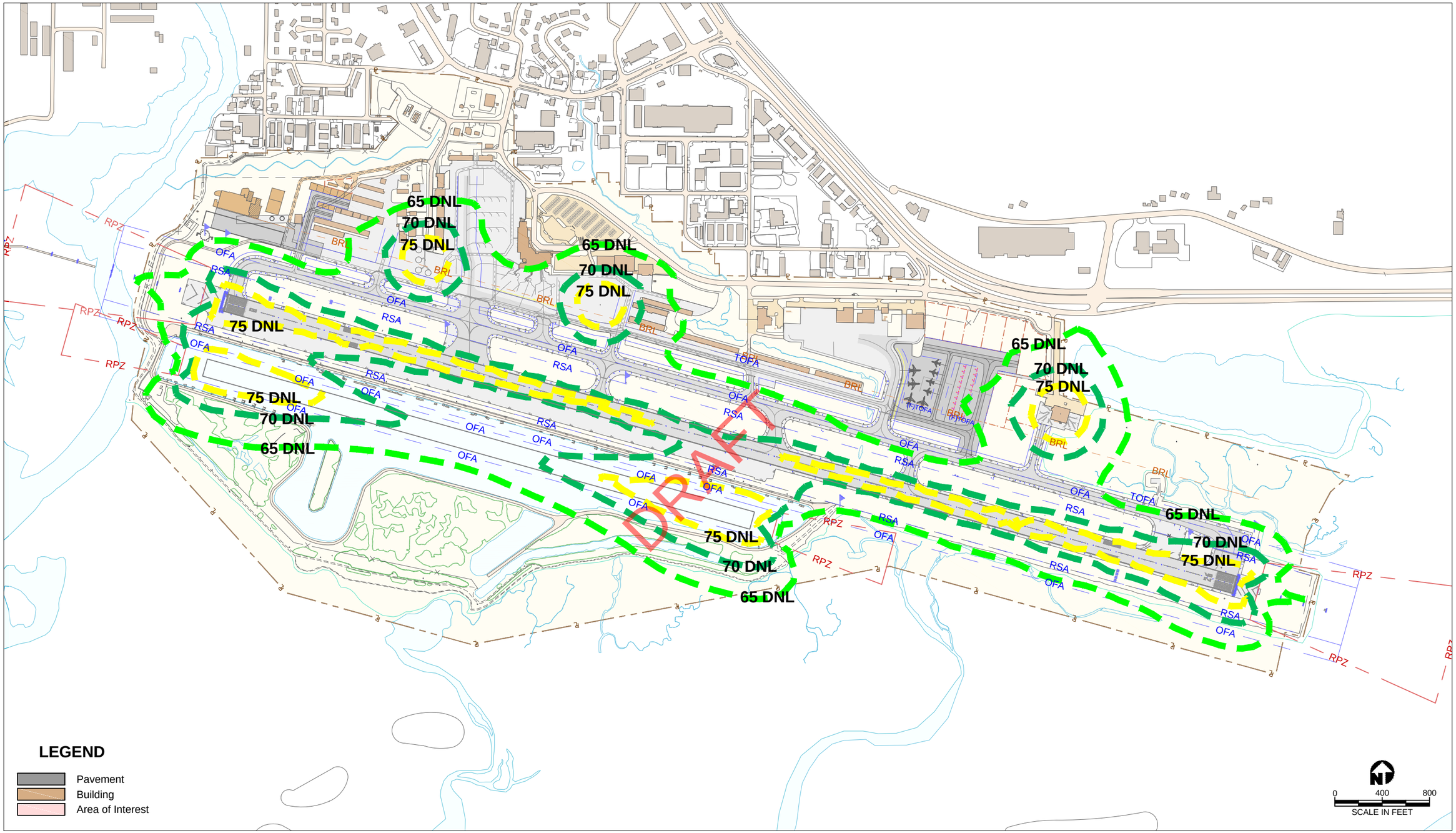
**Source:** 14 CFR Part 150, Appendix A, Table 1 (as published in 1984).

**Figure 2-1. Noise Level of Common Sounds**




**Source:** FAA

2.2.1.5 As described in 14 CFR Part 150, *Airport Noise Compatibility Planning*, exterior noise levels at or above Day-Night Average Sound Level (DNL) 65 decibels (dB) are considered incompatible with residences and some other noise sensitive land use. **Table 2-1** shows land use compatibility with aircraft noise located within a range of decibel dB DNL measured noise levels. For more information on the compatibility of specific land uses with various levels of aircraft noise, refer to 14 CFR Part 150. In addition, see Section 4.2.2 for further discussion of FAA supported airport noise compatibility programs (NCP) developed under 14 CFR Part 150.

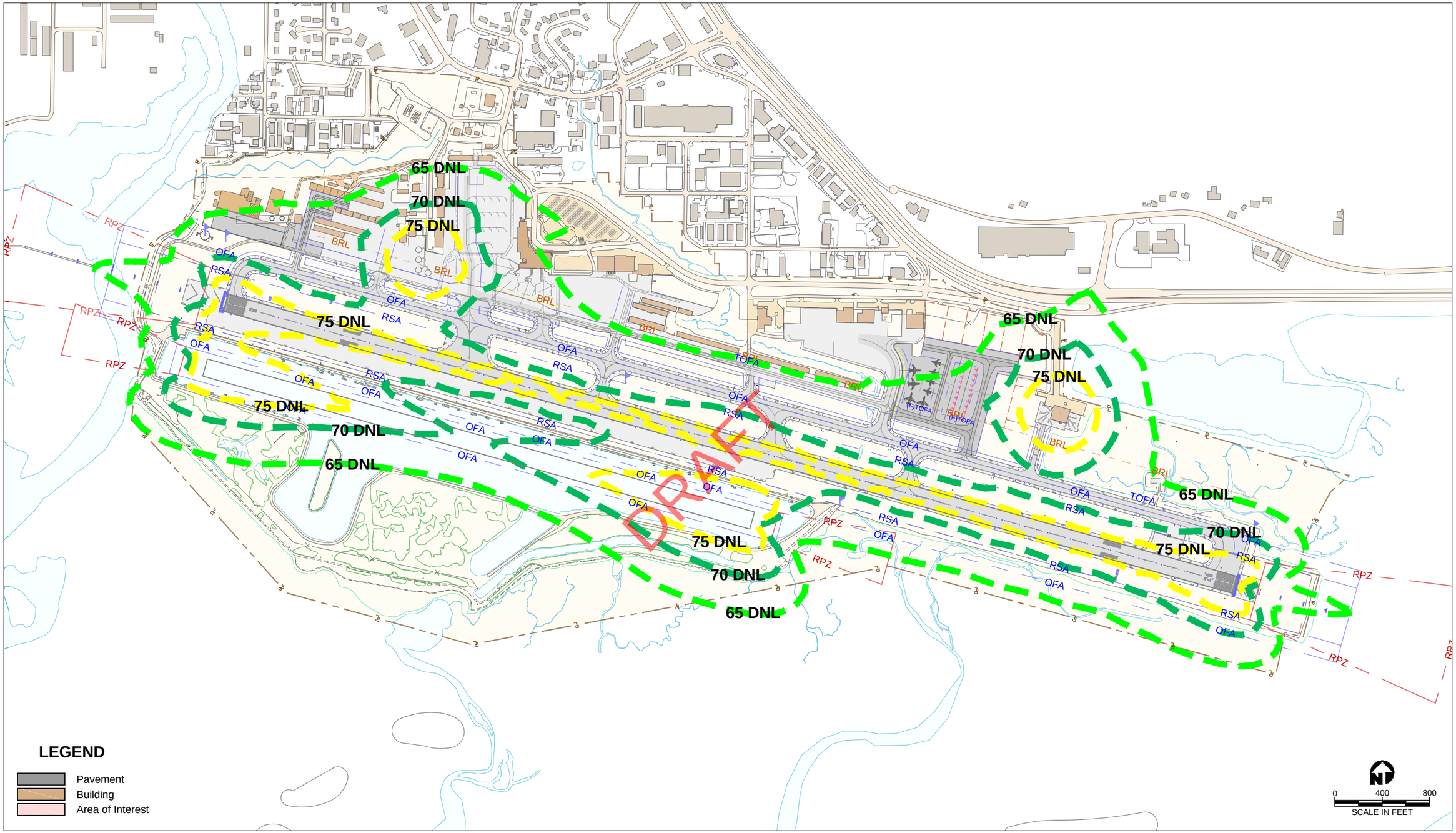



AECOM
1501 4TH AVENUE, SUITE 1400
SEATTLE, WA 98101
PHONE: (206) 438-2700

**JUNEAU INTERNATIONAL AIRPORT**
**AIRPORT SUSTAINABILITY MASTER PLAN**

**INM Noise Model - Year 2015**

SCALE:

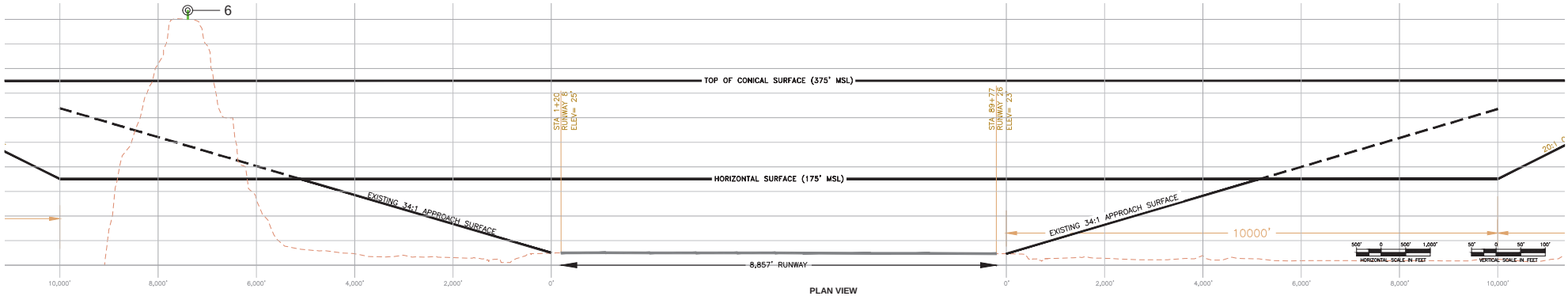



AECOM
1501 4TH AVENUE, SUITE 1400
SEATTLE, WA 98101
PHONE: (206) 438-2700

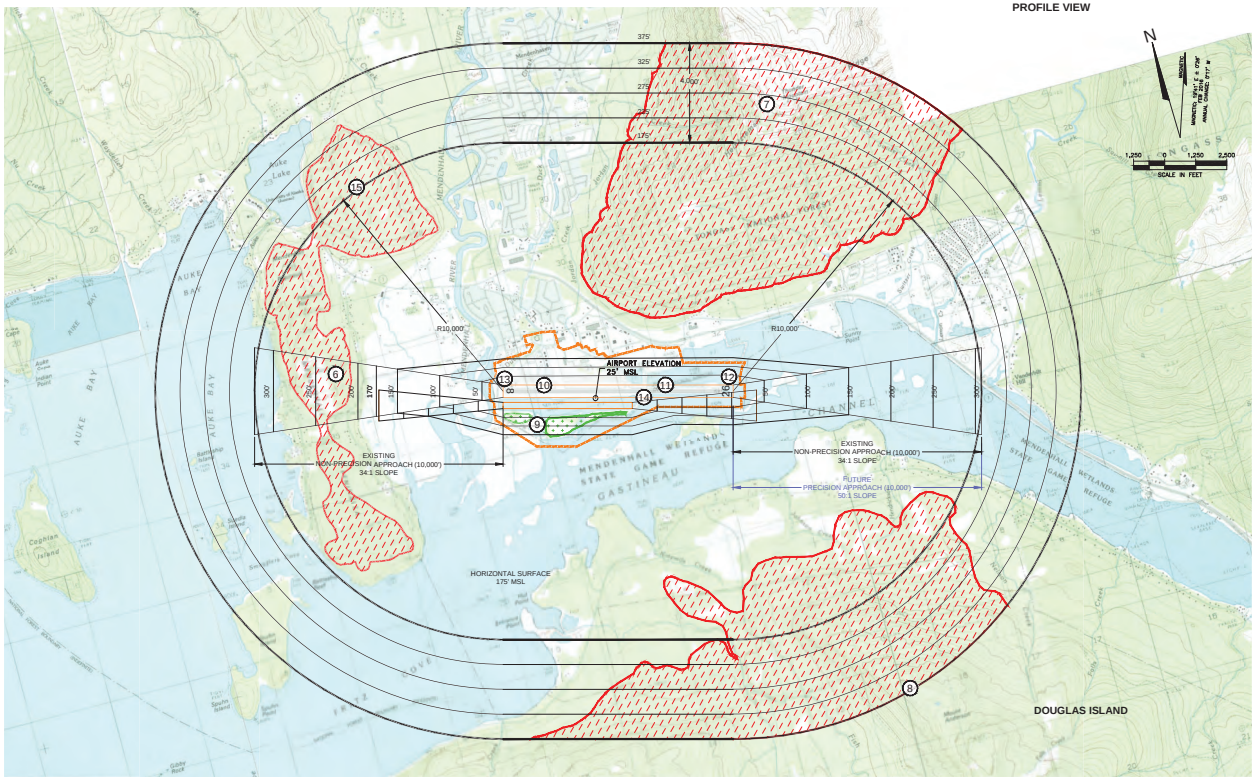
**JUNEAU INTERNATIONAL AIRPORT**
**AIRPORT SUSTAINABILITY MASTER PLAN**

**INM Noise Model - Year 2035**

SCALE:




PLAN VIEW
PROFILE VIEW




## OBSTRUCTION DATA TABLE

| # | DESCRIPTION | SURVEY DATE | GROUND ELEV. | OBJECT ELEV. | SURFACE | SURFACE ELEV. | PNTR. | CORRECTIVE ACTION |
|---|---|---|---|---|---|---|---|---|
| 1-5 | SEE SHEETS 6 & 7 FOR DETAILS | | | | | | | |
| 6 | TERRAIN | - | 500' | 500' | 34:1 APPROACH | 255' | 245' | NONE |
| 7 | TERRAIN | - | 2,900' | 2,900' | CONICAL | 280' | 2,620' | NONE |
| 8 | TERRAIN | - | 2,100' | 2,100' | CONICAL | 383' | 1,717' | NONE |
| 9 | TREES | - | 25' | 70' | TRANSITIONAL | 55' | 15' | NONE |
| 10 | RVR | - | - | 37' | PRIMARY | 29' | 8' | NONE |
| 11 | RVR | - | - | 28' | PRIMARY | 23' | 5' | NONE |
| 12 | JAWS | - | - | 48' | PRIMARY | 23' | 25' | NONE |
| 13 | JAWS | - | - | 50' | PRIMARY | 24' | 26' | NONE |
| 14 | JAWS | - | - | 51' | PRIMARY | 25' | 26' | NONE |
| 15 | TERRAIN | - | 560' | 560' | CONICAL | 212' | 348' | NONE |
| | TERRAIN | - | VARIES | VARIES | 34:1 APPROACH, TRANSITIONAL, HORIZONTAL, CONICAL | VARIES | VARIES | NONE |
| | TREES | - | VARIES | VARIES | 34:1 APPROACH, TRANSITIONAL, HORIZONTAL, CONICAL | VARIES | VARIES | REMOVE AS NECESSARY |

## FAR PART 77 DIMENSIONAL STANDARDS

| ITEM | RUNWAY 8 | RUNWAY 26 |
|---|---|---|
| RUNWAY TYPE | NON-PRECISION INSTRUMENT OTHER THAN UTILITY, VISIBILITY MINIMUMS NOT LESS THAN 1-MILE | NON-PRECISION INSTRUMENT OTHER THAN UTILITY, VISIBILITY MINIMUMS NOT LESS THAN 1-MILE |
| APPROACH SLOPE | 34:1 | 34:1 |
| APPROACH SURFACE - INNER WIDTH | 500' | 500' |
| APPROACH SURFACE - OUTER WIDTH | 3,500' | 3,500' |
| APPROACH SURFACE - LENGTH | 10,000' | 10,000' |
| PRIMARY SURFACE - WIDTH | 500' | |
| RADIUS OF HORIZONTAL SURFACE | 10,000' | |
| | **RUNWAY 8W** | **RUNWAY 26W** |
| RUNWAY TYPE | UTILITY, VISUAL APPROACH | UTILITY, VISUAL APPROACH |
| APPROACH SLOPE | 20:1 | 20:1 |
| APPROACH SURFACE - INNER WIDTH | 250' | 250' |
| APPROACH SURFACE - OUTER WIDTH | 1,125' | 1,125' |
| APPROACH SURFACE - LENGTH | 5,000' | 5,000' |
| PRIMARY SURFACE - WIDTH | 250' | |
| RADIUS OF HORIZONTAL SURFACE | 5,000' | |

## LEGEND

| DESCRIPTION | SYMBOL |
|---|---|
| ELEVATION ABOVE MEAN SEA LEVEL (MSL) | EL. |
| AMOUNT OF OBJECT PENETRATION INTO PART 77 SURFACE | PNTR. |
| AREAS IN WHICH TERRAIN PENETRATES INTO PART 77 SURFACE | |
| AREAS IN WHICH TREES PENETRATE INTO PART 77 SURFACE | |
| AIRPORT PROPERTY | |

## NOTES

1. ELEVATION IN FEET ABOVE MEAN SEA LEVEL (MSL) AT TOP OF OBJECT. THIS VALUE INCLUDES 15 FEET ADDED TO NON-INTERSTATE ROADWAYS AND 23 FEET ADDED TO RAILROADS.
2. OBSTRUCTION DATA SOURCE: 2014 AIRPORT LAYOUT PLAN
3. SEE INNER APPROACH SURFACES DRAWINGS, SHEETS 5 AND 6 FOR CLOSE-IN DETAILS.
4. US GEOLOGICAL SURVEY (USGS) DIGITAL RASTER GRAPHIC (DRG) 7.5 MINUTE QUAD PROJECTED IN UNIVERSAL TRANSVERSE MERCATOR (UTM) ZONE 8. USGS MAPS DATED 1986. HORIZONTAL DATUM: NORTH AMERICAN DATUM (NAD) 1927, VERTICAL DATUM: NATIONAL GEODETIC VERTICAL DATUM 1929.

ONE INCH
AT FULL SIZE, IF NOT ONE INCH SCALE ACCORDINGLY


AECOM
1111 3rd AVENUE, SUITE 1600
SEATTLE, WA 98101
PHONE: 206-438-2700


| PROJECT MANAGER: | JJY | DRAFTED BY: | RLO |
|---|---|---|---|
| DESIGNED BY: | RLO | CHECKED BY: | JJY |

| # | REVISION | COMPANY | BY | DATE |
|---|---|---|---|---|
| | | | | |

JUNEAU INTERNATIONAL AIRPORT
ALASKA'S CAPITAL CITY

JUNEAU INTERNATIONAL AIRPORT
AIRPORT MASTER PLAN

AIRSPACE PLAN

SCALE: VARIES
DATE: DECEMBER 2017

AIP NUMBER: 3-16-0133-059-2013
ASN: 2017-AAL-190-NRA
SHEET NUMBER: 4 OF 11

Attachment I - Juneau International Airport Airspace Plan

## Irene Gallion

**From:** Patty Wahto
**Sent:** Tuesday, July 20, 2021 10:39 AM
**To:** Alec Venechuk; Irene Gallion; John Bohan; Charlie Ford; Dan Jager; Dan Bleidorn
**Subject:** RE: AME21-09: Rezone request

Sure. I understand. My concern would be that the properties are sold without this information upfront. People may think they can do more (business intent) and find out that they may not be able to develop as planned (before they even get to the permit phase).

*Patty Wahto*
*Airport Manager*
*Juneau International Airport*
*(907) 789-7821*

EMAIL: Patty.Wahto@jnuairport.com

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**From:** Alec Venechuk <Alec.Venechuk@juneau.org>
**Sent:** Tuesday, July 20, 2021 9:57 AM
**To:** Patty Wahto <Patty.Wahto@jnuairport.com>; Irene Gallion <Irene.Gallion@juneau.org>; John Bohan <John.Bohan@juneau.org>; Charlie Ford <Charlie.Ford@juneau.org>; Dan Jager <Dan.Jager@juneau.org>; Dan Bleidorn <Dan.Bleidorn@juneau.org>
**Subject:** RE: AME21-09: Rezone request

If there's already restricted use within a defined area of the airport, I don't think additional covenants are necessary. The restrictions and limitations can be adequately applied during a building permit application. If there's a law or federal regulation that limits development options, I would cite that in a permit application process. No need to hamper private properties with any more restrictions than what the law already allows. Just my two cents.

-Alec

Alec Venechuk, PE
*Project Engineer*
*City and Borough of Juneau*
*155 S. Seward St.*
*Juneau, AK 99801*
*(907) 586-0800 Ext. 4187 (office)*
Alec.Venechuk@juneau.org

**From:** Patty Wahto <Patty.Wahto@jnuairport.com>
**Sent:** Monday, July 19, 2021 4:01 PM
**To:** Irene Gallion <Irene.Gallion@juneau.org>; John Bohan <John.Bohan@juneau.org>; Alec Venechuk <Alec.Venechuk@juneau.org>; Charlie Ford <Charlie.Ford@juneau.org>; Dan Jager <Dan.Jager@juneau.org>; Dan Bleidorn <Dan.Bleidorn@juneau.org>
**Subject:** RE: AME21-09: Rezone request

Thank you Irene.
The Airport does not change its position since the report provided to CDD and Planning Commission. There will be restricted use near the airport, restricted heights (due to flight paths), etc. Any business developing a lot will require airport and FAA review for activity/use. We are still asking that covenants be put on the property so that people purchasing know the restrictions prior to purchasing and developing (these are in the report we provided).
Patty

*Patty Wahto*
*Airport Manager*
*Juneau International Airport*
*(907) 789-7821*

EMAIL: Patty.Wahto@jnuairport.com

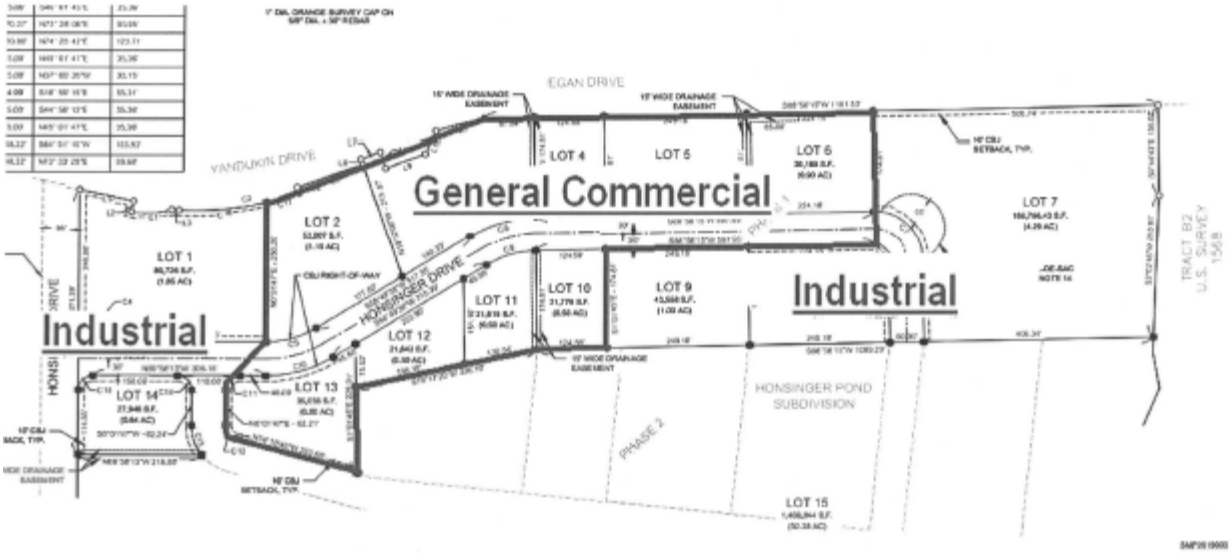
**From:** Irene Gallion <Irene.Gallion@juneau.org>
**Sent:** Monday, July 19, 2021 3:47 PM
**To:** John Bohan <John.Bohan@juneau.org>; Alec Venechuk <Alec.Venechuk@juneau.org>; Charlie Ford <Charlie.Ford@juneau.org>; Dan Jager <Dan.Jager@juneau.org>; Patty Wahto <Patty.Wahto@jnuairport.com>; Dan Bleidorn <Dan.Bleidorn@juneau.org>
**Cc:** Irene Gallion <Irene.Gallion@juneau.org>
**Subject:** AME21-09: Rezone request

Hello all,

Bicknell is requesting a rezone for some of the lots in his Honsinger Pond Subdivision – image below. The intent is more flexible zoning for lots close to Egan, while providing an Industrially-zoned buffer along the airport.

Please have any comments to be my July 30, 2021. If you need more time let me know and we'll work something out.

Thanks!




**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 X2

.

*Fostering excellence in development for this generation and the next.*

## Irene Gallion

**From:** Patty Wahto
**Sent:** Tuesday, July 20, 2021 1:44 PM
**To:** Alec Venechuk; Irene Gallion; John Bohan; Charlie Ford; Dan Jager; Dan Bleidorn
**Subject:** RE: AME21-09: Rezone request
**Attachments:** FW: Honsiger Pond Rezone and Access Airport Comments November 2016

Just so you have it, attached is the packet of comments and diagrams for this area that the Airport sent out. Technically, the commercial rezone would allow for residential, which is restricted in this area due to noise contours/noise restrictions (above 65dB). This would have to be disclosed and would not be able to be used for residential; among other things.
Patty

*Patty Wahto*
*Airport Manager*
*Juneau International Airport*
*(907) 789-7821*

EMAIL: Patty.Wahto@jnuairport.com

---

**From:** Alec Venechuk <Alec.Venechuk@juneau.org>
**Sent:** Tuesday, July 20, 2021 9:57 AM
**To:** Patty Wahto <Patty.Wahto@jnuairport.com>; Irene Gallion <Irene.Gallion@juneau.org>; John Bohan <John.Bohan@juneau.org>; Charlie Ford <Charlie.Ford@juneau.org>; Dan Jager <Dan.Jager@juneau.org>; Dan Bleidorn <Dan.Bleidorn@juneau.org>
**Subject:** RE: AME21-09: Rezone request

If there's already restricted use within a defined area of the airport, I don't think additional covenants are necessary. The restrictions and limitations can be adequately applied during a building permit application. If there's a law or federal regulation that limits development options, I would cite that in a permit application process. No need to hamper private properties with any more restrictions than what the law already allows. Just my two cents.

-Alec

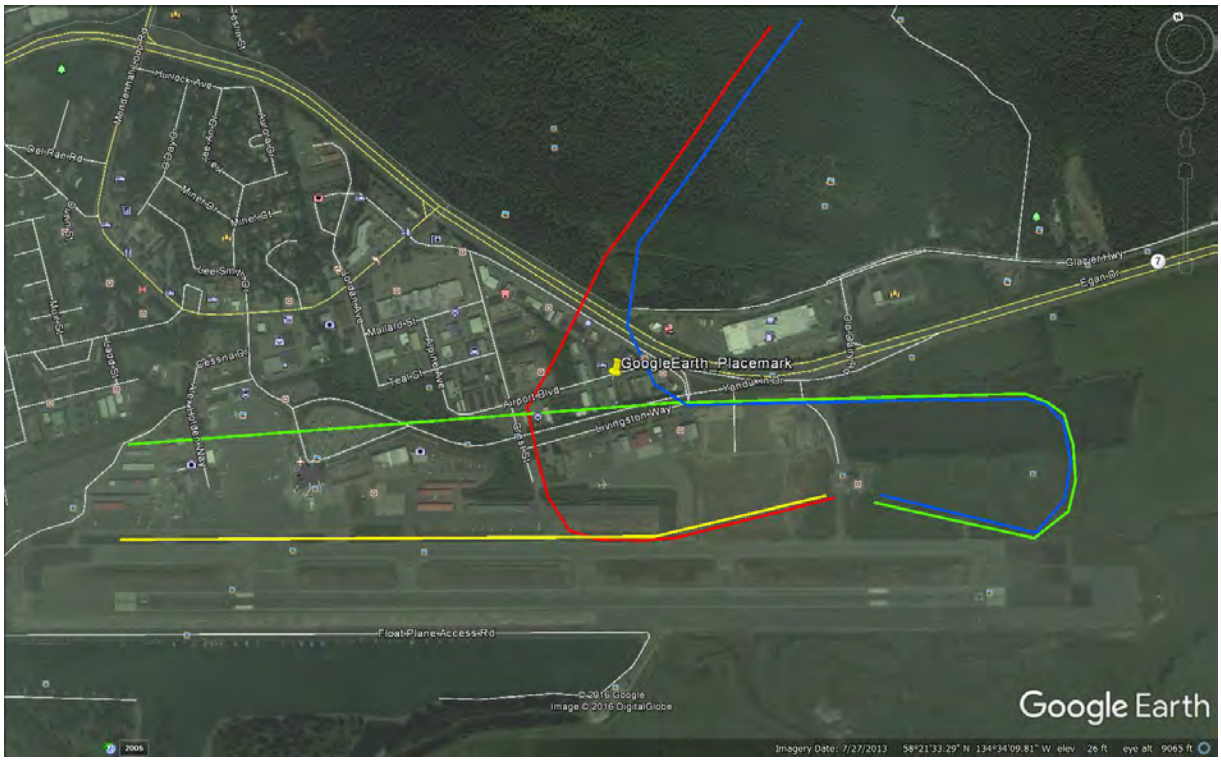
Alec Venechuk, PE
*Project Engineer*
*City and Borough of Juneau*
*155 S. Seward St.*
*Juneau, AK 99801*
*(907) 586-0800 Ext. 4187 (office)*

*Juneau International Airport*
*November 18, 2016:*
*Comments on Bicknell Property, aka Honsinger Pond, A Fraction of Tract B, USS 1568 & USS 1852, Adjacent to NE Quadrant of Juneau International Airport.*

The Airport's comments on the above property are two-fold: Bicknell's request to Rezone and Access to the property (if rezoned). It is the Airport's understanding that the property owner is in the process of requesting a condition use permit and rezone from Rural Reserve to Industrial.

The Airport contends there are potential restrictions to this parcel due to its location adjacent to the Airport. Granting a conditional use and/or rezone is premature. The City and the property owner should be put on notice about the restrictions to established flight paths and use that is compatible with airport and safe flight operations.

Conditional Use/Rezone:
Any steps to rezone this property must take into consideration future use in proximity to the Airport per FAA Land Compatibility Use . The property is situated in an established flight corridor for the adjacent heliport. TEMSCO has been operating from the heliport since 1983. Flight patterns require helicopters to stay north of the runway and typically fly over the 'Pond' area. This flight pattern keeps helicopters away from the runway corridor, and out of the '*missed*' approach path for Instrument (IFR) traffic from either direction on the runway (Runway 8 or 26). Airport grant assurances require airports to maintain these flight corridors/airspace (not allow building into established flight paths). Obstructions to airspace and/or navigation are prohibited. See attached TEMSCO Flight Paths.




*TEMSCO Route 1: The Routes 1 depicts arrival and departure routes for steep creek in red and blue. The green and yellow would be Auke bay and Mendenhall departures and arrivals. Routes would be revered for wind direction i.e. East/West flow.*

*TEMSCO Route 2: The Routes 2 depicts departures to the downtown Egan area or lemon creek/Blackerby in red and blue. Departures south of the runway are depicted in green and yellow.*
*Routes would be revered for wind direction i.e. East/West flow.*

As such, Federal Aviation Administration (FAA) requires protection of airspace around airports under 14 CFR Part 77—SAFE EFFICIENT USE, AND PRESERVATION OF THE NAVIGABLE AIRSPACE. Proposed development (now or future) requires assessment. Any conditional use or rezone should stipulate established and future aeronautical need to preserve airspace and instrument approaches. This includes the Airport's future goal of extending the east Runway 26 Airport approach lighting system for the Medium Intensity Approach Lighting System with Runway Alignment Indicator (MALSR).

FAA strongly recommends that any development near aircraft approach and departure paths be for low level concentration of people. The FAA does not recommend developing churches, schools, sporting event areas (football, baseball, racetracks, etc.), parks, etc. Accident data shows that majority of crashes tend to occur near runway ends (fixed wing aircraft), as well as below and adjacent to approach and departure flight paths (helicopter, fixed wing) therefore discourage development in those areas.

The Airport currently has an abbreviated Medium Intensity Approach Lighting System (MALS). While the installation of the equipment itself does not impact the Bicknell property, the property is within the aircraft instrument containment area. The Required Navigation Procedures (RNP) developed by both Alaska Airlines and Delta Air Lines for landing with reduced minimums (ceilings and visibility) specifies a containment area that extends north of the runway and penetrates the eastern portion of the pond and property. Development in this area must be assessed for the impact to the containment area for this approach. When the approach lighting system expands to a full MALSR, the air carrier minimums are reduced further; and the containment area for the RNP increases, and would further impact the

pond/property for development. It does not mean that the property cannot be 'developed' due to RNP, but it would need further assessment by FAA and air carriers and may have limitations.

Certain types of new development adjacent to airports are prohibited by the FAA. Development near an airport/approach corridors prohibit development or activity which would attract wildlife (AC 150/5200-33B) and become a hazard to aircraft operations. Again, a stipulation on a conditional use or rezone should require full disclosure on exact development or use so that the Airport and FAA may assess hazardous or wildlife attractant conditions.

For example: The Airport understands that there is a proposed motocross for the property. Dust associated with this type of activity is considered hazardous for large air carrier operations, helicopters in this area. When airports are under construction, the airport or contractors are tasked with applying dust palliative to prevent ingestion to aircraft and wing flaps. A dust palliative should be required to keep dust from drifting to the airport/aircraft; as well as keep a 'dust haze' abated (Soldotna Airport). The Airport experienced dust issues during the Runway Safety Area project and dust control measures were required for safety. While the dust may also impact Egan, the consideration is beyond the discussion for the Airport, but should be considered overall. Dust is a concern for motocross activities nationwide, but especially at airports.

Additionally, the Airport is finalizing the updated 20-year Sustainability Master Plan (Spring 2017). As a part of that plan, the Airport must update their Noise Contour mapping. The baseline of 65dB and higher (70 and 75 dB) is detailed on the 2015 Draft Noise Contour Model; and for future planning, the 2035 Draft Noise Contour Model. Development in the area will need to consider the Noise Contour mapping for noise sensitive improvements (hotels, etc). Also refer to 14 CFR Part 150.

Use and/or rezone should require the owner to complete an aviation compatibility use study. This 'step' is required for anything related to the airport especially because of its location. The property lies within noise sensitive areas, RNP containment for instrument approaches, flight paths for helicopters and height restrictions on improvements. Consideration of wildlife attractants, dust control measures and non-compatible use in the vicinity of an airport need to be assessed. Additionally, any development on the adjacent parcel would require the appropriate airspace determinations and consideration of wildlife hazards/height/obstructions on any planned development.

Access:

Bicknell's property (Honsinger Pond) currently has driveway access along the on-ramp to Egan. If the owner proposes different use/rezone, the State of Alaska will not allow a public entry at the driveway location due to traffic. (Note that the entrance to Maplesden off Yandukin is as close to the on-ramp of Egan as the State/Alaska will allow.) There is a request to use Maplesden Road for access to the Bicknell property. Maplesden Road is Airport property; not a public right-of-way. The property tract containing Maplesden is subject to FAA rules for land use (refer to FAA Order 5190.6B FAA Airport Compliance Manual for Federally Obligated airports). Masplesden Road was built by TEMSCO Helicopter in 1983 in exchange for rent credit. In 2009-2011, Maplesden Road was relocated (and straightened) with FAA Airport Improvement Program (AIP) funding. The purpose of AIP funding is to support aviation

development and Maplesden provides access to existing aviation users as well as to areas intended for future aviation growth and build up the Northeast quadrant of the airport. This is an aviation-use road maintained by the Airport and Airport funds.

The FAA would consider access from Maplesden to an off-airport, non-aeronautical user without reimbursement, to be a violation of the Airport's grant assurances. Non-aeronautical lease and rates could apply for a portion of the area (to allow access), so long as it is under lease with the Airport and the Airport could terminate at any time. The Airport is obligated to protect its assets as well as airspace.

- Maplesden Road was reconstructed with AIP funds as an airport road. Refer to **Table P-3 of the AIP handbook (Order 5100.38D)** which stipulates eligibility criteria for access roads. If the Airport allows the proposed access without benefit back to the Airport , FAA may consider a portion of Maplesden Road to be ineligible and require reimbursement of the AIP funds. Benefits may include a limited non-aeronautical lease/rate, a land trade for the access area, or sale of land (requires federal process and costs).

- As outlined in FAA Order 5190.6B, Maplesden Road is part of Tract 14 (conveyed via Quit Claim Deed in 1975) of the Juneau International Airport Exhibit 'A' Land Map (FAA legal land ownership document) and part of the Airport Layout Plan (ALP), which designates ownership of the Tracts/how obtained, etc. This is an official FAA –Airport signed document. With each federal grant, the Airport and CBJ Attorney sign acknowledging that they abide by the FAA AIP Grant Assurances. This includes the preservation of airport land for aviation purposes, air space etc. See airport-sponsor-assurances attachments section 5, 21, 31. All Airport land is subject to Federal land use, obligations and grant assurances regardless of how it was originally acquired. Please refer to Exhibit A/Airport Layout Plan.

The Airport has outlined the following 'choices' on Honsigner Pond access:

1) Do nothing; no rezone. Property used as-is.
2) *Allow Public Access through property transfer/disposal of property. This is a federal process that takes time through Federal Register and assess value of property loss (as well as reimbursement of AIP funds to the FAA).
3) *Land Swap. Public Access in exchange for other adjacent property for airport use.
4) *Airport would purchase Honsinger Pond land outright (need a financial plan)
5) *Combination: Airport purchase Honsinger Pond through partial cash + Bicknell use of land for dumping (stumps and unsuitable material) for a period of time or to make up difference in total cost $.
6) Aviation Compatibility Use Study (regardless, all the * items 2-5 would require this process), another updated appraisal on the property is required since the current one is too old for FAA, and separate from the Use Study.
    a. Identify Aviation current/future use & impact
    b. FAA rules for adjacent to airport
    c. FAA funding rules/operations in area (NOTE: new noise compatibility contours in draft; extends noise area further out)
    d. Liabilities/opportunities for the Airport.

**It is in the best interest of the Airport to protect its land assets and a requirement to protect airspace and navigation.**

Some Additional References:

Order 5190.6B
AIP Handbook (Order 5100.38D)
The below are the main resources used for justification:

1. FAA Order 5190.6B Airport Compliance Manual (Ch. 20, Compatible Land Use and Airspace Protection
2. ACRP Report 27. Enhanced Airport Land Use Compatibility, Volume 1: Land Use Fundamentals and Implementation Resources.

**b. Guidance.** There are a number of sources that can assist an airport sponsor in dealing with noise, obstructions, and other incompatible land uses. Some of these are:

**(1).** *A Model Zoning Ordinance to Limit Height of Objects Around Airports*, Advisory Circular (AC) 150/5190-4A.

**(2).** *Citizen Participation in Airport Planning,* AC 150/5050-4.

**(3).** *Guidelines for Considering Noise in Land Use Planning and Control,* Federal Interagency Committee on Urban Noise, June 1980.

**(4).** *Hazardous Wildlife Attractants on or Near Airports*, AC 150/5200-33B, August 28, 2007.

**(5).** *Noise Control Planning,* FAA Order 1050.11A, January 13, 1986.

**(6).** *Noise Control and Compatibility Planning for Airports*, AC 150/5020-1.

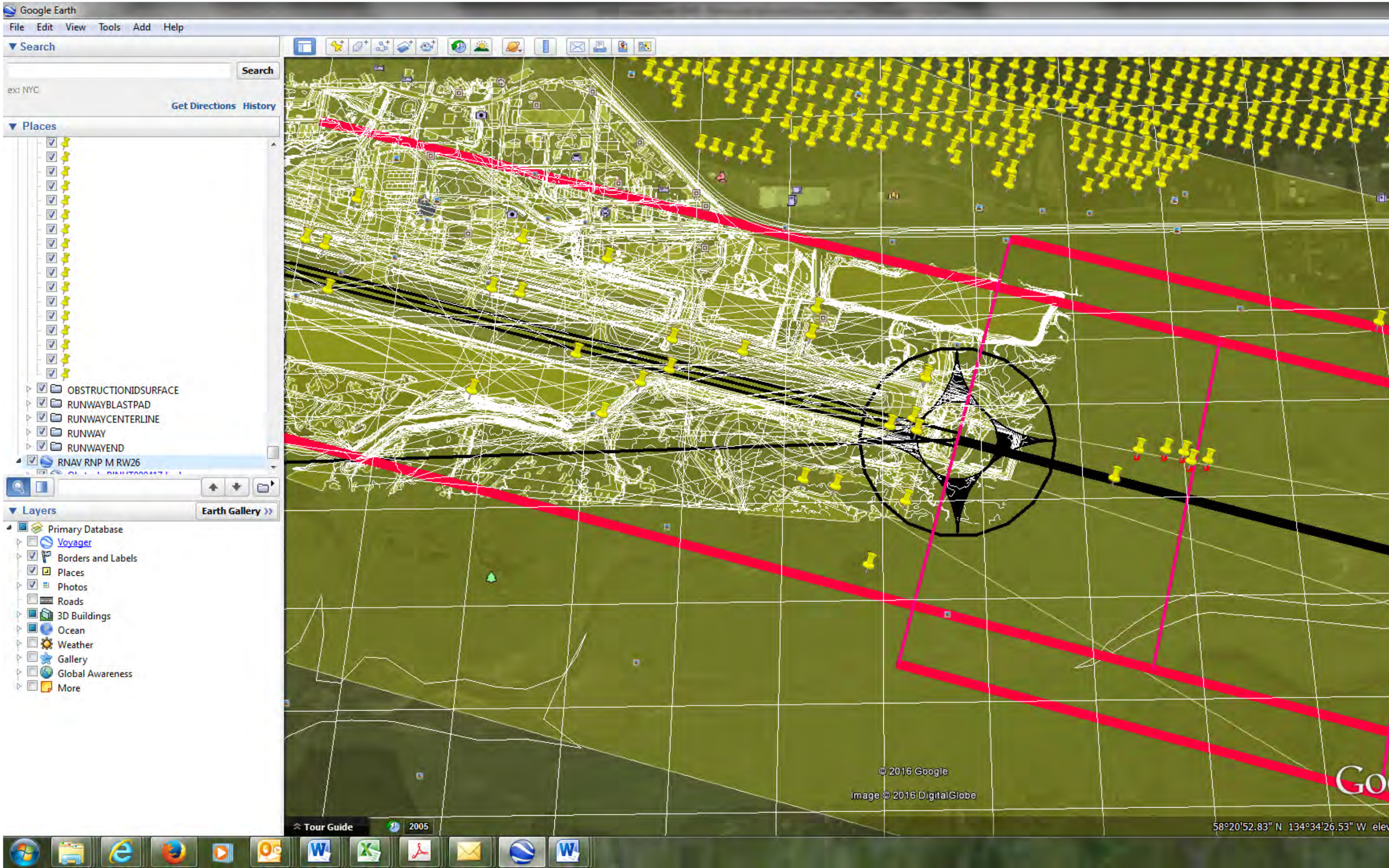
**(7).** *Federal and State Coordination of Environmental Reviews for Airport Improvement Projects*. (RTF format) – Joint Review by Federal Aviation Administration and National Association of State Aviation Officials (NASAO), issued March 2002.

**(8).** *Land Use Compatibility and Airports, a Guide for Effective Land Use Planning* (PDF format), issued by the FAA Office of Environment and Energy.

**(9).** *Compatible Land Use Planning Initiative* (PDF format), 63 Fed. Reg. 27876, May 21, 1998.

**(10).** *Draft Aviation Noise Abatement Policy 2000* (PDF format) 65 Fed. Reg. 43802, July 14, 2000.

**(11).** *Airport Noise Compatibility Planning Toolkit – FAA's Initiative for Airport Noise and Compatibility Planning*, issued by the FAA Office of Environment and Energy.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RUNWAYCENTERLINE
RUNWAY
RUNWAYEND
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Earth Gallery
Primary Database
Voyager
Borders and Labels
Places
Photos
Roads
3D Buildings
Ocean
Weather
Gallery
Global Awareness
More
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Image © 2016 DigitalGlobe
Tour Guide
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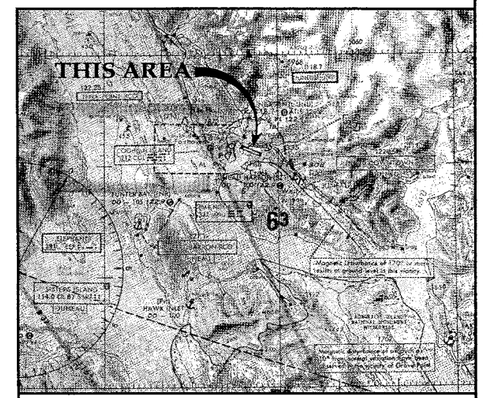
R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS




33rd EDITION **VICINITY MAP** APRIL 29, 1993
SCALE IN FEET
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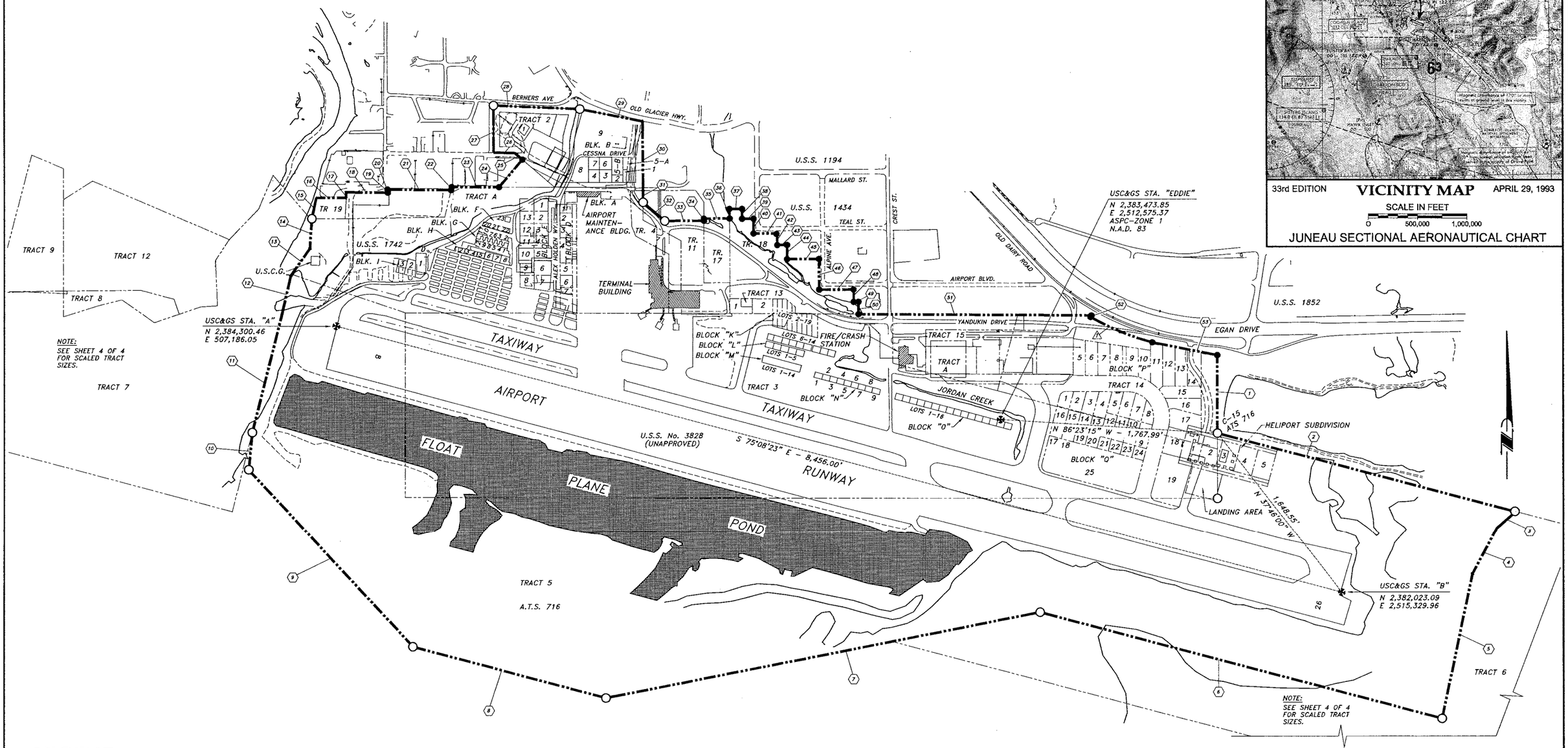
JUNEAU SECTIONAL AERONAUTICAL CHART




## LEGEND

- JUNEAU INTERNATIONAL AIRPORT BOUNDARY LINE
- BOUNDARY / PROPERTY LINE
- PRIMARY SURVEY MONUMENT
- SECONDARY SURVEY MONUMENT
- BUILDING
- EDGE OF RIVER, CREEK, POND, ETC.
- GRAVEL ROAD
- EDGE OF PAVEMENT

# JUNEAU INTERNATIONAL AIRPORT
## LAND STATUS MAP WITH BOUNDARY DIMENSIONS

GRAPHIC SCALE IN FEET
0 400 800 1200 1600 2000 2400 2800 3200

# JUNEAU INTERNATIONAL AIRPORT
## EXHIBIT "A"
## LAND STATUS MAP

CLIENT:
C.B.J. AIRPORT DEPARTMENT
1873 SHELL SIMMONS DRIVE
JUNEAU, ALASKA 99801

SURVEYOR:
R&M ENGINEERING, INC.
P.O. BOX 34278
JUNEAU, ALASKA 99803

SHEET 1 OF 4

R&M PROJECT No. 011797

AUGUST 30, 2001

I:\2001PROJ\011797\SHEET-1.dwg 1:1 PLOT: 8-30-01 at 9:00 AM by SAM

FILE: 1-872

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS

## SUMMARY OF SURVEY COURSES (PROPERTY DIMENSIONS)

| FLAG | RECORD | SURVEYED |
|---|---|---|
| 1 | (SOUTH - 636.75') | SOUTH - 636.75' |
| 2 | (S 75°08'00" E - 2,507.00') | S 75°08'00" E - 2, 507.00' |
| 3 | (S 48°10'45" W - 205.66') | S 48°10'45" W - 205.66' |
| 4 | (S 27°51'30" W - 421.00') | S 27°51'30" W - 421.00' |
| 5 | (S 11°52'00" W - 1,207.00') | S 11°52'00" W - 1,207.00' |
| 6 | (N 75°08'00" W - 3,385.00') | N 75°08'00" W - 3,385.00' |
| 7 | (S 78°41'30" W - 3,600.00') | S 78°41'30" W - 3,600.00' |
| 8 | (N 75°08'00" W - 1,623.50') | N 75°08'00" W - 1,623.50' |
| 9 | (N 42°35'00" W - 1,960.00') | N 42°35'00" W - 1,960.00' |
| 10 | (N 5°20'00" E - 308.68') | N 5°20'00" E - 308.65' |
| 11 | (N 13°48'45" E - 996.87') | N 13°48'45" E - 996.77' |
| 12 | (N12°59'00" E - 319.22') | N12°59'00" E - 319.19' |
| 13 | (N 35°00'45" E - 271.81') | N 35°00'45" E - 271.77' |
| 14 | (N 3°46'00" E - 242.92') | N 3°46'00" E - 242.90' |
| 15 | (N 11°08' E - 173.17') | N 11°52'15" E - 173.17' |
| 16 | (N 89°56'15" E - 239.19') | N 89°56'15" E - 242.48' |
| 17 | (N 1°03'00" E - 45.55') | N 1°03'00" E - 45.52' |
| 18 | (S 89°19'00" E - 331.76') | S 89°34'00" E - 331.78' |
| 19 | (N 0°41'00" E - 25.00') | N 0°41'00" E - 25.00' |
| 20 | (N 0°41'00" E - 25.00') | N 0°41'00" E - 25.00' |
| 21 | (S 89°19'00" E - 524.38') | S 89°13400" E - 520.00' |
| 22 | (N 13°22'00" E - 25.62') | N 13°07'30" E - 25.62' |
| 23 | (S 89°44'00" E - 380.69') | S 89°57'45" E - 381.05' |
| 24 | (N 40°50'00" E - 295.71') | N 40°35'30" E - 295.56' |
| 25 | (N 49°14'30" E - 83.26') | N 49°14'30" E - 83.26' |
| 26 | (N 89°30'30" W - 173.25") | N 89°30'30" W - 173.25" |
| 27 | (NORTH - 383.04') | N 0°01'30" W - 383.04' |
| 28 | (N 89°44'OO" E - 697.31') | N 87°41'45" E - 703.04') |
| 29 | (S 79°00'00" E - 520.00') | S 79°00'00" E - 520.00' |
| 30 | (SOUTH - 567.67') | S 0°22'15" E - 562.18' |
| 31 | (S 0°05'15" W - 95.00') | S 0°05'15" W - 95.00' |
| 32 | (S 49°29'30" E - 232.61') | S 49°29'30" E - 232.61' |
| 33 | (N 89°37'15" E - 320.00') | N 89°37'15" E - 320.00' |
| 34 | (N 0°28'00" E - 17.99') | N 0°09'30" E - 17.99' |
| 35 | (N 89°37'15" E - 207.46') | N 89°37'15" E - 207.46' |
| 36 | (N 0°21'00" W - 78.00') | N 1°17'30" W - 77.74' |
| 37 | (N 89°39'00" E - 101.26') | N 89°44'00" E - 101.17' |
| 38 | (S 0°21'00" E - 80.00') | S 0°18'45" E - 80.03' |
| 39 | (N 89°39'00" E - 91.27') | N 89°37'00" E - 91.70' |
| 40 | (S 0°21'00" E - 120.00') | S 0°10'30" E - 120.06' |
| 41 | (N 89°39'00" E - 197.00') | N 89°39'45" E - 196.79' |
| 42 | (S 0°21'00" E - 95.00') | S 0°17'30" E - 95.02' |
| 43 | (N 89°39'00" E - 80.00') | N 89°39'00" E - 79.99' |
| 44 | (S 0°21'00" E - 115.00') | S 0°22'15" E - 115.00' |
| 45 | (N 89°39'00" E - 257.00') | N 89°39'00" E - 257.09' |
| 46 | (S 0°21'00" E - 250.00') | S 0°18'00" E - 249.89' |
| 47 | (N 89°39'00" E - 277.00') | N 89°41'30" E - 276.79' |
| 48 | (S 0°21'00" E - 100.54') | S 0°24'45" E - 100.72' |
| 49 | (N 89°39'00" E - 40.00') | N 89°33'45" E - 39.99' |
| 50 | (S 0°21'00" E - 100.54') | S 0°19'45" E - 100.39' |
| 51 | (S 89°45'45" E - 1,899.18') | S 89°42'45" E - 1,896.20' |
| 52 | (S 29°46'15" W - 15.00') | S 29°46'15" W - 15.00' |
| 53 | (S 78°24'45" E - 538.21') | S 78°45'30" E - 536.64' |

## CURVE DATA

| FLAG | RECORD | SURVEYED |
|---|---|---|
| 1 | Δ = 15°13'00"<br>R = 2,064.86'<br>T = 548.33'<br>L = 275.79'<br>CH = S 67&&D50'15" E<br>545.62' | Δ= 15°13'00"<br>R = 2,064.86'<br>T = 548.33'<br>L = 275.79'<br>CH = S 67°50'15" E<br>545.62' |

## REAL & LEASE PROPERTY STATUS

| | |
|---|---|
| TRACT 1 | QUITCLAIM DEED FROM CIVIL AERONAUTICS ADMINISTRATION, OCTOBER 28, 1953. |
| TRACT 2 | QUITCLAIM DEED FROM CIVIL AERONAUTICS ADMINISTRATION, OCTOBER 28, 1953. |
| TRACT 3 | QUITCLAIM DEED FROM CIVIL AERONAUTICS ADMINISTRATION, OCTOBER 28, 1953; AS INTERPRETED BY ACTION No. 73-206 IN THE SUPERIOR COURT IN THE FIRST JUDICIAL DISTRICT, JUNEAU, ALASKA. |
| TRACT 4 | QUITCLAIM DEED FROM FEDERAL AVIATION ADMINISTRATION, APRIL 26, 1967. |
| TRACT 5 | PATENT FROM STATE OF ALASKA, NOVEMBER 30, 1972 (ALASKA TIDELAND SURVEY No. 716.) |
| TRACT 6 | AVIGATION EASEMENT FROM STATE OF ALASKA, DIVISION OF LANDS, ADL 34756, 31, 1972. |
| TRACT 7 | AVIGATION EASEMENT FROM STATE OF ALASKA, DIVISION OF LANDS, ADL 34756, 31, 1972. |
| TRACT 8 | WARRANTY DEED FROM WILDE, GIBSON AND MAIER, MAY 30, 1967 |
| TRACT 9 | AVIGATION EASEMENT FROM FILE AND AASA, FEBRUARY 5, 1965. |
| TRACT 10 | DEED FROM GLACIER INVESTMENT COMPANY, SEPTEMBER 12, 1961 |
| TRACT 11 | DEEDED TO C.B.J. AS OF 7-29-1997 |
| TRACT 12 | AVIGATION EASEMENT FROM JOE AND BETTY SMITH, MAY 1, 1973 |
| TRACT 13 | E.S.S.A. INSTRUMENT SPACE AGREEMENT PERMIT FROM C.B.J. TO UNITED STATES WEATHER BUREAU THROUGH DECEMBER 2005. |
| TRACT 14 | QUITCLAIM DEED FROM FRED S. HONSINGER, E. LENORE HONSINGER, THEODORE J. SMITH AND SARA J. SMITH, DECEMBER 24, 1975. |
| TRACT 15 | QUITCLAIM DEED FROM FRED S. HONSINGER, E. LENORE HONSINGER, THEODORE J. SMITH, AND SARA J. SMITH MAY 29, 1976. |
| TRACT 16 | WARRANTY DEED FROM GLACIER INVESTMENT COMPANY JULY 30, 1976. |
| TRACT 17 | STATUTORY WARRANT DEED FROM VIVIAN ERWIN, LINDA M. BURLING, AND MARSHA BENNET, SEPTEMBER 12, 1979. |
| TRACT 18 | CONDEMNATION FROM FRANCIS A., JOSEPH M., SIDNEY J., THOEDORE J., AND BETTY SMITH, MAY 28, 1980. |
| LOT 1 TRACT 18 | STATUTORY WARRANTY DEED FROM DAVID & JEANIE ALLISON TO C.B.J., DATED AUGUST 22, 1985. |
| LOT 2 TRACT 18 | STATUTORY WARRANTY DEED FROM ALASKA AIRLINES, INC. TO CHANNEL FLYING, INC. DATED JULY 28, 1978 |
| TRACT 19 | WARRANTY DEED FROM ROSEMARY GUTE AND CLARK GREUNING, JULY 2001 |

## AIRPORT LAND AREA'S

| DESCRIPTION | AREA IN ACRES | AREA IN SQUARE FEET |
|---|---|---|
| ALL AIRPORT PATENTED LANDS | 661.76 | 28,826,279 |
| TRACT 1 | 64.80' | 2,822,740 |
| TRACT 2 | 7.28 | 317,396 |
| TRACT 3 | 182.90 | 7,967,102 |
| TRACT 4 | 2.61 | 113,678 |
| TRACT 5 | 338.73 | 14,755,079 |
| TRACT 6 * | 22.15 | 9,589,734 |
| TRACT 7 * | 91.88 | 4,002,203 |
| TRACT 8 * | 2.94 | 128,180 |
| TRACT 9 * | 10.07 | 438,640 |
| TRACT 10 | 1.17 | 50,869 |
| TRACT 11 | 5.70 | 248,164 |
| TRACT 12 * | 22.01 | 958,929 |
| TRACT 13 ** | 0.15 | 655 |
| TRACT 14 | 29.13 | 1,268,903 |
| TRACT 15 | 11.08 | 482,836 |
| TRACT 16 | 3.28 | 83,359 |
| TRACT 17 | 2.51 | 109,145 |
| TRACT 18 | 11.56 | 503,636 |
| TRACT 19 | 1.01 | 43,838 |

* AVIGATION EASEMENT ONLY AND AREA NOT INCLUDED IN AIRPORT PATENTED LAND AREAS.
** LEASE AREA ONLY AND NOT INCLUDED IN AIRPORT PATENTED LAND AREAS.

## LAND SURVEY NOTES

1. THE BASIS OF BEARING AND UNIFIED SURVEY COURSES WAS THE LINE-OF-SIGHT BETWEEN CORNER 4, U.S. SURVEY NO. 3828, COMMON TO CORNER 1, MEANDER CORNER, U.S. SURVEY NO. 1195, AND MEANDER CORNER 5, U.S. SURVEY NO. 3828/CORNER 1, ALASKA TIDELAND SURVEY NO. 716. THE BEARING OF RECORD FOR THIS MONUMENTED LINE-OF-SIGHT IS NORTH. U.S. SURVEY NO. 3828 IS AN UNIMPROVED B.L.M. SURVEY.
2. A CONTINUOUS TRAVERSE SURVEY WAS CONDUCTED IN 1978 AND EXPANDED IN 1982 AND 1987 FROM THE BASIS-OF-BEARING PREVIOUSLY MENTIONED CIRCUMVENTING THE ENTIRE AIRPORT LANDS AND LOCATING MONUMENTATION WITHIN THE U.S. SURVEY NO'S. 1195, 1434 (VALLEY CENTRE SUB-DIVISION), 381 (CONSISTING OF SUBDIVISIONS OF GLACIER MALL SUBDIVISION, COMMERCIAL FOX SUBDIVISION, TOTEM PARK SUBDIVISION, RIVERSIDE PARK SUBDIVISION, AND MEADOW GROVE SUB-DIVISION), 1193, 1919, 1042, 2136, AS WELL AS ALASKA TIDELAND SURVEY NO. 716.
3. BEARINGS OF THE ABOVE REFERENCED U.S. AND ALASKA TIDELAND SURVEYS AND THEIR SUBDIVISIONS WERE ROTATED TO AGREE WITH THE BASIS OF PROJECT BEARING FOR THIS SURVEY. WHERE BEARINGS AND/OR DISTANCES (SURVEY COURSES) DIFFER FROM RECORD BEARINGS AND/OR DISTANCES, THE RECORD BEARING AND DISTANCE IS FOUND IN THE APPROPRIATE TABLE OUTLINED BY PARENTHESIS, FOLLOWED BY THE MEASURED AND/OR COMPUTED COURSE BY THIS SURVEY. WHERE SURVEY COURSES DIFFER FROM RECORD SURVEY COURSES, THEY ARE SHOWN THUSLY; (N 89°44'00"W-2,640.00') N 89°42'45"W-2,639.58'.
4. ADJUSTMENTS OF U.S. SURVEY BOUNDARIES AND/OR SUBDIVISION LOTS, TRACTS, AND BLOCK LINES, WERE MADE BY THE PROPORTIONAL METHOD OF ADJUSTMENT WHERE MONUMENTS WERE RECOVERED OR BY THE COMPASS METHOD OF ADJUSTMENT WHERE A SERIES OF SURVEY COURSES EXIST BETWEEN RECOVERED AND RECORDED MONUMENTATION.
5. ALL BEARINGS ON THIS SURVEY PLAT WERE ROUNDED TO THE NEAREST 0°00'15" OF ARC. ALL HORIZONTAL DIMENSIONS ARE SHOWN IN U.S. SURVEY FEET.
6. ADDITIONAL MONUMENTS EXIST ON THE BOUNDARY OF THE AIRPORT AS PLACED BY THE "MENDENHALL WETLANDS STATE GAME REFUGE" SURVEY. REFERENCED TO THE LATER PLAT OF SURVEY FOR CLARIFI-CATION.

# JUNEAU INTERNATIONAL AIRPORT
# EXHIBIT "A"
## LAND STATUS MAP

CLIENT:
C.B.J. AIRPORT DEPARTMENT
1873 SHELL SIMMONS DRIVE
JUNEAU, ALASKA 99801

SURVEYOR:
R&M ENGINEERING, INC.
P.O. BOX 34278
JUNEAU, ALASKA 99803

SHEET 2 OF 4

R&M PROJECT No. 011797

AUGUST 30, 2001

I:\2001PROJ\011797\SHEET-2.dwg 1:1 PLOT: 8-30-01 at 10:00 AM by SAM
FILE: 1-872

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS

## AIRPORT LEASED PROPERTY SUMMARY

| LEGAL DESCRIPTION | | AREA | LAND OWNER | LESSEE |
|---|---|---|---|---|
| BLOCK / TRACT | LOT | | | |
| HELIPORT SUBD. | LOTS 1, 2, 3 | 99,000 | C.B.J. | TEMSCO HELICOPTERS |
| HELIPORT SUBD. | LOT 4 | 33,000 | C.B.J. | TEMSCO HELICOPTERS FIRST RIGHT OF REFUSAL |
| HELIPORT SUBD. | LOT 5 | 33,000 | C.B.J. | |
| BLOCK A | LOT 2 | 14,000 | C.B.J. | R & L LEASING, INC. (SUBLESSEE: FEDERAL EXPRESS) |
| BLOCK B | LOT 2 | 5,400 | C.B.J. | DELTA WESTERN (WESTERN PIONEER) |
| BLOCK B | LOT 5B | 13,420 | C.B.J. | AVIS RENTAL CAR |
| BLOCK B | LOT 6 | | C.B.J. | HERTZ RENTAL CAR |
| BLOCK B | LOT 7 | 9,000 | C.B.J. | ACS TELEPHONE |
| BLOCK B | LOT 8A | | C.B.J. | GROUND EQUIPMENT SERVICE |
| LORAN MON SITE | | 23,800 | C.B.J. | U.S. COAST GUARD |
| BLOCK D | LOT 1 & 2 | 17,103 | C.B.J. | L.A.B. FLYING |
| BLOCK D | LOT 3 | 10,000 | C.B.J. | HEIMBIGNER (SUBLEASE: JUNEAU FLIGHT SCHOOL) |
| BLOCK D | LOT 4 | 20,700 | C.B.J. | ALASKA AIRLINES |
| BLOCK D | LOTS 5, 6, 7 | 24,953.5 | C.B.J. | ALASKA AIRLINES |
| BLOCK E | LOT 1 | 11,500 | C.B.J. | |
| BLOCK E | LOTS 2, 3, 4A, 4B, 11A, 11B | 46,070.4 | C.B.J. (RESTRICTION TO DEED) | U.S. FISH & WILDLIFE SERVICE |
| BLOCK E | LOT 5 | 12,000 | C.B.J. | R & L LEASING, INC. |
| BLOCK E | LOTS 6A, 7A, 8A, 9A & 9B | 74,820 | C.B.J. | AERO SERVICES |
| BLOCK E | LOTS 9BB & 10A | 15,037.5 | C.B.J. | DUANE PACKER |
| BLOCK E | LOT 12 | 11,500 | C.B.J. | WAYNE D. PUTNAM, AL CLOUGH |
| BLOCK E | LOT 13 | 11,500 | C.B.J. | JOE JOHNSON |
| BLOCK F | LOTS 20, 21, 22 | 8,280 | C.B.J. | JOSEPH S. JOHNSON |
| BLOCK F | LOT 34 | 3,736 | C.B.J. | JOSEPH S. JOHNSON |
| BLOCK G | LOT 1 | 1,418 | C.B.J. | R&M ENGINEERING |
| BLOCK G | LOT 2 | 1,607 | C.B.J. | ROBERT REID |
| BLOCK G | LOT 3 | 1,213 | C.B.J. | KEN KAREEN |
| BLOCK G | LOT 4 | 1,213 | C.B.J. | SHARP / BIGGE |
| BLOCK G | LOT 5 | 1,607 | C.B.J. | KEN MONTOUR |
| BLOCK G | LOT 6 | 1,213 | C.B.J. | DAVE AND SUSAN FREDERICK |
| BLOCK G | LOT 7 | 1,213 | C.B.J. | LOREN STEPHENS |
| BLOCK G | LOT 8 | 1,213 | C.B.J. | DONALD L. GOOD |
| BLOCK G | LOT 9 | 1,213 | C.B.J. | KEN MONTOUR |
| BLOCK G | LOT 10 | 1,213 | C.B.J. | DENNIS BEDFORD |
| BLOCK G | LOT 11 | 1,213 | C.B.J. | LAUGHLIN |
| BLOCK G | LOT 12 | 1,418 | C.B.J. | JOHNSON |
| BLOCK H | LOT 1 | 2,000 | C.B.J. | LARRY GREGG |
| BLOCK H | LOT 2 | 2,000 | C.B.J. | DAVID CAVE |
| BLOCK H | LOT 3 | 2,000 | C.B.J. | CAVE / DILLY |
| BLOCK H | LOT 4 | 2,000 | C.B.J. | ROUNTREE / JEWELL |
| BLOCK H | LOT 5 | 3,959 | C.B.J. | SAMALON |
| BLOCK H | LOT 6 | 3,957.9 | C.B.J. | BERGDALL / KEMP |
| BLOCK H | LOT 7 | 4,738 | C.B.J. | BRISKE / PHILLIPS |
| BLOCK I | LOTS 1, 2 & 3 | 16,322 | C.B.J. | CIVIL AIR PATROL |
| BLOCK J | LOT 1 | 18,335 | C.B.J. | |
| BLOCK J | LOT 7 | 15,000 | C.B.J. | A.E.L.&P. |
| BLOCK J | LOT 6A | 10,982 | C.B.J. | AERO SERVICES |
| BLOCK J | LOT 8B | 10,579 | C.B.J. | DELTA WESTERN (WESTERN PIONEER) |
| BLOCK K | LOTS 2, 3 & 4 | 22,734 | C.B.J. | RED LEASING (WARD AIR) |
| BLOCK K | LOTS 11, 12, 13, 14 | 19,680.4 | C.B.J. | RED LEASING (WARD AIR) |
| BLOCK K | LOT 15 | | C.B.J. | |
| BLOCK K | LOT 16 | | C.B.J. | |
| BLOCK K | LOT 17 | | C.B.J. | |
| BLOCK K | LOT 18 | | C.B.J. | |
| BLOCK K | LOT 19 | | C.B.J. | |
| BLOCK L | LOT 1 | 3,250 | C.B.J. | COOK |
| BLOCK L | LOT 2 | 3,000 | C.B.J. | GERBI / MIDDLETON |

## AIRPORT LEASED PROPERTY SUMMARY ( CONT'D.)

| LEGAL DESCRIPTION | | AREA | LAND OWNER | LESSEE |
|---|---|---|---|---|
| BLOCK / TRACT | LOT | | | |
| BLOCK L | LOT 3 | 3,000 | C.B.J. | ROHWEDER |
| BLOCK L | LOT 4 | 3,000 | C.B.J. | BROOKS |
| BLOCK L | LOT 5 | 3,250 | C.B.J. | WILLARD |
| BLOCK L | LOT 6 | 3,500 | C.B.J. | |
| BLOCK L | LOT 7 | 3,750 | C.B.J. | ROUNTREE |
| BLOCK L | LOT 8 | 3,000 | C.B.J. | ROUNTREE |
| BLOCK L | LOT 9 | 3,000 | C.B.J. | WARD / LAUGHLIN |
| BLOCK L | LOT 10 | 3,000 | C.B.J. | GROGAN |
| BLOCK L | LOT 11 | 3,250 | C.B.J. | FREER |
| BLOCK L | LOT 12 | 3,250 | C.B.J. | KIBBY |
| BLOCK L | LOT 13 | 3,000 | C.B.J. | SMITH |
| BLOCK L | LOT 14 | 3,000 | C.B.J. | |
| BLOCK L WEST | LOT 1 | 12,000 | C.B.J. | COASTAL FUEL, INC. |
| BLOCK L WEST | LOT 2 | 46770.9 | C.B.J. | COASTAL HELICOPTERS, INC. |
| BLOCK M | LOT 1 | 1,547.04 | C.B.J. | MORRIS ENGINEERING |
| BLOCK M | LOT 2 | 1,722.7 | C.B.J. | BELFLOWER |
| BLOCK M | LOT 3 | 1,179.33 | C.B.J. | DEPUTE |
| BLOCK M | LOT 4 | 1,179.33 | C.B.J. | PALMER |
| BLOCK M | LOT 5 | 1,179.33 | C.B.J. | BLAIR |
| BLOCK M | LOT 6 | 1,179.33 | C.B.J. | STALEY |
| BLOCK M | LOT 7 | 1,179.33 | C.B.J. | (TAL AIR) JACQUES NORVELL |
| BLOCK M | LOT 8 | 1,179.33 | C.B.J. | STALEY |
| BLOCK M | LOT 9 | 1,179.33 | C.B.J. | CLOUGH / YOUNG |
| BLOCK M | LOT 10 | 1,179.33 | C.B.J. | SWANSON |
| BLOCK M | LOT 11 | 1,179.33 | C.B.J. | PIERCE |
| BLOCK M | LOT 12 | 1,179.33 | C.B.J. | QUINN |
| BLOCK M | LOT 13 | 1,722.7 | C.B.J. | SOUTHWICK TRUST |
| BLOCK M | LOT 14 | 1,547 | C.B.J. | JUNKER |
| BLOCK N | LOT 1 | 2,925 | C.B.J. | RUSSELL |
| BLOCK N | LOT 2 | 2,700 | C.B.J. | MONTOURE |
| BLOCK N | LOT 3 | 2,700 | C.B.J. | BELFLOWER |
| BLOCK N | LOT 4 | 2,700 | C.B.J. | COFFEE / MORSE |
| BLOCK N | LOT 5 | 2,700 | C.B.J. | GERBI |
| BLOCK N | LOT 6 | 2,700 | C.B.J. | SPENCER |
| BLOCK N | LOT 7 | 2,700 | C.B.J. | SWANSON |
| BLOCK N | LOT 8 | 2,700 | C.B.J. | WILLIAMS |
| BLOCK N | LOT 9 | 2,925 | C.B.J. | WILLIAMS, TOM |
| BLOCK O | LOT 1 | 2,925 | C.B.J. | KINNEY |
| BLOCK O | LOT 2 | 2,700 | C.B.J. | FIEHLER |
| BLOCK O | LOT 3 | 2,700 | C.B.J. | CARLSON |
| BLOCK O | LOT 4 | 2,700 | C.B.J. | CUMMINS |
| BLOCK O | LOT 5 | | C.B.J. | CLOUGH |
| BLOCK O | LOT 6 | | C.B.J. | SESSIONS |
| BLOCK O | LOT 7 | | C.B.J. | TURNER |
| BLOCK O | LOT 8 | | C.B.J. | BLAIR |
| BLOCK P | LOT 1 | 90,000 | C.B.J. | PAN ARCTIC CONTRACTORS |
| BLOCK P | LOT 2 | 90,000 | C.B.J. | SILVERBAY LOGGING |
| BLOCK P | LOT 3 | 90,000 | C.B.J. | ALASKA NATIONAL GUARD |
| BLOCK P | LOT 4 | 90,000 | C.B.J. | WINGS OF ALASKA |
| BLOCK P | LOT 5 | | C.B.J. | |
| BLOCK P | LOT 6 | | C.B.J. | |
| BLOCK P | LOT 7 | | C.B.J. | |
| BLOCK P | LOT 8 | | C.B.J. | |
| BLOCK P | LOT 9 | | C.B.J. | |
| BLOCK P | LOT 10 | | C.B.J. | |
| BLOCK P | LOT 11 | | C.B.J. | |
| BLOCK P | LOT 12 | | C.B.J. | |
| BLOCK P | LOT 13 | | C.B.J. | |
| BLOCK P | LOT 14 | | C.B.J. | |
| BLOCK P | LOT 15 | | C.B.J. | |
| BLOCK P | LOT 16 | | C.B.J. | |
| BLOCK P | LOT 17 & 18 | | C.B.J. | TEMSCO HELICOPTERS |
| BLOCK P | LOT 19 | | C.B.J. | |
| BLOCK Q | | | C.B.J. | |

# JUNEAU INTERNATIONAL AIRPORT
# EXHIBIT "A"
## LAND STATUS MAP

CLIENT:
C.B.J. AIRPORT DEPARTMENT
1873 SHELL SIMMONS DRIVE
JUNEAU, ALASKA 99801

SURVEYOR:
R&M ENGINEERING, INC.
P.O. BOX 34278
JUNEAU, ALASKA 99803

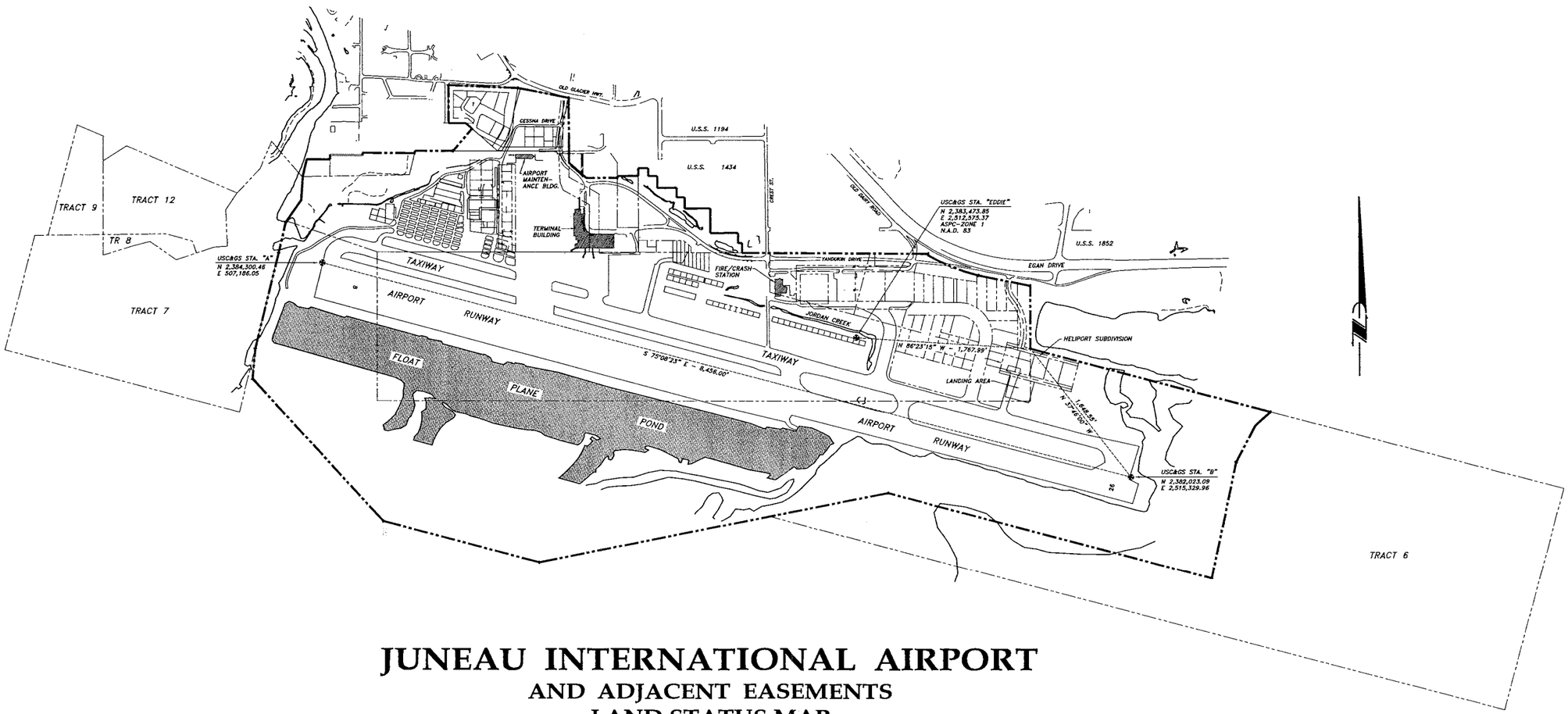
SHEET 3 OF 4

R&M PROJECT No. 011797

AUGUST 30, 2001

I:\2001PROJ\011797\SHEET-3.dwg 1:1 PLOT: 8-30-01 at 9:00 AM by SAM

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS




# JUNEAU INTERNATIONAL AIRPORT
## AND ADJACENT EASEMENTS
## LAND STATUS MAP

GRAPHIC SCALE IN FEET

0 600 1200 1800 2400 3000 3600 4200 4800

# JUNEAU INTERNATIONAL AIRPORT
# EXHIBIT "A"
## LAND STATUS MAP

CLIENT:
C.B.J. AIRPORT DEPARTMENT
1873 SHELL SIMMONS DRIVE
JUNEAU, ALASKA 99801

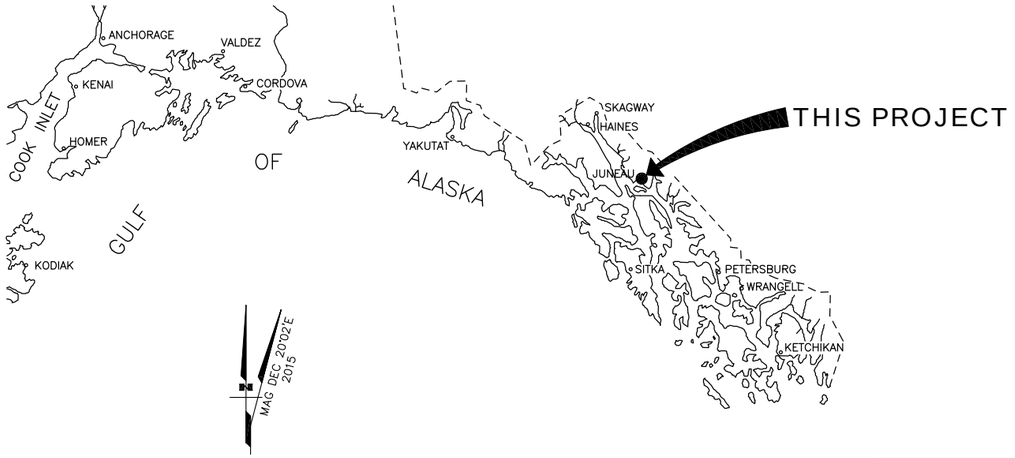
SURVEYOR:
R&M ENGINEERING, INC.
P.O. BOX 34278
JUNEAU, ALASKA 99803

SHEET 4 OF 4

R&M PROJECT No. 011797

AUGUST 30, 2001

I:\2001PROJ\011797\SHEET-4.dwg 1:1 PLOT: 8-30-01 at 9:00 AM by SAM




LOCATION MAP

| LEGEND | | |
|---|---|---|
| ITEM | EXISTING | ULTIMATE |
| AIRPORT REFERENCE POINT (A.R.P.) | | |
| ANTENNA | | |
| BLUFF | | |
| BUILDINGS | | |
| BUILDING RESTRICTION LINE | BRL | BRL |
| FENCE | —X—X—X— | —X—X—X— |
| PAPI | | |
| PROPERTY LINE | | |
| REIL | | |
| ROADWAYS | | |
| ROTATING BEACON | | |
| SHORELINE | | |
| SURVEY MONUMENT | | |
| THRESHOLD MARKERS/LIGHTS | | |
| TOPOGRAPHIC CONTOURS | 100 | 100 |
| TREE (LARGE SINGLE) | | |
| TREELINE | | |
| VASI | | |
| WIND CONE | | |
| WIND CONE AND SEGMENTED CIRCLE | | |

| GEOGRAPHIC COORDINATES TABLE | | | | |
|---|---|---|---|---|
| ITEM | EXISTING LATITUDE | EXISTING LONGITUDE | ULTIMATE LATITUDE | ULTIMATE LONGITUDE |
| ARP | 58°21'16.97"N | 134°34'42.88"W | 58°21'16.97"N | 134°34'42.88"W |
| THRESHOLD RW 8 | 58°21'28.25"N | 134°35'49.09"W | 58°21'28.25"N | 134°35'49.09"W |
| THRESHOLD RW 26 | 58°21'05.88"N | 134°33'08.63"W | 58°21'05.88"N | 134°33'08.63"W |
| THRESHOLD RW 8W | 58°21'22.82"N | 134°35'52.23"W | 58°21'22.82"N | 134°35'52.23"W |
| THRESHOLD RW 26W | 58°21'10.71"N | 134°34'25.26"W | 58°21'10.71"N | 134°34'25.26"W |

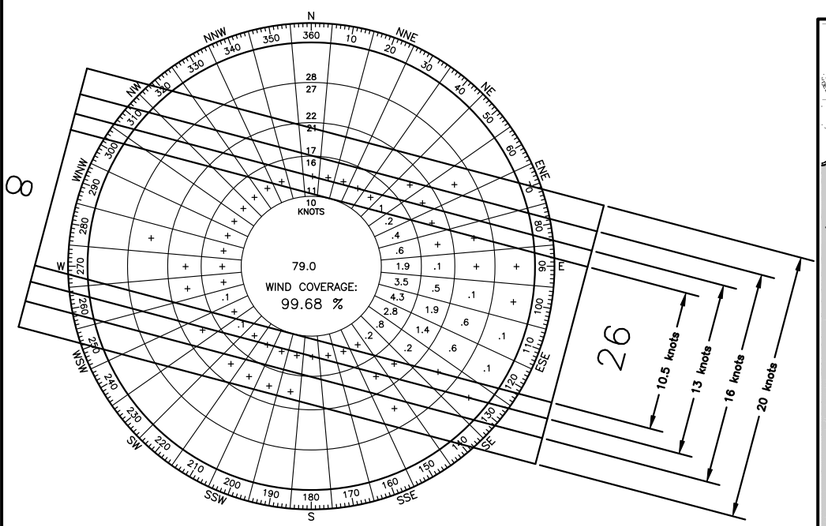
| AIRPORT DATA TABLE | | |
|---|---|---|
| ITEM | EXISTING | ULTIMATE |
| ICAO IDENTIFIER | PAJN | PAJN |
| NATIONAL AIRPORT IDENTIFIER | JNU | JNU |
| FAA SITE NUMBER | 50385.*A | 50385.*A |
| AIRPORT ELEVATION NAVD88 | 25.3' | 25.3' |
| AIRPORT REFERENCE CODE | C–III | C–III |
| MEAN MAX. TEMPERATURE, HOTTEST MONTH | 65°F, JULY | 65°F, JULY |
| AIRPORT AND TERMINAL NAVIGATION AIDS | BEACON, NDB, LDA, LDIN, RVR | BEACON, NDB, LDA, LDIN, RVR, ADS–B |
| TAXIWAY LIGHTING/MARKING | MITL | MITL |
| OBSTRUCTION SURVEY SOURCE & TYPE | NONE | NONE |
| MAGNETIC DECLINATION, YEAR, RATE OF CHANGE | 20°02'E / 2015 | –0°19'(W) / YEAR |

| RUNWAY 8/26 DATA TABLE | | | |
|---|---|---|---|
| ITEM | EXISTING | NEAR TERM | ULTIMATE |
| RUNWAY TYPE UTILITY OR OTHER THAN UTILITY | OTHER THAN UTILITY | OTHER THAN UTILITY | OTHER THAN UTILITY |
| FAR PART 77 APPROACH CATEGORY (V, NPI, P) | NPI | NPI | NPI |
| APPROACH SURFACES | 34:1/50:1 | 34:1/50:1 | 34:1/50:1 |
| VISIBILITY MINIMUM | ≥1 SM | ≥1 SM | ≥1 SM |
| RUNWAY SURFACE | ASPHALT | ASPHALT | ASPHALT |
| PAVEMENT STRENGTH S,2S,D,2D,2D/2D2 x1000lbs | 75, 175, 200, 340, 500 | 75, 175, 200, 340, 500 | 75, 175, 200, 340, 500 |
| AIRCRAFT APPROACH CATEGORY | C | C | C |
| AIRPLANE DESIGN GROUP | III | III | III |
| TRUE BEARING | N75°8'44.50"W | N75°8'44.50"W | N75°8'44.50"W |
| EFFECTIVE GRADE | 0.02% | 0.02% | 0.02% |
| TOUCHDOWN ELEVATION NAVD88 (ESTIMATED) | 25.0' / 23.4' | 25.0' / 23.4' | 25.0' / 23.4' |
| RUNWAY DIMENSIONS | 8857' x 150' | 8857' x 150' | 8857' x 150' |
| RUNWAY SAFETY AREA (RSA) DIMENSIONS | 10057' x 500' | 10057' x 500' | 10057' x 500' |
| LENGTH BEYOND R/W END | 600' / 600' | 600' / 600' | 600' / 600' |
| RUNWAY PROTECTION ZONE (RPZ) DIM. – RW 8 | 1700' x 500' x 1010' | 1700' x 500' x 1010' | 1700' x 500' x 1010' |
| RUNWAY PROTECTION ZONE (RPZ) DIM. – RW 26 | 1700' x 500' x 1010' | 1700' x 500' x 1010' | 1700' x 500' x 1010' |
| RUNWAY OBJECT FREE AREA (ROFA) DIMENSIONS | 10057 x 730' | 10057 x 730' | 10057 x 730' |
| LENGTH BEYOND R/W END OR STOPWAY | 600' / 600' | 600' / 600' | 600' / 600' |
| RUNWAY OBSTACLE FREE ZONE (ROFZ) DIMENSIONS | 9257' x 400' | 9257' x 400' | 9257' x 400' |
| RUNWAY LIGHTING | HIRL | HIRL | HIRL |
| RUNWAY MARKING TYPE | NONPRECISION | NONPRECISION | NONPRECISION |
| RUNWAY VISUAL APPROACH AIDS – RW 8 | MALSF, LDN, VASI, REILS | MALSF, LDN, VASI, REILS | MALSF, LDN, VASI, REILS |
| RUNWAY VISUAL APPROACH AIDS – RW 26 | MALS, PAPI, REILS | MALS, PAPI, REILS | MALS, PAPI, REILS |

| RUNWAY 8W/26W DATA TABLE | | | |
|---|---|---|---|
| ITEM | EXISTING | NEAR TERM | ULTIMATE |
| RUNWAY TYPE UTILITY OR OTHER THAN UTILITY | UTILITY | UTILITY | UTILITY |
| FAR PART 77 APPROACH CATEGORY (V, NPI, P) | V | V | V |
| APPROACH SURFACES | 20:1 | 20:1 | 20:1 |
| VISIBILITY MINIMUM | ≥1 SM | ≥1 SM | ≥1 SM |
| RUNWAY SURFACE | WATER | WATER | WATER |
| PAVEMENT STRENGTH S,2S,D,2D,2D/2D2 x1000lbs | N/A | N/A | N/A |
| AIRCRAFT APPROACH CATEGORY | A | A | A |
| AIRPLANE DESIGN GROUP | II | II | II |
| TRUE BEARING | N75°8'44.50"W | N75°8'44.50"W | N75°8'44.50"W |
| EFFECTIVE GRADE | 0% | 0% | 0% |
| TOUCHDOWN ELEVATION NAVD88 (ESTIMATED) | 12' | 12' | 12' |
| RUNWAY DIMENSIONS | 4800' x 400' | 4800' x 400' | 4800' x 400' |
| RUNWAY SAFETY AREA (RSA) DIMENSIONS | N/A | N/A | N/A |
| LENGTH BEYOND R/W END | N/A | N/A | N/A |
| RUNWAY PROTECTION ZONE (RPZ) DIMENSIONS | 1000' x 250' x 450' | 1000' x 250' x 450' | 1000' x 250' x 450' |
| RUNWAY OBJECT FREE AREA (ROFA) DIMENSIONS | 5200' x 400' | 5200' x 400' | 5200' x 400' |
| LENGTH BEYOND R/W END OR STOPWAY | N/A | N/A | N/A |
| RUNWAY OBSTACLE FREE ZONE (ROFZ) DIMENSIONS | 5200' x 400' | 5200' x 400' | 5200' x 400' |
| RUNWAY LIGHTING | N/A | N/A | N/A |
| RUNWAY MARKING TYPE | N/A | N/A | N/A |
| RUNWAY VISUAL APPROACH AIDS | NONE | NONE | NONE |

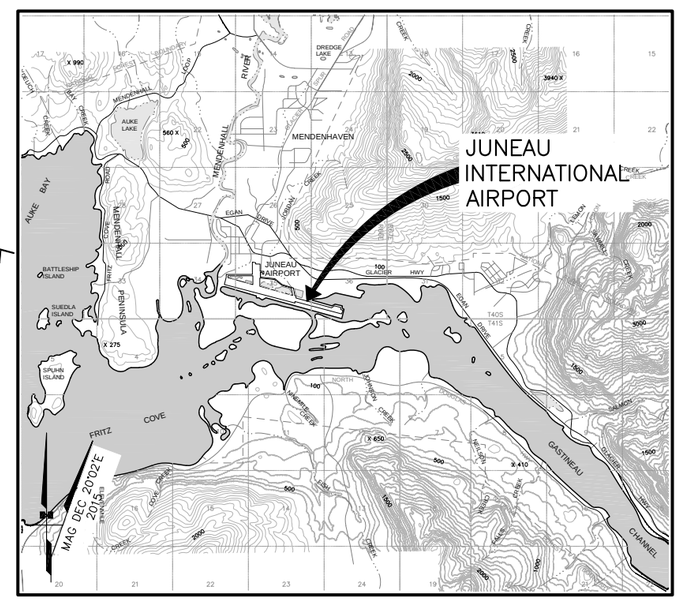
## NOTES

1. THE HORIZONTAL DATUM IS NAD83(CORS96) (EPOCH:2010.00)
2. THE VERTICAL DATUM IS NAVD 88 ORTHOMETRIC HEIGHTS. THE BASIS OF ELEVATIONS IS THE NATIONAL GEODETIC SURVEY (NGS) PRIMARY AIRPORT CONTROL STATION (PACS) "JNU C", PID AI4906, HAVING A NAVD 88 ORTHOMETRIC HEIGHT OF 21.526 FEET. THE NAVD 88 ORTHOMETRIC HEIGHT FOR THIS POINT WAS DETERMINED BY UTILIZING THE NGS PUBLISHED ELLIPSOID HEIGHT AND A HIGH–RESOLUTION GEOID MODEL (GEOID–09).
3. RW 8W–26W DESIGN STANDARDS ARE FOR SMALL AIRCRAFT ONLY.




| WIND DATA TABLE | | | | |
|---|---|---|---|---|
| RUNWAY | 10.5 kt | 13 kt | 16 kt | 20 kt |
| 8/26 | 96.68 | 99.92 | 99.99 | 100.00 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

SOURCE: NATIONAL CLIMATIC DATE CENTER, ASHVILLE, NC
STATION: JNU, 70381
PERIOD: 1998–2008, 82558 OBSERVATIONS




VICINITY MAP

SEC. 34, 35, 36, T 40 S, R 66 E,
COPPER RIVER MERIDIAN
U.S.G.S. JUNEAU (B–2), ALASKA

SCALE IN STATUTE MILES
1 SM .5 SM 0 1 SM 2 SM

| NON STANDARD CONDITIONS | | | |
|---|---|---|---|
| DESCRIPTION | STANDARD | EXISTING | ULTIMATE |
| RUNWAY OBJECT FREE AREA WIDTH | 800' | 730' | 730' |
| RUNWAY 8 SAFETY AREA LENGTH BEYOND RW END | 1000' | 600' | *1000' |
| RUNWAY 26 SAFETY AREA LENGTH BEYOND RW END | 1000' | 600' | *1000' |
| | | | |
| | | | |

*600' BEYOND RUNWAY END, 1000' BEYOND ASDA

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

APPROVED: DATE:

PATRICIA dELABRUERE AIRPORT MANAGER

AIRPORT LAYOUT PLAN CONDITIONAL APPROVAL SUBJECT TO
ALP APPROVAL LETTER DATED ___/___/___
FAA AIRSPACE REVIEW NUMBER:_____

DATE:
FAA, AIRPORTS DIVISION ALASKAN REGION, AAL-

| DRAWING INDEX | |
|---|---|
| SHT # | TITLE |
| 1 | AIRPORT DATA SHEET |
| 2 | EXISTING AIRPORT LAYOUT PLAN |
| 3 | ULTIMATE AIRPORT LAYOUT PLAN |
| 4 | DECLARED DISTANCES |
| 5 | INNER PORTION OF THE APPROACH SURFACE – RW 8–26 |
| 6 | INNER PORTION OF THE APPROACH SURFACE–RW 8W–26W |
| 7 | AIRPORT AIRSPACE, 14 CFR, PART 77 |
| 8 | AIRPORT AIRSPACE, 14 CFR, PART 77 |
| 9 | TERMINAL AREA PLAN |
| 10 | AIRPORT LAND USE |
| 11 | PROPERTY MAP |

CITY AND BOROUGH OF JUNEAU
JUNEAU INTERNATIONAL AIRPORT
JUNEAU, ALASKA

AIRPORT LAYOUT PLAN

AIRPORT DATA SHEET

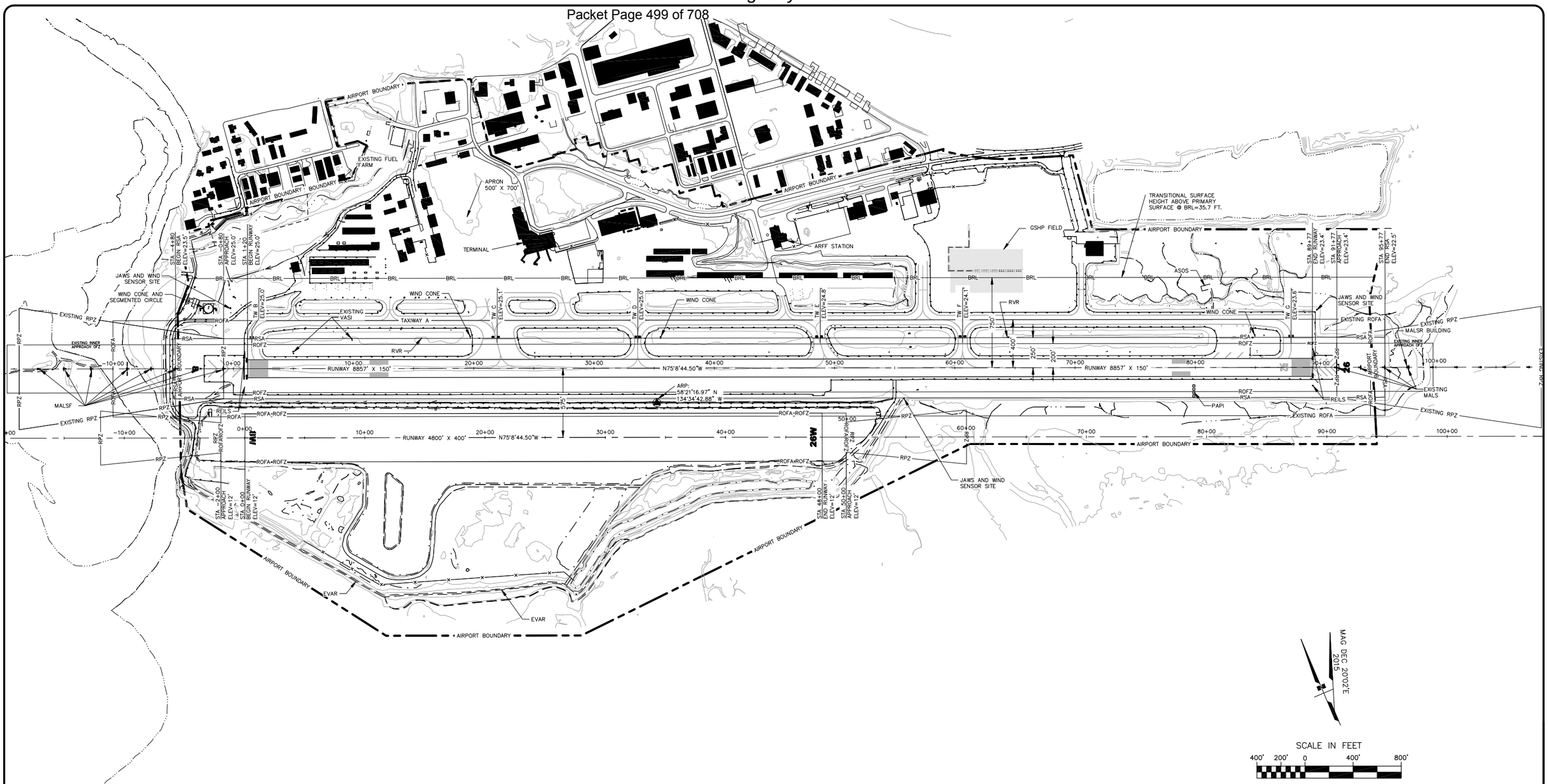
DATE: 04/15/2010
SHEET: 1 OF 11

FILE No.: 232–89

| | |
|---|---|
| Designed By: | nilewellyn |
| Drawn By: | bsquires |
| Checked By: | bhudson |

| | |
|---|---|
| Date Plotted: | 2/20/2014, 11:19 AM |
| Layout Name: | DEMO (1) |
| File Name: | P:\Projects\D60633\ALP\JNU–ALP.dwg |

8







## NOTES

THERE ARE NO ROFZ PENETRATIONS.

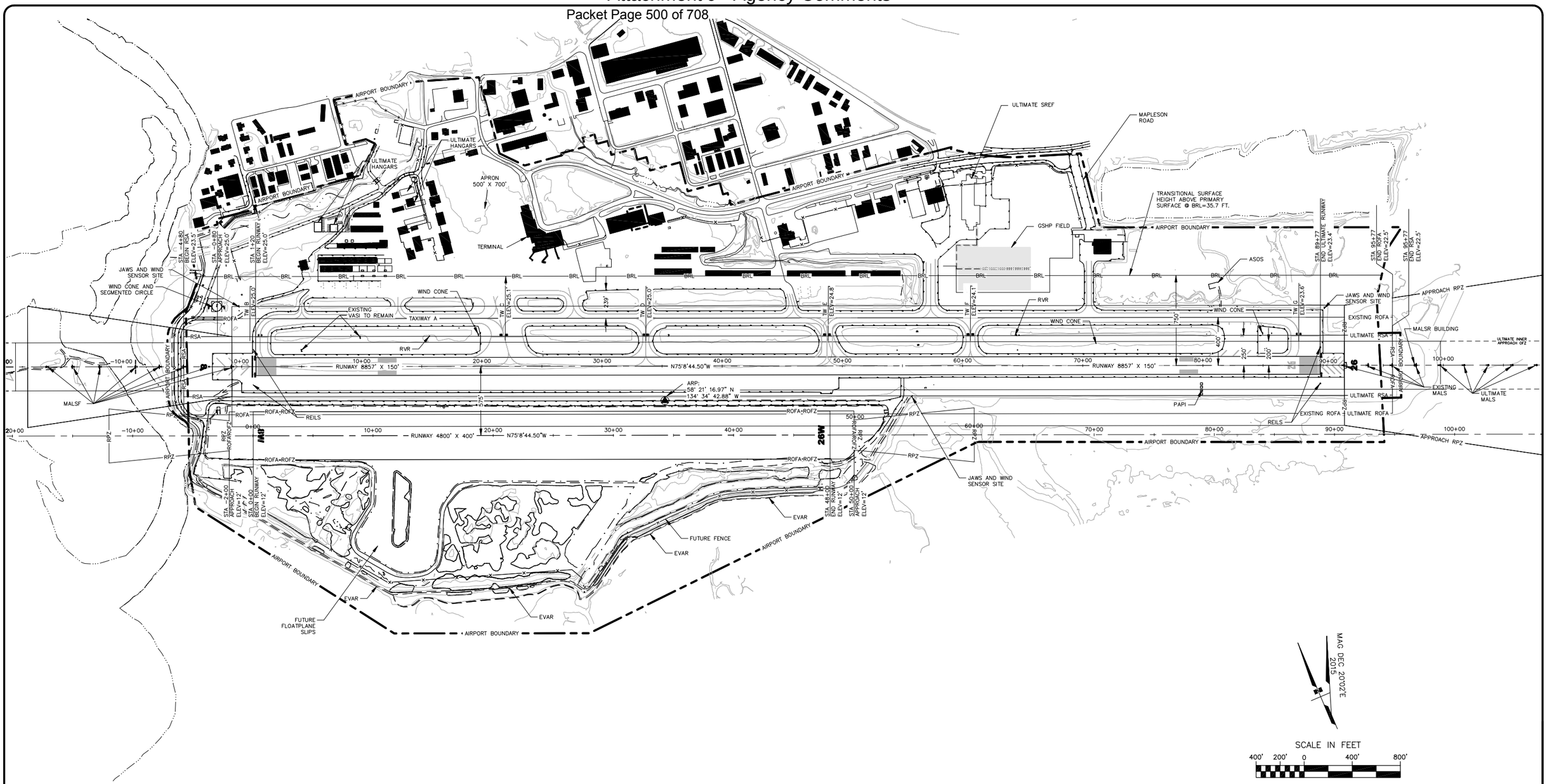
| TAXIWAY DATA | | | | | | |
|---|---|---|---|---|---|---|
| ITEM | WIDTH | | TSA | | OFA | |
| | EXISTING | STANDARD | EXISTING | STANDARD | EXISTING | STANDARD |
| T/W A | 75' | 50' | 118' | 118' | 186' | 186' |
| T/W B | 102.5' | 50' | 118' | 118' | 186' | 186' |
| T/W C | 260' | 50' | 118' | 118' | 186' | 186' |
| T/W D | 50' | 50' | 118' | 118' | 186' | 186' |
| T/W E | 100' | 50' | 118' | 118' | 186' | 186' |
| T/W F | 75' | 50' | 118' | 118' | 186' | 186' |
| T/W G | 242' | 50' | 118' | 118' | 186' | 186' |

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

JUNEAU AIRPORT
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN
EXISTING
AIRPORT LAYOUT PLAN

DATE: 04/15/2010
SHEET: 2 OF 11

| | |
|---|---|
| Date Plotted: | 2/20/2014, 11:21 AM |
| Layout Name: | EXIST |
| File Name: | P:\Projects\D606333\ALP\JNU-ALP.dwg |
| Designed By: | nilewellyn |
| Drawn By: | cwitt |
| Checked By: | bhanson |
| FILE No.: 232-89 | |




## NOTES

1. THERE ARE NO ROFZ PENETRATIONS.

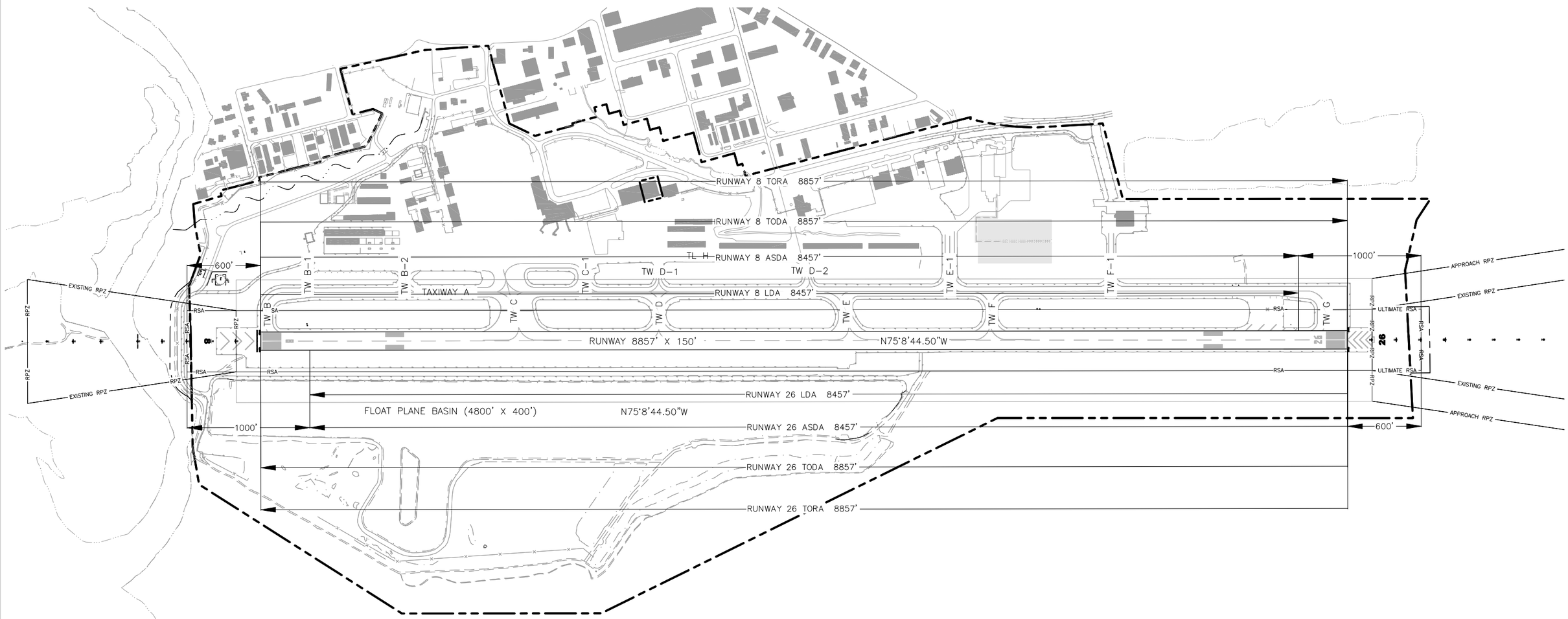
| TAXIWAY DATA | | | | | | |
|---|---|---|---|---|---|---|
| ITEM | WIDTH | | TSA | | OFA | |
| | EXISTING | STANDARD | EXISTING | STANDARD | EXISTING | STANDARD |
| T/W A | 90' | 50' | 118' | 118' | 186' | 186' |
| T/W B | 102.5' | 50' | 118' | 118' | 186' | 186' |
| T/W C | 260' | 50' | 118' | 118' | 186' | 186' |
| T/W D | 50' | 50' | 118' | 118' | 186' | 186' |
| T/W E | 100' | 50' | 118' | 118' | 186' | 186' |
| T/W F | 75' | 50' | 118' | 118' | 186' | 186' |
| T/W G | 245' | 50' | 118' | 118' | 186' | 186' |

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

JUNEAU AIRPORT
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN
ULTIMATE
AIRPORT LAYOUT PLAN

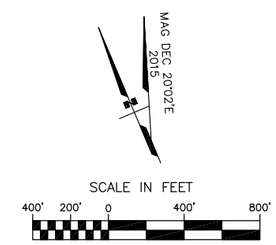
DATE: 04/15/2010
SHEET: 3 OF 11

| | |
|---|---|
| Date Plotted: | 2/20/2014, 11:19 AM |
| Layout Name: | ULTIMATE |
| File Name: | P:\Projects\D606333\ALP\JNU-ALP.dwg |
| Designed By: | nilewellyn |
| Drawn By: | cvitt |
| Checked By: | bhanson |
| FILE No.: 232-89 | |




EXISTING/ULTIMATE

| DECLARED DISTANCES | | |
|---|---|---|
| | RUNWAY 8/26 | |
| ITEM | EXISTING | FUTURE |
| TAKEOFF RUN AVAILABLE (TORA) | 8,857 / 8,857 | 8,857 / 8,857 |
| TAKEOFF DISTANCE AVAILABLE (TODA) | 8,857 / 8,857 | 8,857 / 8,857 |
| ACCELERATE STOP DISTANCE AVAILABLE (ASDA) | 8,457 / 8,457 | 8,457 / 8,457 |
| LANDING DISTANCE AVAILABLE (LDA) | 8,457 / 8,457 | 8,457 / 8,457 |




| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

JUNEAU AIRPORT
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

DECLARED DISTANCES

DATE: 04/15/2010
SHEET: 4 OF 11

| | |
|---|---|
| Designed By: | nilewellyn |
| Drawn By: | cvitt |
| Checked By: | bhanson |
| FILE No.: 232-89 | |
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| Layout Name: | DECO(4) |
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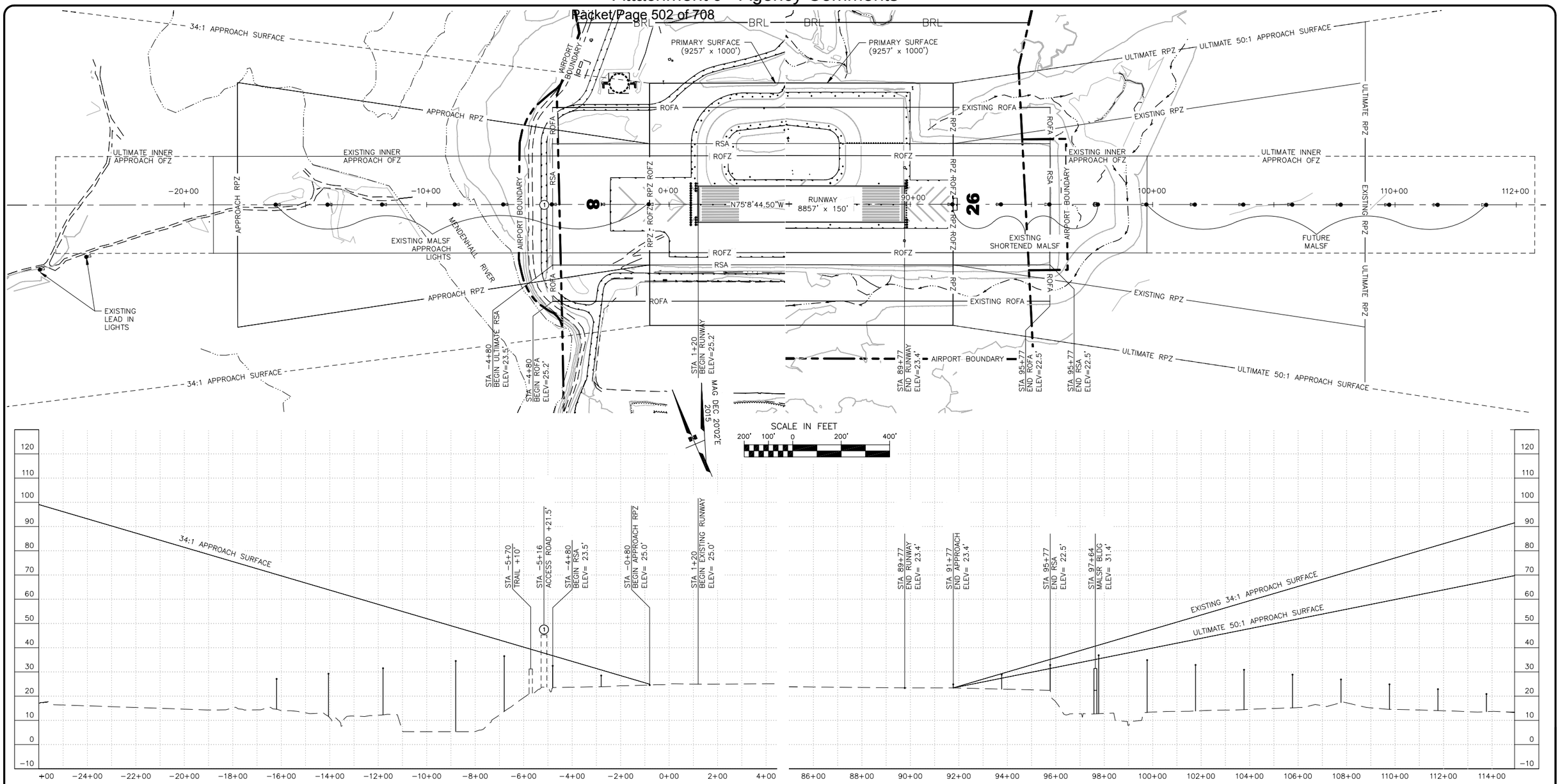






SCALE IN FEET
200' 100' 0 200' 400'
HORIZONTAL TO VERTICAL RATIO 1:10

## RUNWAY 8

**34:1 APPROACH SURFACE OBSTRUCTIONS TABLE (INNER PORTION RW 8)**

| ID # | DESCRIPTION | STATION/ OFFSET | ELEVATION | SURFACE PENETRATED | SURFACE ELEVATION | AMOUNT PENETRATION | DISPOSITION | STAGE TO CORRECT |
|---|---|---|---|---|---|---|---|---|
| 1 | ACCESS ROAD | -5+16/0 | 45.5' * | APPROACH | 38' | 7.5' | REMAIN | - |
| | | | | | | | | |
| | | | | | | | | |

REFER TO THE AIRPORT AIRSPACE DRAWING FOR PENETRATIONS OF THE OUTER APPROACH SURFACES.
* TOTAL CLEARANCE HEIGHT IS BASED ON THE HEIGHT OF A TOWING TRAILER (2') AND THE TAIL HEIGHT OF A TWIN OTTER (19.5') (21.5' TOTAL).

## NOTES

1. THE EXISTING OBSTRUCTION CLEARANCE SLOPE FOR RW 8 IS ESTABLISHED AS 8:1 PER FAA AC 150/5200-35, CHAP 4. THE ULTIMATE OBSTRUCTION CLEARANCE SLOPE FOR RW 8 IS ESTABLISHED AS 15:1 PER FAA AC 150/5200-35, CHAP 4.
2. THERE ARE NO OBJECT PENETRATIONS IN THE RUNWAY APPROACH END SITING SURFACE OF RUNWAY 8, AS DEFINED IN FAA AC 150/5300-13, TABLE A-2, ROWS 1 THRU 2.

## RUNWAY 26

**50:1 APPROACH SURFACE OBSTRUCTIONS TABLE (INNER PORTION RW 26)**

| ID # | DESCRIPTION | STATION/ OFFSET | ELEVATION | SURFACE PENETRATED | SURFACE ELEVATION | AMOUNT PENETRATION | DISPOSITION | STAGE TO CORRECT |
|---|---|---|---|---|---|---|---|---|
| | NONE | | | | | | | |
| | | | | | | | | |

REFER TO THE AIRPORT AIRSPACE DRAWING FOR PENETRATIONS OF THE OUTER APPROACH SURFACES.

## NOTES

1. THE EXISTING AND ULTIMATE OBSTRUCTION CLEARANCE SLOPE FOR RW 26 IS ESTABLISHED AS 7:1 PER FAA AC 150/5200-35, CHAP 4.
2. THERE ARE NO OBJECT PENETRATIONS IN THE RUNWAY APPROACH END SITING SURFACE OF RUNWAY 26, AS DEFINED IN FAA AC 150/5300-13, TABLE A-2, ROWS 1 THRU 10.

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

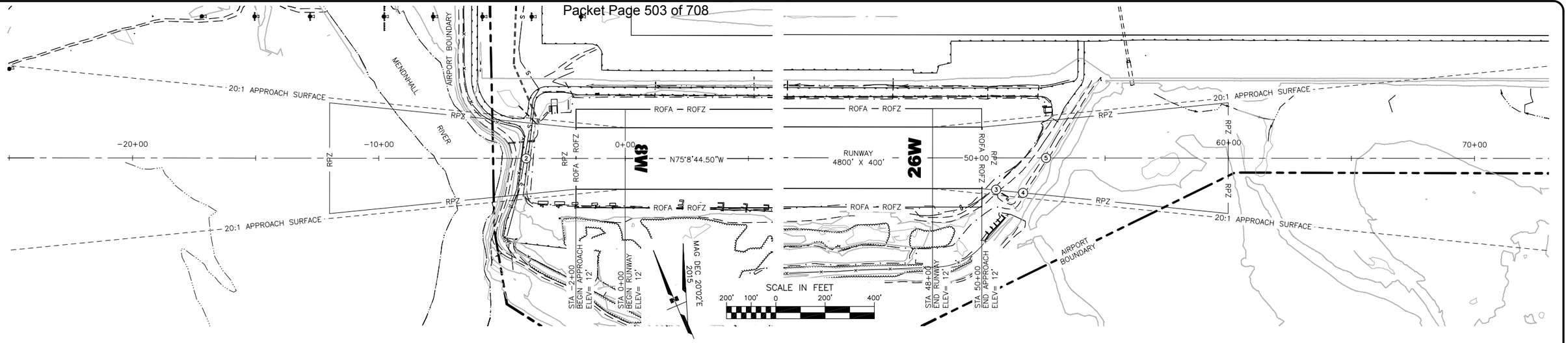
JUNEAU AIRPORT
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

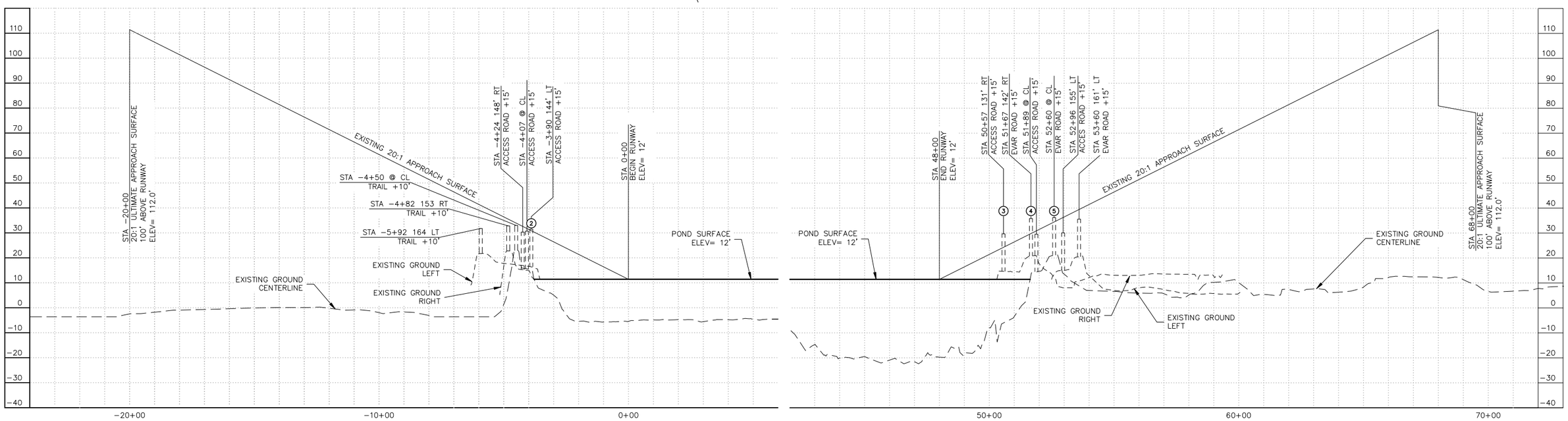
INNER PORTION OF THE
APPROACH SURFACE-RW 8-26

DATE: 04/15/2010
SHEET: 5 OF 11

| | |
|---|---|
| Date Plotted: | 2/20/2014, 11:20 AM |
| Layout Name: | APPR 8-26(5) |
| File Name: | P:\Projects\D50633\ALP\JNU-ALP.dwg |
| Designed By: | nilewellyn |
| Drawn By: | cwitt |
| Checked By: | bthompson |

FILE No.: 232-89




SCALE IN FEET
200' 100' 0 200' 400'
HORIZONTAL TO VERTICAL RATIO 1:10

## RUNWAY 8W

| 20:1 APPROACH SURFACE OBSTRUCTIONS TABLE (INNER PORTION RW 8W) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| ID # | DESCRIPTION | STATION/ OFFSET | ELEVATION | SURFACE PENETRATED | SURFACE ELEVATION | AMOUNT PENETRATION | DISPOSITION | STAGE TO CORRECT |
| 2 | ROAD | −3+90/144 LT | 32' | APPROACH | 31' | 1' | REMAIN | |
| | | | | | | | | |

REFER TO THE AIRPORT AIRSPACE DRAWING FOR PENETRATIONS OF THE OUTER APPROACH SURFACES.

## NOTES

1. THE OBSTRUCTION CLEARANCE SLOPE FOR RW 8W IS ESTABLISHED AS 15:1 PER FAA AC 150/5200-35, CHAP 4.
2. RUNWAY 8W MEETS THE CONDITIONS OF FAA AC 150/5300-13, TABLE A-2 ROW 1 FOR APPROACH END SITING SURFACE.

## RUNWAY 26W

| 20:1 APPROACH SURFACE OBSTRUCTIONS TABLE (INNER PORTION RW 26W) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| ID # | DESCRIPTION | STATION/ OFFSET | ELEVATION | SURFACE PENETRATED | SURFACE ELEVATION | AMOUNT PENETRATION | DISPOSITION | STAGE TO CORRECT |
| 3 | ROAD | 50+57/131 RT | 30' | APPROACH | 24' | 6' | REMAIN | |
| 4 | EVAR ROAD | 51+67/142 RT | 36' | APPROACH | 30' | 6' | REMAIN | |
| 5 | EVAR ROAD | 52+60/0 | 36' | APPROACH | 34' | 2' | REMAIN | |
| | | | | | | | | |

REFER TO THE AIRPORT AIRSPACE DRAWING FOR PENETRATIONS OF THE OUTER APPROACH SURFACES.

## NOTES

1. THE OBSTRUCTION CLEARANCE SLOPE FOR RW 26W IS ESTABLISHED AS 10:1 PER FAA AC 150/5200-35, CHAP 4.
2. RUNWAY 26W DOES NOT MEET ANY OF THE CONDITIONS OF FAA AC 150/5300-13, TABLE A-2 FOR APPROACH END SITING SURFACE.

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

JUNEAU AIRPORT
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

INNER PORTION OF THE
APPROACH SURFACE–RW 8W–26W

DATE: 04/15/2010
SHEET: 6 OF 11

| | |
|---|---|
| Designed By: | nilewellyn |
| Drawn By: | cwitt |
| Checked By: | bhanson |
| FILE No.: 232-89 | |

Date Plotted: 2/20/2014 11:20 AM
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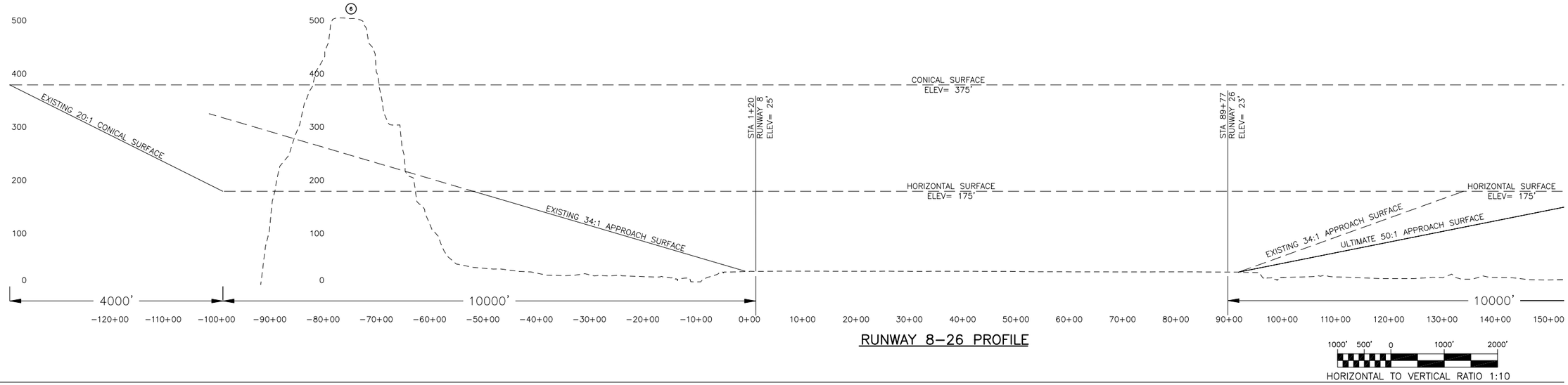
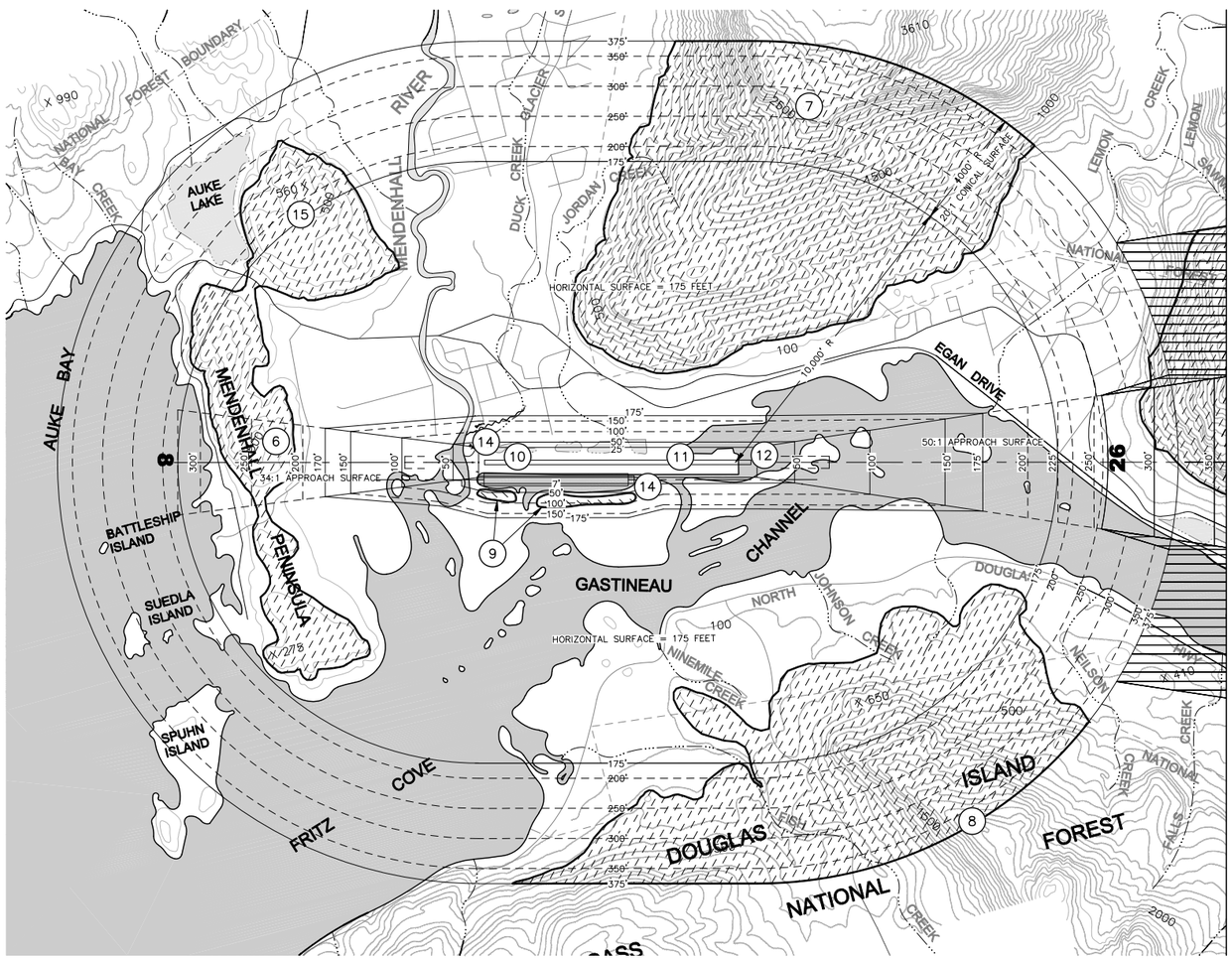
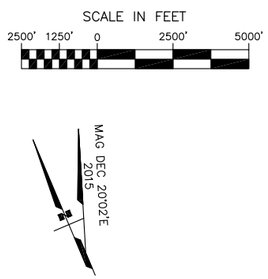
File Name: P:\Projects\0R06633\ALP\JNU-ALP.dwg




RUNWAY 8–26 PROFILE




| PART 77 SURFACE OBSTRUCTIONS TABLE (OUTER PORTION RW 8/26) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| ID # | DESCRIPTION | STATION/ OFFSET | ELEVATION | SURFACE PENETRATED | SURFACE ELEVATION | AMOUNT PENETRATION | DISPOSTION | STAGE TO CORRECT |
| 6 * | TERRAIN | −77+74/448' LT | 500' | APPROACH | 255' | 245' | WILL REMAIN | |
| 7 * | TERRAIN | 109+14/11830' LT | 2900' | CONICAL | 280' | 2620' | WILL REMAIN | |
| 8 * | TERRAIN | 163+18/11928' RT | 2100' | CONICAL | 383' | 1717' | WILL REMAIN | |
| 9 | TREES | 0+00−50+00/865' RT | 70' | TRANSITIONAL | 55' | 15' | WILL REMAIN | |
| 10 | RVR | 15+67/252' LT | 37' | PRIMARY | 29' | 8' | WILL REMAIN | |
| 11 | RVR | 64+61/254' LT | 28' | PRIMARY | 23' | 5' | WILL REMAIN | |
| 12 | JAWS | 90+10/474' LT | 48' | PRIMARY | 23' | 25' | WILL REMAIN | |
| 13 | JAWS | 55+80/259' RT | 50' | PRIMARY | 24' | 26' | WILL REMAIN | |
| 14 | JAWS | −0+22/499' LT | 51' | PRIMARY | 25' | 26' | WILL REMAIN | |
| 15 * | TERRAIN | −58+62/9180' LT | 560' | CONICAL | 212' | 348' | WILL REMAIN | |

* HIGHEST FEATURE IN A LARGE AREA OF TERRAIN PENETRATION. REFER TO HATCHED AREAS ON MAP.

## NOTES

1. AIRPORT ELEVATION IS 25'.
2. ALL CONTOURS ARE IN FEET. BASEMAP DATA IS FROM USGS QUAD.
3. PRIMARY SURFACE WIDTH IS 1000'.
4. PART 77 SURFACES BASED ON ULTIMATE AIRPORT LAYOUT.
5. REFER TO INNER PORTION OF THE APPROACH SURFACE DRAWING FOR CLOSE–IN OBSTRUCTIONS.
6. APPROACH SURFACE FOR RW 8 IS 34:1 BEGINNING AT 200 FEET BEYOND THE RUNWAY END.
7. APPROACH SURFACE FOR RW 26 IS 50:1 BEGINNING AT 200 FEET BEYOND THE RUNWAY END.

| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

JUNEAU AIRPORT
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

AIRPORT AIRSPACE
14 CFR, PART 77

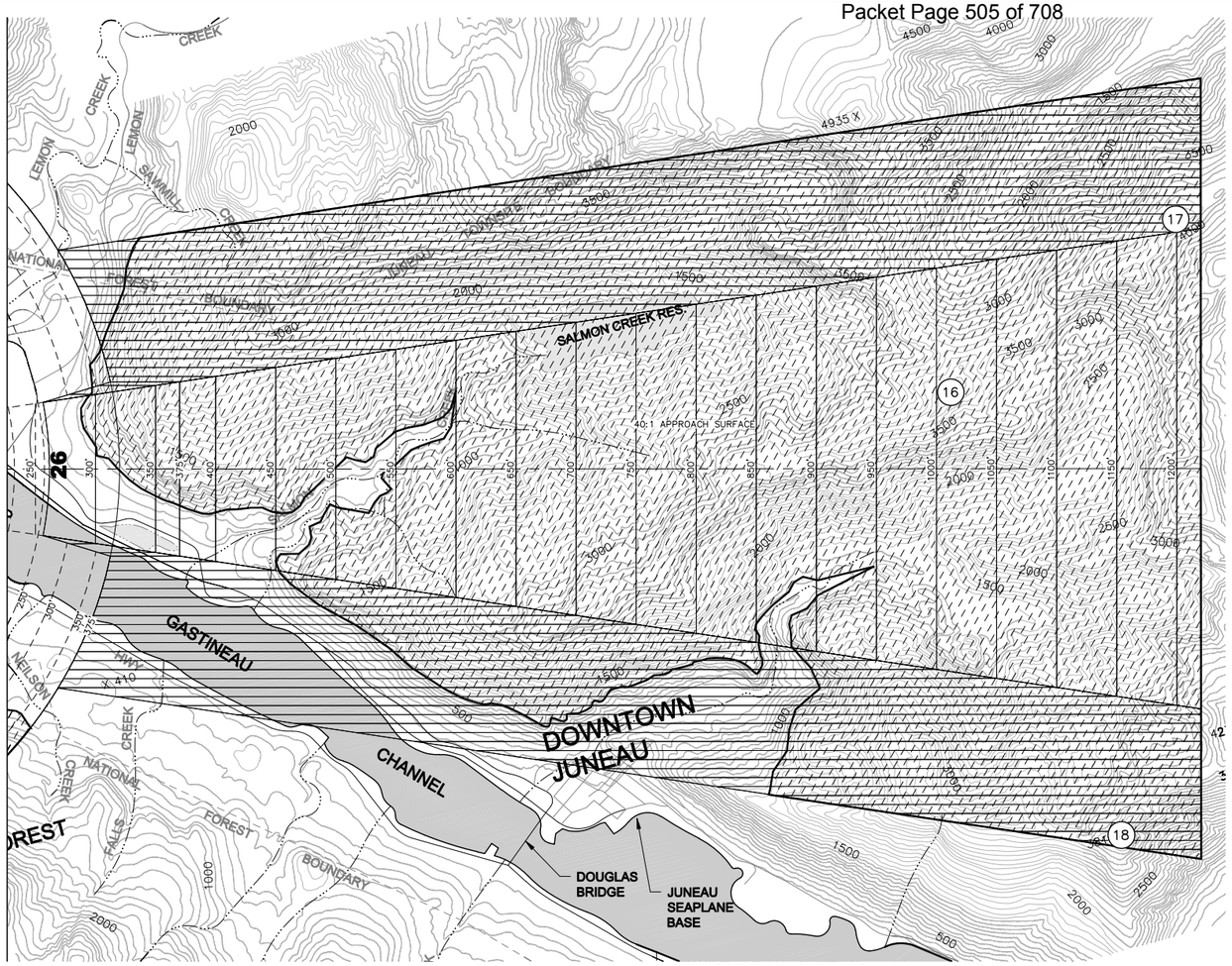
DATE: 04/15/2010
SHEET: 7 OF 11

| | |
|---|---|
| Date Plotted: | 2/20/2014, 11:20 AM |
| Layout Name: | 8x26 77(1) |
| File Name: | P:\Projects\D606333\ALP\JNU-ALP.dwg |

| | |
|---|---|
| Designed By: | nlewellyn |
| Drawn By: | cvitt |
| Checked By: | bhanson |

FILE No.: 232-89

MATCHLINE SHEET 7




| PART 77 SURFACE OBSTRUCTIONS TABLE (OUTER PORTION RW 8/26) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| ID # | DESCRIPTION | STATION/ OFFSET | ELEVATION | SURFACE PENETRATED | SURFACE ELEVATION | AMOUNT PENETRATION | DISPOSTION | STAGE TO CORRECT |
| 16 * | TERRAIN | 508+53/2545' LT | 4000' | APPROACH | 1015' | 2895' | WILL REMAIN | |
| 17 * | TERRAIN | 583+43/8302' LT | 3800' | TRANSITIONAL | 1955' | 1845' | WILL REMAIN | |
| 18 * | TERRAIN | 565+27/12202' RT | 4400' | TRANSITIONAL | 1255' | 3145' | WILL REMAIN | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

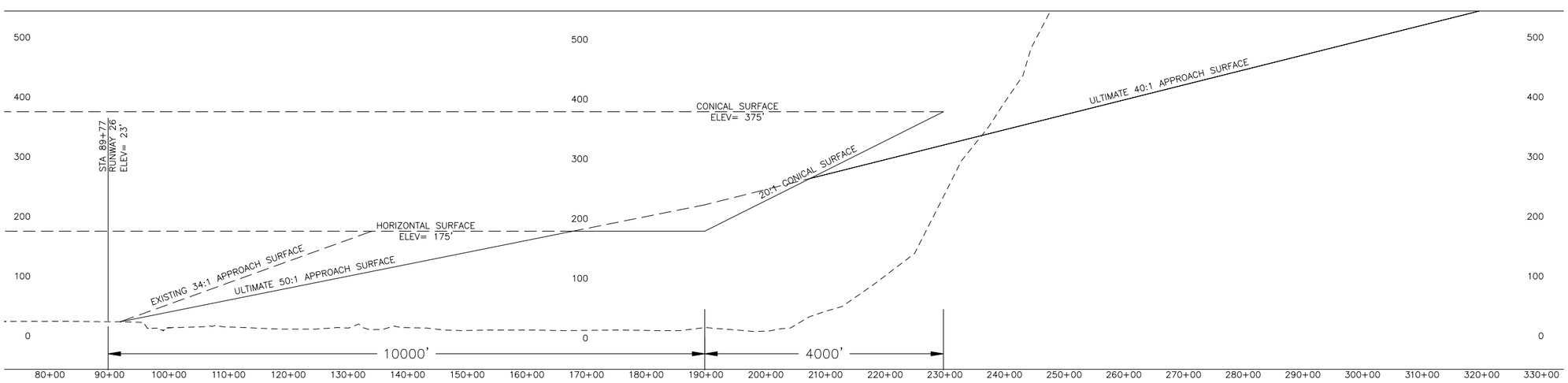
* HIGHEST FEATURE IN A LARGE AREA OF TERRAIN PENETRATION. REFER TO HATCHED AREAS ON MAP.

SCALE IN FEET
2500' 1250' 0 2500' 5000'

MAG DEC 20'02'E 2015

## NOTES

1. AIRPORT ELEVATION IS 25'.
2. ALL CONTOURS ARE IN FEET. BASEMAP DATA IS FROM USGS QUAD.
3. PRIMARY SURFACE WIDTH IS 1000'.
4. PART 77 SURFACES BASED ON ULTIMATE AIRPORT LAYOUT.
5. REFER TO INNER PORTION OF THE APPROACH SURFACE DRAWING FOR CLOSE-IN OBSTRUCTIONS.
6. APPROACH SURFACE FOR RW 8 IS 34:1 BEGINNING AT 200 FEET BEYOND THE RUNWAY END.
7. APPROACH SURFACE FOR RW 26 IS 50:1 BEGINNING AT 200 FEET BEYOND THE RUNWAY END.




RUNWAY PROFILE

1000' 500' 0 1000' 2000'
HORIZONTAL TO VERTICAL RATIO 1:10

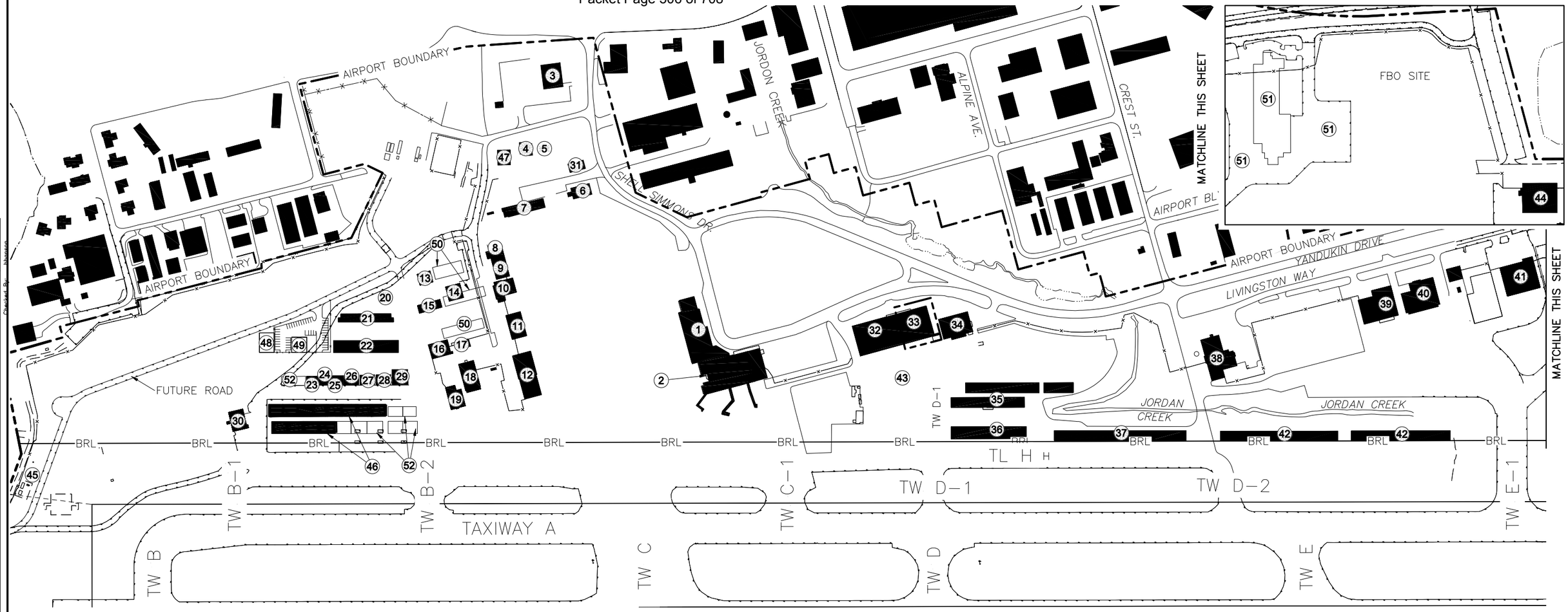
| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

JUNEAU AIRPORT
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

AIRPORT AIRSPACE
14 CFR, PART 77

DATE: 04/15/2010
SHEET: 8 OF 11

| | |
|---|---|
| Date Plotted: | 2/20/2014, 11:21 AM |
| Layout Name: | PART 77 (8) |
| File Name: | P:\Projects\D60633\ALP\JNU-ALP.dwg |
| Designed By: | nllewellyn |
| Drawn By: | cvitt |
| Checked By: | bhanson |
| FILE No.: 232-89 | |

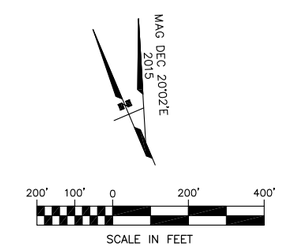



## BUILDING DATA TABLE

| BLDG. NO. | STRUCTURE NAME | TOP ELEV. | OBSTRUCTION MARKING | | REMARKS |
|---|---|---|---|---|---|
| | | | EXISTING | ULTIMATE | |
| 1 | TERMINAL BUILDING | 51 | – | – | |
| 2 | FAA CONTROL TOWER | 95 | Y | Y | |
| 3 | AFSS / SACOM | 34 | – | – | |
| 4 | J/D TELEPHONE | 29 | – | – | |
| 5 | LEASED TO HERTZ | 37 | – | – | |
| 6 | AERO SERVICES (SUBLESSEE: FEDEX) R&L LEASING | 39 | – | – | |
| 7 | SNOW REMOVAL EQUIPMENT BUILDING | 38 | – | – | |
| 8 | LAB FLYING | 47 | – | – | |
| 9 | LAB FLYING | 47 | – | – | |
| 10 | HEIMBIGNER | 40 | – | – | |
| 11 | ALASKA AIRLINES | 34 | – | – | |
| 12 | ALASKA AIRLINES | 41 | – | – | |
| 13 | PRIVATE HANGAR | 38 | – | – | |
| 14 | FISH AND WILDLIFE | 46 | – | – | TO BE REMOVED |
| 15 | 3 PRIVATE T-HANGARS | 33 | – | – | |
| 16 | DUANE PACKER SUBLEASE TO UNITED PARCEL SERVICE | 49 | – | – | |
| 17 | R & L LEASING | 43 | – | – | |
| 18 | AERO SERVICES | 48 | – | – | |
| 19 | AERO SERVICES | 35 | – | – | |
| 20 | PRIVATE HANGAR | 39 | – | – | |
| 21 | T-HANGAR (7 UNITS) | 30 | – | – | |
| 22 | T-HANGAR (12 UNITS) | 34 | – | – | |
| 23 | PRIVATE HANGAR | 39 | – | – | |
| 24 | PRIVATE HANGAR | 36 | – | – | |
| 25 | PRIVATE HANGAR | 36 | – | – | |
| 26 | PRIVATE HANGAR | 42 | – | – | |
| 27 | PRIVATE HANGAR | 39 | – | – | |
| 28 | PRIVATE HANGAR | 39 | – | – | |
| 29 | PRIVATE HANGAR | 41 | – | – | |
| 30 | CIVIL AIR PATROL | 36 | – | – | TO BE REMOVED |
| 31 | DELTA WESTERN | 35 | – | – | |

## BUILDING DATA TABLE

| BLDG. NO. | STRUCTURE NAME | TOP ELEV. | OBSTRUCTION MARKING | | REMARKS |
|---|---|---|---|---|---|
| | | | EXISTING | ULTIMATE | |
| 32 | SAND STORAGE | 53 | – | – | TO BE REMOVED/RELOCATED |
| 33 | LOKEN AVIATION (PRIVATE PROPERTY) | 53 | – | – | ON PROPERTY INHOLDING |
| 34 | WARD AIR (RED LEASING) | 52 | – | – | |
| 35 | BLOCK 'L' EXECUTIVE HANGARS (TRUMAN MIDDLETON-5 UNITS) | 40 | – | – | |
| 36 | BLOCK 'M' T-HANGARS (14 UNITS) | 35 | – | – | |
| 37 | BLOCK 'N' EXECUTIVE HANGARS (9 UNITS) | 38 | – | – | |
| 38 | AIRCRAFT RESCUE AND FIRE FIGHTING BUILDING | 56 | – | – | |
| 39 | SILVER BAY LOGGING | 48 | – | – | |
| 40 | ALASKA NATIONAL GUARD | 51 | – | – | |
| 41 | WINGS OF ALASKA | 53 | – | – | |
| 42 | BLOCK 'O' EXECUTIVE HANGARS (14 UNITS) | 41 | – | – | |
| 43 | COASTAL FUEL | 26 | – | – | TO BE REMOVED/RELOCATED |
| 44 | TEMSCO HELICOPTERS | 48 | – | – | |
| 45 | F.A.A. SHELTER | | – | – | |
| 46 | BLOCK I HANGARS | | – | – | |
| 47 | R&L LEASING | | – | – | |
| 48 | FUTURE C.A.P. HANGAR | | – | – | |
| 49 | FUTURE FISH AND WILDLIFE HANGAR | | – | – | |
| 50 | FUTURE HANGARS | | – | – | |
| 51 | FUTURE SRE FACILITY | | – | – | |
| 52 | FUTURE HANGARS | | – | – | |




| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

JUNEAU AIRPORT
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

TERMINAL AREA PLAN

DATE: 04/15/2010
SHEET: 9 OF 11

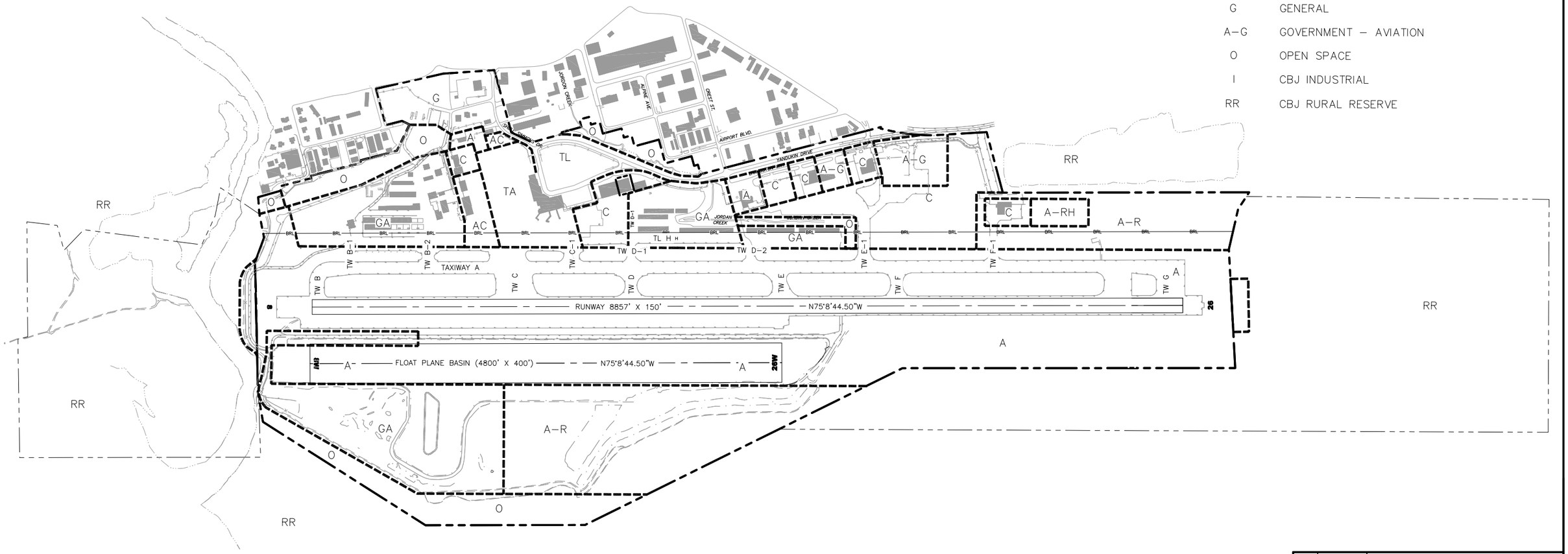
Designed By: BRH
Drawn By: cwilt
Checked By: hbanister
DOWL FILE No.: 232-89
Date Plotted: 2/20/2014, 11:21 AM
Layout Name: TERMINAL(1)
File Name: P:\Projects\260633\ALP\JNU-ALP.dwg

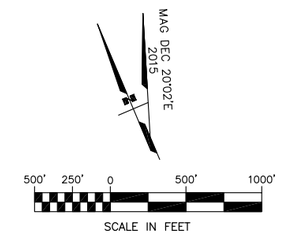
*LEGEND*

- EXISTING PAVEMENT
- EXISTING PROPERTY LINE
- EXISTING TRACT LINE
- LAND USE BOUNDARY
- BRL — BUILDING RESTRICTION LINE

ON–AIRPORT LAND USE

| | |
|---|---|
| A | AVIATION |
| TA | TERMINAL AREA (AIRSIDE) |
| TL | TERMINAL AREA (LANDSIDE) |
| C | COMMERCIAL (AVIATION) |
| GA | GENERAL AVIATION |
| AC | AIR CARGO |
| A–R | AIRPORT RESERVE |
| A–RH | AIRPORT RESERVE – HELICOPTER |
| G | GENERAL |
| A–G | GOVERNMENT – AVIATION |
| O | OPEN SPACE |
| I | CBJ INDUSTRIAL |
| RR | CBJ RURAL RESERVE |




| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

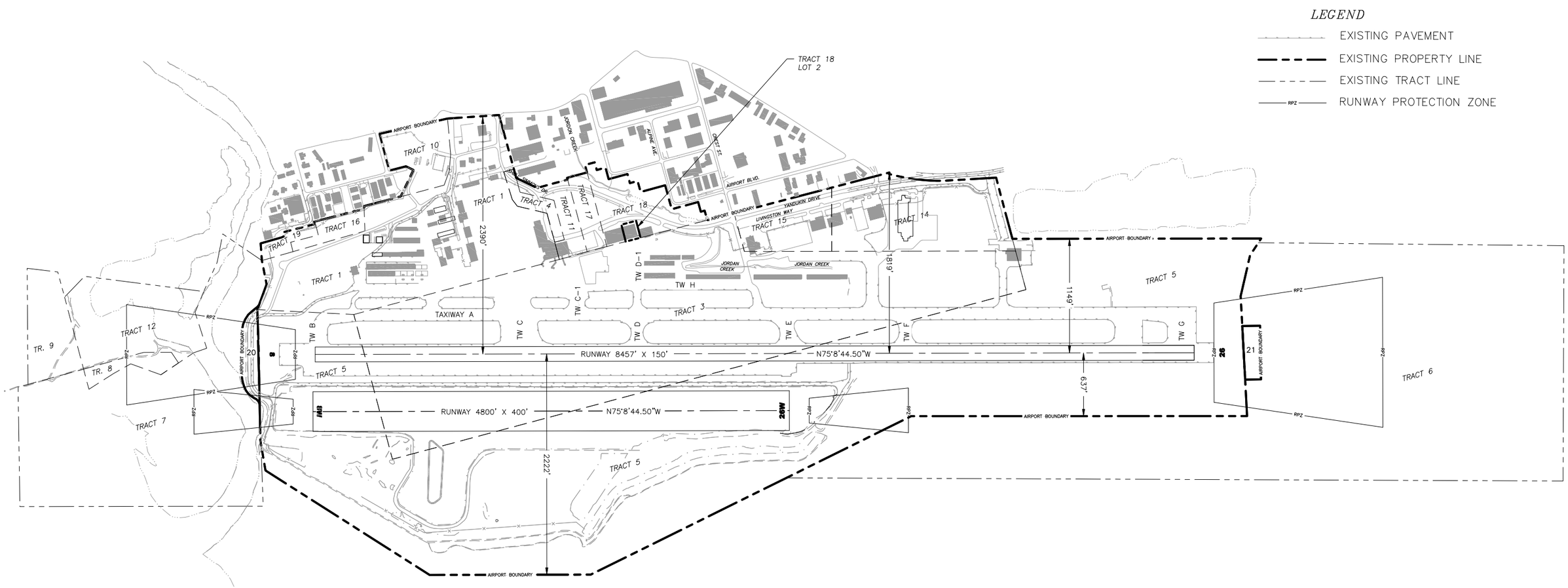
JUNEAU AIRPORT
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

AIRPORT LAND USE

DATE: 04/15/2010
SHEET: 10 OF 11

| | |
|---|---|
| Date Plotted: | 2/20/2014, 11:21 AM |
| Layout Name: | LAND USE (10) |
| File Name: | P:\Projects\D606333\ALP\JNU-ALP.dwg |
| Designed By: | jjones |
| Drawn By: | jwells |
| Checked By: | bhanson |

DOWL FILE No.: 232-89

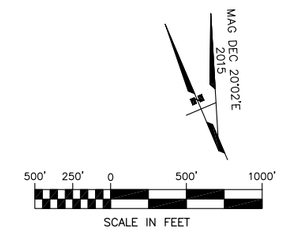



## NOTES:

1. THE BOUNDARY DATA SHOWN ON THIS MAP WAS COMPILED FROM RECORD DATA. NO BOUNDARY SURVEY WAS PERFORMED IN THE FIELD. THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY. ALL ACREAGES SHOWN ARE COMPUTED, AND ARE APPROXIMATE BASED ON THE RECORD DATA.

### PROPERTY STATUS

| TRACT# | INTEREST | GRANTOR | GRANTEE | PARCEL SIZE | DATE ACQUIRED | RECORDED DOC NO. | ACQUIRED AIP NO. |
|---|---|---|---|---|---|---|---|
| 1 | QUIT CLAIM DEED | CIVIL AERONAUTICS ADMINISTRATION | CITY & BOROUGH OF JUNEAU | 64.80 AC.± | 10–28–1953 | | |
| 2 | QUIT CLAIM DEED | CIVIL AERONAUTICS ADMINISTRATION | CITY & BOROUGH OF JUNEAU | 7.28 AC.± | 10–28–1953 | | |
| 3 | QUIT CLAIM DEED | CIVIL AERONAUTICS ADMINISTRATION | CITY & BOROUGH OF JUNEAU | 182.90 AC.± | 10–28–1953 | | |
| 4 | QUIT CLAIM DEED | FEDERAL AVIATION ADMINISTRATION | CITY & BOROUGH OF JUNEAU | 2.61 AC.± | 04–26–1967 | | |
| 5 | PATENT | STATE OF ALASKA | CITY & BOROUGH OF JUNEAU | 338.73 AC.± | 11–30–1972 | | |
| 6 | AVIGATION EASEMENT | STATE OF ALASKA, DOL | CITY & BOROUGH OF JUNEAU | 22.15 AC.± | 11–31–1972 | | |
| 7 | AVIGATION EASEMENT | STATE OF ALASKA, DOL | CITY & BOROUGH OF JUNEAU | 91.88 AC.± | 11–31–1972 | | |
| 8 | WARRANTY DEED | WILDE, GIBSON AND MAIER | CITY & BOROUGH OF JUNEAU | 2.94 AC.± | 05–30–1967 | | |
| 9 | AVIGATION EASEMENT | FILE AND AASA | **CITY & BOROUGH OF JUNEAU** | 10.07 AC.± | 02–05–1965 | | |
| 10 | DEED | GLACIER INVESTMENT COMPANY | CITY & BOROUGH OF JUNEAU | 1.17 AC.± | 09–12–1961 | | |
| 11 | F.A.A. LEASE, TERMINATES 11–30–2014 | FEDERAL AVIATION ADMINISTRATION | CITY & BOROUGH OF JUNEAU | 5.70 AC.± | | | |
| 12 | AVIGATION EASEMENT | JOE AND BETTY SMITH | CITY & BOROUGH OF JUNEAU | 22.01 AC.± | 05–01–1973 | | |
| 13 | E.S.S.A INSTRUMENT SPACE AGREEMENT PERMIT | U.S. WEATHER BUREAU | CITY & BOROUGH OF JUNEAU | 0.15 ± | | | |
| 14 | QUITCLAIM DEED | FRED S. AND E. LENORE HONSINGER, THEODORE J. AND SARA J. SMITH | CITY & BOROUGH OF JUNEAU | 29.13 AC.± | 12–24–1975 | | |
| 15 | QUITCLAIM DEED | FRED S. AND E. LENORE HONSINGER, THEODORE J. AND SARA J. SMITH | CITY & BOROUGH OF JUNEAU | 11.08 AC.± | 05–29–1976 | | |
| 16 | WARRANTY DEED | GLACIER INVESTMENT COMPANY | CITY & BOROUGH OF JUNEAU | 3.28 AC.± | 07–30–1976 | | |
| 17 | STATUTORY WARRANT DEED | VIVIAN ERWIN, LINDA M. BURLING, AND MARSHA BENNET | CITY & BOROUGH OF JUNEAU | 2.51 AC.± | 09–12–1979 | | |
| 18 | CONDEMNATION | FRANCIS A., JOSEPH M., SIDNEY J., THEORORE J., AND BETTY SMITH | CITY & BOROUGH OF JUNEAU | 11.56 AC.± | 05–28–1980 | | |
| 18 LOT 1 | DEED OF TRUST TO JAMES A. AND MARGARET H. MCCONAGHY | ALASKA N.W. PROPERTIES | CITY & BOROUGH OF JUNEAU | 0.8 AC.± | 02–01–1980 | | |
| 18 LOT 2 | NONE (INHOLDING) TO BE ACQUIRED | ALASKA AIRLINES | KENNETH H. LOKEN CHANNEL FLYING | 0.8 AC.± | AUGUST 1978 | | |
| 19 | DEED | CLARK S. GROENING AND ROSEMARY GUTE | CITY & BOROUGH OF JUNEAU | 2.0 AC.± | 01–29–2001 | | |
| 20 | TO BE ACQUIRED | STATE OF ALASKA | CITY & BOROUGH OF JUNEAU | 2.7 AC.± | – | | |
| 21 | TO BE ACQUIRED | STATE OF ALASKA | CITY & BOROUGH OF JUNEAU | 2.06 AC.± | – | | |




| BY | DATE | REVISION |
|---|---|---|
| DOWL | 2/20/14 | ASBUILT UPDATE |

JUNEAU AIRPORT
JUNEAU, ALASKA
AIRPORT LAYOUT PLAN

PROPERTY MAP

DATE: 04/15/2010

SHEET: 11 OF 11

DOWL FILE No.: 232-89

Designed By: jjones
Drawn By: jwilson
Checked By: bhanson

Date Plotted: 2/20/2014, 11:21 AM
Layout Name: PROPV (11)
File Name: P:\Projects\D60633\ALP\JNU-ALP.dwg

U.S. Department
of Transportation

**Federal Aviation
Administration**

Alaskan Region

222 W. 7th Avenue #14
Anchorage, Alaska
99513-7587

May 27, 2014

RECEIVED
JUN - 4 2014
Juneau International
Airport

Patricia deLaBruere
Airport Manager
Juneau International Airport
1873 Shell Simmons Drive, Suite 200
Juneau, AK 99801

Dear Ms. deLaBruere:

**Juneau International Airport**
**Juneau, Alaska**
**As-Built Airport Layout Plan**
**2009-AAL-64-NRA**

We have completed our review of the Juneau International Airport As-Built Airport Layout Plan (ALP), and find it acceptable for documenting the existing conditions of the airport.

The FAA has only limited means to prevent the construction of structures near an airport. The airport sponsor has the primary responsibility to protect the airport environs through such means as local zoning ordinances, property acquisition, avigation easements, letters of agreement or other means.

This ALP approval is conditioned on acknowledgement that any development on airport property requiring Federal environmental approval must receive such written approval from FAA prior to commencement of the subject development. This ALP approval is also conditioned on acceptance of the plan under local land use laws. We encourage appropriate agencies to adopt land use and height restrictive zoning based on the plan.

Approval of the plan does not indicate that the United States will participate in the cost of any development proposed. AIP funding requires evidence of eligibility and justification at the time a funding request is ripe for consideration. When construction of any proposed structure or development indicated on the plan is undertaken, such construction requires normal 45-day advance notification to FAA for review in accordance with applicable Federal Aviation Regulations (i.e., Parts 77, 157, 152, etc.). More notice is generally beneficial to ensure that all statutory, regulatory, technical and operational issues can be addressed in a timely manner.

Please attach this letter to the enclosed ALP and retain it in your files for future use.

Sincerely,

G. Eric Helms, Lead Engineer
Airports Division

Enclosure: Juneau International Airport ALP

## Irene Gallion

**From:** Irene Gallion
**Sent:** Monday, July 19, 2021 4:07 PM
**To:** michael.bowers@faa.gov; robert.van.haastert@faa.gov; richard.girard@faa.gov
**Cc:** Irene Gallion
**Subject:** AME21-09: Opportunity to comment on rezone next to PAJN
**Attachments:** AME21-09_Agency Comments Form.pdf; APP_AME21-09.pdf

Hello Gentlemen,

Attached is a rezoning application for land in the vicinity of the Juneau Airport (in the Honsinger Pond area). We'd like to invite you to comment on the proposal if you wish. The last page of the application (attached) has a map of the proposed change.

The intent is to rezone lots close to Egan Drive for a more commercially-varied land use, while leaving an industrially-zoned buffer with the airport.

Of note, with a change from Industrial to General Commercial, land owners would lose the ability to practice the following land uses:

- Storage of explosives and ammunition (TPU 4.200)
- Seafood processing (TPU 4.210)
- Shooting ranges (TPU 6.280)
- Commercial agriculture with more than three animals (TPU 14.210)
- Silviculture and timber harvesting (TPU 14.300)
- Mining (TPU 14.400)
- Airport (TPU 15.200)
- Crematorium (TPU 20.200)

They would gain the ability to have residences, and offices (such as engineering firms or banks).

The lot closest to the airport that is proposed for rezoning is about 900 feet from Taxiway Alpha.

If you could have comments to me by July 30, 2021, that would be appreciated. If you need more time let me know. Please feel free to forward to others in your organization if you feel that is appropriate. Your comments will be included in a staff report to the Planning Commission.

Thank you for your consideration.

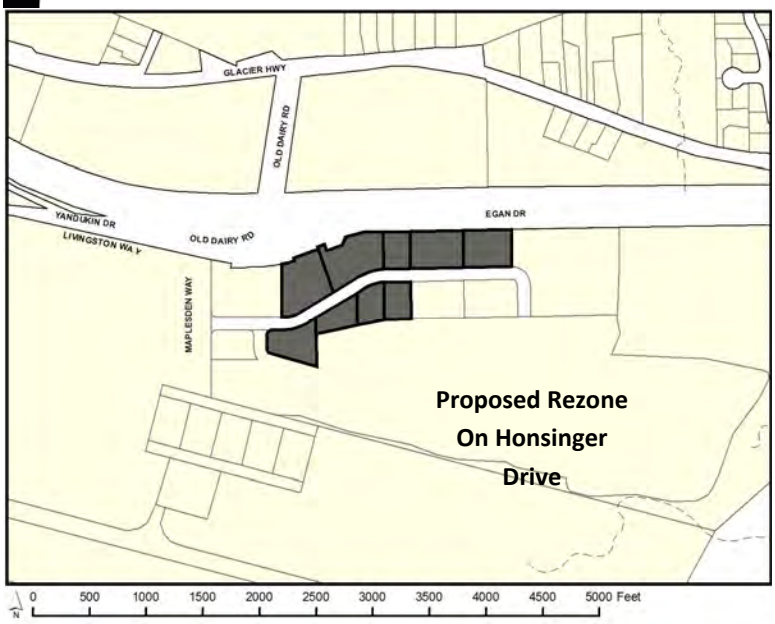
**Irene Gallion | Senior Planner**
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street | 4th Floor Marine View Building
Office: 907.586.0753 X2
.

*Fostering excellence in development for this generation and the next.*

# 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 S. Seward Street Juneau, Alaska 99801

**TO:**

A request has been submitted for consideration and public hearing by the Planning Commission for a **Rezone from Industrial to General Commercial** on **Honsinger Drive**. If recommended for approval, the request will be sent to the CBJ Assembly for final consideration.

## TIMELINE

Staff Report expected to be posted **Monday, August 2, 2021** at **https://juneau.org/community-development/planning-commission.** Find hearing results, meeting minutes and more here as well.

**Now through noon, August 9**

Comments received during this period will be sent to the Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling this case, Irene Gallion, will also read any written comments that are received. You may also contact her via the phone number listed below.

**HEARING DATE & TIME: 7:00 pm, August 10, 2021**

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: https://juneau.zoom.us/j/98653571983. The Webinar ID is: 986 5357 1983. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

**August 11**

The results of the hearing will be posted online.

Phone: **(907)586-0715** ◆ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

*Printed July 15, 2021*

**Case No.:** AME2021 0009
**Parcel No.:** 5B1401050020; 030; 040; 050; 060; 100; 110; 120; 130
**CBJ Parcel Viewer:** http://epv.juneau.org

## Irene Gallion

**From:** dblommer@bicknellinc.com
**Sent:** Monday, July 26, 2021 10:43 AM
**To:** Irene Gallion
**Subject:** RE: AME21-09: Public Notice Sign
**Attachments:** 20210726_103252.jpg

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Irene,

Here is the picture of the sign.

Thanks,
David

---

**From:** dblommer@bicknellinc.com <dblommer@bicknellinc.com>
**Sent:** Monday, July 26, 2021 8:21 AM
**To:** 'Irene Gallion' <Irene.Gallion@juneau.org>
**Subject:** RE: AME21-09: Public Notice Sign

Thank you. I will send a picture of the sign soon.

Have you received any comments yet and does the staff report come out next week?

David

---

**From:** Irene Gallion <Irene.Gallion@juneau.org>
**Sent:** Saturday, July 24, 2021 2:32 PM
**To:** dblommer@bicknellinc.com
**Subject:** RE: AME21-09: Public Notice Sign

Hi David,

Summary: Recent Commission activity has us planning ahead.

Recently we had a rezone fail because the Commission and the Assembly determined that the proposed zoning did appropriately fall under the comp plan map. It was going a different direction – from dense residential to general commercial. This is just in case they think, "We did it last time, we have to do it this time." By the way, that rezone was for a sitting Commissioner so they were being extra diligent.

We will forestall this discussion with the idea that, per the comp plan, RD is a map designation to identify and conserve natural resources "until specific uses are identified and developed." Also, "As resources are identified or extracted from these lands, they should be re-designated and re-zoned appropriately." So, you are still in the process of dredging and filling some of the original parcel. However, these lots we are rezoning are done, and it is time to zone them appropriately.

Thanks for getting on the sign thing!

IMG

**From:** dblommer@bicknellinc.com <dblommer@bicknellinc.com>
**Sent:** Friday, July 23, 2021 3:14 PM
**To:** Irene Gallion <Irene.Gallion@juneau.org>
**Subject:** RE: AME21-09: Public Notice Sign

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Irene,

I picked up the notice sign today. We will have it up first thing Monday.

Why would they require a map amendment? We already rezoned under the current "RD" designation.

Thanks,
David

**From:** Irene Gallion <Irene.Gallion@juneau.org>
**Sent:** Friday, July 23, 2021 1:03 PM
**To:** dblommer@bicknellinc.com
**Subject:** AME21-09: Public Notice Sign

Hi David,

The public notice sign is ready for pick-up in the permit center. Please post the sign no later than end-of-day Monday. It should be visible from the ROW. Send me a picture in the e mail, as that will be used to date and time stamp the posting.

The Commission and Assembly have made some interesting decisions lately regarding Comp Plan map amendments, and whether they should come before or after development. The eventualities are outlined in the attached, I can walk you through it (I am out of the office until next Wednesday). Summary: Your path appears to be the right one, but if they require a map amendment before a rezone here is the contingency plan.

Have a good weekend,

**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 X2
.

*Fostering excellence in development for this generation and the next.*

Attachment L - Public Notice Sign

Presented by:
Introduced:
Drafted by: CDD Gallion

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2021-XX DRAFT**

**An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Honsinger Pond Lots 2, 3, 4, 5, 6, 10, 11, 12, 13; Located on Honsinger Drive.**

WHEREAS, the area of the proposed rezone to General Commercial, located on Honsinger Drive is currently zoned as Industrial; and

WHEREAS, the CBJ Comprehensive Plan maps this area for Resource Development,

WHEREAS, the proposed rezone conforms to the Resource Development designation,

WHEREAS, the CBJ Comprehensive Plan encourages commercial uses close to high-visibility thoroughfares,

WHEREAS, General Commercial development has been determined compatible with Juneau International Airport,

WHEREAS, the CBJ Comprehensive Plan definition of Resource Development recognizes that map amendment will occur after development,

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 Honsinger Pond Lots 2, 3, 4, 5, 6, 10, 11, 12, 13; located on Honsinger Drive**,** from Industrial, to General Commercial.

The described rezone is shown on the attached Exhibit "A" illustrating the area of the proposed zone change.

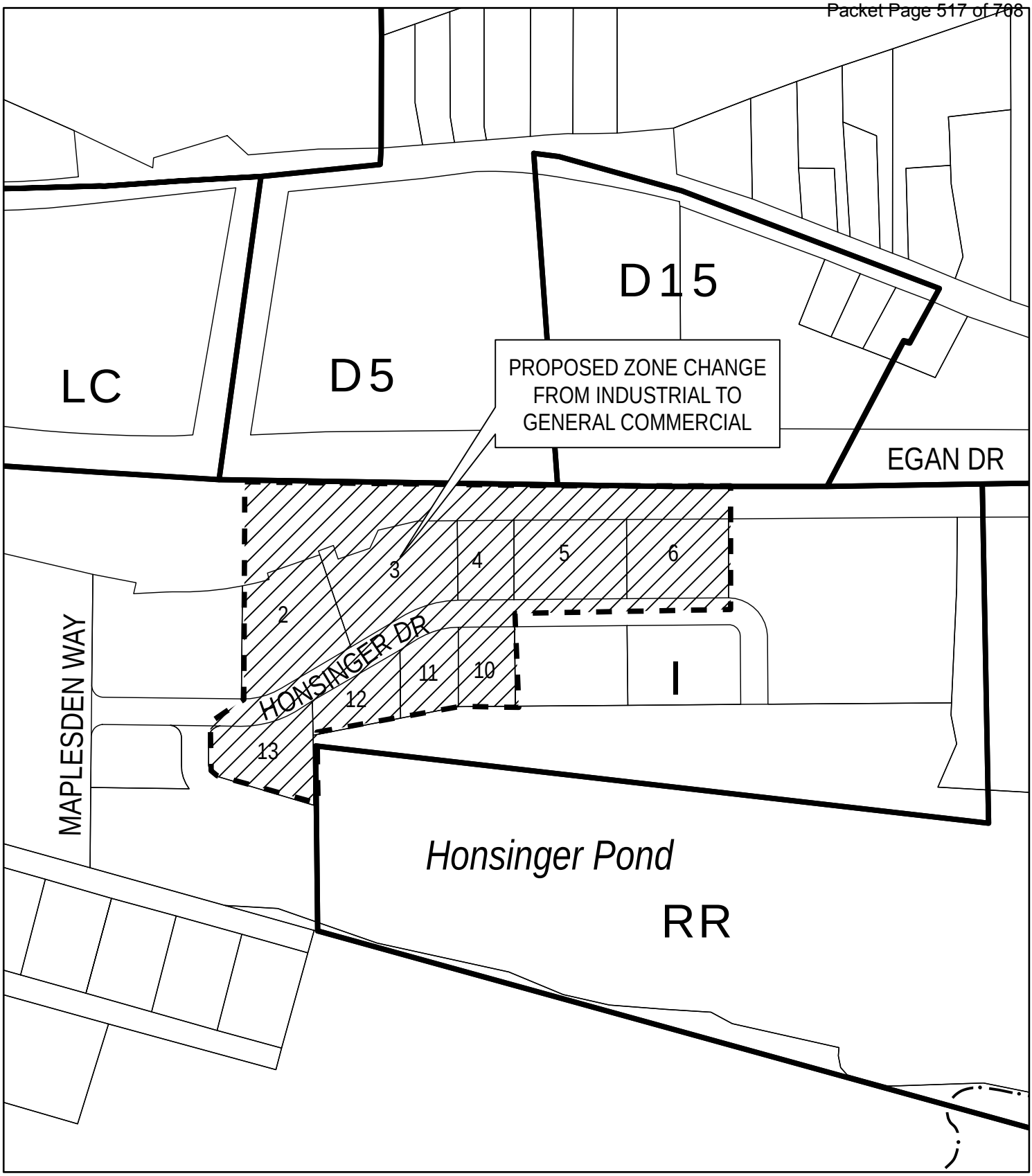
**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

_____
, Mayor

Attest:

_____
Beth McEwen, Municipal Clerk




AME20210009

Zone Change for
HONSINGER POND LOTS 2 - 6 & 10 - 13
from Industrial to General Commercial

0 125 250 500 Feet

N

Map created: 7/30/2021

Project source: P:\quinn\Projects\CDD\zoning_ordinances_5.mxd

Attachment M - Draft Ordinance Map

# AME2021 0009

Rezone from Industrial to General Commercial on Honsinger Drive

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

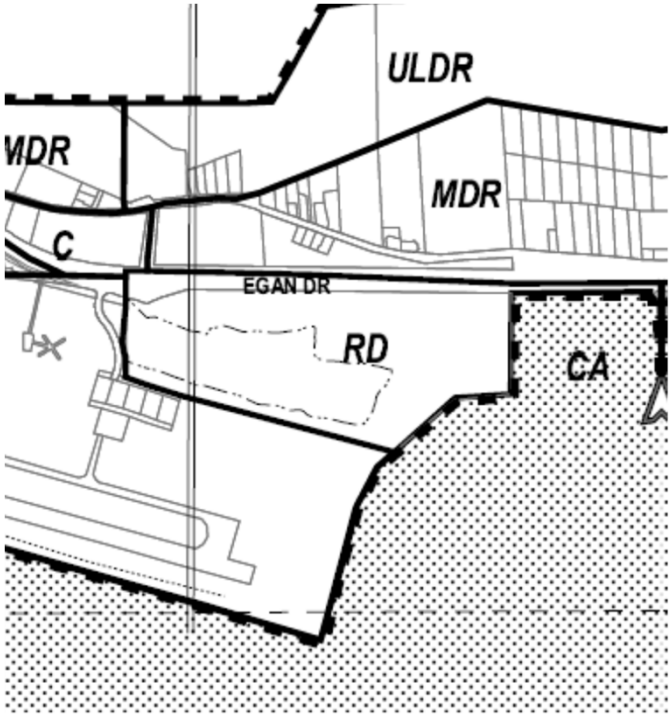
# Proposed rezone

- 7.1 acres
- 9 lots

# Does the Comp Plan map need to be amended first? No.

3

- RD until land uses are identified <u>and</u> developed
- As resources extracted, re-designate and rezone



# Is this spot zoning? No.

4

- Small lot
- Zoned for use different than surrounding area
- Benefit of land owner
- Detriment to neighbors

- 7.1 acres (min 2 acres)
- GC consistent with Comp Plan and transition from Industrial
- Benefits land owner
- Benefits neighbors

Originally R40 - Base from which changes made as uses evolve AP1



CITY AND BOROUGH OF JUNEAU ALASKA'S CAPITAL CITY

## Slide 4

**AP1** This sentence doesn't make sense to me
Alexandra Pierce, 8/6/2021

# GC cannot

5

- Store explosives
- Process seafood
- Operate shooting ranges
- Commercial agriculture with more than three animals
- Silviculture and timber harvest
- Mine
- Operate an airport
- Operate a crematorium



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

# FAA Concerns – AC150/5190-B (draft)

6

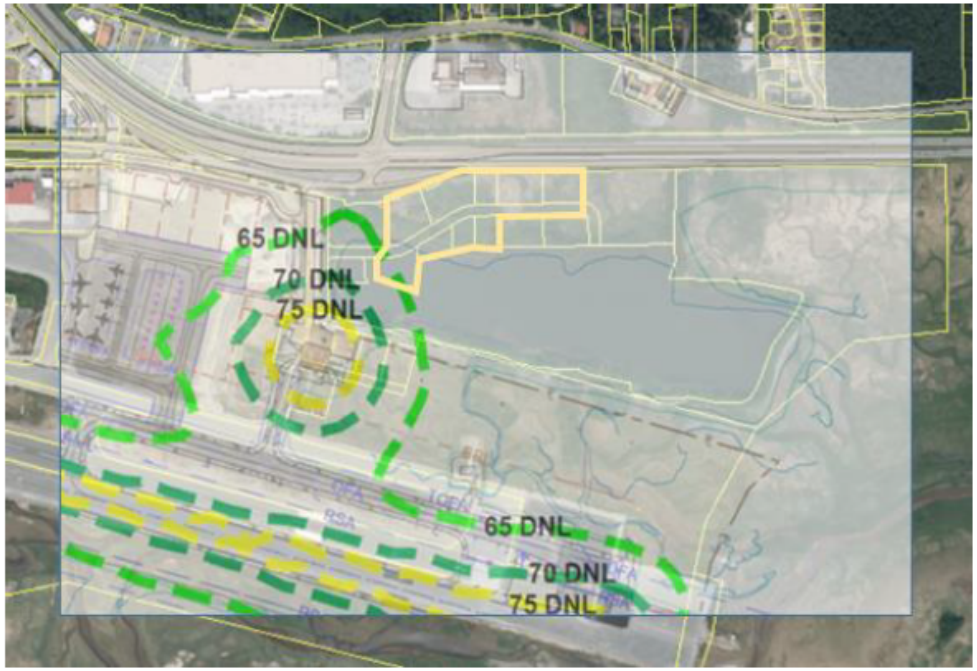
- Noise
- Airspace
- Wildlife and bird attractants



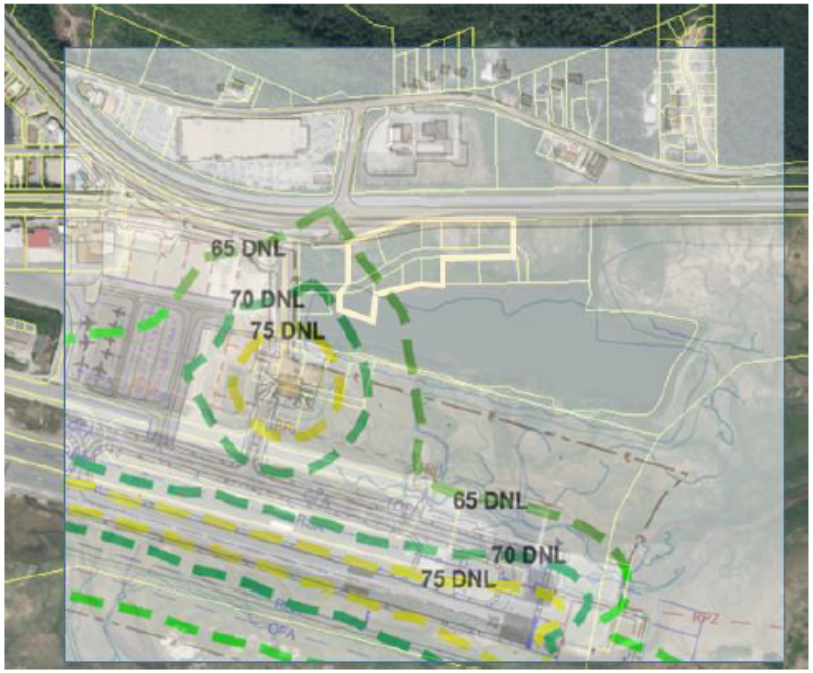
CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

# Noise – see Attachment G





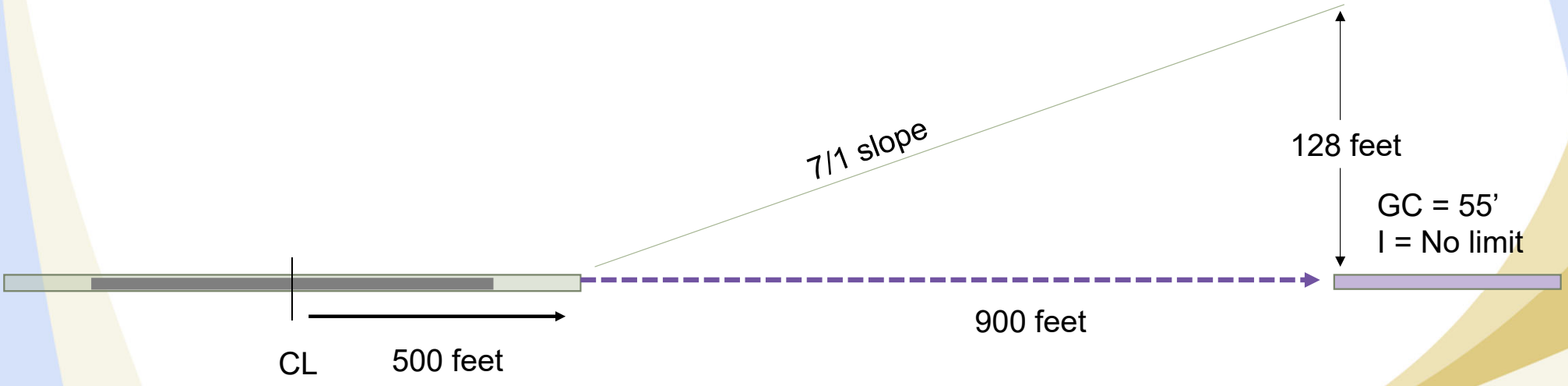

2015




2035

# Airspace – Part 77 (diagram nts)





# Other visibility concerns

# Bird and wildlife hazards

## Alaska Airlines jet hits brown bear while landing in southeast town of Yakutat

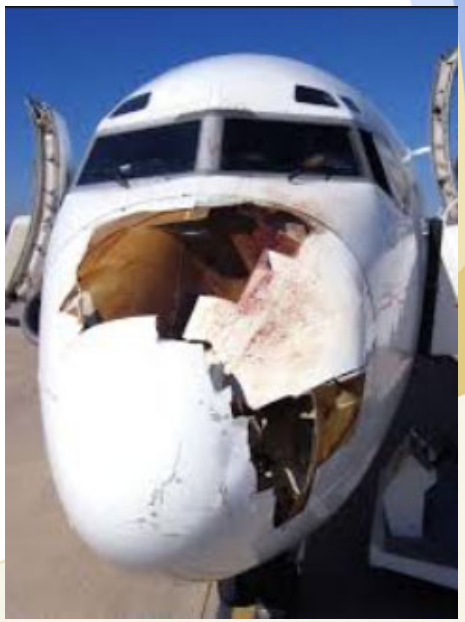
Associated Press
Published 12:14 a.m. ET Nov. 16, 2020

USA TODAY

AVIATION

## ‘Aviation Sector Loses $1.2bn Annually To Bird Strike’

Published 2 years agoon March 22, 2019
By **The Tide**



## Pilot saw eagle coming at jet before engine strike

Originally published August 9, 2010 at 3:38 pm | *Updated August 9, 2010 at 6:01 pm*

**An eagle looked like it was on a "suicide mission" as it flew straight toward an Alaska Airlines jet just before it was sucked into an engine as the aircraft was taking off in Sitka, the pilot said.**

# Bird and wildlife hazards

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

# Comprehensive Plan: Guidelines for Subarea 4

12

Designate areas with visibility from thoroughfares for heavy commercial and light industrial uses.



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

# Recommend APPROVAL

- Filed timely
- Public notice provided
- More than two acres
- No similar request within previous 12 months
- Land use maps allow while being developed
- Conforms to code and Comp Plan



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Planning Commission
(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

**PLANNING COMMISSION**
**NOTICE OF RECOMMENDATION**

Date: August 24, 2021
File No.: AME2021 0009

City and Borough of Juneau
155 S. Seward Street
Juneau, Alaska, 99801

Proposal: A rezone from Industrial to General Commercial on Honsinger Drive.

Property Address: Unassigned, Honsinger Drive

| Legal Description: Honsinger Pond, Lot | Parcel Code |
|---|---|
| 3 | 5B1401050030 |
| 4 | 5B1401050040 |
| 5 | 5B1401050050 |
| 6 | 5B1401050060 |
| 7 | 5B1401050070 |
| 8 | 5B1401050080 |
| 9 | 5B1401050090 |
| 10 | 5B1401050100 |
| 11 | 5B1401050110 |

Hearing Date: August 10, 2021

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 3, 2021, and recommended that the Assembly approve a rezone from Industrial to General Commercial for certain lots on Honsinger Drive. The applicant requested rezoning Honsinger Pond Lots 2, 3, 4, 5, 6, 10, 11, 12, & 13 (7.1 acres) from Industrial to General Commercial. The Planning Commission modified the proposal and recommended rezoning of Honsinger Pond Lots 3, 4, 5, 6, 7, 8, 9, 10 &11.

Attachments: August 3, 2021 memorandum from Irene Gallion, Community Development, to the CBJ Planning Commission regarding AME2021 0009.

Additional findings:

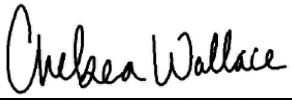
- General Commercial allows more intense residential development than Industrial.
- Residential uses are incompatible with Day Night Average Sound Levels over 65 decibels. [FAA Advisory Circular AC150/5190(B) (draft) Table 2.1, "Land Use Compatibility with Yearly Day-Night Average Sound Levels (DNL)].
- Juneau Noise Exposure Maps show DNL between 65 and 70 for Honsinger Pond Lots 2, 12, and 13 [Airport Sustainability Master Plan (no date), Page 351 (Land Use Drawing, sheet 10 of 11)].
- Honsinger Pond Lots 2, 12, and 13 were originally included in the applicant's proposed rezone to General Commercial. Collectively they are 108,907 square feet.
- Honsinger Pond Lots 2, 12, and 13 were removed from the Planning Commission's recommendation due to mapped airport noise impacts.
- Honsinger Pond Lots 7, 8, and 9 were not included in the applicant's proposed rezone to General Commercial. Collectively they are 273,748 square feet.
- Honsinger Pond Lots 7, 8, and 9 were added to the Planning Commission's recommendation to:
    - Accommodate the loss of Honsinger Pond Lots 2, 12, and 13.
    - Meet Comprehensive Plan goals of light industrial or heavy commercial uses in the thoroughfare view shed (2013 Comprehensive Plan, page 180).
    - Facilitate consistent use with regularly-shaped zoning area.

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).

August 26, 2021

Michael LeVine, Chair
Planning Commission

Date



August 26, 2021

Filed With City Clerk

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. The State Government and project 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 AGENDA
# THE CITY AND BOROUGH OF JUNEAU, ALASKA

AME2021 0008: An ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.70.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment - FORWARD AME2021 0008 TO THE ASSEMBLY FOR DIRECTION ON NEXT STEPS FOR AN APPROPRIATE COMMUNITY REVIW AND ADOPTION PROCESS, INCLDUING FUNDING FOR STEPS WHICH ARE DEEMED NECESSARY. NEW LANDSLIDE AND AVALANCHE HAZARD MAPPING AND STUDY RESULTS SHOULD BE HELD WITHOUT ADOPTION, PENDING DEVELOPMENT OF ASSOCIATED HAZARD ZONE POLICIES AND REGULATIONS.

## AGENDA ITEM:

Case No.: AME2021 0008
Applicant: City & Borough of Juneau
Location: Borough-wide
Proposal: An ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.70.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment

## RECOMMENDATION:

Staff recommends that the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.70.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment.

## ATTACHMENTS:

| | Description | Upload Date | Type |
|---|---|---|---|
| | Staff Report for AME2021 0008 - Part 1 | 8/2/2021 | Staff Report |
| | Staff Report for AME2021 0008 - Part 2 | 8/2/2021 | Staff Report |
| | Presentation for AME2021 0008 | 8/16/2021 | Presentation |
| | Notice of Recommendation for AME2021 0008 | 8/25/2021 | Notice of Recommendation |

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

**DATE:** August 2, 2021

**TO:** Michael LeVine, Chair, Planning Commission

**BY:** Teri Camery, Senior Planner, CFM

**THROUGH:** Jill Maclean, Director, AICP

**PROPOSAL:** An ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit; 49.70.210, Hillside Development; and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment

**STAFF RECOMMENDATION:** Forward the proposed ordinance with a recommendation of APPROVAL to the Assembly.

**KEY CONSIDERATIONS FOR REVIEW:**

- Revisions to CBJ Code 49.15.330(g)(9), Conditional Use Permit; 49.70.210, Hillside Development; and 49.70.300, Landslide and Avalanche Areas, to replace the 1987 hazard maps with the May 28, 2021 Landslide and Avalanche maps.
- Revision to CBJ Code 49.70.300(c) and (d) to amend the current regulations that apply to severe avalanche areas to also apply to severe and high landslide areas. This is necessary because the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment proposes three hazard designations for avalanche areas (severe, moderate, and low), and four designations for landslide areas (severe, high, moderate, and low).

| GENERAL INFORMATION | |
|---|---|
| **Applicant** | City and Borough of Juneau |
| **Initiated By** | Community Development Department |
| **Property Affected** | Downtown Juneau |

| LAND USE CODE AMENDED | |
|---|---|
| 49.15.330 | Conditional Use Permit |
| 49.70.210 | Hillside Development |
| 49.70.300 | Landslide and Avalanche Areas |

| WORK SESSION DATES | |
|---|---|
| **Public Meeting** | July 21, 2021 |

**ALTERNATIVE ACTIONS:**

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. 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 text amendment. The Commission's recommendation will be forwarded to the assembly for final action.

**STANDARD OF REVIEW:**

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - 49.15.330
  - 49.70.210
  - 49.70.300

**The Commission shall hear and decide the case per *49.10.170(d) Planning Commission Duties.*** *The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.*

## DISCUSSION

**Accessing the assessment, maps, and other supporting documents**

All project information is included on the Community Development Department's (CDD) Special Projects Page, at

www.juneau.org/community-development/special-projects/landslide-avalanche-assessment

Specifically, the full draft hazard assessment is included on this page in the Documents section shown below. To view only the landslide and/or avalanche maps, go to the two bullet links underneath the assessment. CDD has also developed maps that show the changes between the currently adopted and proposed maps, listed below the draft assessment.

### Documents

- July 21 Public Meeting Agenda
  - *NEW* Community Development Department July 21 2021 presentation
  - *NEW* Tetra Tech contractor July 21 2021 presentation
  - *NEW* July 21 2021 public meeting Question and Answer session (Zoom recording)
- Project Area Map
- Draft Hazard Assessment
  - Draft Landslide Maps
  - Draft Avalanche Maps
- Maps prepared by CDD that show the difference between the adopted 1987 hazard maps and the draft landslide and avalanche maps.
  - CDD adopted 1987 combined landslide-avalanche map
  - CDD adapted draft avalanche map
  - CDD adapted draft landslide map
  - CDD adapted map with difference between 1987 and proposed drafts
- Currently Adopted Landslide/Avalanche Maps
- Currently Adopted Landslide/Avalanche Regulations
  - Hillside Development
  - Landslide and Avalanche Areas
- Hazard Studies

The draft landslide and avalanche maps have also been included as Attachments E and F.

**Background –**

The currently adopted landslide and avalanche maps for downtown Juneau, dated September 9, 1987, are based on maps developed in the 1970s. These low-resolution maps combine landslide and avalanche areas into a single map, which identifies moderate and severe hazard areas.

In 2018, CDD was awarded a grant from the Federal Emergency Management Agency (FEMA) to update these maps with current scientific analysis, and to evaluate landslide and avalanche areas separately. Following a competitive bid process, Tetra Tech Inc. was hired as the contractor.

CDD will evaluate new hazard policies and regulations through a separate grant process and second competitive bid process in 2022. At this time, CDD is proposing only the minimum regulatory changes necessary to adopt the

new maps and to reflect the landslide and avalanche designations in the new assessment. This change will be discussed further in following sections.

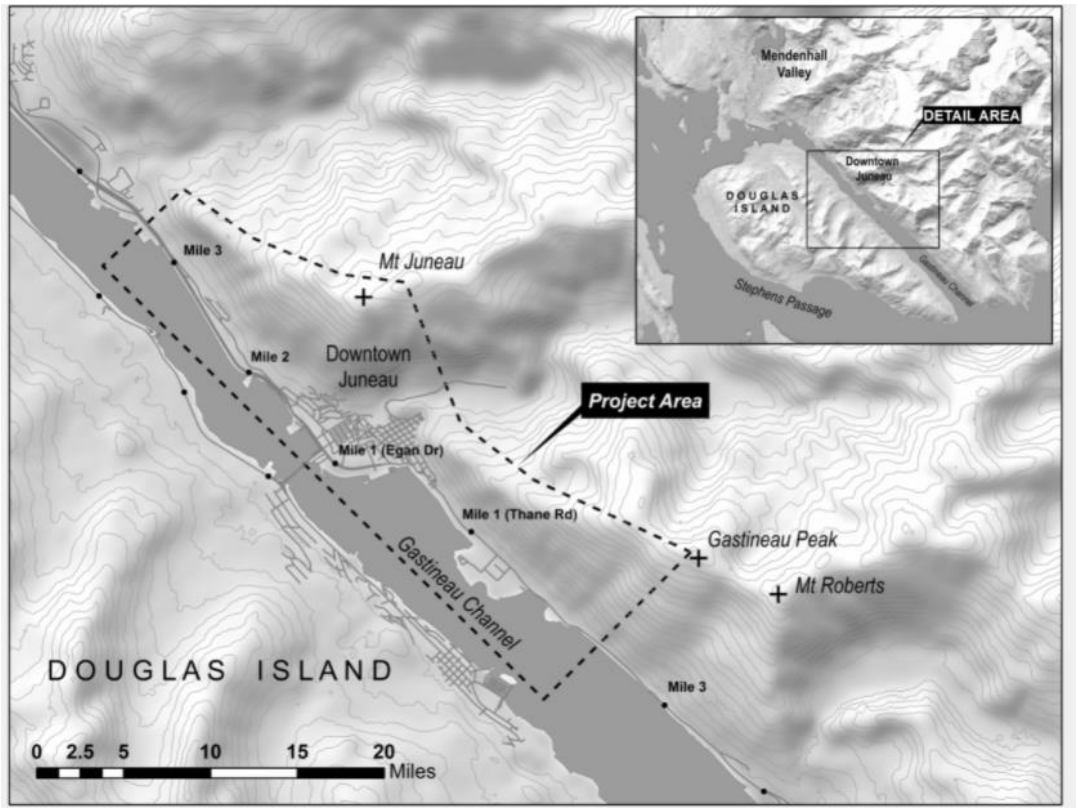
Tetra Tech scientists conducted fieldwork assessments in Juneau in September 2019. Tetra Tech provided the first draft assessment and maps to CDD in August 2020. CDD sent this draft to 18 scientific and land use experts for review and comment. The review found the report scientifically sound but in need of revision for clarity and consistency. This resulted in a substantially revised second draft report, and eventually a third draft report. The third draft was released to the public and posted on the CDD Special Projects website on July 9, 2021.

A virtual public meeting with CDD, the contractor, and affected property owners was held on July 21, 2021. Prior to this meeting, a postcard mailer was sent to all property owners within the project area. In addition, email announcements were sent to downtown and Thane neighborhood associations, to the Blueprint Downtown, and the Downtown Juneau Alternative Development Overlay District email lists from CDD, and to the Downtown Business Association and other downtown email lists maintained by the Juneau Economic Development Council. KTOO ran online and radio stories on July 20, 2021 about the updated maps and upcoming public meeting. Public meeting comments will be addressed in the Public Comments section of this report.

Downtown Juneau had severe landslide damage from a November 30 to December 2 storm in 2020. The same storm event resulted in landslides in Haines that killed two people and destroyed nine homes. In late February 2021, CBJ's Emergency Program Manager recommended evacuation of the Behrends Avalanche path in downtown Juneau. These storm events further emphasize the need for new scientifically accurate maps to protect public safety.

**Property Affected –**

The Project Area, as defined by CDD's FEMA grant, is shown in the map below:



This project area is larger than the currently adopted 1987 maps; so many properties have been evaluated for the first time, while the remaining properties have been updated. The following chart provides approximate figures on the changes between the adopted and proposed maps.

| | 1987 Adopted Maps | 2021 Proposed Maps |
|---|---|---|
| Number of properties within the mapped study area | 1108 | 1150 |
| Number of properties within high/severe landslide and avalanche zones | 173 | 374 |
| Number of properties within the 1987 adopted severe zone, but out of the 2021 proposed high/severe zone | 16 | N/A |
| Number of properties within the proposed 2021 high/severe zone, but out of the 1987 adopted severe zone | N/A | 217 |

During the grant application process, CDD consulted with CBJ Emergency Services, the CBJ Lands Division, and the CBJ Engineering and Public Works Department to determine the highest priority areas for an updated hazard assessment based on known threats, critical infrastructure, housing density, and future development needs. The project area shown above was CDD's Priority One area in the grant application for FEMA funding. Other priorities that were not funded include the remaining stretch of Thane Road, Blackerby Ridge to Thunder Mountain, and the western side of Thunder Mountain on the east side of the valley. CDD will seek funding for these areas in future FEMA grant cycles.

CDD and the CBJ Emergency Programs Manager have received requests from Mountainside Estates residents to conduct a landslide analysis in this area. In addition, CBJ had significant landslide damage from the November-December 2021 storm in the area of the Salmon Creek Reservoir, which damaged AEL&P structures and resulted in a brief, but significant, shutdown of water flow to the DIPAC hatchery. In April 2021, CDD received a grant from the U.S. Geological Survey, with supplemental funding from AEL&P, to obtain new LiDAR (Light Detection and Ranging, a tool for highly precise topographical imagery) as a first step towards a landslide analysis for this area. The project area includes Bartlett Regional Hospital, Salmon Creek Reservoir, Mountainside Estates, and Lemon Creek toward Blackerby Ridge, to encompass critical infrastructure and residential areas.

**Title 49 Land Use Code Sections Amended**

**CBJ Code 49.15.330(g)(9), Conditional Use Permit.** This revision updates the reference in the list of specific conditions that the Planning Commission can apply to Conditional Use Permits to refer to the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment instead of the September 9, 1987 landslide and avalanche maps.

**CBJ 49.70.210, Hillside Development.** This revision updates the reference in the Hillside Development ordinance to refer to the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment instead of the September 9, 1987 landslide and avalanche maps.

**CBJ 49.70.300(a)(2), Landslide and Avalanche Areas.** This revision updates the reference in the Hillside Development ordinance to refer to the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment instead of the September 9, 1987 landslide and avalanche maps.

**CBJ 49.70.300(c) and (d), Landslide and Avalanche Areas.** This revision updates the code to apply development restrictions to severe and high landslide areas as well as severe avalanche areas.

CBJ code currently states that no development within a severe avalanche area "*shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.*" The code also states that "*No subdivision shall be approved which creates a lot lacking sufficient building space outside a severe avalanche area*." The currently adopted September 9, 1987 maps show severe and moderate landslide and avalanche areas together with a single label on the maps. Because of this, the restriction in the current code to avalanche areas, but not landslide, is not intentional; landslides have always had the same development restrictions as avalanches.

The contractor's scientific analysis has indicated that four hazard categories are necessary for landslide areas (severe, high, moderate, and low), while avalanche areas would maintain the three categories currently used (severe, moderate, and low). The proposed code revision ensures that development restrictions apply to the highest risk categories of both landslide and avalanche areas, because these hazards are combined on the adopted maps.

As noted in the Public Comments section, residents have expressed concerns about development restrictions in the new landslide high hazard as well as severe landslide and severe avalanche areas. CDD has evaluated this issue in cooperation with the CBJ Emergency Services Manager. The intent is to limit density in the highest hazard areas to protect public safety. Given the significant public safety risk of both high and severe hazard areas, CDD and the Emergency Services Manager have concluded that density restrictions are warranted in both areas.

As noted in the background section, CDD will evaluate new hazard policies and regulations through a separate grant process and second competitive bid process in 2022. This evaluation will also include possible engineering interventions for CBJ and/or individual property owners to consider.

CDD has received questions regarding the process for changing hazard designations. CBJ Code 49.70.300(a)(4) describes the process for seeking a departmental change to the hazard boundary, which requires a site-specific study prepared by a civil engineer with experience in landslide and avalanche analysis. No changes are proposed to this section.

**COMPLIANCE WITH TITLE 49**

***49.05.100 - Purpose and intent.*** **The purpose and Intent of Title 49 Land Use Code is:**

*(1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;*

*(2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*

*(3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*

*(4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*

*(5) To provide adequate open space for light and air; and*

*(6) To recognize the economic value of land and encourage its proper and beneficial use.*

**Title 49 –** The proposed text amendment complies with CBJ Title 49 Land Use Code. Additionally, the proposed amendment will not create any inconsistencies in Title 49.

| Code Reference | Item | Summary |
|---|---|---|
| 49.05.100 | Purpose Statement | The proposed text amendment complies with the purpose and intent of Title 49. |
| 49.15.330(g)(9) | Conditional Use Permit Specific conditions | The proposed text amendment complies with the Conditional Use Permit section and will not create any inconsistencies in Title 49. |
| CBJ 49.70.210 | Hillside Development | The proposed text amendment complies with the Hillside Development section and will not create any inconsistencies in Title 49. |
| 49.70.300(a)(2) | Landslide and Avalanche Areas | The proposed text amendment complies with the Landslide and Avalanche Areas section and will not create any inconsistencies in Title 49. |
| 49.70.300(c) and (d) | Landslide and Avalanche Areas | The proposed text amendment complies with the Landslide and Avalanche Areas section and will not create any inconsistencies in Title 49. |

**COMPLIANCE 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 compliance with the 2013 Comprehensive Plan. | | | |
|---|---|---|---|
| **Chapter** | **Page No.** | **Item** | **Summary** |
| 7 | 97 | Policy 7.7 | The proposed text amendment supports Policy 7.7 by adopting a new hazard assessment and maps based on the best available scientific analysis.<br><br>*Policy 4.2. TO MINIMIZE THE THREAT TO HUMAN SAFETY AND DEVELOPMENT POSED BY LANDSLIDES (MASS WASTING) AND AVALANCHES.* |

**AGENCY REVIEW**

CDD conducted an agency review comment period on the contractor's preliminary draft assessment in August and September 2020. The draft was sent to 18 scientific and land use experts for detailed review. Reviewers generally commented that the scientific analysis in the report was highly defensible, but changes were needed to improve the organization, terminology, and readability of the report. The second substantially revised draft report was received in February 2021 and went through a more limited agency review period. This resulted in the third draft of the report, which was received in May 2021.

**PUBLIC COMMENTS**

The third draft hazard assessment and maps were released to the public and posted on the CDD Special Projects website on July 9, 2021. A virtual public meeting with CDD, the contractor, and affected property owners was held on July 21, 2021. Prior to this meeting, a postcard mailing was sent to all property owners within the project area. Email announcements were sent to downtown and Thane neighborhood associations, the Blueprint Downtown, and the Downtown Juneau Alternative Development Overlay District email lists from CDD, and to the Downtown Business Association and other downtown email lists maintained by the Juneau Economic Development Council. A Public Service Announcement was released on July 14, 2021, and the CDD website was updated to include meeting information, project information and documents, background documents and maps. KTOO ran online and radio stories on July 20, 2021 about the updated maps and upcoming public meeting. Notice regarding the August 10, 2021 Planning Commission hearing was provided in the Juneau Empire's Your Municipality Section on July 30, 2021 and August 6, 2021. A second postcard mailing was sent to all property owners within the project area on July 22, 2021. The Juneau Empire posted an article on the assessment and public meeting on July 23, 2021.

Zoom Webinar reports indicated that 101 people attended the July 21, 2021 virtual public meeting. CDD received 69 comments and questions, which are included in Attachment G. The meeting was extended by 1.5 hours to ensure that all questions were addressed by a panel of CDD staff and the consulting team. CDD and Tetra Tech

had follow-up conversations with multiple residents regarding specific questions about their property. Generally, public meeting comments and questions included the following:

- Regulations that apply to hazard areas
- The scientific methodology behind the landslide study
- Understanding how the boundaries between different landslide designations were determined
- Whether a landslide event similar to what happened in Haines could happen in Juneau
- Impacts on property value and home insurance
- Questions about mitigation or protection structures
- Questions regarding the evaluation of specific landslide and/or avalanche areas such as Starr Hill or the Highlands
- Understanding how to use the maps
- Understanding why the avalanche and landslide boundaries are different
- Questions about the possible effects of climate change on both avalanches and landslides
- Worries that the public won't receive timely information on their questions and concerns resulting from new hazard designations on their property
- Requests for a full day Open House with CDD and the contractor to provide information and answer questions

CDD and Tetra Tech presentations from the meeting are available on the CDD Special Projects website at www.juneau.org/community-development/special-projects/landslide-avalanche-assessment

The website also includes a link to the recording of the full two hour Question and Answer section of the meeting.

Lastly, CDD has received the following comment letters to date:

| Name | Summary |
|---|---|
| Colin Shanley | Would like to know why wind exposure, forest cover, tree size, and tree density were not included in the analysis; would like more context on the implications of the proposed designations for property owners.<br><br>In a second email, requested careful consideration of applying development restrictions to high areas as well as severe; requested that high areas be lumped with moderate instead to ensure that residents can add apartments and needed additions to their homes. |
| Barb Sheinberg | Feels that it was unfair to residents to go beyond the advertised time of the July 21 public meeting; feels that an in-person open house workshop would be beneficial with the consultants; thought that consultant's response to Starr Hill concerns was unhelpful, questions were not answered. |
| Catherine Wilkins | Notes that use of the old Mount Roberts trail is contributing to the destabilization of the hillside about Nelson Street; requests action to discourage use of the trail. |
| Reed Stoops | Assessment moves his Willow Drive property into a high landslide area; not aware of any landslides before his home was constructed in the 60s; map adoption creates uncertainty for home insurance and future resale of the property; encourages Commission to not adopt the hazard map at least as it applies to his lot. |

| Name | Summary |
|---|---|
| Bill Glude | Generally agrees with avalanche mapping; finds landslide mapping baffling and inconsistent; cites areas that should be changed from Severe to Moderate based on current conditions, particularly in the Bathe Creek area along Irwin Street and the Highlands area; requests changes to some of the formatting in the report. |
| Carolyn V Brown | Thanked for a fascinating presentation, looks forward to more, hopes that League of Women Voters can assist with advocacy and education. |
| Greg Roth | Wants to know when CBJ and FEMA will address the huge landslide debris stacked up and staged above the Mountainside neighborhood waiting for heavy rain to bring it down and damage homes. |
| John Kern | Resident of 226 Behrends Avenue for 10 years; wants to know conclusions from the age of trees and stumps above the area; home has been there since the 1950s like the rest of the neighborhood and none of the homes have experienced significant damage; opposed to both the existing and proposed classification as severe avalanche; consider moderate instead. |
| Ira Winograd | Home was built in 1914 and has not been hit by an avalanche; it's incorrect to label homes not in a 100 year danger zone as low hazard; should be minimal hazard; low hazard classification will lower property value; if assessment is not lowered, he will organize a class action lawsuit; knows of no one living in Juneau injured by an avalanche; study pays no regard to loss of property value and such loss would be far greater than any loss from an avalanche. |
| John Nemeth | Highland Drive homeowner concerned about new landslide zone; largest new potential threat area for landslides is Franklin and neighborhoods above the cemetery and these areas have the most expensive real estate and no more land for potential new development; concern for impacts to property value and insurability; opposed to the changes, because they are speculative; supports the avalanche updates, but states that it could be 300 years or longer before a landslide of great magnitude. |

At the July 21, 2021 public meeting, CDD explained the current regulations that limit density in high hazard areas and explained that CDD will conduct an in-depth analysis of policies and regulations, including potential mitigation and engineering interventions, in a separate contract and study to be conducted in 2022. CDD is not changing the current regulations except for the minimum necessary to adopt the new maps. The current regulations include a process to petition the hazard designation with a site-specific analysis from an engineer with experience in landslide and avalanche areas. As noted previously, CDD has carefully considered the implications of applying density restrictions to high landslide areas as well as severe landslide and severe avalanche areas, in consultation with the CBJ Emergency Services Manager. The purpose of the assessment, maps, and regulations is to protect public safety and public property. In this regard, CDD has concluded that the density restrictions are warranted in high hazard areas as well as severe. This regulation and others will be evaluated again in 2022.

At the July 21, 2021 public meeting and in follow-up email messages to CDD, Tetra Tech responded to as many inquiries regarding specific landslide and avalanche designations as possible. Tetra Tech will provide a detailed

response in a presentation to the Commission regarding landslide mapping in general; specific concerns about landslide hazard designations in the Highlands Area; and the landslide hazard designations in the Starr Hill area.

Many residents have noted that their properties have not had landslide or avalanche damage during their time of homeownership, and noted that in some cases there has been no damage for 50-70 years longer or more. In some cases however, the owners may not have had all the relevant data available to judge whether or not landslide or avalanche damage had occurred on or near their properties. Tetra Tech has explained the historical record and terrain features that indicate the probability for these events in the future. In addition, the scope of work for the project did not include analysis of climate-change related impacts. Climate change may result in more frequent or higher-intensity storm events that further increase the risk to public safety and property.

In the case of Behrends Avenue, the property address and neighborhood noted in the public comments has a specific record of three significant damage incidents from 1962-1985, noted in previous reports. A 1962 "powder event" in this area reached tidewater, carried large destructive trees, and damaged 35 homes. Tetra Tech has noted that big trees help in some cases to mitigate damage if they are in the start zone, but may or may not be helpful in runout areas where avalanches can flow through mature forests.

The comment regarding landslide impacts from the old Mount Roberts Trail has been forwarded to the CBJ Parks and Recreation Department for further consideration. CDD staff responded directly to the Mountainside resident regarding the need for a landslide study in that area, with an explanation that the area is a priority for future funding.

A resident of Kennedy Street noted the change from minimal hazard to low hazard in the proposed report for his property, and threatened a class-action lawsuit if the designation was not changed, due to impacts on his property value. Staff notes that all of downtown Juneau that is not within a severe, high, or moderate hazard zone is now in low hazard zone. Tetra Tech has provided scientific analysis to support this designation, and CDD does not consider the change from minimal to low to be significant.

CDD has received requests for a full-day open house to better understand the study and to allow more time for questions and answers on the maps and assessment. CDD has responded that the regulatory review process that will take place in 2022 is the best time for an open house. The time from the posting of the assessment on the CDD website to the final Assembly hearing in September is expected to be approximately 2.5 months. CDD extended the July 21, 2021 public meeting by 1.5 hours in an effort to be responsive to the public's questions. The maps provide a baseline of identifying and mapping the hazard areas. There is a larger discussion about how CBJ will use that information to drive public policy and potential intervention measures, and that project is funded through a different grant in 2022.

Lastly, CDD has received many phone calls from residents with questions about identifying specific properties on the maps and specific hazard paths. CDD and the contractor will be as responsive as possible to these inquiries.

**FINDINGS**

1. ***Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?***
   **Analysis:** The proposed amendment balances the varied Comprehensive Plan policies and other adopted plans and is generally consistent with the overall vision.

   **Finding:** Yes. The proposed text amendment complies with the 2013 Comprehensive Plan and other adopted plans.

2. ***Does the proposed text amendment comply with Title 49 – Land Use Code?***
   **Analysis:** The proposed amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes, especially numbers 49.05.100, 49.15.330(g)(9), 49.70.210, 49.70.300(a)(2), and 49.70.300(c) and (d).

   **Finding:** Yes. The proposed development complies with the purpose and intent of Title 49. Additionally, the proposed amendments do not create any inconsistencies within the code.

**RECOMMENDATION**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.70.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment.

**STAFF REPORT ATTACHMENTS**

| Item | Description |
|---|---|
| **Attachment A** | Proposed Ordinance |
| **Attachment B** | Abutters Notice |
| **Attachment C** | Public Comments |
| **Attachment D** | May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment Available on the CDD special projects website at: https://juneau.org/community-development/special-projects/landslide-avalanche-assessment |
| **Attachment E** | Draft Landslide Maps |
| **Attachment F** | Draft Avalanche Maps |
| **Attachment G** | Neighborhood Meeting Question List from the Q & A Section |

Presented by: The Manager
Presented:
Drafted by: R. Palmer III

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2021-PCv1**

**An Ordinance Amending the Land Use Code to Adopt New Landslide and Avalanche Maps for Downtown Juneau.**

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 of Section.** CBJ 49.15.330 Conditional use permit, is amended to read:

**49.15.330 Conditional use permit.**

…

(g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:

…

(9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated ~~September 9, 1987, consisting of sheets 1 – 8~~ May 28, 2021, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.

…

**Section 3. Amendment of Section.** CBJ 49.70.210 Applicability and scope, is amended to read:

**49.70.210 Applicability and scope.**

(a) This article applies to all development on hillsides in the City and Borough that involves the following:

(1) Removal of vegetative cover;

(2) Excavation of any slope in excess of 18 percent;

(3) Creation of a new slope in excess of 18 percent for a vertical distance of at least five feet; or

(4) Any hazard area identified on the landslide and avalanche area maps dated ~~September 9, 1987, consisting of sheets 1 – 8,~~ May 28, 2021, as the same may be amended from time to time by the assembly by ordinance or any other areas determined to be susceptible to geophysical hazards.

…

**Section 4. Amendment of Section.** CBJ 49.70.300 Landslide and avalanche areas, is amended to read:

**49.70.300 Landslide and avalanche areas.**

(a) *Generally.*

…

(2) Boundaries of potential and severe avalanche areas will be as shown on the landslide and avalanche area maps dated ~~September 9, 1987, consisting of sheets 1 – 8~~ May 28, 2021, as the same may be amended from time to time by the assembly by ordinance.

…

(b) *Severe avalanche areas.*

(1) Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.

(2) No subdivision shall be approved which creates a lot lacking sufficient building space outside a severe avalanche area.

(c) *Severe and high landslide areas.*

(1) Notwithstanding any other provisions of code, no development or any part of a development, which is within a severe or high landslide area shall, by additions, conversions of buildings, or otherwise, increase the density of lot, provided, however, that a single-family dwelling may be constructed on a vacant lot.

(2) No subdivision shall be approved, which creates a lot lacking sufficient building space outside a severe or high landslide area.

(d~~e~~) *Warning and disclaimer of liability.* Avalanches and landslides may occur outside hazard areas in excess of engineering expectations. The location and severity of the event may be increased by manmade or natural causes. This article does not imply that land outside of designated hazard areas, or uses permitted within such areas, will be free from danger or damage. This article shall not create liability on the part of the City and Borough of Juneau or any officer or employee thereof for any damages that result from reliance of this article or any administrative decision lawfully made under this article.

**Section 5. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

_____
Beth A. Weldon, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, AK

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
PERMIT NO. 61
JUNEAU, ALASKA

**To:**

An application has been submitted for consideration and public hearing by the Planning Commission for **an ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.7.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment.**

Staff Report expected to be posted **Monday, August 2, 2021,** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

**Now through 12 noon, August 9**

Comments received during this period will be sent to the Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling this case, Teri Camery, will also read any written comments that are received. You may also contact her via the phone number listed below.

**HEARING DATE & TIME: 7:00 pm, August 10, 2021**

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: https://juneau.zoom.us/j/98653571983. The Webinar ID is: 986 5357 1983. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

**August 11**

The results of the hearing will be posted online.

Phone: **(907)586-0715** ◆ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

*Printed July 22, 2021*

**Case No.:** AME2021 0008
**Parcel No.:** N/A
**CBJ Parcel Viewer:** http://epv.juneau.org

**From:** Colin Shanley
**To:** Teri Camery
**Subject:** Re: CBJ Landslide model comment
**Date:** Thursday, July 22, 2021 10:08:52 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Teri,

Thanks for hosting the meeting last night. It was great to hear more about the draft assessment and the city's potential application. I asked a question near the end that wasn't answered very well and I was hoping you could help address it.

My question was essentially: What will the public process be to determine if the CBJ adopts the requested 3-tier designation system of "Low", "Moderate", and "Severe" vs the 4-teir system the landslide consultants suggest which also includes a "High" category? The geology consultants essentially said it would provide more information, which is true. And the city essentially suggested that would be helpful, which I can understand. However, throughout the meeting I was hearing inconsistent use of "Severe" as the zone in which the current city code prevents increased density and then on occasion I would hear "High and Severe".

I realize it was an information packed meeting and the panel may not have been as careful with this distinction as they could have been but there is currently no city code that I'm aware of that spells out what "High" means for properties. I think this needs to be addressed carefully. I imagine other communities with similar avalanche and landslide concerns have 3 standard zones for a reason, and to add an additional zone that is restricted is really pushing the results of the assessment too far.

I realize the city and consultants want to be conservative but after listening to the assessment and its limitations as largely a retrospective analysis, and seeing the impact it will have on hundreds of Juneau properties that have weathered in many cases over a hundred years, I think it really needs to reach the threshold hazard standards of "Severe" to restrict the ability of a property owner to add a bedroom or apartment to an existing structure. I would be very hesitant to take all the consultants recommendations without critically thinking about what is best for not only Juneau's safety but prosperity. I don't think the consultants can bring that perspective, and clearly it's in their professional risk mitigation best interests to overpredict the hazards. I don't think anyone lives in Juneau that doesn't accept some level of risk from extreme weather events and natural hazards.

I'm clearly a proponent of adopting the 3-teir system and lumping those areas they designated as "High" with "Moderate". I could see the city writing new code for the new category, but again this assessment is a huge change for many properties, and I'm concerned it may be overshooting the results of the study. I also wouldn't be surprised if the public pushback wasn't significant enough that the new maps wouldn't be adopted by the assembly if it appears the results have been taken too far. I think elements of the assessment are certainly an improvement from the old maps but the regularly implications need to be considered at the same time as much as the city clearly wants to keep those processes separate.

On a final note, as you might guess, these new designations could effect me personally and many of my friends and neighbors. I was not in a avalanche designation under the old assessment and this new assessment puts me on the very edge of one. Just this summer I have been in discussions with an architect about adding an addition for our growing family.

I'm not under a defined avalanche path, it's just a steeper but heathy forest above and I'm ok with that. I have another friend that just bought a house about a month ago and part of their financial plan was to put in a basement apartment. This draft assessment would potentially put them in a high category. From the question and answer period responses, I believe they got included because the geologist read about some debris flow down the street at some point in time that could have simply resulted from a blocked storm drain any given fall. These are just some stories, but I hope the city takes all this in before they charge ahead with a worst case scenario perspective.

Thanks,
Colin

On Tuesday, July 20, 2021, 09:26:44 AM AKDT, Colin Shanley <shanleycolin@yahoo.com> wrote:

Thanks Teri, this seems like a process that shouldn't be rushed.

Colin

On Sunday, July 18, 2021, 10:42:24 AM AKDT, Teri Camery <teri.camery@juneau.org> wrote:

Thank you for your thoughtful comments, Mr. Shanley. I'll include them in my staff report to the Planning Commission, and I have also forwarded them to our contractor. If time allows we will address your comments in the Wednesday meeting discussion.

Kind regards,
Teri Camery

**Teri Camery | Senior Planner, CFM**
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 extension 4129

**Please note that our phone system has changed. My new office number is 907.586.0753, extension 4129.**

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**From:** Colin Shanley <shanleycolin@yahoo.com>
**Sent:** Saturday, July 17, 2021 1:58 PM

**To:** Teri Camery <Teri.Camery@juneau.org>
**Subject:** CBJ Landslide model comment

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Hi Teri,

I live in downtown Juneau and just read the draft landslide and avalanche assessment. I appreciate the city's commitment to safety using the latest data and scientific techniques. I've been a spatial analyst and landscape ecologist in the region for about 15 years and I'm familiar with the LiDAR data used and some of the modeling techniques that were applied.

It's well understood that wind exposure and forest cover are two key factors in predicting landslide and avalanche events in southeast Alaska but I didn't see that information used in the model development or final categorization. Could this be considered in the next draft or discussed at Wednesdays meeting?

Tree size and density could be readily extracted from the lidar point cloud information and a wind exposure model could be calibrated from the terrain data using known windthrow locations or weather station records. I have a hard time believing there shouldn't be more nuanced variation between zones that have low wind exposure and mature forest versus those that don't.

It would also be super helpful to better understand the implications of these proposed designations for property owners from the city's perspective within the same report in order to comment appropriately, because with no context, it is likely alarming to hundreds of property owners that don't know what it means.

Best,
Colin Shanley

**From:** moi@catherinewilkins.com
**To:** Teri Camery
**Subject:** Comment on hazard mapping assessment
**Date:** Tuesday, July 20, 2021 8:58:28 PM

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EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Hi Teri – Several years ago the trailhead for the Mt Roberts trail was relocated to Basin Road from it's previous access at the top of 6th Street. However, hikers continue to use the old trailhead. That use is contributing to the destabilization of the hillside above Nelson Street, particularly as the trail is no longer maintained and hikers have carved out their own shortcuts. I would like to request that the city take positive action to get hikers to quit using the old trailhead, besides not maintaining the trail (which should discourage hikers, but apparently does not). Possible actions could include removing the stairs, posting signage about erosion, educational outreach to local hiking clubs, ensuring that local trail maps are updated and accurate, educating local guides, and other actions.
Thank you
Catherine Wilkins
440 Kennedy Street
moi@catherinewilkins.com

**From:** Greg Roth
**To:** Teri Camery
**Subject:** Mountainside Land Slide
**Date:** Wednesday, July 21, 2021 2:09:00 PM

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EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Hi Terri,

When will CBJ and FEMA address the huge landslide debris stacked up and staged above our Mountainside neighborhood, waiting for the next unusually heavy rain to bring it all down and damage or sweep Mountainside homes?
I did not see this significant slide danger area on your current map.

Thank you in advance.

Greg Roth
1516 Ling Court
Juneau, Alaska 99801
Roth@gci.net
907-321-3497 cell

Sent from my iPhone

**From:** John Kern
**To:** Teri Camery
**Subject:** Avalanche Study
**Date:** Wednesday, July 21, 2021 2:40:55 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello Teri;
I along with my wife Susetta Cole are the owners of 226 Behrends Avenue. We have lived here for a little more than ten years now. I am also a former Planner for the City and Borough of Juneau from 1979-83. We have both been residents of the community most of our lives. I may not be able to attend today's meeting and I wanted to offer some comments and questions to the study team.
In looking at the maps I found it interesting to note that the soils in the area of Behrends Avenue are actually classified a glacial moraine, and not a talus slope (figure 1.3b). Does this support a conclusion that there has not been a significant debris flow here since the period of glaciation?
I am sure you have analyzed the vegetation here. What conclusions have you considered from the age of the trees and stumps in the area immediately above this section of Behrends Avenue? Some of them are likely several hundred years old. The past one hundred years have seen a significant change in the vegetation on the entire slope above Behrends Avenue. While I understand that an avalanche will work its way down the slope and flow around some areas as we have seen in the past; it does suggest that we have not seen a significantly destructive avalanche in some time. Maybe centuries?
My home has been in existence here since the 1950's as has the entire neighborhood. In that time, none of the homes have experienced significant damage due to an avalanche, including the 1965 "wind blast event." Some of my neighbors have lived in their homes all their lives, maybe close to those 70 years. That is a "lifetime."
I have spent my life in Juneau and have been an avid backcountry explorer, year round. I have taken avalanche courses throughout this time and am familiar with forecasting. It is an art as much as a science. I would be the last to say that there is no danger of an avalanche impacting the homes on Behrends Avenue.
I take issue with the classification, existing and proposed.
When I see "severe," what am I to make of that? Does it mean that there will likely be an avalanche on a frequent basis, or that an avalanche will cause significant damage, be "life threatening." I apologize if I may have missed the definition in my reading. I can understand the life threatening, any avalanche that reaches Behrends Avenue would be so. However, the likelihood of an avalanche occurring during a certain period is so difficult to measure. I have heard that it may be an event on a 100 year cycle, or even 300 years.
We understood the avalanche risks when we moved into our home on Behrends Avenue. The community's experience has shown that you can live your lifetime and raise a family in one of these homes and not experience an impact from an avalanche. For me that says the risk is not "severe." I believe most of the residents of the neighborhood believe that as well. And, judging from recent property sales it appears Juneau residents as a whole would see it that way.
We all appreciate the work to inform the community of the hazards and will heed the warnings to evacuate when conditions warrant as they had this past winter. I suggest that you consider whether a "moderate" classification for this area might better serve the community. Certainly we must clearly define what is meant by the classifications.

Thank you for your consideration,
John Kern and Susetta Cole
226B Behrends Avenue
Juneau, Alaska

**From:** carolyn V Brown
**To:** Teri Camery
**Cc:** Larri, Irene Spengler; Susan Clark; Marjorie Menzi; Tom Mattice; carolyn V Brown
**Subject:** CBJ Landslide/Avalanche Assessment
**Date:** Wednesday, July 21, 2021 8:10:25 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Teri:

Many thanks for this really fascinating presentation. It was almost as though I went through a warp-speed of geology and "avalanche-ology" 101 - 401 in 2 hours. The speakers were really good and I learned a great deal.

I look forward to future presentations on this subject and the decisions that will come forward. It is my hope that the League of Women Voters Juneau can be an asset as we move forward in terms of advocacy and public education on this subject.

Many thanks - cvb

carolyn V Brown MD MPH
1640 Second Street
Douglas Alaska 99824-5211 USA

907-364-2726 home
907-364-2727 fax

907-321-0784 cellular

cvbrown1937@yahoo.com

On Wednesday, July 14, 2021, 12:28:29 PM AKDT, carolyn V Brown <cvbrown1937@yahoo.com> wrote:

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- **From:** Teri Camery <Teri.Camery@juneau.org>
  **Subject: Downtown Juneau draft Landslide/Avalanche Assessment**
  **Date:** July 13, 2021 at 11:42:07 AM AKDT
  **To:** Teri Camery <Teri.Camery@juneau.org>

  Dear interested parties,

  CDD has posted the public review draft of the Landslide and Avalanche Assessment for downtown Juneau. A virtual public meeting will be held to discuss the assessment on Wednesday July 21, 6-8 pm, and the assessment will go to the Planning Commission for additional public hearings in August and September. Full project details and meeting information are posted at the website below. A postcard mailing to all property owners within the assessment area will be mailed today.

  CDD – Project – Landslide and Avalanche Assessment – City and Borough of Juneau

  Please forward this information widely to your neighborhood association lists and other sites, and please contact me at 586-0753 extension 4129 orteri.camery@juneau.org if you have questions or need more information.

  Kind regards,
  Teri Camery

  **Teri Camery | Senior Planner, CFM**
  Community Development Department | City & Borough of Juneau, AK
  Location: 230 S. Franklin Street, 4th Floor Marine View Building
  Office: 907.586.0753 extension 4129

  **Please note that our phone system has changed. My new office number is 907.586.0753, extension 4129.**

**From:** Barbara Sheinberg
**To:** Teri Camery
**Subject:** Re: Question on Landslide/Avalanche Study /Workshop
**Date:** Friday, July 23, 2021 10:19:54 PM

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EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

_____

Teri,
I just saw this; ignore the email I just sent. Thank you very much! We really want to understand what's going on in that circled area, the way the high and severe boundaries are drawn doesn't' seem to make sense based on local conditions. I look forward to hearing back from you, hopefully before the Planning Commission meeting.
Barb Sheinberg

Sent from my mobile phone, please excuse typos.

> On Jul 23, 2021, at 10:06 AM, Teri Camery <Teri.Camery@juneau.org> wrote:
>
> Thank you for your comments, Barb. I will include them in my staff report to the Planning Commission. We are working on a more detailed response regarding Starr Hill and will be in touch again as soon as possible.
>
> Best wishes,
> Teri
>
> Teri Camery | Senior Planner, CFM
> Community Development Department │ City & Borough of Juneau, AK
> Location: 230 S. Franklin Street, 4th Floor Marine View Building
> Office: 907.586.0753 extension 4129
>
> Please note that our phone system has changed. My new office number is 907.586.0753, extension 4129.
>
>
>
> -----Original Message-----
> From: Barbara Sheinberg <barbarasheinberg@gmail.com>
> Sent: Wednesday, July 21, 2021 8:51 PM
> To: Teri Camery <Teri.Camery@juneau.org>
> Cc: Norman Cohen <naccohen@gmail.com>
> Subject: Question on Landslide/Avalanche Study /Workshop
>
> EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS
>
> _____
>
> Hi Teri,
>
> Thanks for the hazard zoom on 7/21. I do feel it was unfair to residents to go beyond the advertised time (parents, elders etc feel they can't hang up for fear of missing something, yet didn't make plans to accommodate the time. I also feel an in person open house workshop would be beneficial with the consultants.
>
> Rita's response about Starr Hill that "there's a lot going on up there" and "residents may not be aware of the history/land" was somewhat patronizing and unhelpful I thought. She talked about the "tree through the house" and that person was on the call. We are all well aware of the earth movements up there and that there are landslide issues. We did not get our question answered, which several of us have, that the boundaries between the low, high,

and severe landslide zones do not seem to match the land. How can we get help (beyond “there’s a lot going on up there”)?
>
> Thank you,
> Barb Sheinberg & Norm Cohen
>
> Sent from my mobile phone, please excuse typos.

**From:** Ira Winograd
**To:** Teri Camery
**Subject:** Landslide and Avalanche Assessment
**Date:** Friday, July 23, 2021 3:11:30 PM

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EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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My house was built in 914. It is over 100 years old and has never been hit by an avalanche. It is not in the 100 year danger zone. It is incorrect to label houses not in a 100 year danger zone 'low hazard'. Outside the 100 year zone is 'minimal hazard', not low hazard!!!

Low hazard classification will lower my property value. If my assessment is not lowered, and that of all other so called low hazard properties I will organize a class action law suit.

I know of no record of anyone living in a Juneau house who has been injured by avalanche. This study pays no regard to the loss of private property values and such loss would be far greater than any loss due to avalanche. I surmise that the Assembly will have great concern for a potential significant. decrease in the tax base.

Ira Iwinograd
435 Kennedy St.

Monday, July 26, 2021
City and Borough off Juneau Community Development, & Planning Commission
c/o teri.camery@juneau.org

Hello,

Due to family medical issues, I was unable to attend the Zoom meeting, but have been studying the draft Downtown Juneau Landslide and Avalanche Assessment all weekend, and do have comments on the avalanche and landslide mapping, and also on the report format and accessibility.

As an avalanche specialist, I looked over the avalanche mapping, and found it generally accurate and well-done. Without spending a week or more of my time crawling over the paths to check each spot, I don't have anything to add there.

But I find some of the landslide mapping a bit baffling and inconsistent, and it appears that some areas are classified incorrectly, based on their recorded return intervals.

In general, the shapes used for the landslide mapping are odd. Flow features and runouts are generally lobate in nature, unless there are strong topographic controls, with frequency increasing upslope; yet the mapping has odd little pointy bits, abrupt changes in direction, and it juxtaposes Severe and Low without the Severe zone grading downslope into High or Moderate, as would be expected with the higher frequency of smaller, shorter-running slides. I'd recommend sending the landslide mapping back for a more-stringent review, re-draw, and tidying.

There are also areas mis-classified as Severe that have recorded frequencies in the High range, and areas lumped in with them as Severe that appear to have become inactive as drainages have changed, rendering them only Moderate to High, if the stated standard of mapping for current conditions is followed.

It is beyond what I can do on my own time to check all the mapped areas, but would note that the problems I see in the areas I am most familiar with need to be reviewed and corrected throughout.

The area I am familiar with that is most mis-mapped is the area from Bathe Creek along Irwin Street and up Highlands. I have lived since the early '90s on the upper part of 12th Street, and crawled through most of the slopes above there and through the whole Highlands area while looking at various houses and lots, as there was no usable mapping when I was house-hunting.

We in the neighborhood have seen Bathe Creek produce debris flows, and know it as hazardous, but the historical frequency for it is only in the 10-30 year return range, not the 1-10 year range that would be required for it to meet the indicated Severe classification. The frequency is high enough to even out any anomalies, making return

interval the most solid piece of data to base mapping on. Bathe Creek should be corrected to High, rather than Severe.

In addition, the mapped boundaries are irregular to the point of being nonsensical. The northeast side has curlicues and projections that are inexplicable. The lobate avalanche boundaries as mapped come much closer to defining the area that is threatened by landslides.

The southwest side is even more problematic. A huge area of colluvium in the Irwin to Highlands area has been added to the Severe zone, despite no recorded slide history since houses were built there. The evidence for its classification as frequent appears to be Swanson's 1972 study, but without the maps and relevant quotes from that study being included in the report, the verbal description is vague and inadequate for evaluation.

Swanson's work appears to indicate a return interval in the 30-100 year range, an order of magnitude lower than that of the currently active Bathe Creek runout area. This classifies as High, not as Severe. That error needs correction. And then there are further problems with this area:

- A full order of magnitude decrease in risk level should be mapped differently, at least as by differentiating frequency ranges within that level, if not as a separate level.
- Swanson's study seems to indicate that flow from Bathe Creek was turning sharply enough to make that south and west area part of the runout, either when he did his 1972 study, or in the recent past. But the topography at the mouth of the Bathe Creek canyon is now incised enough that it would take a major change to divert it south and west again. This mapping is supposed to be for current conditions and topography, not speculation on how it might change in the future.
- If we seek to map based on current conditions, Swanson is cited as stating that the most recent flow he found was on the order of ten years old at the time of his 1972 study, which would place it sometime around 1960. There is no other landslide activity recorded in that area. Thus, it has been inactive for about 60 years. It appears that this area is currently inactive, and will not become active without a major change in topography. (Incidentally, such change could be easily prevented or reversed by a bit of cat and excavator work to maintain the present drainage, should it present a problem in the future.)
- Deglaciation was relatively recent in our region, and the retreat of the ice was followed by a period of enhanced mass wasting, as the glacially-oversteepened slopes came to a new equilibrium and became vegetated. Most of the present-day colluvium dates back to that period. The bulk of the fan area of concern would appear to be from then. The volume exceeds what would have likely come from Bathe Creek; it is far more likely that the bulk of the material came from the steep slopes directly above Evergreen, than from cross-slope movement from Bathe Creek. It is a more reasonable interpretation that the recent activity apparent from

airphotos and LIDAR is the surface veneer, showing only the most recent activity, now obscured by development.
- Based on these considerations, I would recommend downgrading the lower Bathe Creek avalanche path portion of this area from Severe to High, and extending the Moderate zone from the cemetery right across to meet it, with High from Hermit Street upslope, and Moderate from Irwin Street upslope.

I also have some general comments on the formatting and accessibility of the report and supporting materials:

- As noted above, the mapping and relevant quotes from the Swanson 1972 report need to be included, and the whole report should be available online.
- Photos and figures need captions and discussion on the same page, not separate. They should be integrated into the text so they are understandable to those without technical training.
- The maps display correctly in the pdf version of the report, but the links to them lead to versions which omit the keys and much of the area of each map, and do not scroll.
- Scale of the maps is a bit less than what is needed to determine how zones interact with property boundaries. A higher-resolution version is needed, at least online.
- The historical air photos look fascinating, but the tiny fuzzy images supplied are totally inadequate. The public needs detailed scans of each image, available online.

Thank you

Bill Glude
PO Box 22316
Juneau, AK. 99802
snowcom01@me.com
206-617-7703

**From:** reedstoops@aol.com
**Sent:** Tuesday, July 27, 2021 7:21 PM
**To:** PC_Comments
**Subject:** Landslide and Avalanche hazard maps

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

---

My name is Reed Stoops and I live at 1703 Willow Drive in the Highlands downtown.

I urge the Planning Commission not to adopt the hazard map, at least as it applies our lot on Willow Street and Angus Way.

The map moves us to a high hazard designation for landslides. I have lived at this location for 31 years during which time there have been no landslides nor other hazards which have caused damage to our property. I am not aware of any landslides in our area previous to the the construction of our house in the 1960s.

Adopting the map will create needless uncertainty for home owners insurance and for future resale of the property. Adopting the map now and then waiting for future regulations is not a good solution either, as the insurance consequences will happen as soon as the map is adopted, no matter what the future regs say.

Please keep in mind the significant impact of this decision on home owners like myself. The benefit of the doubt should go to homeowners in older well established neighborhoods which have never suffered damage from landslides, not to future theoretical models. There will undoubtedly be increases in home owners insurance as a result of your decision. Further, there will be difficulty in selling the property in the future because of the perceived risk....a risk that is purely theoretical without any evidence of actual past experience.

Reed Stoops
1703 Willow Drive
Juneau, Alaska 99801

**From:** John S Nemeth
**To:** Teri Camery
**Subject:** Landslide and Avalanche Assessment Comments
**Date:** Thursday, July 29, 2021 2:18:04 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Teri!

First off, let me thank you for your work on providing potential updates to this information.

I am a home owner on Highland Dr. I am concerned about the newly included "Landslide Zone". The largest new potential threat area for landslides seems to be parts of Franklin St and all the neighborhoods above the cemetery. These two areas have no more land area for potential new development. I believe in limiting new development to potentially hazardous areas, but these areas are fully developed and have some of the most expensive real estate in the CBJ. My concern is what this is going to do to property values, insurability, and property taxes. These seem to be the only things effected by this change, as there is no room for further development. It is especially unfair that this effects only downtown, until years go by and they other areas of the CBJ are assessed.

I do not support the changes, as they are all speculative. I only see negative impact to the highest property tax paying areas of downtown. I support the avalanche updates, as these can occur frequently, but it could be 300 years or longer before a landslide of great magnitude.

Thank you for your time,

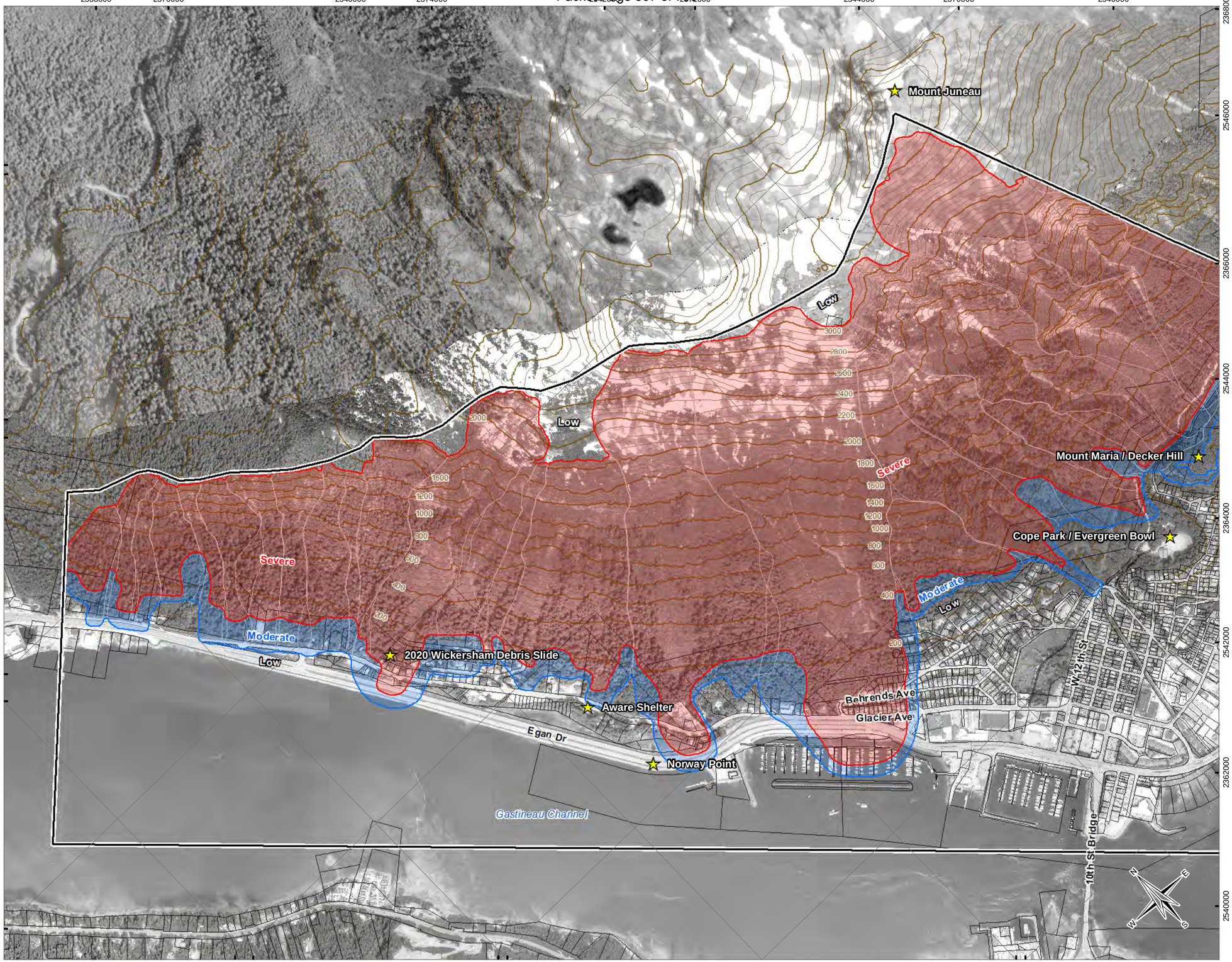
John

JOHN S NEMETH
[c] 313.318.5322
jsnemeth@me.com
318 Highland Dr
Juneau, AK 99801

The contents of this e-mail message and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately **notify** the sender by reply e-mail or phone and **delete** this message and its attachments, if any.

May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment Available on the CDD Special Projects Website at:

https://juneau.org/community-development/special-projects/landslide-avalanche-assessment




## LEGEND

- Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

**Base Data**

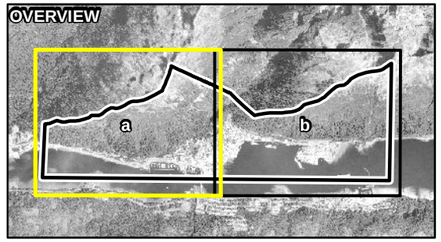
- Index Contour (200 ft)
- Intermediate Contour (50 ft)
- Land Parcel

**AVALANCHE HAZARD DESIGNATION**

**Low**
Return period greater than 300 years
OR
Impact pressures less than 20 lbs/ft$^2$ (1 kPa) with a return period greater than 30 years.

**Moderate**
Return period between 30 and 300 years;
AND
Impact pressure less than 600 lbs/ft$^2$ (30 kPa).

**Severe**
Return period less than 30 years;
AND/OR
Impact pressure greater than or equal to 600 lbs/ft$^2$ (30 kPa).




**NOTES**
Low hazard designation not shown. Low hazard designation includes all areas not designated as "Moderate" or "Severe".
Base data source:
Land parcels provided by CBJ.
Contours generated from 2013 LiDAR provided by CBJ.
Background contours generated from 2012 LiDAR provided by CBJ.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

# Avalanche Hazard Designation Mapping Overview

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:12,500
800 400 0 800
Feet

**FILE NO.** 19-0017-JUN-002

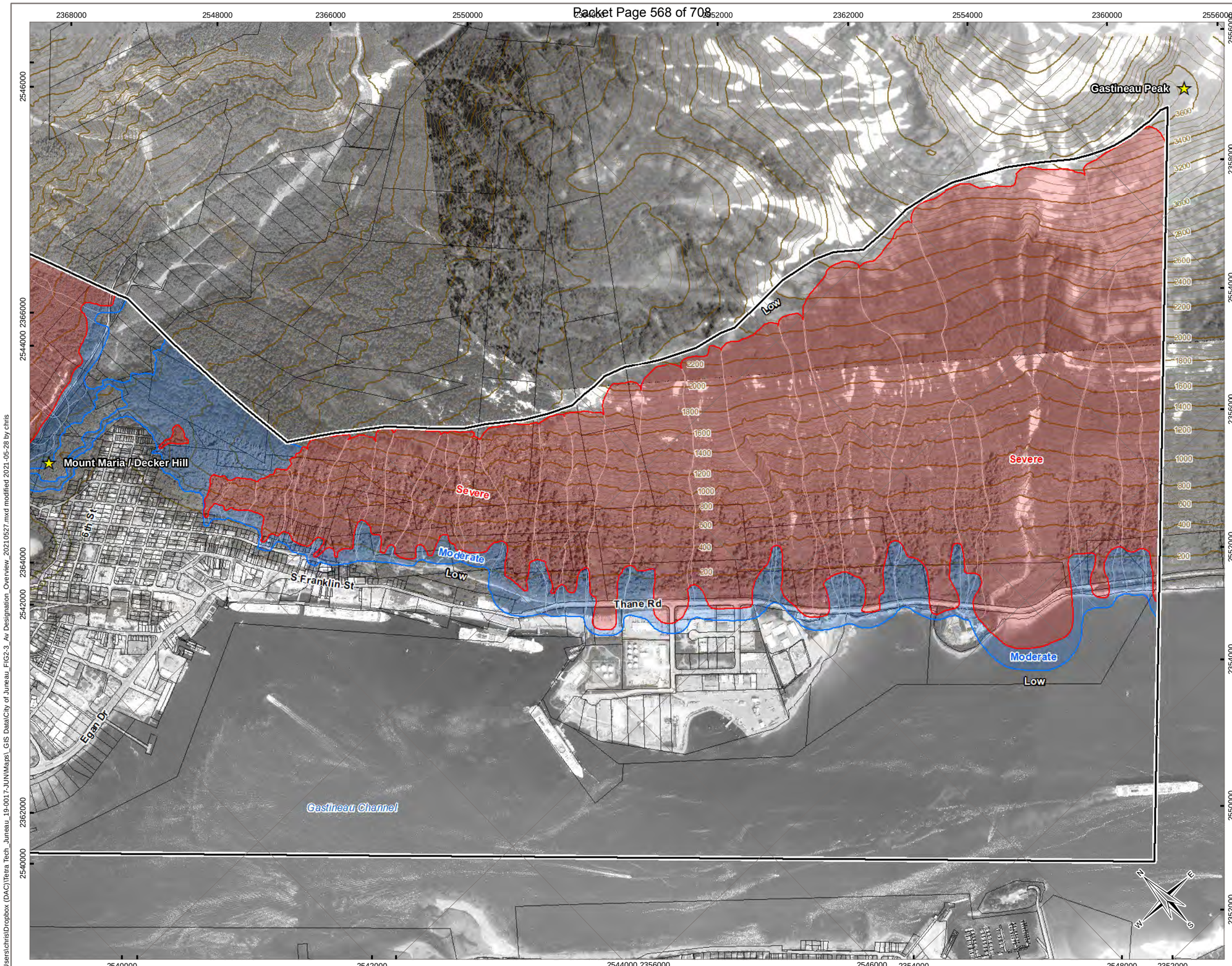
| OFFICE | DWN | CKD | APVD | REV |
|---|---|---|---|---|
| DAC-Rev | CA | BJ | AJ | 1 |

| DATE | PROJECT NO. |
|---|---|
| May 28, 2021 | 19-0017-JUN |

DYNAMIC

**Figure 2.3a**

C:\Users\chris\Dropbox (DAC)\Tetra Tech_Juneau_19-0017-JUN\Maps_GIS Data\City of Juneau_FIG2-3_Av Designation_Overview_20210527.mxd modified 2021-05-28 by chris




## LEGEND

- Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

**Base Data**

- Index Contour (200 ft)
- Intermediate Contour (50 ft)
- Land Parcel

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**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

# Avalanche Hazard Designation Mapping Overview

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:12,500
800 400 0 800
Feet

DYNAMIC

| FILE NO. | | | | |
|---|---|---|---|---|
| 19-0017-JUN-002 | | | | |
| **OFFICE** | **DWN** | **CKD** | **APVD** | **REV** |
| DAC-Rev | CA | BJ | AJ | 1 |
| **DATE** | **PROJECT NO.** | | | |
| May 28, 2021 | 19-0017-JUN | | | |

**Figure 2.3b**

C:\Users\chris\Dropbox (DAC)\Terra Tech_Juneau_19-0017-JUN\Maps_GIS Data\City of Juneau_FIG2-3_Av Designation_Overview_20210527.mxd modified 2021-05-28 by chris

## LEGEND

- Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

**Base Data**

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Land Parcel

**AVALANCHE HAZARD DESIGNATION**

**Low**
Return period greater than 300 years
OR
Impact pressures less than 20 lbs/ft$^2$ (1 kPa) with a return period greater than 30 years.

**Moderate**
Return period between 30 and 300 years;
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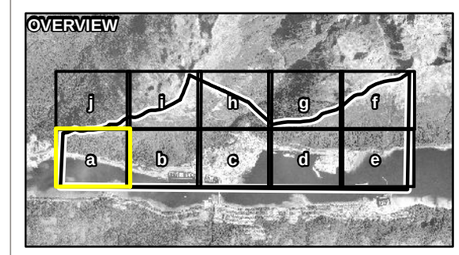
**Severe**
Return period less than 30 years;
AND/OR
Impact pressure greater than or equal to 600 lbs/ft$^2$ (30 kPa).

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**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

**Avalanche Hazard Designation Mapping Detail**

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

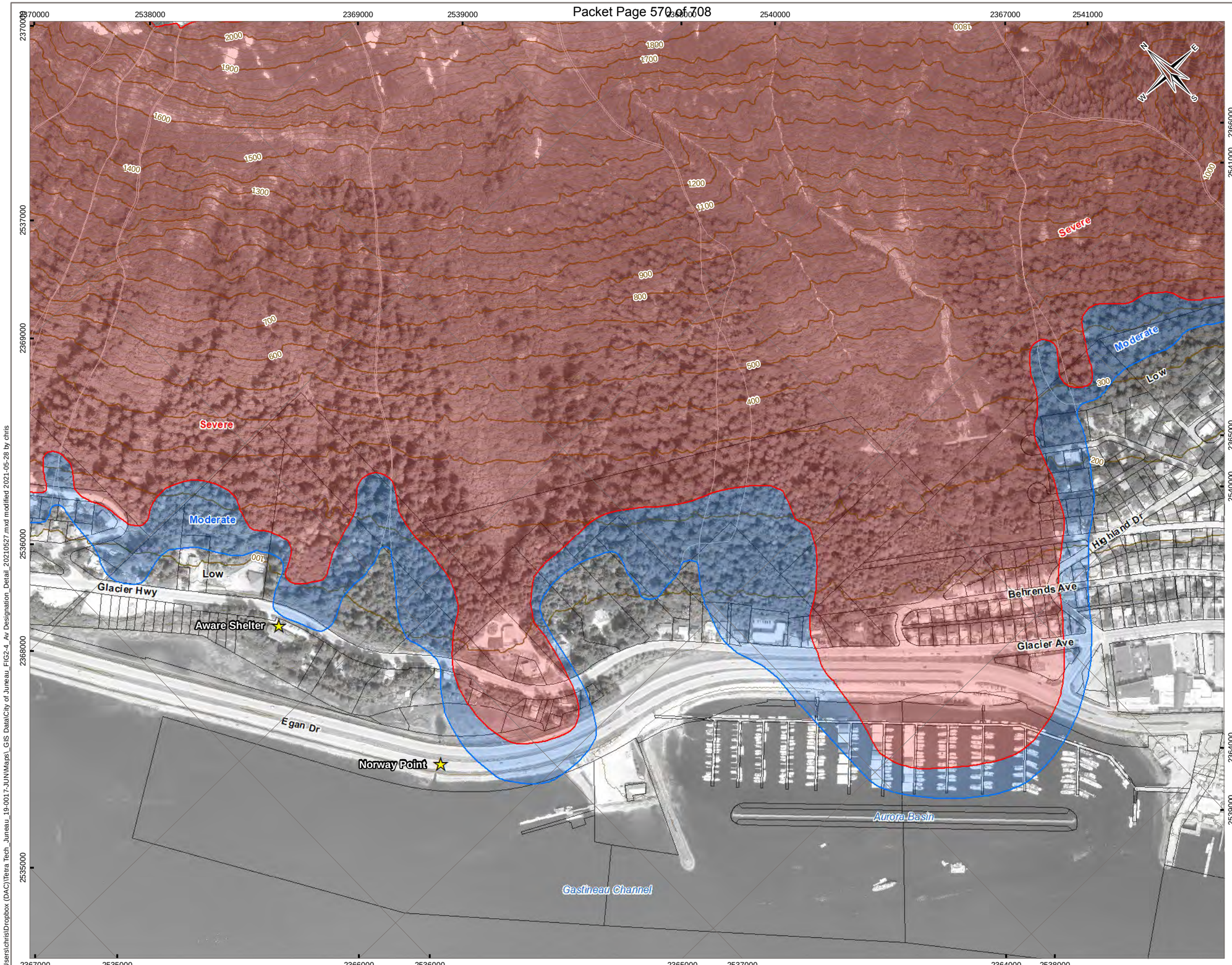
Scale: 1:5,000
300 150 0 300
Feet

DYNAMIC

| FILE NO. | | | | |
|---|---|---|---|---|
| 19-0017-JUN-002 | | | | |
| OFFICE | DWN | CKD | APVD | REV |
| DAC-Rev | CA | BJ | AJ | 1 |
| DATE | PROJECT NO. | | | |
| May 28, 2021 | 19-0017-JUN | | | |

**Figure 2.4a**

C:\Users\chris\Dropbox (DAC)\Tetra Tech_Juneau_19-0017-JUN\Maps_GIS Data\City of Juneau_FIG2-4_Av Designation_Detail_20210527.mxd modified 2021-05-28 by chris




## LEGEND

- Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

**Base Data**

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- Intermediate Contour (25 ft)
- Land Parcel

**AVALANCHE HAZARD DESIGNATION**

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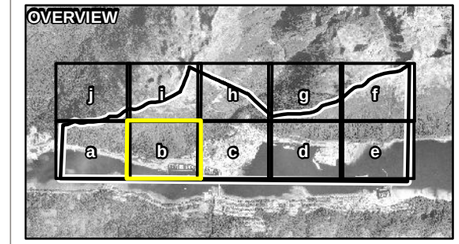


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**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

## Avalanche Hazard Designation Mapping Detail

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:5,000
300 150 0 300
Feet

**FILE NO.** 19-0017-JUN-002

| OFFICE | DWN | CKD | APVD | REV |
|---|---|---|---|---|
| DAC-Rev | CA | BJ | AJ | 1 |

| DATE | PROJECT NO. |
|---|---|
| May 28, 2021 | 19-0017-JUN |

DYNAMIC

**Figure 2.4b**

C:\Users\chris\Dropbox (DAC)\Tetra Tech_Juneau_19-0017-JUN\Maps_GIS Data\City of Juneau_FIG2-4_Av Designation_Detail_20210527.mxd modified 2021-05-28 by chris

## LEGEND

- Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

**Base Data**

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Land Parcel

**AVALANCHE HAZARD DESIGNATION**

**Low**
Return period greater than 300 years
OR
Impact pressures less than 20 lbs/ft$^2$ (1 kPa) with a return period greater than 30 years.

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Return period less than 30 years;
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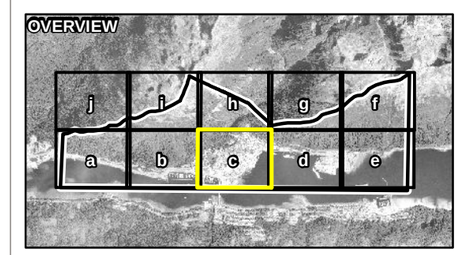
Impact pressure greater than or equal to 600 lbs/ft$^2$ (30 kPa).

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**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

## Avalanche Hazard Designation Mapping Detail

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:5,000
300 150 0 300
Feet

| FILE NO. | | | | |
|---|---|---|---|---|
| 19-0017-JUN-002 | | | | |
| **OFFICE** | **DWN** | **CKD** | **APVD** | **REV** |
| DAC-Rev | CA | BJ | AJ | 1 |
| **DATE** | **PROJECT NO.** | | | |
| May 28, 2021 | 19-0017-JUN | | | |

DYNAMIC

**Figure 2.4c**

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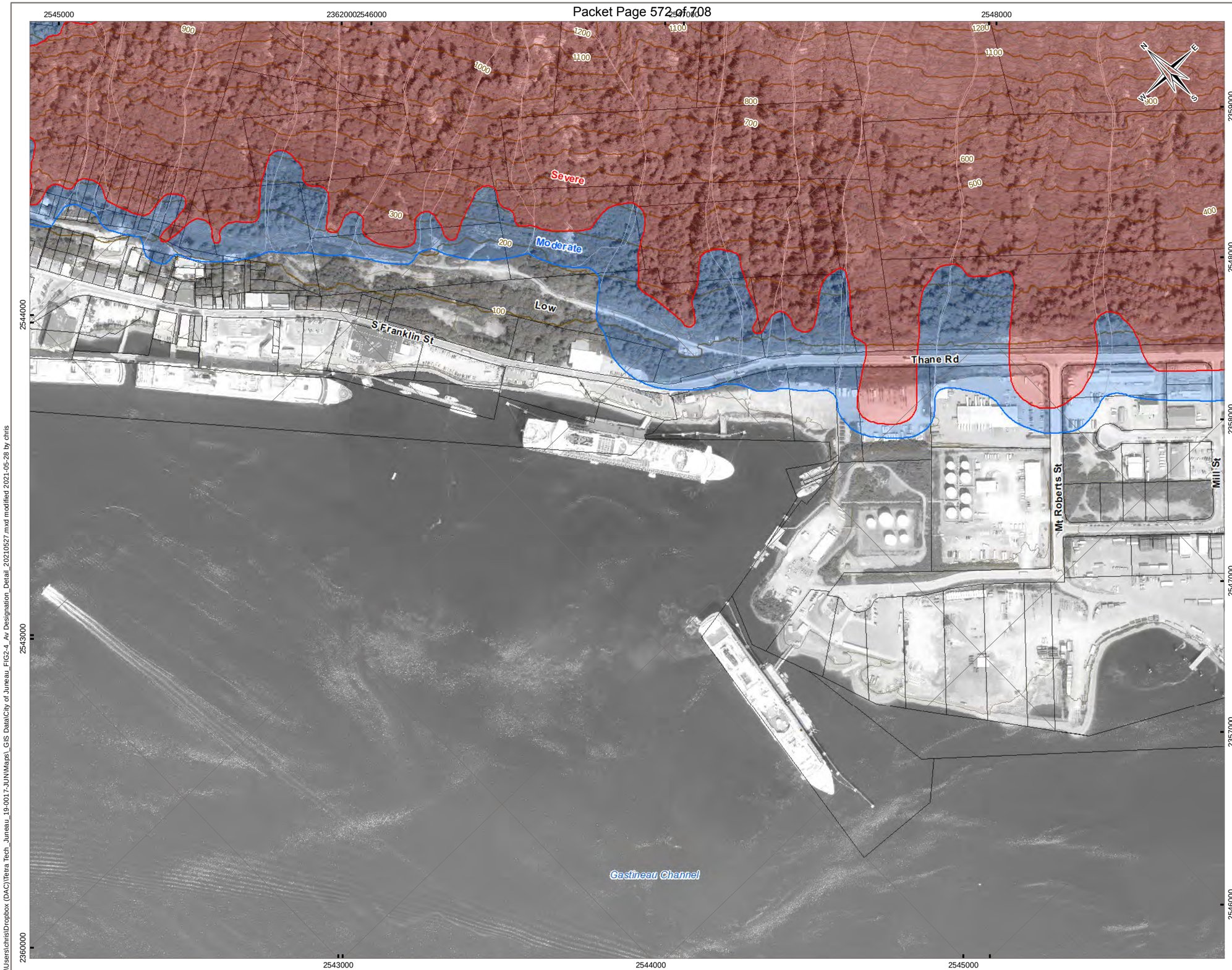


## LEGEND

- Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

**Base Data**

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- Intermediate Contour (25 ft)
- Land Parcel

**AVALANCHE HAZARD DESIGNATION**

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**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

# Avalanche Hazard Designation Mapping Detail

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:5,000
300 150 0 300
Feet

**FILE NO.**
19-0017-JUN-002

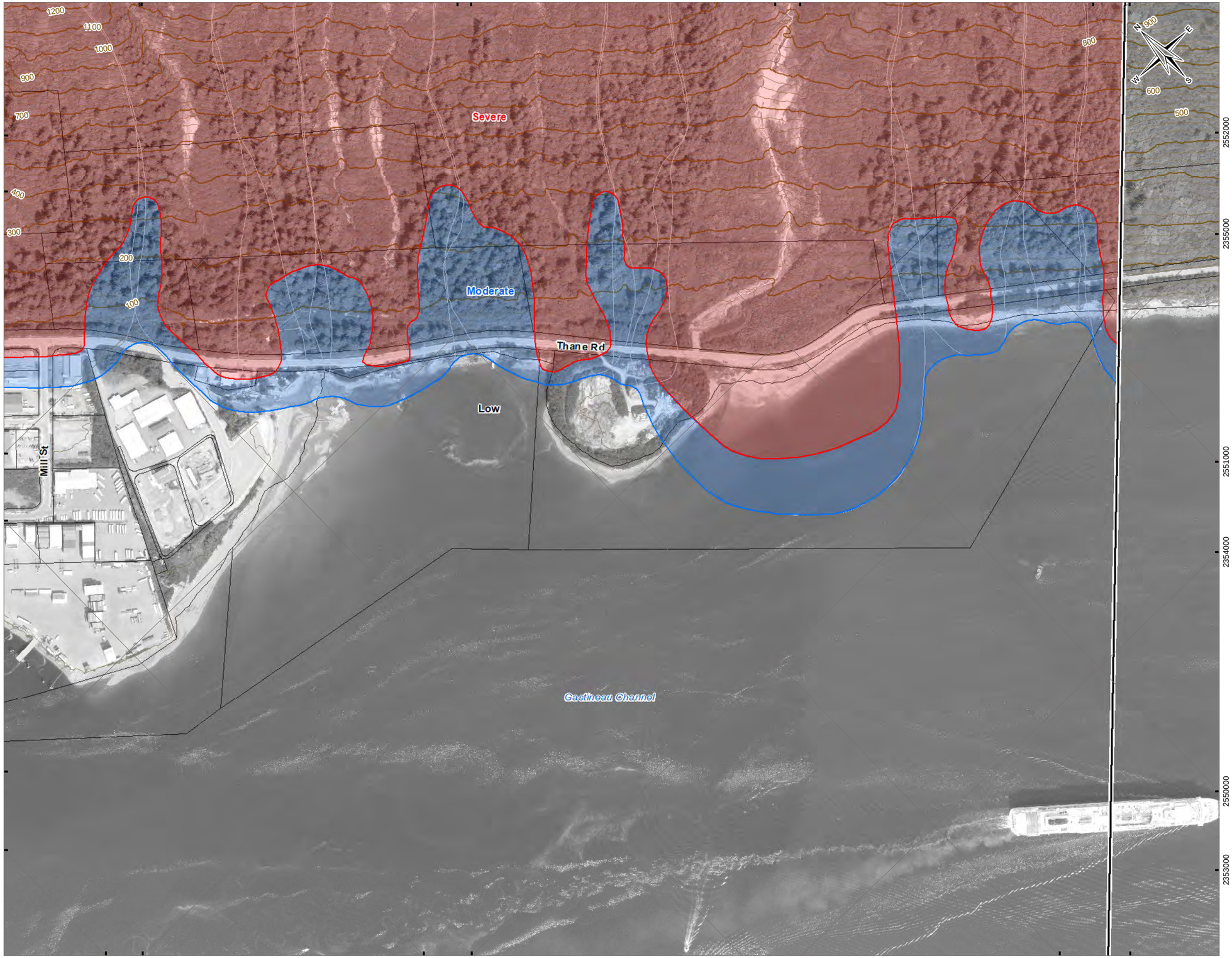
| OFFICE | DWN | CKD | APVD | REV |
|---|---|---|---|---|
| DAC-Rev | CA | BJ | AJ | 1 |

| DATE | PROJECT NO. |
|---|---|
| May 28, 2021 | 19-0017-JUN |

DYNAMIC

**Figure 2.4d**

C:\Users\chris\Dropbox (DAC)\Tetra Tech_Juneau_19-0017-JUN\Maps_GIS Data\City of Juneau_FIG2-4_Av Designation_Detail_20210527.mxd modified 2021-05-28 by chris




## LEGEND

- Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

**Base Data**

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**AVALANCHE HAZARD DESIGNATION**

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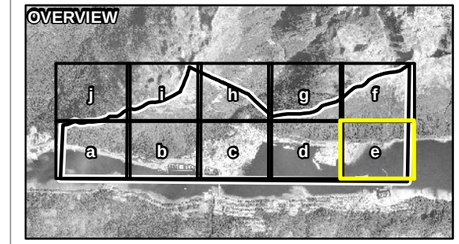


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**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

# Avalanche Hazard Designation Mapping Detail

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:5,000
300 150 0 300
Feet

**FILE NO.**
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|---|---|---|---|---|
| DAC-Rev | CA | BJ | AJ | 1 |

| DATE | PROJECT NO. |
|---|---|
| May 28, 2021 | 19-0017-JUN |

DYNAMIC

**Figure 2.4e**

C:\Users\chris\Dropbox (DAC)\Tetra Tech_Juneau_19-0017-JUN\Maps_GIS Data\City of Juneau_FIG2-4_Av Designation_Detail_20210527.mxd modified 2021-05-28 by chris

## LEGEND

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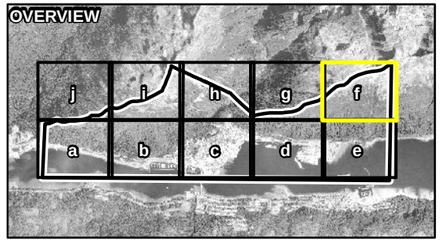
AND/OR
Impact pressure greater than or equal to 600 lbs/ft$^2$ (30 kPa).




**NOTES**
Low hazard designation not shown. Low hazard designation includes all areas not designated as "Moderate" or "Severe".
Base data source:
Land parcels provided by CBJ.
Contours generated from 2013 LiDAR provided by CBJ.
Background contours generated from 2012 LiDAR provided by CBJ.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

# Avalanche Hazard Designation Mapping Detail

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

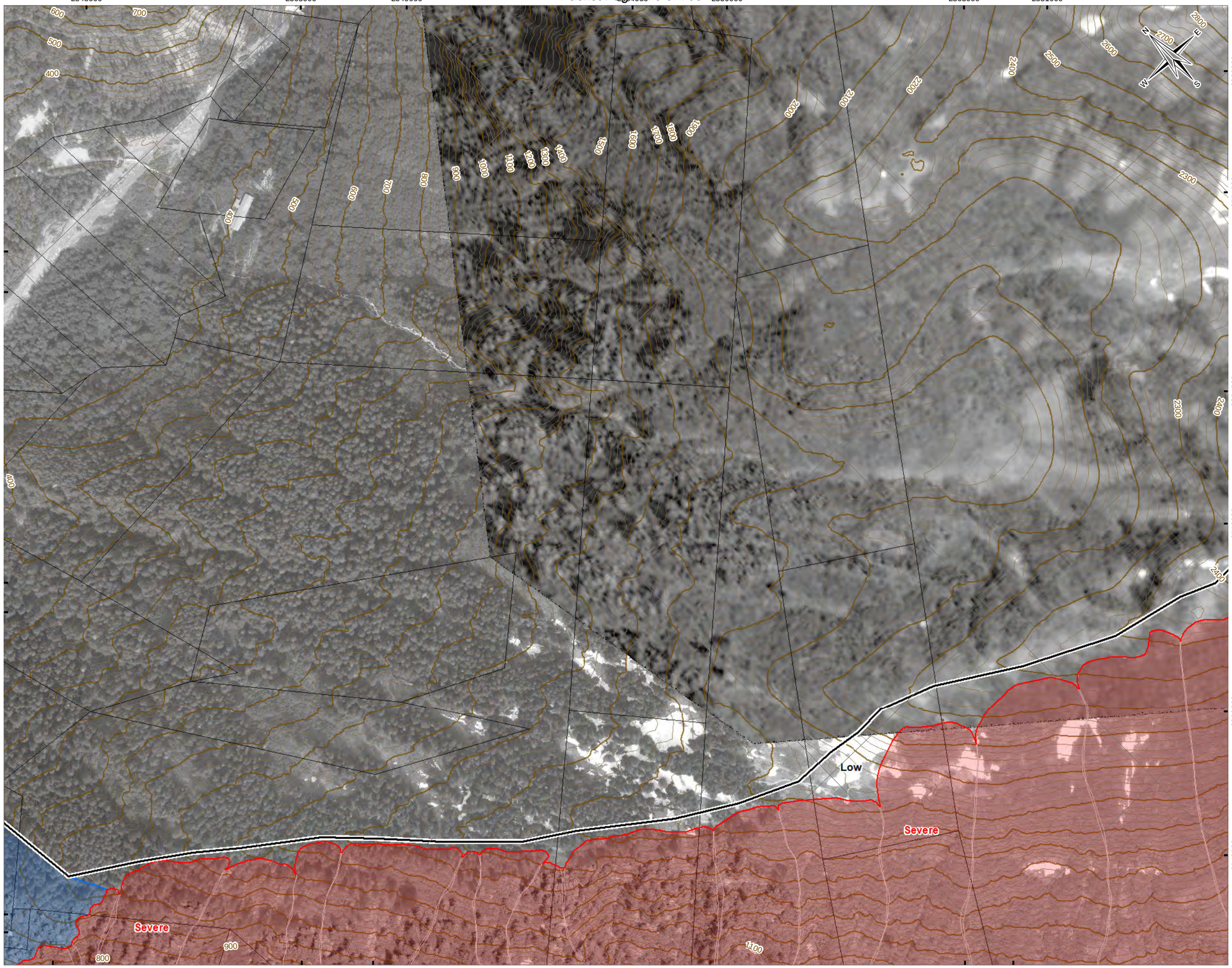
Scale: 1:5,000
300 150 0 300
Feet

DYNAMIC

| FILE NO. | | | | |
|---|---|---|---|---|
| 19-0017-JUN-002 | | | | |
| **OFFICE** | **DWN** | **CKD** | **APVD** | **REV** |
| DAC-Rev | CA | BJ | AJ | 1 |
| **DATE** | **PROJECT NO.** | | | |
| May 28, 2021 | 19-0017-JUN | | | |

**Figure 2.4f**

C:\Users\chris\Dropbox (DAC)\Tetra Tech_Juneau_19-0017-JUN\Maps_GIS Data\City of Juneau_FIG2-4_Av Designation_Detail_20210527.mxd modified 2021-05-28 by chris




## LEGEND

- Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

**Base Data**

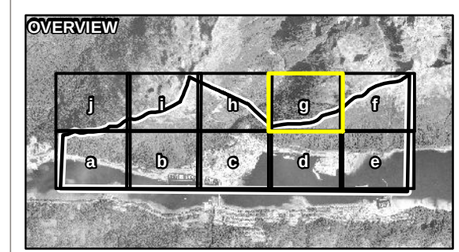
- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Land Parcel

**AVALANCHE HAZARD DESIGNATION**

**Low**
Return period greater than 300 years
OR
Impact pressures less than 20 lbs/ft$^2$ (1 kPa) with a return period greater than 30 years.

**Moderate**
Return period between 30 and 300 years;
AND
Impact pressure less than 600 lbs/ft$^2$ (30 kPa).

**Severe**
Return period less than 30 years;
AND/OR
Impact pressure greater than or equal to 600 lbs/ft$^2$ (30 kPa).




**NOTES**
Low hazard designation not shown. Low hazard designation includes all areas not designated as "Moderate" or "Severe".
Base data source:
Land parcels provided by CBJ.
Contours generated from 2013 LiDAR provided by CBJ.
Background contours generated from 2012 LiDAR provided by CBJ.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

## Avalanche Hazard Designation Mapping Detail

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:5,000
300 150 0 300
Feet

**FILE NO.**
19-0017-JUN-002

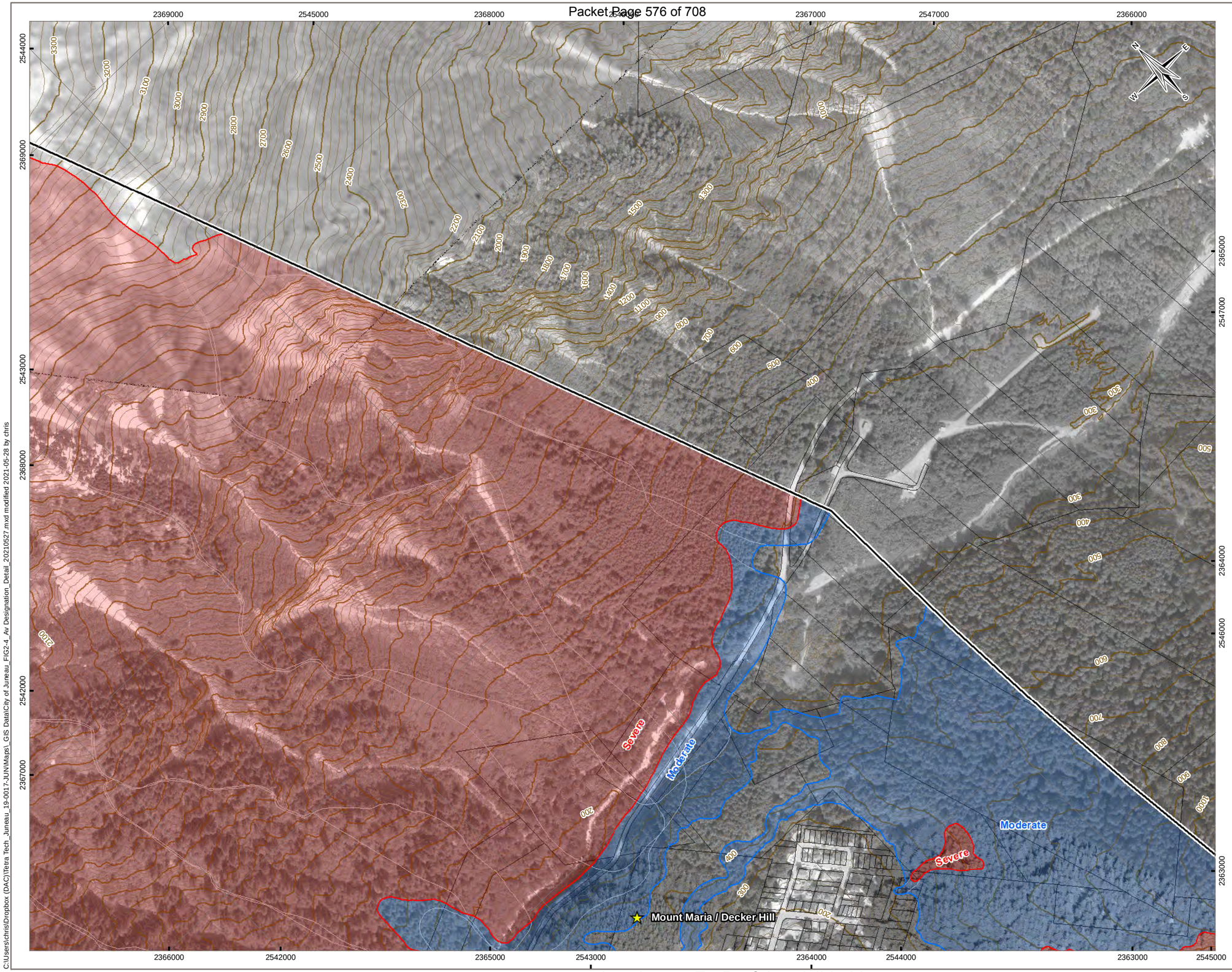
| OFFICE | DWN | CKD | APVD | REV |
|---|---|---|---|---|
| DAC-Rev | CA | BJ | AJ | 1 |

| DATE | PROJECT NO. |
|---|---|
| May 28, 2021 | 19-0017-JUN |

DYNAMIC

**Figure 2.4g**

C:\Users\chris\Dropbox (DAC)\Tetra Tech_Juneau_19-0017-JUN\Maps_GIS Data\City of Juneau_FIG2-4_Av Designation_Detail_20210527.mxd modified 2021-05-28 by chris




## LEGEND

- Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

**Base Data**

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Land Parcel

**AVALANCHE HAZARD DESIGNATION**

**Low**
Return period greater than 300 years
OR
Impact pressures less than 20 lbs/ft$^2$ (1 kPa) with a return period greater than 30 years.

**Moderate**
Return period between 30 and 300 years;
AND
Impact pressure less than 600 lbs/ft$^2$ (30 kPa).

**Severe**
Return period less than 30 years;
AND/OR
Impact pressure greater than or equal to 600 lbs/ft$^2$ (30 kPa).

**NOTES**
Low hazard designation not shown. Low hazard designation includes all areas not designated as "Moderate" or "Severe".
Base data source:
Land parcels provided by CBJ.
Contours generated from 2013 LiDAR provided by CBJ.
Background contours generated from 2012 LiDAR provided by CBJ.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

## Avalanche Hazard Designation Mapping Detail

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

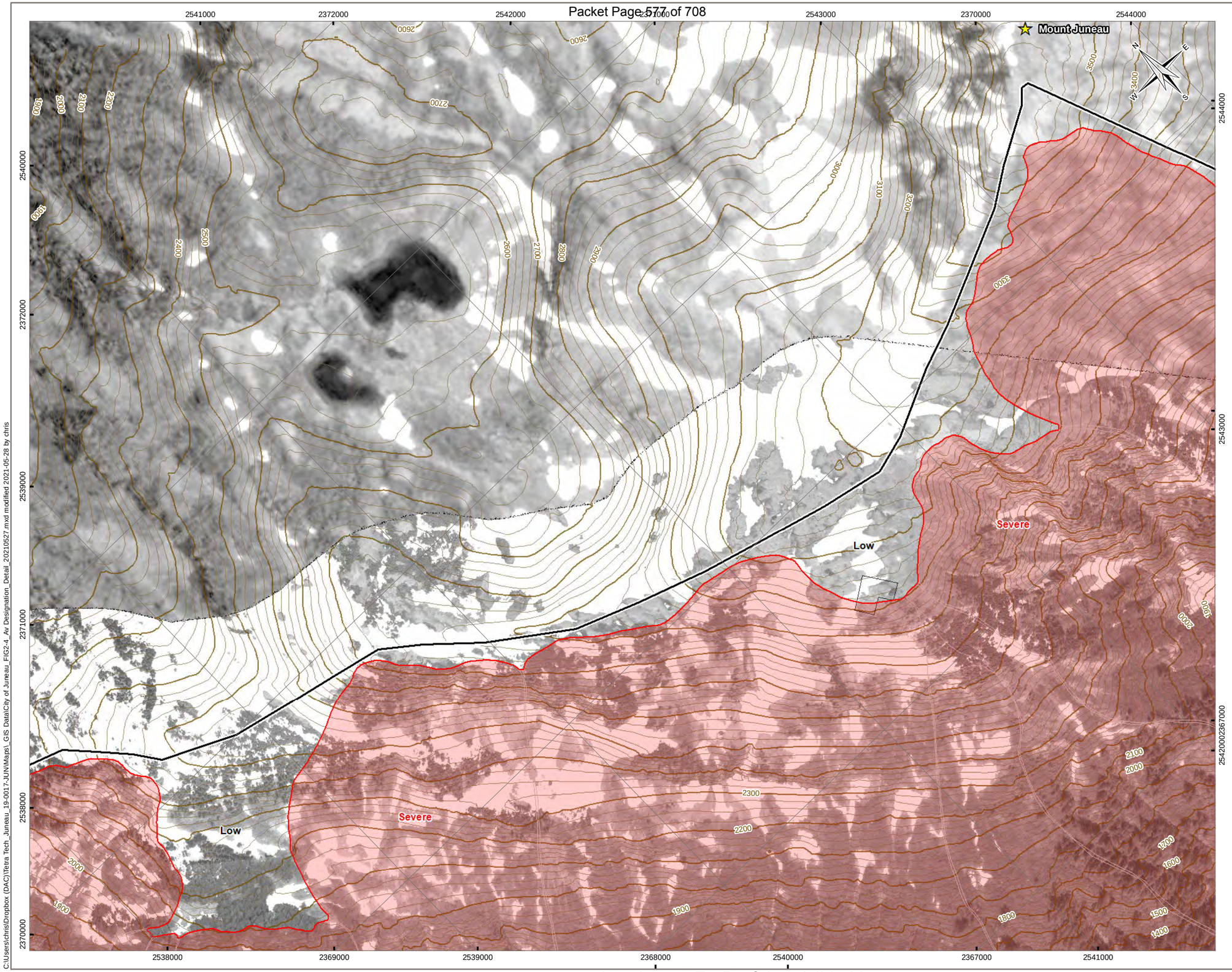
Scale: 1:5,000
300 150 0 300
Feet

| FILE NO. | | | | |
|---|---|---|---|---|
| 19-0017-JUN-002 | | | | |
| **OFFICE** | **DWN** | **CKD** | **APVD** | **REV** |
| DAC-Rev | CA | BJ | AJ | 1 |
| **DATE** | **PROJECT NO.** | | | |
| May 28, 2021 | 19-0017-JUN | | | |

DYNAMIC

**Figure 2.4h**

C:\Users\chris\Dropbox (DAC)\Tetra Tech_Juneau_19-0017-JUN\Maps_GIS Data\City of Juneau_FIG2-4_Av Designation_Detail_20210527.mxd modified 2021-05-28 by chris




## LEGEND

- Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

**Base Data**

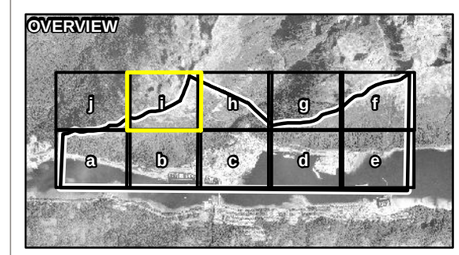
- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Land Parcel

**AVALANCHE HAZARD DESIGNATION**

**Low**
Return period greater than 300 years
OR
Impact pressures less than 20 lbs/ft$^2$ (1 kPa) with a return period greater than 30 years.

**Moderate**
Return period between 30 and 300 years;
AND
Impact pressure less than 600 lbs/ft$^2$ (30 kPa).

**Severe**
Return period less than 30 years;
AND/OR
Impact pressure greater than or equal to 600 lbs/ft$^2$ (30 kPa).




**NOTES**
Low hazard designation not shown. Low hazard designation includes all areas not designated as "Moderate" or "Severe".
Base data source:
Land parcels provided by CBJ.
Contours generated from 2013 LiDAR provided by CBJ.
Background contours generated from 2012 LiDAR provided by CBJ.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

## Avalanche Hazard Designation Mapping Detail

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

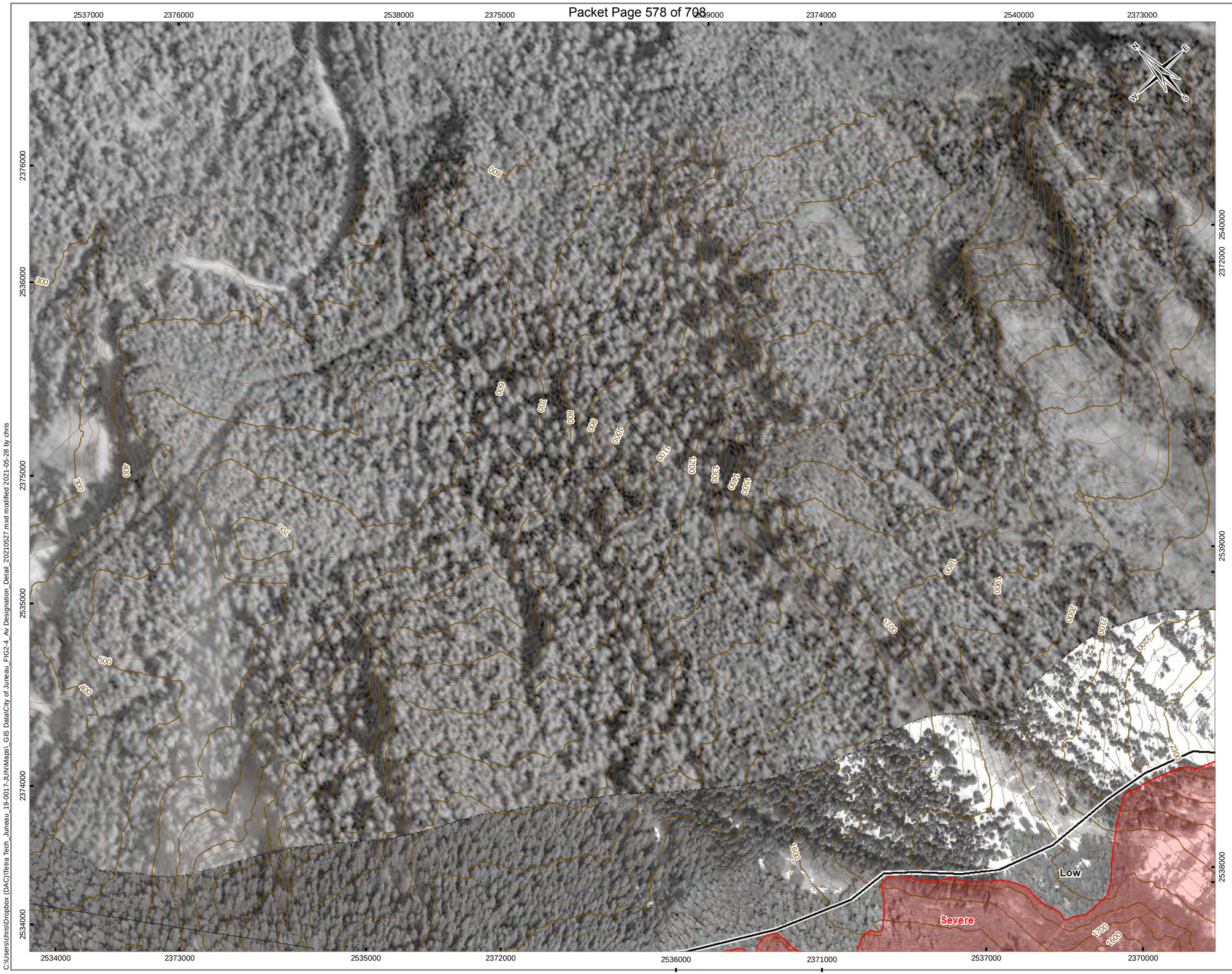
Scale: 1:5,000
300 150 0 300
Feet

DYNAMIC

| FILE NO. | | | | |
|---|---|---|---|---|
| 19-0017-JUN-002 | | | | |
| OFFICE | DWN | CKD | APVD | REV |
| DAC-Rev | CA | BJ | AJ | 1 |
| DATE | PROJECT NO. | | | |
| May 28, 2021 | 19-0017-JUN | | | |

**Figure 2.4i**

C:\Users\chris\Dropbox (DAC)\Tetra Tech_Juneau_19-0017-JUN\Maps_GIS Data\City of Juneau_FIG2-4_Av Designation_Detail_20210527.mxd modified 2021-05-28 by chris




## LEGEND

- Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

**Base Data**

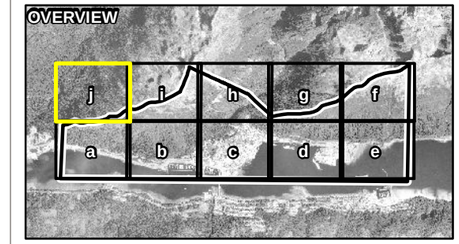
- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Land Parcel

**AVALANCHE HAZARD DESIGNATION**

**Low**
Return period greater than 300 years
OR
Impact pressures less than 20 lbs/ft$^2$ (1 kPa) with a return period greater than 30 years.

**Moderate**
Return period between 30 and 300 years;
AND
Impact pressure less than 600 lbs/ft$^2$ (30 kPa).

**Severe**
Return period less than 30 years;
AND/OR
Impact pressure greater than or equal to 600 lbs/ft$^2$ (30 kPa).




**NOTES**
Low hazard designation not shown. Low hazard designation includes all areas not designated as "Moderate" or "Severe".
Base data source:
Land parcels provided by CBJ.
Contours generated from 2013 LiDAR provided by CBJ.
Background contours generated from 2012 LiDAR provided by CBJ.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

**STATUS**
ISSUED FOR REVIEW

## JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT

# Avalanche Hazard Designation Mapping Detail

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

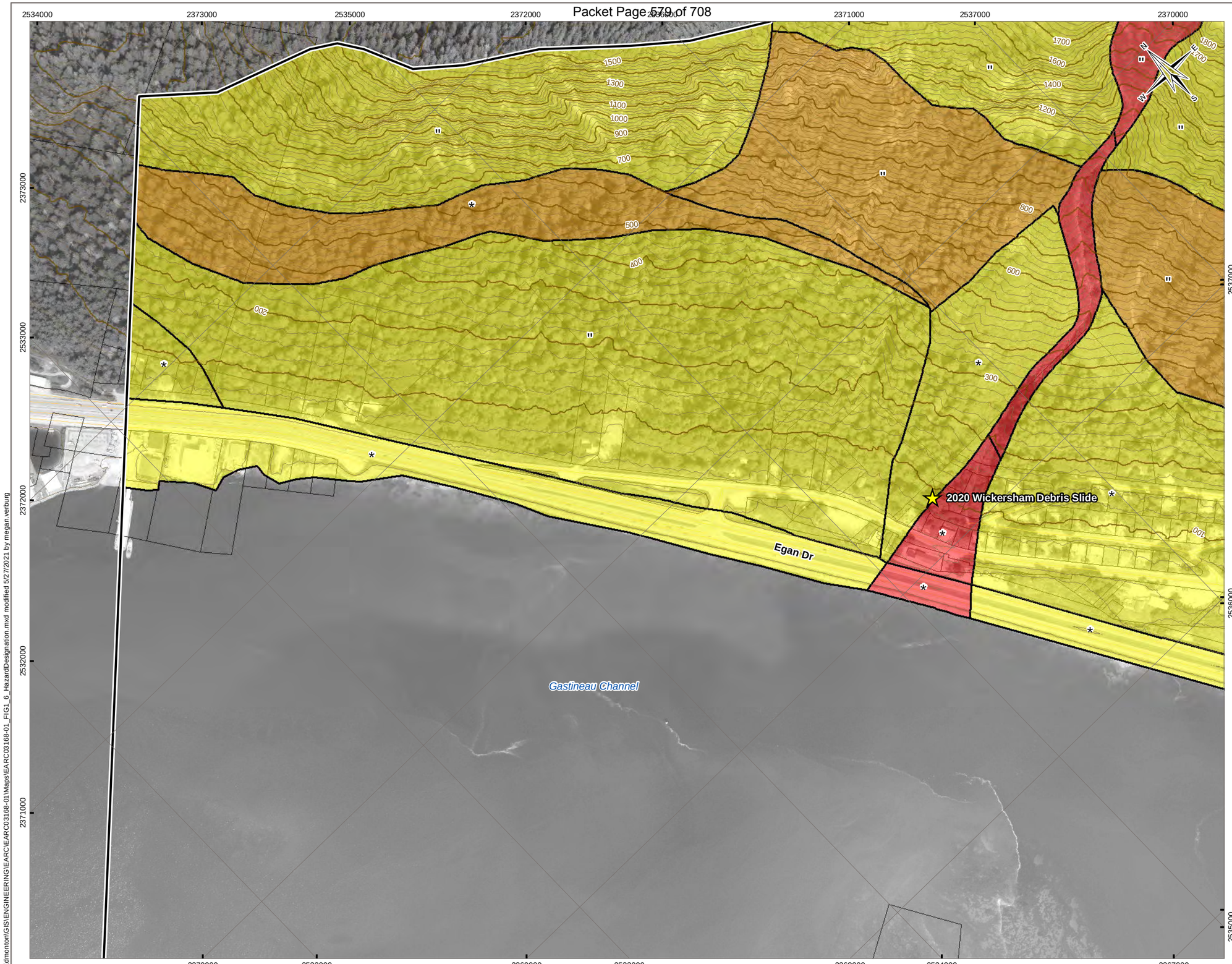
Scale: 1:5,000
300 150 0 300
Feet

DYNAMIC

| FILE NO. | | | | |
|---|---|---|---|---|
| 19-0017-JUN-002 | | | | |
| **OFFICE** | **DWN** | **CKD** | **APVD** | **REV** |
| DAC-Rev | CA | BJ | AJ | 1 |
| **DATE** | **PROJECT NO.** | | | |
| May 28, 2021 | 19-0017-JUN | | | |

**Figure 2.4j**

C:\Users\chris\Dropbox (DAC)\Tetra Tech_Juneau_19-0017-JUN\Maps_GIS Data\City of Juneau_FIG2-4_Av Designation_Detail_20210527.mxd modified 2021-05-28 by chris




## LEGEND

- Location of Interest
- Study Area
- Deep-Seated Bedrock Slide

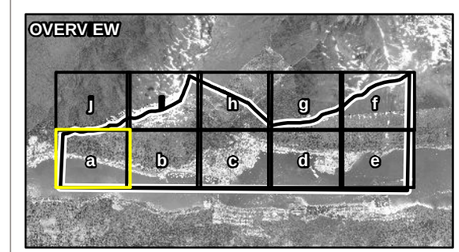
**Landslide Hazard**

(For Hazard Designation Definitions Refer to Table 1.4 and the Glossary of Terms in the Report)

- Low
- Moderate
- High
- Severe
- Severe if Deep-Seated Bedrock Slide Fails
- " Initiation Zone
- * Runout Zone
- + Potential Initiation Zone for Deep-Seated Bedrock Slide

**Base Data**

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Road
- Land Parcel




**NOTES**

Base data source:
Contours generated from 2013 LiDAR provided by CBJ.
Additional contours generated from 2012 LiDAR provided by CBJ.
Hydrology and roads obtained from Alaska Department of Natural Resources.
Terrain Classification based on Terrain Classification System for British Columbia, Version 2, 1997.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

**STATUS**
ISSUED FOR REVIEW

# JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT

## Landslide Hazard Designation Mapping

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

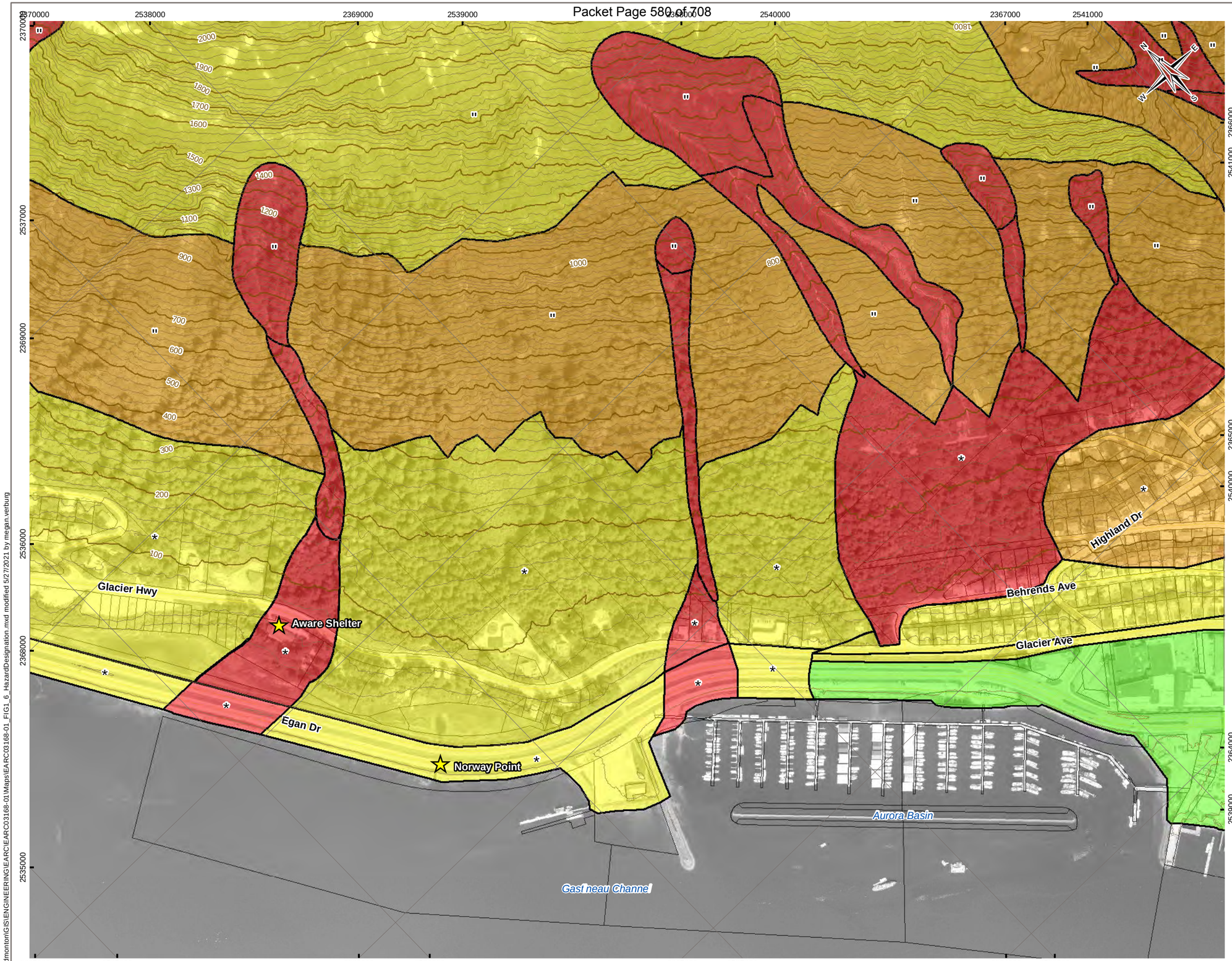
Scale: 1:5,000
300 150 0 300
Feet

TETRA TECH

| FILE NO. | | | | |
|---|---|---|---|---|
| EARC03168-01_FIG1_6_HazardDesignation.mxd | | | | |
| OFFICE | DWN | CKD | APVD | REV |
| Tt-EDM | MRV | SL | SM/VER | 0 |
| DATE | PROJECT NO. | | | |
| May 27, 2021 | ENG.EARC03168-01 | | | |

**Figure 1.6a**

Q:\Edmonton\GIS\ENGINEERING\EARC\EARC03168-01\Maps\EARC03168-01_FIG1_6_HazardDesignation.mxd modified 5/27/2021 by megan.verburg




## LEGEND

- Location of Interest
- Study Area
- Deep-Seated Bedrock Slide

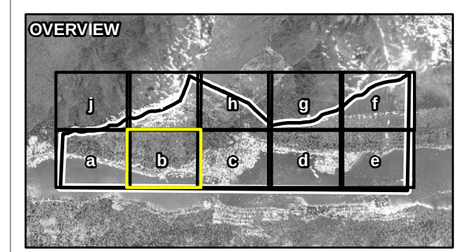
**Landslide Hazard**

(For Hazard Designation Definitions Refer to Table 1.4 and the Glossary of Terms in the Report)

- Low
- Moderate
- High
- Severe
- Severe if Deep-Seated Bedrock Slide Fails
- " Initiation Zone
- * Runout Zone
- + Potential Initiation Zone for Deep-Seated Bedrock Slide

**Base Data**

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Road
- Land Parcel




**NOTES**

Base data source:
Contours generated from 2013 LiDAR provided by CBJ.
Additional contours generated from 2012 LiDAR provided by CBJ.
Hydrology and roads obtained from Alaska Department of Natural Resources.
Terrain Classification based on Terrain Classification System for British Columbia, Version 2, 1997.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

## Landslide Hazard Designation Mapping

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:5,000
300 150 0 300
Feet

TETRA TECH

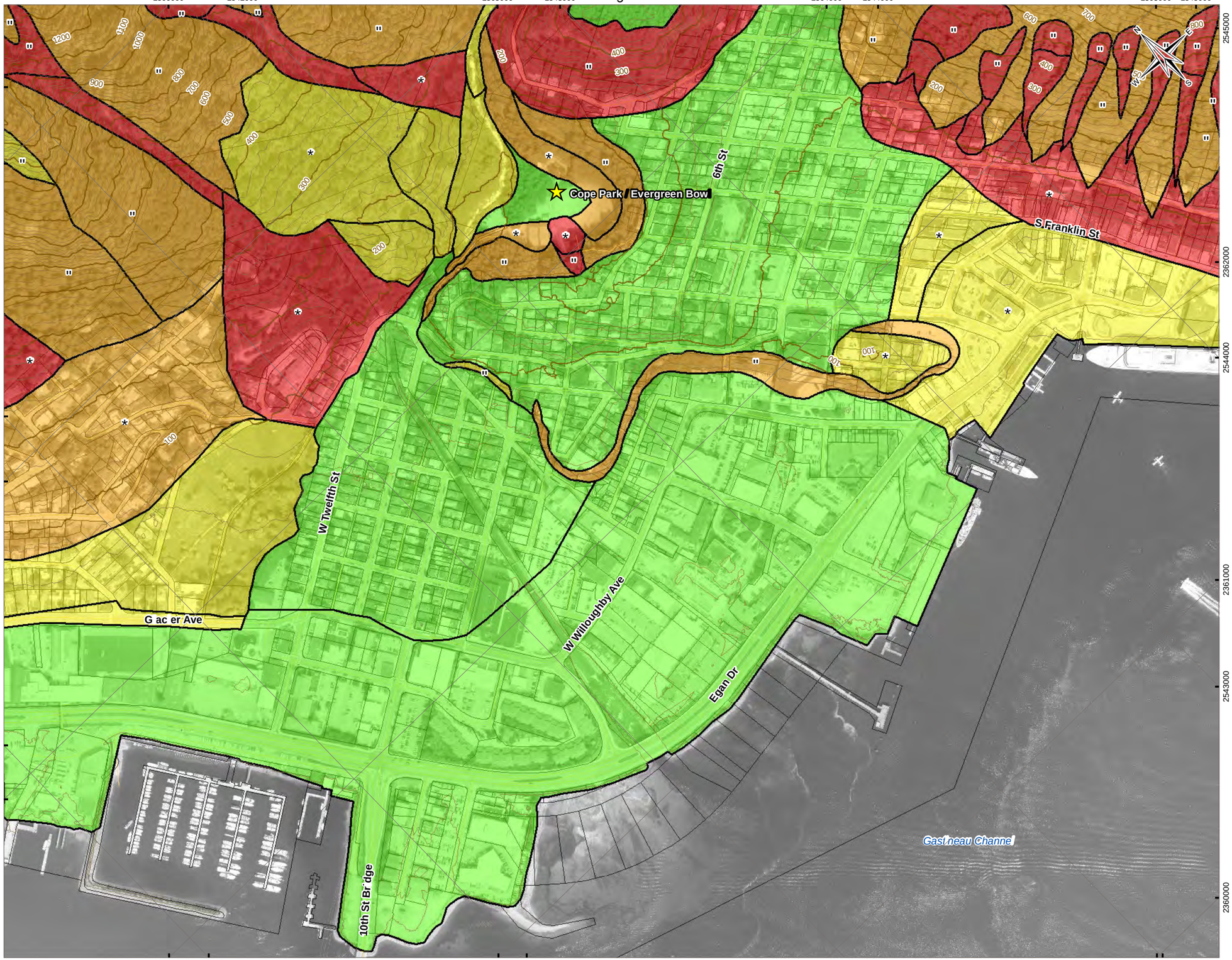
**FILE NO.**
EARC03168-01_FIG1_6_HazardDesignation.mxd

| OFFICE | DWN | CKD | APVD | REV |
|---|---|---|---|---|
| Tt-EDM | MRV | SL | SM/VER | 0 |

| DATE | PROJECT NO. |
|---|---|
| May 27, 2021 | ENG.EARC03168-01 |

**Figure 1.6b**

Q:\Edmonton\GIS\ENGINEERING\EARC\EARC03168-01\Maps\EARC03168-01_FIG1_6_HazardDesignation.mxd modified 5/27/2021 by megan.verburg




## LEGEND

- Location of Interest
- Study Area
- Deep-Seated Bedrock Slide

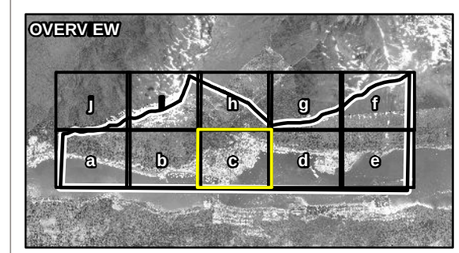
**Landslide Hazard**

(For Hazard Designation Definitions Refer to Table 1.4 and the Glossary of Terms in the Report)

- Low
- Moderate
- High
- Severe
- Severe if Deep-Seated Bedrock Slide Fails
- " Initiation Zone
- * Runout Zone
- + Potential Initiation Zone for Deep-Seated Bedrock Slide

**Base Data**

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Road
- Land Parcel




**NOTES**

Base data source:
Contours generated from 2013 LiDAR provided by CBJ.
Additional contours generated from 2012 LiDAR provided by CBJ.
Hydrology and roads obtained from Alaska Department of Natural Resources.
Terrain Classification based on Terrain Classification System for British Columbia, Version 2, 1997.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

**STATUS**
ISSUED FOR REVIEW

**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

**Landslide Hazard Designation Mapping**

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:5,000
300 150 0 300
Feet

TETRA TECH

| FILE NO. | | | | |
|---|---|---|---|---|
| EARC03168-01_FIG1_6_HazardDesignation.mxd | | | | |
| OFFICE | DWN | CKD | APVD | REV |
| Tt-EDM | MRV | SL | SM/VER | 0 |
| DATE | PROJECT NO. | | | |
| May 27, 2021 | ENG.EARC03168-01 | | | |

**Figure 1.6c**

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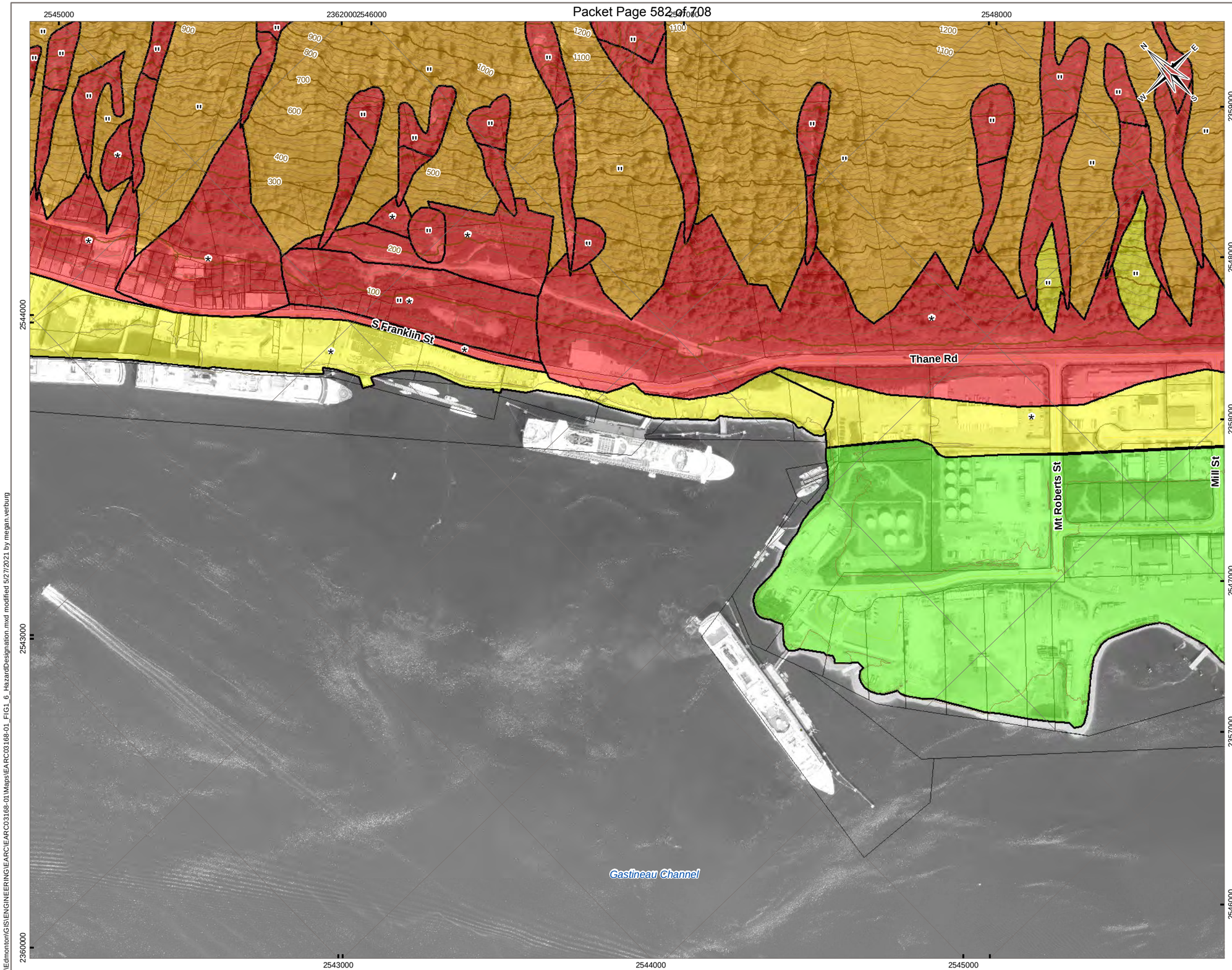



## LEGEND

- Study Area
- Deep-Seated Bedrock Slide

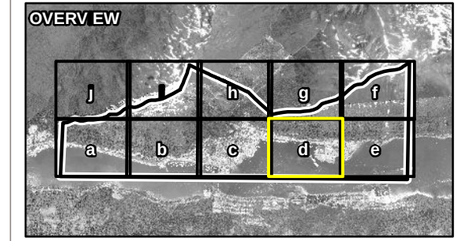
**Landslide Hazard**

(For Hazard Designation Definitions Refer to Table 1.4 and the Glossary of Terms in the Report)

- Low
- Moderate
- High
- Severe
- Severe if Deep-Seated Bedrock Slide Fails
- " Initiation Zone
- * Runout Zone
- + Potential Initiation Zone for Deep-Seated Bedrock Slide

**Base Data**

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Road
- Land Parcel




**NOTES**

Base data source:
Contours generated from 2013 LiDAR provided by CBJ.
Additional contours generated from 2012 LiDAR provided by CBJ.
Hydrology and roads obtained from Alaska Department of Natural Resources.
Terrain Classification based on Terrain Classification System for British Columbia, Version 2, 1997.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

**STATUS**
ISSUED FOR REVIEW

# JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT

## Landslide Hazard Designation Mapping

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:5,000
300 150 0 300
Feet

TETRA TECH

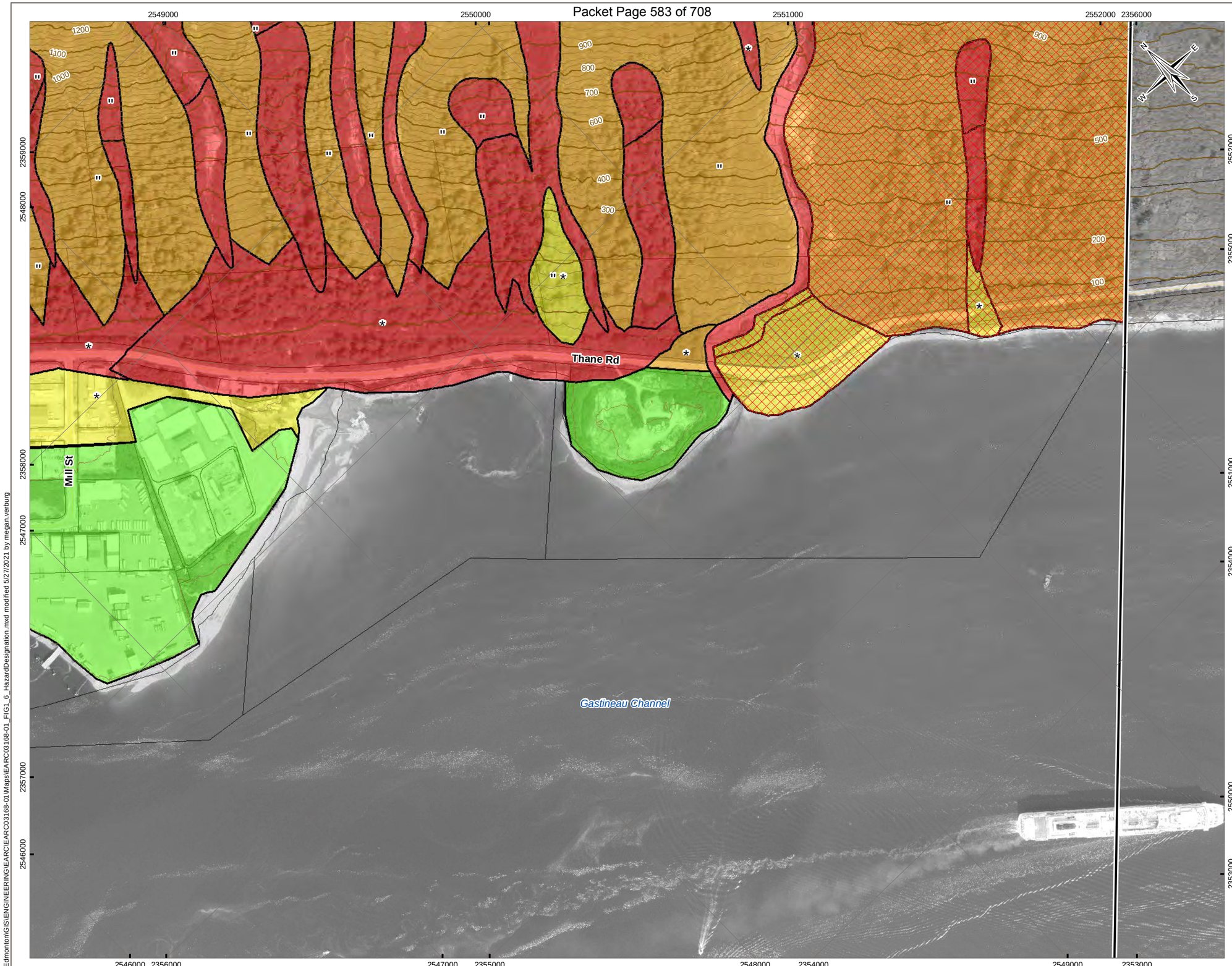
**FILE NO.**
EARC03168-01_FIG1_6_HazardDesignation.mxd

| OFFICE | DWN | CKD | APVD | REV |
|---|---|---|---|---|
| Tt-EDM | MRV | SL | SM/VER | 0 |

| DATE | PROJECT NO. |
|---|---|
| May 27, 2021 | ENG.EARC03168-01 |

**Figure 1.6d**

Q:\Edmonton\GIS\ENGINEERING\EARC\EARC03168-01\Maps\EARC03168-01_FIG1_6_HazardDesignation.mxd modified 5/27/2021 by megan.verburg




## LEGEND

- Study Area
- Deep-Seated Bedrock Slide

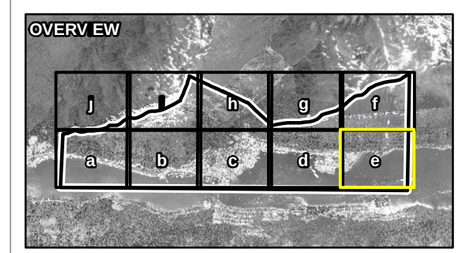
**Landslide Hazard**

(For Hazard Designation Definitions Refer to Table 1.4 and the Glossary of Terms in the Report)

- Low
- Moderate
- High
- Severe
- Severe if Deep-Seated Bedrock Slide Fails
- " Initiation Zone
- * Runout Zone
- + Potential Initiation Zone for Deep-Seated Bedrock Slide

**Base Data**

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Road
- Land Parcel




**NOTES**
Base data source:
Contours generated from 2013 LiDAR provided by CBJ.
Additional contours generated from 2012 LiDAR provided by CBJ.
Hydrology and roads obtained from Alaska Department of Natural Resources.
Terrain Classification based on Terrain Classification System for British Columbia, Version 2, 1997.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

**STATUS**
ISSUED FOR REVIEW

## JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT

## Landslide Hazard Designation Mapping

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:5,000
300 150 0 300
Feet

TETRA TECH

**FILE NO.**
EARC03168-01_FIG1_6_HazardDesignation.mxd

| OFFICE | DWN | CKD | APVD | REV |
|---|---|---|---|---|
| Tt-EDM | MRV | SL | SM/VER | 0 |

| DATE | PROJECT NO. |
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| May 27, 2021 | ENG.EARC03168-01 |

**Figure 1.6e**

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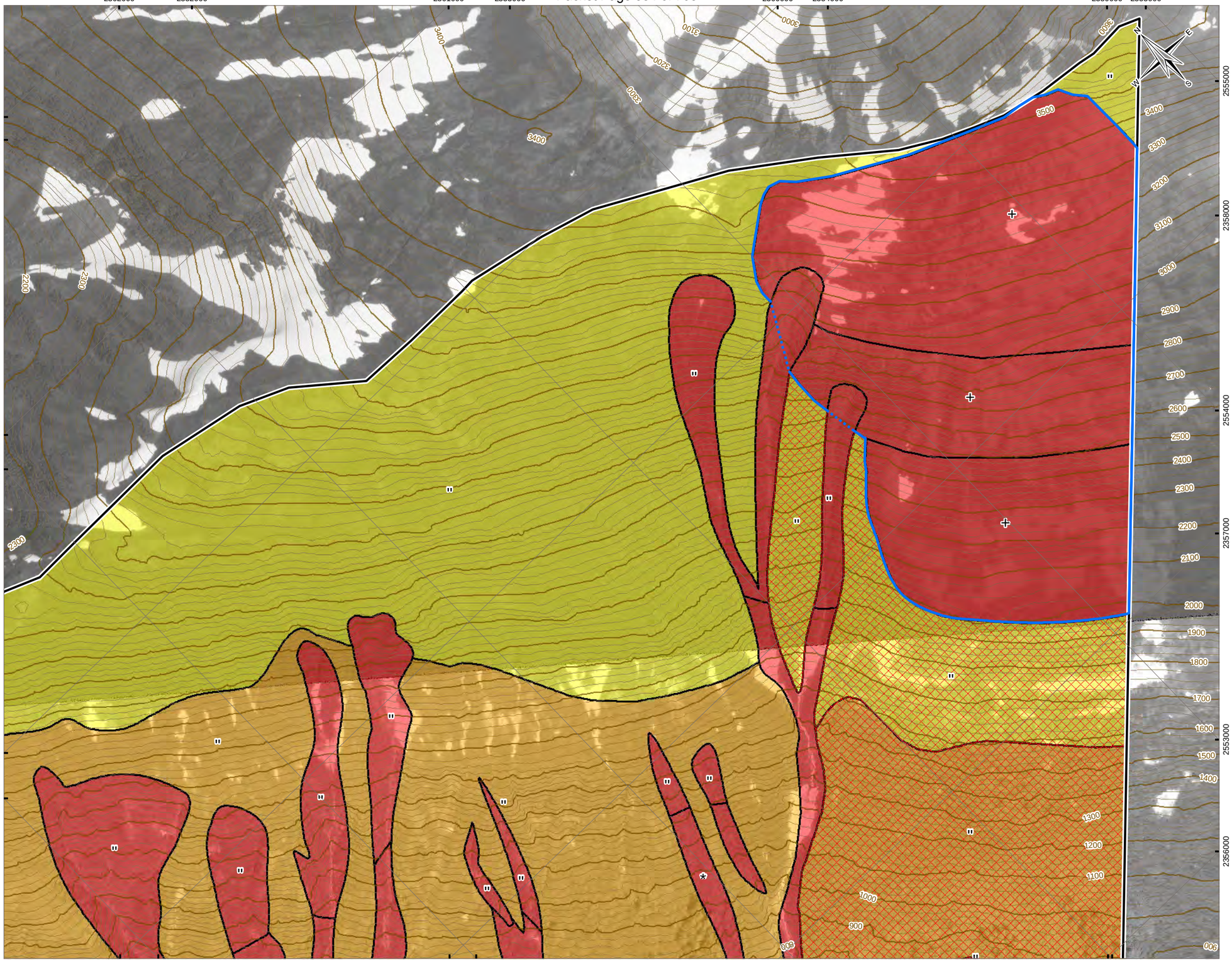



## LEGEND

- Study Area
- Deep-Seated Bedrock Slide

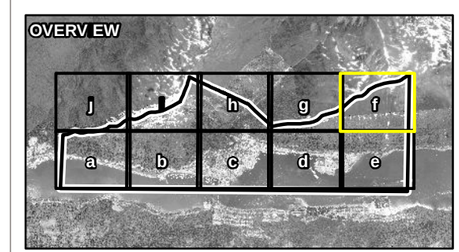
**Landslide Hazard**

(For Hazard Designation Definitions Refer to Table 1.4 and the Glossary of Terms in the Report)

- Low
- Moderate
- High
- Severe
- Severe if Deep-Seated Bedrock Slide Fails
- " Initiation Zone
- * Runout Zone
- + Potential Initiation Zone for Deep-Seated Bedrock Slide

**Base Data**

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Land Parcel




**NOTES**

Base data source:
Contours generated from 2013 LiDAR provided by CBJ.
Additional contours generated from 2012 LiDAR provided by CBJ.
Hydrology and roads obtained from Alaska Department of Natural Resources.
Terrain Classification based on Terrain Classification System for British Columbia, Version 2, 1997.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

**STATUS**
ISSUED FOR REVIEW

# JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT

## Landslide Hazard Designation Mapping

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:5,000
300 150 0 300
Feet

TETRA TECH

**FILE NO.**
EARC03168-01_FIG1_6_HazardDesignation.mxd

| OFFICE | DWN | CKD | APVD | REV |
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| Tt-EDM | MRV | SL | SM/VER | 0 |

| DATE | PROJECT NO. |
|---|---|
| May 27, 2021 | ENG.EARC03168-01 |

**Figure 1.6f**

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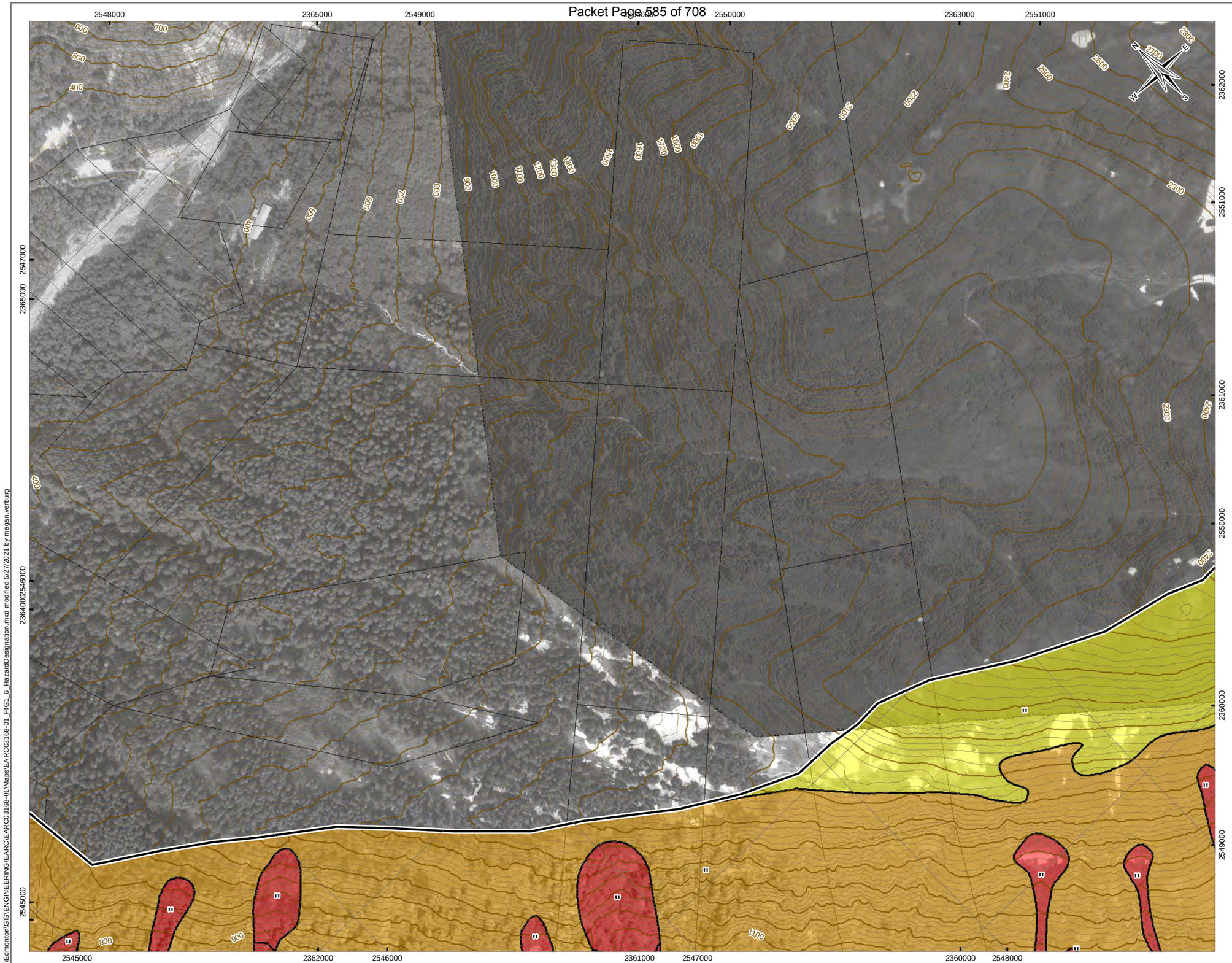


## LEGEND

- Study Area
- Deep-Seated Bedrock Slide

**Landslide Hazard**

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- Moderate
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- Severe if Deep-Seated Bedrock Slide Fails
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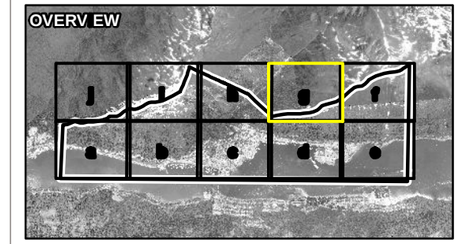
**Base Data**

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Road
- Land Parcel

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**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

## Landslide Hazard Designation Mapping

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:5,000
300 150 0 300
Feet

TETRA TECH

**FILE NO.**
EARC03168-01_FIG1_6_HazardDesignation.mxd

| OFFICE | DWN | CKD | APVD | REV |
|---|---|---|---|---|
| Tt-EDM | MRV | SL | SM/ VER | 0 |

| DATE | PROJECT NO. |
|---|---|
| May 27, 2021 | ENG.EARC03168-01 |

**Figure 1.6g**

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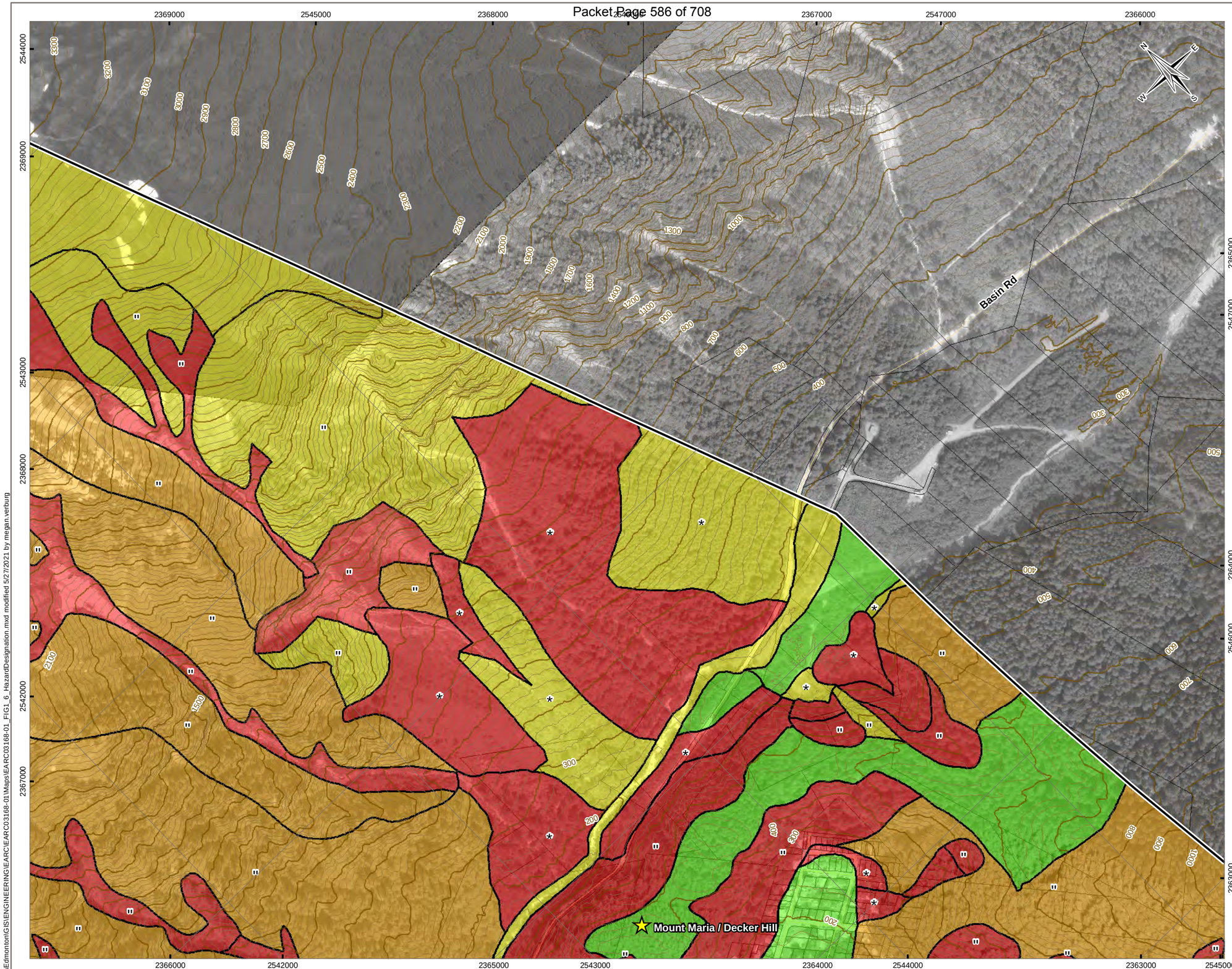


## LEGEND

- Location of Interest
- Study Area
- Deep-Seated Bedrock Slide

**Landslide Hazard**

(For Hazard Designation Definitions Refer to Table 1.4 and the Glossary of Terms in the Report)

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**Base Data**

- Index Contour (100 ft)
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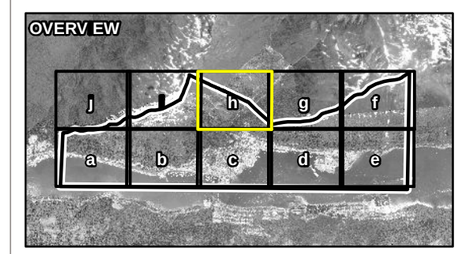
- Land Parcel




**NOTES**

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**JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT**

**Landslide Hazard Designation Mapping**

| PROJECTION | DATUM | CLIENT |
|---|---|---|
| State Plane Alaska Zone 1 5001 | NAD83 | CITY AND BOROUGH OF JUNEAU |

Scale: 1:5,000
300 150 0 300
Feet

TETRA TECH

| FILE NO. | | | | |
|---|---|---|---|---|
| EARC03168-01_FIG1_6_HazardDesignation.mxd | | | | |
| OFFICE | DWN | CKD | APVD | REV |
| Tt-EDM | MRV | SL | SM/VER | 0 |
| DATE | PROJECT NO. | | | |
| May 27, 2021 | ENG.EARC03168-01 | | | |

**Figure 1.6h**

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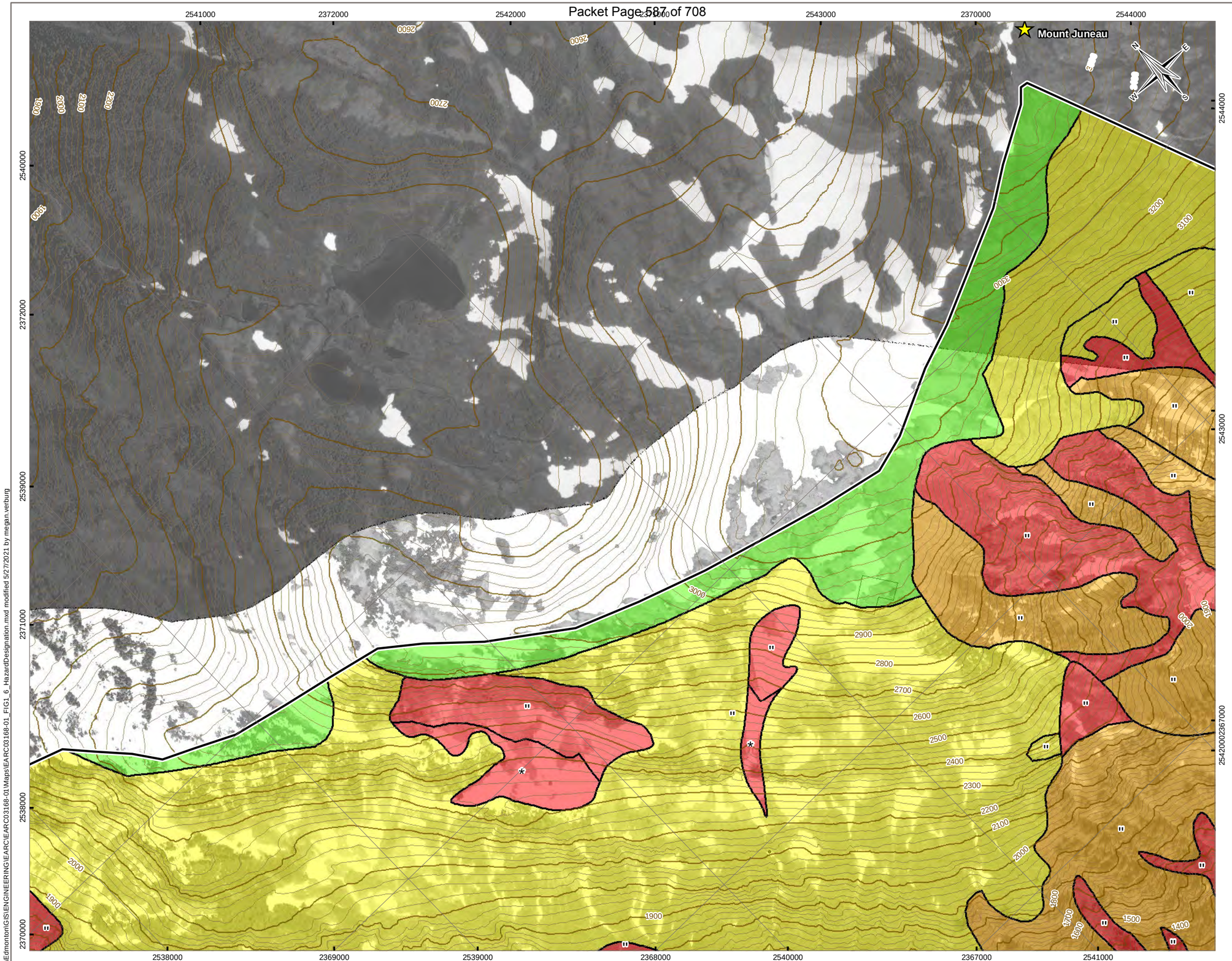


## LEGEND

- Location of Interest
- Study Area
- Deep-Seated Bedrock Slide

**Landslide Hazard**

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**Base Data**

- Index Contour (100 ft)
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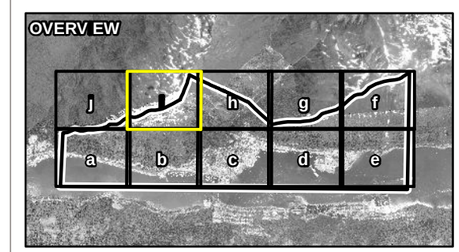
- Land Parcel

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# JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT

## Landslide Hazard Designation Mapping

| PROJECTION | DATUM | CLIENT |
|---|---|---|
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Scale: 1:5,000
300 150 0 300
Feet

TETRA TECH

**FILE NO.**
EARC03168-01_FIG1_6_HazardDesignation.mxd

| OFFICE | DWN | CKD | APVD | REV |
|---|---|---|---|---|
| Tt-EDM | MRV | SL | SM/VER | 0 |

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**Figure 1.6i**

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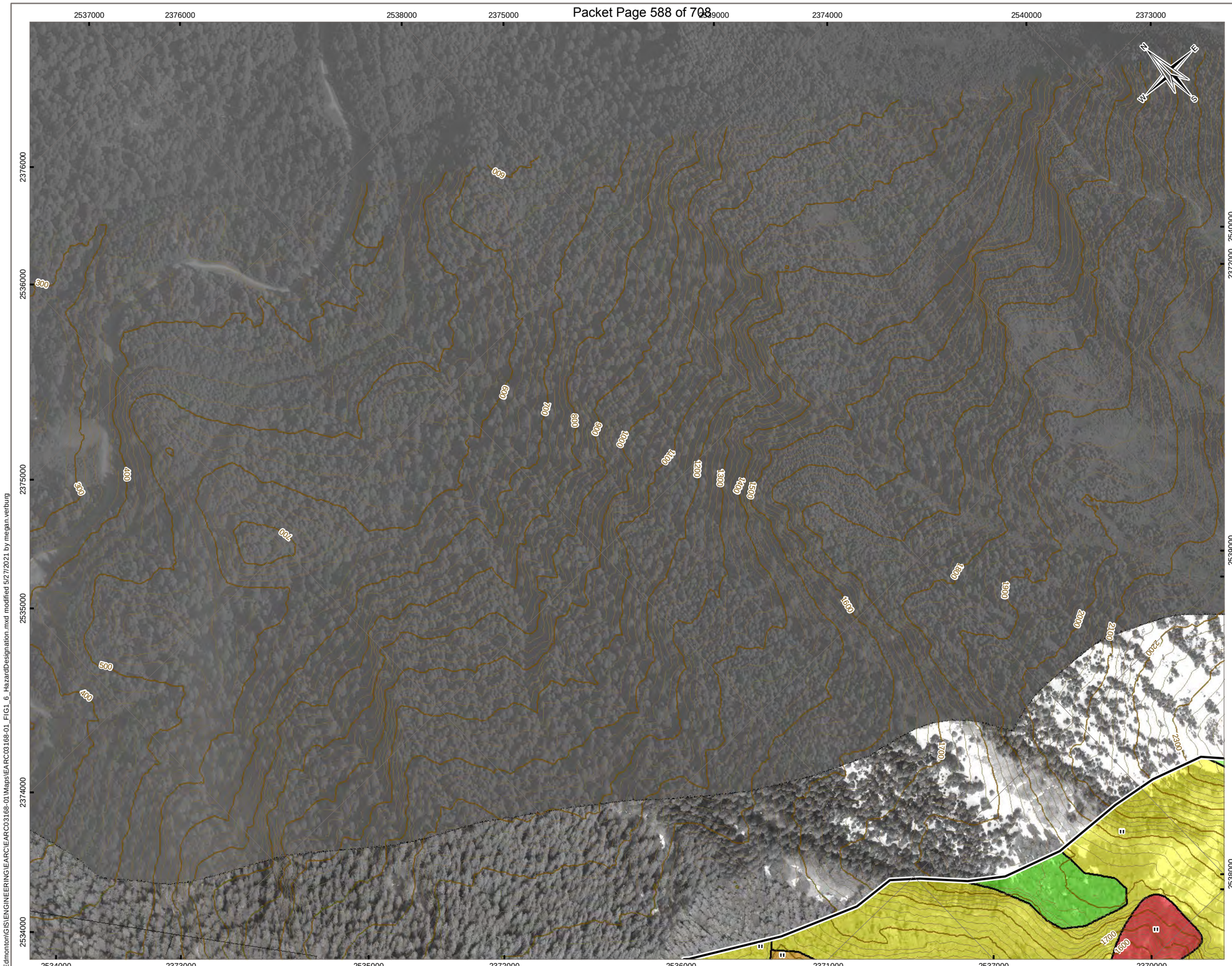


## LEGEND

- Study Area
- Deep-Seated Bedrock Slide

**Landslide Hazard**

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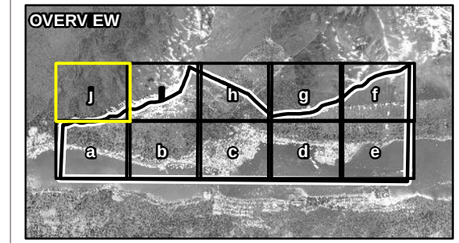
**Base Data**

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Land Parcel




**NOTES**
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# JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT

## Landslide Hazard Designation Mapping

| PROJECTION | DATUM | CLIENT |
|---|---|---|
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Scale: 1:5,000
300 150 0 300
Feet

TETRA TECH

| FILE NO. | | | | |
|---|---|---|---|---|
| EARC03168-01_FIG1_6_HazardDesignation.mxd | | | | |
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| Tt-EDM | MRV | SL | SM/ VER | 0 |
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| May 27, 2021 | ENG.EARC03168-01 | | | |

**Figure 1.6j**

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July 21, 2021 Virtual Neighborhood Meeting
Question List from the Q and A box, obtained from Tetra Tech Inc.

Anonymous Attendee 07:06 PM

Hi. It appears a tiny corner of my property is in the severe landslide zone, but most is not in a landslide or avalanche zone. Does that mean the whole property is considered to be in a severe zone? Does it matter whether the dwelling is in or out of the zone?

carolyn V Brown 07:17 PM

Please define the categories of severe, high, moderate and low for hazards.

Emily Haynes 07:19 PM

Will Teri's presentation be emailed to all attendees?

Emily Haynes 07:22 PM

Or, instead of an emailed presentation, will this be recorded and a link provided?

Nancy Waterman 07:23 PM

We live at 227 Gastineau Ave, in Earth-sheltered house.

Nancy Waterman 07:25 PM

Shall we assume that one outcome of current work is a cumulative map of hazards ? 1987 remains; new work is added ?

Anonymous Attendee 07:25 PM

Why were the green areas excluded?

Anonymous Attendee 07:25 PM

1. Why are the new Avalanche and Slide area boundaries different?

2. Will CBJ be reevaluating and/or lowering taxes on properties that have been added to the new maps?

Sandro 07:26 PM

Does the study area include anything past the rock dump?

Sally Schlichting 07:26 PM

Is there someone we can speak with about how conclusions were reached about specific hazard designations around specific properties? There is an avalanche zone depicted above my house and I am not aware of there ever being any potential avalanche risk in this area.

Roxanne Stewart 07:28 PM

Are there any places in the world that do proactive avalanche control above residential areas? I.E., monthly daisy bell clearances of cornices, etc so the spring breakup won't be catastrophic to the residents?

Charles Collins 07:29 PM

Was the history of how the slide areas have moved taken inot account? I watched the White area move for over two decades and it has changed substantially.

Nancy Waterman 07:30 PM

Is the intended public benefit of this work to prevent loss of life and property by (a) preventing new building in the designated hazard areas, or in areas designated as above a declared limit, and / or (b) to contemplate evacuating presently-occupied areas ?

Colin Shanley 07:31 PM

Can this assessment be done for the complete Juneau road system before new designations are adopted for just the downtown area for a more comprehensive and comparative analysis?

carolyn V Brown 07:32 PM

What is LiDAR data?

Emily Haynes 07:38 PM

In Tetra Tech's experience with mapping hazard areas in other communities, what were the impacts to property owners (e.g., loss of value, home insurance, and lending)? Also, what were the local governments' responses to the property owner impacts? What is CBJ's plan moving forward for impacted property owners?

Charles Collins 07:38 PM

Maybe they should have spoke to the people who live there. The maps are not accurate.

Dave Hanna 07:38 PM

It was just said that there were letters dated 1949 concerned with the school being in the avalanche zone. I do not belive any schools were there then. Follow up?

Jerry Smetzer 07:39 PM

On the new GIS based hazard maps that Quinn showed us... how interactive are they? In other words can I select a parcel by CBJ ID or street address, zoom into the parcel and see lot dimension and orientation data as well as adjoining lot and structure data and street ROWs, locations, sewer and water lines, etc., ?

Matt Voelckers 07:41 PM

Everyone has Haines on their mind when it comes to landslides. Could the terrain of mt roberts and mt juneau release a catastrophe like that, or are we primarily anticipating landslides that are immediately corellated with high rainfall and errosion? Is this a meaningful distinction?

Deb Gregoire 07:42 PM

I have questions regarding the specific landslide hazard map on page 82 of the draft landslide maps and how the lines were drawn. For instance, our property backs up to CBJ hillsides and we are considered high hazard while our immediate downhill neighbors are in a severe hazard zone. On the surface this makes little sense to me. Note our house was hit with trees from a landslide in Nov 2020. Please advise on appropriate forum for this type of question if not here.

Adelaide (Di) Johnson 07:49 PM

Quinn Tracy's maps and Tetra Tech's summary is clear, but the accuracy of the maps is a serious problem. Specific to the landslide hazard mapping portion of the study, there was no indication of any modern landslide modelling techniques. The references cited are over 30 years of age. Clearly efforts

were focused on simply using a combination of old landslide maps and new LiDAR. Modern landslide evaluations include statistical models (calling this a statistical effort is inaccurate) and physically based models. Many models are used in the Pacific northwest and Alaska and could have been used in this study. Technically sound scientific examination of landslides, including debris slides and debris flows, would include analysis of hydrologic contributing area and evaluation of the sediment volumes in initiation and runout zones. An understanding of these parameters would aid in the understanding of landslide runout. My question to CBJ: Will you add modern landslide modelling to serve the community of Juneau?

Anonymous Attendee 07:50 PM

Why did the study stop in the middle of the 'middle' path?

Emily Haynes 07:52 PM

Why was this area of Juneau chosen to be studied? There are many areas of Juneau that experience avalanches and landslides.

carolyn V Brown 07:56 PM

Is reforestation with anything useful as a preventative?

Ann Metcalfe 07:58 PM

We own a property the has gone from no slide hazard to severe slide hazard. What are the reasons that would lead to this change? We're properties inspected on the ground?

Dave Hanna 07:58 PM

At a landslide presentation a few years ago it was thought that there had been no major changes since the last assessments. I argued that areas such as above White Subdivision have had much large tree growth occurrring and that it was in many thin ground cover areas lying on steep bedrock.. Do you think topping or cutting these areas would be adviseable or would it be detrimental?

Kathrin McCarthy 08:05 PM

We live at 414 3rd St. There has not been a big snow
avalanceo near our house in all the years I have lived in Juneau, over 50. The during heavy rain in the last few years, more sliding is occuring above and along the 3rd St stairs What is CBJ planning to do

about the possibilty of slides from above us that may be cause by climate change for exmple changes above 6th st on the old Mt. Robt. trail head?

Charles Collins 08:11 PM

So if we change from moderate to high does that mean I will no longer be able to insure my house?

Anonymous Attendee 08:12 PM

Mr. Jones. I understand active avalanche mitigation is risky for people and infrastructure, what about protection strutures?

johnakern 08:18 PM

It seems unexpected that the Behrends neighborhood would be underlain by a morainal deposit. If this is an active avalanche, or landslide path, you would expect the moraine to be covered by debris flows?

Casey Loofbourrow 08:19 PM

How do you justify the moderate landslide risk designation in the Glacier Avenue and cemetery area? It appears you traced the lines from your surficial geology map, which shows that area as glaciomarine, absent of colluvial (landslide) deposits or veneer. I assume this is attempting to account for landslide runout, but it states in the report that runout modelling was not conducted, and that runout identification was based on “mapping the extents of historical landslides”. I do not see any historic information in the report that supports this area being mapped as runout, and using glacier avenue and/or the boundary between glaciomarine/anthropogenic deposits is contrary to the statements in the presentation that hazard areas don’t respect human boundaries.

Barb Sheinberg 08:20 PM

Tonight or atsome point we'd like to better understand how the Starr Hill landslide designations were determined. Even the 1987 maps have seemed odd re: boundaries.

Emily Haynes 08:20 PM

Both avalanche and landslide mapping included limitations that other current and future changes (e.g., climate change) could modify the analyses and recommendations in the reports. How do property owners prepare for these changes? How can property owners be sure that any mitigation recommended through site-specific geotechnical surveys and implemented now are effective in the future? Based on this assessment, compared to previous assessments, property owners can assume that hazard

assessment will change throughout ownership, how are we supposed to prepare for that, especially financially?

Jon Tillinghast 08:21 PM

The severe landslide designations seem to show gullies opening up into wide swathes downslope. How confident are you that once the gully opens up, all the property downslope of the gully is at equal risk of a "severe" landslide.

johnakern 08:23 PM

To Alan Jones; so your calculations indicate that the impact of an avalanche on the Behrends Avenue path has the potential of 600. What do you calculate for Thane Road, if you have done these calculations?

Janet Eckholm 08:24 PM

Have you projected how much of the 20th C landslide activity was due to mining activity?

Sally Schlichting 08:26 PM

Can you tell me when this Path G000 Park ran last? And/or what was the record that you are sourcing?

SandyHarbanuk 08:28 PM

Terrific presentation! I appreciate the integration of the historical information and photos with all of the fascinating science. Thank you, CBJ and contractors.

Anonymous Attendee 08:28 PM

The landslide areas do not take infrastructure developments into account, but some of that infrastructure would obviously stand in the way of a slide. How can that be taken into account?

Sudie Hargis 08:29 PM

I'm interested in more info on the Hermit/Rheinhardt area that is now in severe, though not seeing recent activity or other markers in the report - the slide in the grating drain at Irwin bridge is in the Bathy creek avalanche path rather than in the Hermit/Irwin/cemetery area. Thanks. And great job and info, thanks!

Emily Haynes 08:29 PM

What are the regulations you (Teri) referenced when speaking to partial designations?

jetrob7@gmail.com Robinson 08:31 PM

For houses in a high landslide risk zone, what does 'restricted development and density' mean? For example, if someone took down an existing building in a high landslide area could they rebuild on that property? Or if they wanted to add an aparment to a house in a high landslide zone could they get approval for that?

Nancy Waterman 08:32 PM

How will Trucano potential multi-unit building across Gastineau Ave, from old AJ concrete structure be treated for permitting ?

Sudie Hargis 08:34 PM

And follow-on, I'm not aware of any slide activity in past 30 years other than avalanche in that area, nor loss of vegetation or trees other than avalanche which are in the Bathy gulch.

Sally Schlichting 08:36 PM

If you can't answer my question about G000 Park here in this meeting, is there someone I can contact about the underlying data/records used to make this determination? I know this hill side, and can't see how enough snow could build up to form an avalanch in this area.

Anonymous Attendee 08:36 PM

How was the study area decided on? It seems like many other areas of town have slope hazards

Anonymous Attendee 08:37 PM

How is this anticipated to effect property values/taxes in the newly maped landslide zones above the cemetary and downtown?

Sonia Nagorski 08:38 PM

Could you please expand on what you said about thin vs thick colluvium in terms of landslide risk? Thank you

Shawn Eisele 08:46 PM

It sounds like the plan is to adopt these maps soon, but decide upon and adopt policy a year or more later. That seems like a mismatch. For example the old maps followed property boundaries, but the new ones dont. Shouldn't we wait to implement maps until the policies for them are ready? Otherwise homeowners will be caught between new maps covering their property, but old policies that weren't written for the new mapping situations. That seems likely to complicate home sales or developments for the next few years.

Dan Kassner 08:46 PM

My property is located at the very NW end of the survey map. Its colored "red" (I think that is the question it is supposed to be). However, I don't see any historical activity. Granted, it is very steep, but that seems little, considering there is nothing above it to create a snowslide event and there is nothing there to slide if it is considered to be a landslide area. Can you explainj why it is considered severe?

Emily Haynes 08:50 PM

I'm confused. Did Alix just state that these new designations now limit all work on private property and also state that CBJ is unaware of property value impacts?

Colin Shanley 08:52 PM

What will the public process be to decide if the landslide map maintains the traditional 3 zone map vs the proposed 4 zone map? Is there a regulatory benefit to deviate from the 3 zones?

Barb Sheinberg 08:55 PM

Our question for Starr Hill neighborhood designationsa has not been answered. Will the experts on this call be available to explain this after tonight?

Sheila Dyer 09:03 PM

With the new data, is CBJ going to provide accurate information about their property to homeowners that is above residences that is now labeled severe? This has not been the case in the past.

Nancy Waterman 09:07 PM

Will tsunami danger be included ? This was important in considering Merchants Wharf redevelopment, I recall. If so,  when, how ?  Thx.

Anonymous Attendee 09:12 PM

Over what period of time were the two studies conducted?

Ann Liebergesell 09:14 PM

Are there regulations for tree removal in any of the four avalanche classifications? Given that trees hold the soil.

Anonymous Attendee 09:18 PM

We actually have a previously written engineering report regarding our hazard area stating we are NOT in a hazard zone (and removed us from previous hazard designation), but now are proposed for severe hazard designation. Should we submit our letter, or what relationship does this previous document have to your current process?

Barb Sheinberg 09:22 PM

At least 5 different Starr Hill residents have raised questions tonight about very different parts of the mapped landslide areas in the neighborhood area. It seems like a neighborhood meeting might be warranted; the format tonight doesnt allow interactive conversation which might help address/resolve questions. Teri/Alex, would this be possible with Rita?

Anonymous Attendee 09:26 PM

hazard insurance is getting very hard to get, if not impossible. Some home sales have fallen through for that reason.

Barb Sheinberg 09:26 PM

I think the question at least 3-4 of us dont understand is how the boundaries between the high and severe landslide zones in Starr Hill came about....

Janet Eckholm 09:43 PM

Follow up - what about the shaking of Mount Roberts from the mine?

Peter 09:49 PM

Thanks for the great discussion

Sudie Hargis 09:50 PM

Actually my question for the Hermit/Rheinhardt area was for landslides, and thanks for the avalanche info on complexity. It's more over to the left side towards cemetery - to the left of Bathy gulch that doesn't seem to show historical landslide activity. It would be great to get some additional answers on that, thanks very much!

Sudie Hargis 09:54 PM

I want to say a huge thank you to ALL the presenters, and for the dedication and hard work in the public interest. And thanks all for staying up late to answer all our questions!

Dan Kassner 10:00 PM

Thank you, Alan

Heather Ramseth 10:09 PM

I really appreciate this extended meeting and question/answer opportunity. This is a complicated and difficult process with lots of potential impact for our city and private property owners. Thank you for listening and for offering your time and attention as we consider what we are learning and as questions and concerns crystallize in the days, weeks, months to come.

# AME2021-0008
# August 10, 2021

An ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit; 49.70.210, Hillside Development; and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment

**Staff recommends the Planning Commission forward the proposed ordinance with a recommendation of APPROVAL to the Assembly.**

# Summary of Key Considerations

- Applicant, CBJ

Ordinance change addresses:

- Revisions to CBJ Code 49.15.330(g)(9), Conditional Use Permit; 49.70.210, Hillside Development; and 49.70.300, Landslide and Avalanche Areas, to replace the 1987 hazard maps with the May 28, 2021 Landslide and Avalanche maps.

- Revision to CBJ Code 49.70.300(c) and (d) to amend the current regulations that apply to severe avalanche areas to also apply to severe and high landslide areas.

# Background and Project Timeline

- Current downtown hazard maps are dated September 1987, based on maps from the 70s. These low-resolution maps combine landslide and avalanche areas into a single map with moderate and severe hazard areas.
- CDD was awarded a grant from FEMA in 2018 to update the maps with current scientific analysis and to evaluate landslide and avalanche areas separately for more precision and to accurate portray the specific risk.
- Field work was conducted by Tetra Tech Inc., in 2019.
- First draft of the report was received in August 2020. Rigorously reviewed by state and federal agencies; found to be scientifically sound, revised for clarity.
- The third draft was released to the public on the CDD Special Projects website on July 9, 2021



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

# Background continued

- Downtown Juneau had severe landslide damage from an early December storm in 2020. The same storm event resulted in landslides in Haines that killed two people and destroyed nine homes. In February 2021, CBJ's Emergency Manager recommended evacuation of the Behrends Avalanche path.

- The current weather forecast notes the likelihood of an "atmospheric river," a similar storm system to last December, and the possibility of landslides later this week.

- These storm events further emphasize the need for updated scientifically accurate maps to protect public safety



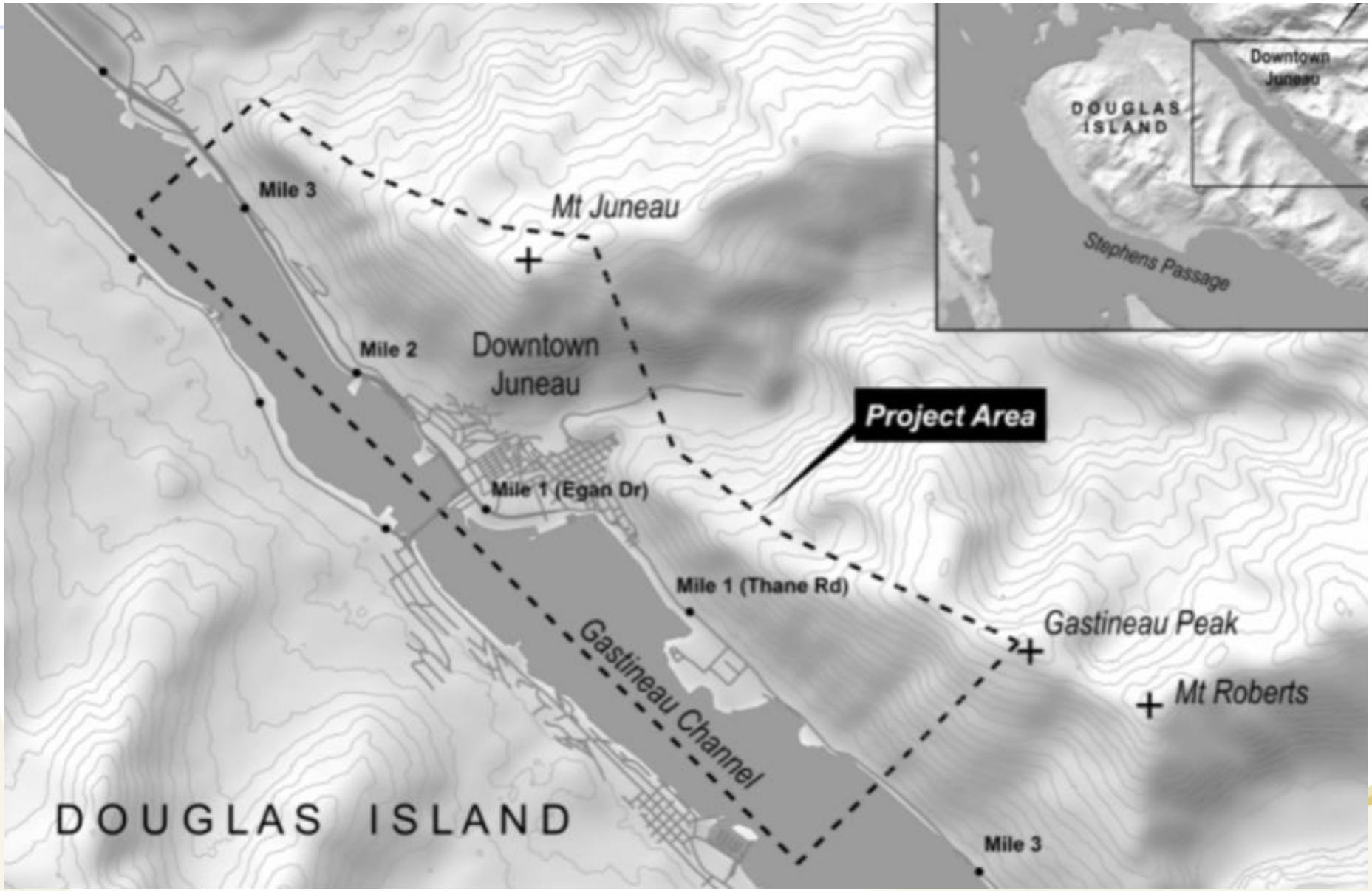
CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

# Background continued

- CDD will evaluate new hazard policies and regulations and possible mitigation/engineering interventions through a separate grant and bid process in 2022.

- CDD is proposing only the minimum regulatory changes necessary to adopt the new maps and to reflect the landslide and avalanche designations in the new assessment.

# Project Area



# Text Amendment Summary

- **CBJ Code 49.15.330(g)(9), Conditional Use Permit.** This revision updates the reference in the list of specific conditions that the Planning Commission can apply to Conditional Use Permits to refer to the May 2021 Downtown Juneau Landslide and Avalanche Assessment instead of the1987 landslide and avalanche maps.

- **CBJ 49.70.210, Hillside Development.** This revision updates the reference in the Hillside Development ordinance to refer to the May 2021 Downtown Juneau Landslide and Avalanche Assessment instead of the1987 landslide and avalanche maps.

- **CBJ 49.70.300(a)(2), Landslide and Avalanche Areas.** This revision updates the reference in the landslide and avalanche areas ordinance to refer to the May 22021 Downtown Juneau Landslide and Avalanche Assessment instead of the 1987 landslide and avalanche maps.

# Text Amendment Summary and Current Regulations

- **CBJ 49.70.300(c) and (d), Landslide and Avalanche Areas.** This revision updates the code to apply development restrictions to severe and high landslide areas as well as severe avalanche areas.

# Current Regulations

CBJ code 49.70.300(b)(1) and (2)

*(1) Notwithstanding any other provision, no development or any part of a development which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot."*

*(2) "No subdivision shall be approved which creates a lot lacking sufficient building space outside a severe avalanche area."*

# Current Regulations

- The currently adopted1987 maps show severe and moderate landslide and avalanche areas together with a single label on the maps.

- Because of this, the restriction in the current code to avalanche areas, but not landslide, is not intentional; landslides have always had the same development restrictions as avalanches, because it is referring to the map that does not distinguish between the two.

# Text Amendment Summary continued

- New scientific analysis shows that 4 categories are necessary for landslide areas (severe, high, moderate, and low), while avalanche areas would maintain the three categories currently used (severe, moderate, and low).

- CDD's revision limits development in the highest hazard areas of both landslide and avalanche to protect public safety. Given the significant public safety risk of both high and severe hazard areas, CDD and the Emergency Services Manager have concluded that density restrictions are warranted in both areas.

# Current Regulations and Text Amendment Summary

- CBJ Code 49.70.300(a)(4) describes the process for seeking a departmental change to the hazard boundary, which requires a site-specific study prepared by a civil engineer with experience in landslide and avalanche analysis.

- No changes are proposed to this section.

- CDD will conduct a separate review of hazard policies, regulations, and potential engineering interventions and mitigation through a separate grant  and competitive bid process in 2022.

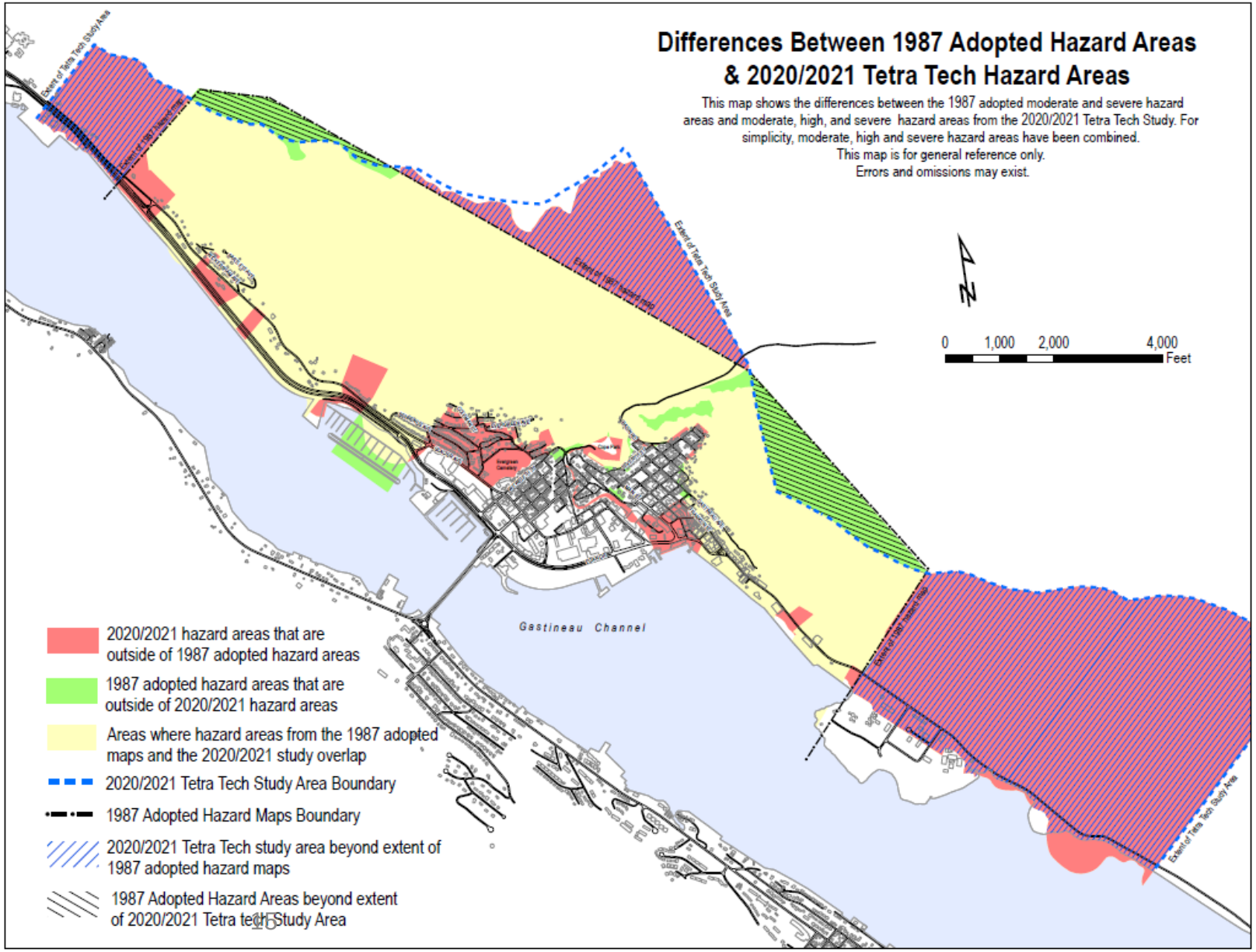
# Differences between 1987 and 2021 maps

- 1987 maps combine landslide and avalanche into solid zones of moderate or severe hazard
- 2021 maps distinguish between landslide and avalanche for more precision and a more specific risk identification; landslides and avalanches behave differently, don’t always overlap, and have different risks to life and property
- 2021 maps have three categories for avalanche (severe, moderate, and low); and four categories for landslide (severe, high, moderate, and low)
- 2021 map expands the project area

# Differences between 1987 and 2021 maps

- 1987 maps follow property lines, which isn't scientifically accurate; 2021 maps don't address property lines, instead reflect predicted lines of avalanche and landslide paths
- The precision in the new maps presents new challenges with how to determine whether a structure is in or out of a hazard zone
- Comments received from property owners who have part of their lot in a severe hazard area. If the maps are adopted CDD will develop a departmental protocol on how to address this.
- Development restrictions apply when the hazard line touches the structure, not the property.

# Map Changes


Differences Between 1987 Adopted Hazard Areas
& 2020/2021 Tetra Tech Hazard Areas
This map shows the differences between the 1987 adopted moderate and severe hazard areas and moderate, high, and severe hazard areas from the 2020/2021 Tetra Tech Study. For simplicity, moderate, high and severe hazard areas have been combined.
This map is for general reference only.
Errors and omissions may exist.
N
0
1,000
2,000
4,000
Feet
Gastineau Channel
2020/2021 hazard areas that are outside of 1987 adopted hazard areas
1987 adopted hazard areas that are outside of 2020/2021 hazard areas
Areas where hazard areas from the 1987 adopted maps and the 2020/2021 study overlap
2020/2021 Tetra Tech Study Area Boundary
1987 Adopted Hazard Maps Boundary
2020/2021 Tetra Tech study area beyond extent of 1987 adopted hazard maps
1987 Adopted Hazard Areas beyond extent of 2020/2021 Tetra Tech Study Area

# Map changes

| | 1987 Adopted Maps | 2021 Proposed Maps |
|---|---|---|
| Number of properties within the mapped study area | 1108 | 1150 |
| Number of properties within high/severe landslide and avalanche zones | 173 | 374 |
| Number of properties within the 1987 adopted severe zone, but out of the 2021 proposed high/severe zone | 16 | N/A |
| Number of properties within the proposed 2021 high/severe zone, but out of the 1987 adopted severe zone | N/A | 217 |

# Public Notice

- Virtual public meeting held July 21, 2021. Two hour meeting extended by 90 minutes to accommodate questions. Zoom records indicate 101 people in attendance.
- Two postcard mailings sent to all property owners within the project area.
- PSAs
- News articles on KTOO and in the Juneau Empire
- Multiple announcements sent to project area neighborhood associations, the Blueprint Downtown and ADOD lists, and lists maintained by JEDC.
- Frequently updated CDD website with all documents and recordings.
- Responding to individual requests about hazard designations

# Public Comment

- In addition to the comments in the staff report, two Additional Materials packets sent to the Commission on Friday and Monday; 24 comments received

- Two comments received from downtown residents in hazard zones in support of adopting the maps, appreciative of the public safety information

# Public Comment continued

Comment summary:

- Landslide mapping is not accurate, particularly in the Highlands and Starr Hill areas
- Field work has been inadequate
- Maps are difficult to understand; need to be at a larger scale
- Public needs more time to understand the designations; all-day open house needed with the contractor for open discussion
- Regulations should be developed before the maps are adopted, not after; or regulations should be adopted concurrently with the maps
- Concern over loss of development potential, loss of property value, and high home insurance rates

# Public Comment continued

- Concern over being able to afford their home without the planned apartment for additional income
- Concern over being able to sell a home
- Proposed hazard designation is not accurate because of no impacts on their property or surrounding properties in decades
- The city needs to consider mitigation options for homes and neighborhoods to address or minimize damage
- Creates high insurance rates for downtown property owners while other areas of CBJ with known hazards don’t have the burden

# Public Comment response

- The regulation and policy analysis, along with evaluation of mitigation options and possible engineering interventions, must come after adoption of the maps, not before or at the same time

- This is because the analysis must respond to the specific documented risks and hazards in individual areas

- For example, a contractor can’t make recommendations on mitigation interventions without clear documentation on where the hazard is and the neighborhoods with the greatest risk and need for intervention. Similarly, regulatory review must be based on a full understanding of the hazard.

# Public Comment response

- The report's rigorous scientific analysis follows established methods and scientific best practices for hazard mapping.
- Downtown Juneau is a priority due to inaccurate maps, established development, and known high risks
- Maps in the report have some quality issues, but are at a scale and resolution adequate to determine if a property is in or out of a hazard area.
- In the near future CDD will use GIS layers to produce more user-friendly map products for better visual clarity and ease with making determinations.

# Findings

1. The ordinance change complies with the Comprehensive Plan and other adopted plans.

2. The ordinance change conforms to the purpose and intent of Title 49 land use code. The ordinance change does not create any inconsistencies within the code.

# Recommendation

**Staff recommends the Planning Commission forward the proposed ordinance with a recommendation of APPROVAL to the Assembly.**

# Current Hazard Regulations—Appeal Process

**CBJ 49.70.300(a)(4)**

*If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the opinion of the city engineer, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe avalanche area or outside any avalanche or landslide area, the department shall proceed accordingly.*



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

**PLANNING COMMISSION**
**NOTICE OF RECOMMENDATION**

Date: August 24, 2021
Case No.: AME2021 0008

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

| | |
|---|---|
| Proposal: | Planning Commission Recommendation to the City and Borough Assembly regarding an ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.70.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment |
| Property Address: | Borough-wide |
| Legal Description: | N/A |
| Parcel Code Number: | 0 parcel |
| Hearing Date: | August 10, 2021 |

The Planning Commission, at its regular public meeting, considered an ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.70.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment. The Commission forwarded AME2021 0008 to the Assembly for direction on next steps for an appropriate community review and adoption process, including funding for steps which are deemed necessary. The Commission further recommended that new landslide and avalanche hazard mapping and study results should be held without adoption, pending development of associated hazard zone policies and regulations.

The Commission's findings included an acknowledgement of the need for additional community process and the need to better understand the potential impacts that ordinance changes could

have for property owners. It was noted that additional information from the banking and insurance industries would be valuable in understanding potential community impacts from ordinance changes and that the best way to avoid unintended consequences would be to adopt the new maps and ordinance changes simultaneously.

Attachments: August 2, 2021 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding AME2021 0008.

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).

August 24, 2021

Michael LeVine, Chair
Planning Commission

Date

August 24, 2021

Filed With City Clerk

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.

# PLANNING COMMISSION AGENDA
# THE CITY AND BOROUGH OF JUNEAU, ALASKA

Additional Materials for August 10, 2021 Planning Commission

## ATTACHMENTS:

| | Description | Upload Date | Type |
|---|---|---|---|
| | Additional Materials for August 10, 2021 Planning Commission - Part 1 | 8/10/2021 | Miscellaneous |
| | Additional Materials for August 10, 2021 Planning Commission - Part 2 | 8/10/2021 | Miscellaneous |

# Additional Materials
## Regular Planning Commission Meeting

Virtual Meeting Only
7:00pm
Meeting Date: August 10, 2021

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1. **AME2021 0009:**
    a. Memo and minutes from the 2017 rezone from Rural Reserve to Industrial
2. **AME2021 0008:**
    a. Public Comment – Roxanne Stewart, received 8.4.21
    b. Public Comment – Jessalynn Rintala, received 8.4.21
    c. Public Comment – Genevieve Gagne-Hawes & Justin Pahl, received 8.5.21
    d. Public Comment – Brynn Keith & Guy Bell, received 8.6.21
    e. Public Comment – Susan Hargis, received 8.6.21
    f. Public Comment – Carl Brodersen, received 8.6.21
    g. Public Comment – Barbara Sheinberg & Norman Cohen, received 8.6.21
    h. Public Comment – Andrew Heist, received 8.8.21
    i. Public Comment – Miller White & Emily Herman, received 8.8.21
    j. Public Comment – Helen Clough, received 8.9.21
    k. Public Comment – Ann Metcalf, received 8.9.21
    l. Public Comment – Suzanne Cohen, received 8.9.21
    m. Public Comment – C. Kiel Renick & Olivia Sinaiko, received 8.9.21
    n. Public Comment – Sally Schlichting & Bob King, received 8.9.21
    o. Public Comment – Shawn Eisele, received 8.9.21
    p. Public Comment – Chris Trostel, received 8.9.21
    q. Public Comment – Sheila Dyer, received 8.9.21
    r. Public Comment – Frankie Pillifant, received 8.9.21
    s. Public Comment – Jay Satterfield, received 8.9.21
    t. Public Comment – Kevin and Kate Higgins, received 8.9.21
    u. Public Comment – Chuck Collins, received 8.9.21
    v. Public Comment – Anji Gallanos, received 8.9.21
    w. Public Comment – Larry Fanning, received 8.8.21

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

**August 9, 2021**

**MEMO**

**From:** **Irene Gallion, Senior Planner**

**To:** **Michael Levine, Chair**

**Through:** **Alix Pierce, Planning Manager**

**Case Number:** **AME2021-0009**

**RE: Minutes from the 2017 rezone from Rural Reserve to Industrial**

In 2017, 23 acres of an 83 acre parcel near the airport was rezoned from Rural Reserve to Industrial.

A proposed rezone to General Commercial is before the Commission on August 10th, 2021.

The proposed rezone to General Commercial is 7.1 acres of the 23 acres rezoned to Industrial in 2017.

The minutes from the January 24, 2017 meeting where the 23 acres was rezoned to industrial were omitted from the Commissioner's packet. They are attached for Commissioner review.

MINUTES
**Planning Commission**
***Regular Meeting***
CITY AND BOROUGH OF JUNEAU
*Ben Haight, Chairman*
January 24, 2017

## I. ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:06 p.m.

**Commissioners present:** Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Percy Frisby, Nathanial Dye, Dan Hickok, Kirsten Shelton-Walker, Carl Greene

**Commissioners absent:** Mr. Miller, Mr. LeVine

**Staff present:** Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Jill Maclean, Senior Planner; Robert Palmer, Assistant Attorney II

**Assembly members:** Debbie White, Loren Jones

## II. APPROVAL OF MINUTES

**December 27, 2016, Draft Minutes – Regular Planning Commission Meeting**

**MOTION:** *by Mr. Dye, to approve the minutes from the December 27, 2016 Planning Commission regular meeting with any minor corrections by staff or Commission member.*

***The motion passed with no objection.***

## III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

## IV. PLANNING COMMISSION LIASON REPORT

Assembly liaison to the Planning Commission Debbie White reported that next Monday, January 30, (2017) at 6:30 p.m. there will be a joint meeting between the Assembly and the

Planning Commission. Next Wednesday, February 1, the Assembly will hear the SEAL trust (Southeast Alaska Land trust) appeal. Last night was a long meeting for the Assembly with two items on the agenda: an ordinance banning camping in downtown Juneau and the reaffirmation by the Assembly of a Juneau access road and the protection of state funds allotted for that project. The resolution for the access road past six to three, said Ms. White.

*Commission Comments and Questions*
Mr. Voelckers asked if the Assembly has discussed any items that will be addressed at the joint meeting of the Planning Commission and the Assembly and if there were any topics which Commission members should be exploring for that meeting.

Ms. White replied that she has not seen an agenda posted yet.

Ms. McKibben said she believed the CDD (Community Development Department) Director was hoping there would be time during the mutual meeting to discuss the access and frontage ordinance as well as legislative priorities. There are items within Title 49 which would be ripe for discussion between the two bodies which could be prioritized at that meeting, said Ms. McKibben.

**V. RECONSIDERATION OF THE FOLLOWING ITEMS** - None

**VI. CONSENT AGENDA** - None

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - None

**VIII. UNFINISHED BUSINESS** - None

**IX. REGULAR AGENDA**

**AME2016 0007:** A request to rezone 23 acres of an 83 acre parcel from Rural Reserve to Industrial zoning.
**Applicant:** Bicknell Inc.
**Location:** Honsinger Pond Area

**Staff Recommendation**
Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommends that the rezone request to change 23 acres to Industrial be approved with the following condition:

1. Prior to a zone change from Rural Reserve to Industrial, the property owner shall obtain and develop legal access to the subject parcel from Maplesden Way or an alternate access approved by the CBJ Community Development Department Director, in conformance with CBJ

Code 49.15.424.

Mr. Hickok said he is personal friend of Mr. Bicknell and that Mr. Bicknell has a fuel account at his business.

Mr. Greene said he has a personal relationship with the individual presenting the item before the Commission.

The Commission members voiced their opinion that there was no conflict perceived with either Commission member remaining on the Commission for this item.

Ms. Camery told the Commission the staff review of rezones is strictly focused on code requirements. She said while the staff recognizes that there may be broader issues with this property held by some members of the public, that the staff focuses only on the relevant code requirements.

The property is located across Egan Drive from Fred Meyers and access is gained from a driveway located on Yandukin Way that is on the Egan onramp, said Ms. Camery. The total property is almost 83 acres and it is currently zoned as Rural Reserve (RR). The Comprehensive Plan land use designation is for resource development, said Ms. Camery. The property has city water and sewer, she said. The existing use is an old dredge pond, and is now essentially vacant property, she said.

The staff has reviewed Title 49 and the portion addressing restrictions on rezoning. Rezoning must be for a property over two acres or an expansion of an existing zone, explained Ms. Camery. The 23 acre parcel up for rezone is obviously more than two acres, and it is also adjacent to an Industrial zone, she noted. A rezone request cannot have been considered 12 months previous to the current request, and this rezone request has not been made within 12 months, noted Ms. Camery.

A rezone can only be approved based upon a finding that the proposed zoning district and the uses allowed are in substantial conformance with the Land Use Maps of the Comprehensive Plan, said Ms. Camery. This land was initially used in the 1960's as a gravel pit to support construction of Egan Drive, said Ms. Camery. There was a previous rezone request for this land to be rezoned to a mix of Industrial, Light Commercial and Rural Reserve in 2013, she noted. The Planning Commission denied that request and that ruling was subsequently upheld by the Assembly, she said. The previous proposal called for 26 acres of General Commercial, 20 acres zoned Industrial, with the remaining acreage remaining as Rural Reserve, she said.

The motocross park has nothing to do with this rezone request and will be addressed as its own issue at another time, said Ms. Camery. The primary focus of the code requirements is a

conformance with the Comprehensive Plan Land Use maps, said Ms. Camery. The Comprehensive Plan land use map designation is resource development, defined as:

*Resource development is described as land to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed. Such specific uses may include, where appropriate, resource extraction and development, recreational and visitor oriented facilities and residential uses.*

The Comprehensive Plan Resource Development designation indicates that "as resources are identified or extracted from these lands, they should be redesignated and re-zoned appropriately", said Ms. Camery. Gravel extraction has been completed on this site, she noted. Therefore, a rezone from Rural Reserve to Industrial is appropriate and is in substantial conformance with the Comprehensive Plan, said Ms. Camery. Chapter 11 of the Comprehensive Plan Land Use Map states that in considering a rezone request they should aim to promote the highest and best use of the land, said Ms. Camery.

The requested rezone to Industrial would allow for the increased use of the property which is a centrally located area adjacent to Egan Drive and the Airport, said Ms. Camery. The staff concludes that the rezone of this land to Industrial is in compliance with the Comprehensive Land Use Maps, she noted.

This property does have a high scenic value to the residents, noted Ms. Camery. Staff did also study the Comprehensive Plan Scenic View Shed Corridor maps, she noted. This property is adjacent to a scenic view shed corridor, she said, but it is not within such a corridor. The definition for a scenic view shed corridor indicates that it is a designation for public land, not private land, said Ms. Camery. Therefore the scenic corridor designation does not apply to the property in question, she noted.

There are many Comprehensive Plan policies which apply to this property, said Ms. Camery. Several chapters address the need for additional Industrial zoned land, she said. Old gravel sites are specifically named as areas for future development, said Ms. Camery. Chapter 5 on area development stipulates that areas around gravel extraction sites can convert to Industrial districts once the land is leveled and gravel extraction is complete, she said. Ms. Camery read a portion of the Comprehensive Plan which states that other land that had previously been designated for future park use near the airport and for resource development is expected to be available for development in the long term.

Ms. Camery noted that Chapter 8 in the Transportation section in the Comprehensive Land Use Plan contains an extensive section on the Juneau International Airport:

*Typically, land surrounding an airport is placed in an industrial use designation, which is more compatible with the impacts of aircraft and the shipping functions of the airport: industrial*

*tenants are more tolerant of noise, dust, fumes, and traffic associated with airports than are residential neighbors. With a very limited number of buildable sites for residential and commercial uses in the borough, those uses have encroached into industrial buffers surrounding the airport, making vacant land for aviation related businesses more expensive and hard to find.*

The 2015 Juneau Economic Development Plan is incorporated into the Comprehensive Plan within Title 49, noted Ms. Camery. It states that there should be an adequate supply of appropriately zoned land available for commerce and industry. This includes access to the land needed to support commercial, industrial, and other development, noted Ms. Camery. An appendix to this document also refers to the need for more industrial property, she added.

Staff also addressed compliance within the Title 49 Land Use Code, said Ms. Camery. The Rural Reserve zoning district is intended for land primarily in public ownership managed for the conservation and development of natural resources and for future community growth, said Ms. Camery.

The CBJ Land Use Code describes the Industrial zone in part as: the industrial district is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembly of goods. The rezone request does substantially comply with the Comprehensive Plan land use designation, noted Ms. Camery. Land zoned Rural Reserve (RR) is intended for large, public, vacant tracts of land outside the urban service area, she distinguished. The subject property is privately owned, not public, said Ms. Camery, and is within the urban service area boundary.

Ms. Camery showed the Commission a chart with a sample of uses from the Table of Permissible Uses (TPU) in the Land Use Code which shows in part what services may be included in the Rural Reserve zoned land and in Industrial zoned land. A number one on the chart indicates that a use may be allowed with a building permit and a three indicates that the use requires a Conditional Use Permit, she explained. A blank space indicates that a use is not allowed.

There are a number of significant uses such as manufacturing that have an additional requirement in Rural Reserve, said Ms. Camery. Footnote "T" in the Table of Permissible Uses requires association with a unique site-specific feature, she explained. In general, Industrial zoned properties provide more development opportunities than properties zoned rural reserve, she added. There is a 45 foot height limitation in land zoned Rural Reserve and no height limitation in land zoned Industrial, said Ms. Camery.

The staff has received one public comment against the proposed rezone, noted Ms. Camery. The project has received positive reviews from the CBJ Engineering Department, and the Wetlands Review Board stated it will comment when a specific project comes up on this land in the future. The property owner does have an Army Corps of Engineers permit to fill the

extraction pond, said Ms. Camery. They did receive extensive comments from both the Alaska Department of Transportation and Public Facilities and from representatives from the Juneau International Airport, said Ms. Camery.

The Juneau International Airport has concluded that the rezone is premature because some forms of development may interfere with aircraft safety. Ms. Camery noted that the staff observes that this is not relevant to the rezone itself and instead has to do with potential future development. The Community Development Department (CDD) already has a protocol in place to inform the Juneau International Airport of the development plans so that they may work with the applicant and the Federal Aviation Administration (FAA) as needed, she said.

The airport has noted that granting access to Maplesden Way may require reimbursement to the Federal Aviation Agency, said Ms. Camery, since the road section granted to the property owner would not be used exclusively for aviation. The road was initially built to access Temsco helicopters and it was later realigned with FAA funds, explained Ms. Camery.

The DOT (Department of Transportation and Public Facilities) has explained that any change or use or expanded use of the property will require an alternate access point because the Yandukin driveway access is not safe, said Ms. Camery. DOT considers the small point of access to the property that currently exists as part of the on ramp to Egan Drive, said Ms. Camery. DOT has stated that if the land use changes or the driveway is modified, that the property owner would be required to obtain a new driveway permit, said Ms. Camery. The on-ramp is controlled access and private drives are not allowed according to DOT, said Ms. Camery. DOT has noted that there is alternate access to the property via Maplesden, said Ms. Camery. DOT provided a list of safety issues which Ms. Camery read to the Commission:

- Left-hand turning vehicles from Egan northbound into the property could be stopped by southbound Yandukin traffic which may result in vehicles backing up across Egan

- Left-hand turning vehicles from the property onto Yandukin would have to watch northbound Egan traffic (those turning left to Yandukin) as well as southbound Yandukin traffic

- Right hand turning vehicles on to the Yandukin on-ramp would have to speed up to Egan speed

- Right hand turning vehicles from Yandukin into the property would stop those trying to gain speed to Egan

Without some form of alternative access the property owner would most likely be denied development on the property regardless of the zoning district, said Ms. Camery. Ms. Camery

explained that the staff recommends that Maplesden Way serve as the dedicated access to the parcel and recommends that the rezone be approved with the following condition:

1) Prior to the zone change from Rural Reserve to Industrial, the property owner shall obtain and develop legal access to the subject parcel from Maplesden Way or alternate access approved by the CBJ Community Development Department Director, in conformance with CBJ Code 49.15.424

The condition refers to the above portion of the code because that section of the code sets the standards for designating a public right-of-way to a subdivision, explained Ms. Camery.

The Planning Commission options are to approve the request as submitted, deny the request as submitted, or recommend an alternative to the Assembly, explained Ms. Camery. She read through the three required staff findings, as follows:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code.

2. Rezoning approximately 23 acres to the Industrial zoning district is in substantial conformance with the Land Use maps of the Comprehensive Plan, specifically Map G.

3. The proposed condition to require access from Maplesden Way or an alternative access approved by the CDD Director ensures that the rezone will protect public health, safety, and welfare.

Ms. Camery read staff's recommendation:

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommends that the rezone request to change 23 acres to Industrial be approved with the following condition:

1. Prior to a zone change from Rural Reserve to Industrial, the property owner shall obtain and develop legal access to the subject parcel from Maplesden Way or an alternate access approved by the CBJ Community Development Department Director, in conformance with CBJ Code 49.15.424.

*Commission Comments and Questions*
Mr. Frisby asked what the significance was on the Permissible Use Table of a "3" as opposed to a "3T" designation.

The "3" indicates that a Conditional Use Permit is required, said Ms. Camery. The "T" indicates a special association with a specific feature, she explained. The "T" applies only to the Rural Reserve zone, she explained.

Mr. Voelckers asked for the distinction of an RD designation (Resource Development) and its relevance for both an RR and an Industrial zone.

Ms. Camery read that Resource Development land is managed primarily to identify and conserve natural resources until specific land uses are identified and developed. The other key element in the definition is that as resources are identified or extracted from these lands they should be redesignated and rezoned appropriately. She said it is unusual to have Resource Development property and Rural Reserve property centrally located.

Mr. Voelckers asked what the underlying zoning was for the land in Lemon Creek.

Looking at the maps, Ms. Camery said it appears that upper Lemon Creek and some land along Egan still retains an RD designation.

Mr. Voelckers said he wanted to make sure they did not create a situation where they approved a rezone and then the Comprehensive Plan had to be updated to comply with the rezone.

Mr. Hickok asked if even though there is not a development proposal and they do not know what the land will be used for that they were supposed to decide whether the land be rezoned or not. He asked why this was to happen before the access component.

Ms. Camery explained that the rezone was setting the stage for a substantial amount of expanded development. The access presents a significant public safety concern, she added. DOT has determined that the current driveway access is not safe, said Ms. Camery. Without alternative access the applicant is essentially deprived of the use of his property, she said.

Mr. Hickok asked if the rezone could be approved without the access condition.

Ms. Camery replied that the Planning Commission certainly had the option to recommend against the proposed condition by the staff.

Ms. McKibben said if the comments from DOT are read it is clear that any other activities than what is currently occurring on the parcel will not receive a new driveway permit from DOT under the existing conditions, even if the current RR zoning remained in place.

Mr. Frisby asked if FAA would be willing to sell back the access road which is currently in place.

Ms. Camery said that the entire length of Maplesden Way is not needed for access to the property, only a portion of it. She said presumably the access would be established at a mutually agreed-upon location, with as little impact on the area as possible. There is a federal process to follow, she said.

Mr. Frisby he said he felt that theoretically access was already available for the property.

The applicant only has access to the property if there is no change of use, said Ms. Camery. If the applicant wants to modify his property at all either under RR or Industrial zoning then continued use of the driveway access would not be allowed, she said

*Applicant*
Attorney Dan Bruce spoke on behalf of the applicant. Mr. Bruce said the one item they did disagree with in the staff report is conditioning the rezone upon obtaining the alternative access. He said he felt that condition was premature as well as the concerns outlined by airport representatives. Any development that occurs after it is rezoned will have to have an approved access at that point. He said he would like to see the Commission adopt additional findings which are:

- The rezone is in substantial compliance with the Comprehensive Plan Land Use map designations
- That RD is an inappropriate land use designation for this property because it exists within the urban service area boundary
- The surrounding uses are consistent with an industrial zone designation
- The property is not within the scenic view shed
- The land not rezoned on this parcel acts as a buffer between the public and any development that may take place on the land zoned Industrial
- The property is ideally located for industrial development since it is within the urban service area boundary with utilities and a transportation infrastructure already in place
- There is a scarcity of Industrial zoned property within the urban service area

Mr. Bruce said that filling in the Honsinger pond is actually a benefit to the public and will act as a detriment to attracting wildlife to the area. The pond has no habitat value, said Mr. Bruce. He said that his client understands that any use of the property has to be compatible with the airport. The property lies outside of the current runway protection zone, said Mr. Bruce.

*Commission Comments and Questions*
Mr. Voelckers said it was his understanding from reading the applicant letter that only the 23 acres would need to be rezoned now and in the future. He said it appeared to him from the testimony of Mr. Bruce that there may be additional rezone requests in the future for more of the land parcel.

Mr. Bruce said they do not know at this time if additional land would be up for rezoning to Industrial. There are currently negotiations underway for a portion of the property to be sold to the SEAL (Southeast Alaska Land) Trust, he said. If there were to be additional rezone requests for a portion of the parcel they would be years down the road if at all, said Mr. Bruce.

*Public Comment*
Juneau resident Amy Paige said she had testified at the previous round of public hearings regarding this property rezone and said she was disappointed that all of the comments on that rezone request were not made available for this rezone request. Ms. Paige said she is opposed to the rezone request. She said she felt that industrial development in that area would seriously impact the appeal of the community for visitors arriving from the airport and would negatively impact the daily experience of Juneau residents who traveled by the property to town every day. She said she felt the rezone of this property would result in a significant rise in property value for the land owner. The applicant purchased the property knowing what the zoning was, said Ms. Paige.

Juneau resident Susan Erben said she is on the steering committee for the Lemon Creek Area Plan. She said she is learning a lot through this process. She told the Commission she felt that it was extremely important that the benefits of the land in its current state be judged by the positive visceral effect that its beauty has on Juneau residents and visitors. It is an uplifting experience for all residents to drive by that expanse of land every day and be touched by its beauty, she said. It is Juneau's natural beauty which appeals to tourists, said Ms. Erben. She said if Juneau eliminates its natural appeal it will lose its tourists.

Juneau resident Ken Nichols said he is an aviation airport consultant and has a contract with the Juneau International Airport for consultation. He said one very important point is that the Juneau International Airport is part of the City and Borough of Juneau. He said the airport provides a huge service for the community and has a great impact on the community. When the airport receives federal aid for its capital projects, the CBJ signs off on those grant assurances, said Mr. Nichols. There are a lot of different aspects involved in compatible land use around the airport such as wildlife, airspace and noise, he said.

Maplesden is not a right-of-way or a public road, said Mr. Nichols. In order to go through the process of disposing land there is a detailed process which includes federal registry notice from the headquarters Department with FAA, said Mr. Nichols. It can be and probably is a very

lengthy process, he said, to release a portion of Maplesden way for public access or for private access to an individual land owner. The staff recommendation to have access to the property via Maplesden may be misleading to the public and the applicant because the City does not have the final decision on release of any of that property, he said. That decision is up to the FAA, he said.

*Commission Comments and Questions*
Ms. Shelton-Walker said as she read a letter on this issue submitted by the Airport that there is a list of access choices to the property listed by the airport. One of those items is an updated appraisal on the property. She asked if Mr. Nichols could explain in more depth what this was and what it would accomplish.

Part of the process the FAA undergoes for the acquisition or disposal of property involves an appraisal of the property question, explained Mr. Nichols. The appraisal would allow a fair market value assessment of the property, he said.

Ms. Shelton Walker asked for elaboration on other points raised in the letter regarding necessary studies. The suggested study would provide an outline in addition to the comments that are provided to compile a list of requirements for proposed uses on the property and how they might be compatible, said Mr. Nichols. For example there are some items on the Table of Permissible Uses which are simply not compatible with an airport, said Mr. Nichols.

Ms. Shelton-Walker asked at what point in the process these requirements should be identified.

Mr. Nichols said from his point of view it would be valuable to have the compatible use study completed and in conjunction with whenever the proposed development came along.

Mr. Hickok asked if the FAA has to approve all of the buses which visit the Temsco helicopter site during the tourist season.

“Absolutely”, responded Mr. Nichols. The buses that go to Temsco are serving an aviation use. The road was actually constructed to accommodate bus parking along one side, he said.

Mr. Hickok asked if Mr. Nichols felt the FAA would make any alterations to the road such as widening the road or creating an access.

They have not had those discussions with FAA, said Mr. Nichols.

Mr. Voelckers said looking at the road in question it is hard to imagine that its drivability and safety would be affected by other adjoining uses.

Chairman Haight asked if going through the compatible land use analysis would also be required were the land to be maintained in its current zoning of Rural Reserve.

The recommendation to do a compatible land use analysis would help to define what could be done in the Rural Reserve, said Mr. Nichols.

Chairman Haight concluded the recommendation would be required whether the land remained zoned Rural Reserve or whether it was rezoned to Industrial.

*Applicant*
Mr. Bruce said the application for a rezone is an effort to raise this property to its highest and best use. That flows clearly out of the staff's analysis, he said. Industrial zoning is one of the most compatible uses for the area, he said. The applicant would welcome the opportunity to meet with representatives from the FAA or the airport to help guide them on incompatible uses for the land, said Mr. Bruce. Mr. Bruce said he did not see obtaining approval for the use or access of Maplesden Way as insurmountable.

Mr. Voelckers asked if Mr. Bruce could recap the options the City had explored for exchanging properties.

Mr. Bruce said there were settlement discussions between the applicant and the City during the prior proceedings. They were unable to come to an agreement as to the value of the property, he said. The idea of a land trade was eliminated very early in that process due to the City's position, said Mr. Bruce.

Mr. Bruce was asked if they had an access plan.

The only practical option is the negotiation of an agreement with the FAA to use Maplesden, he said.

Mr. Hickok asked if access had been addressed in the previous rezone application or if this was a new element with this rezone application.

Mr. Bruce said he did not think it was that big of an issue in the prior rezone process.
The thrust of the public opposition in the previous rezone application had to do with preservation of a view shed, he said.

Ms. McKibben said they did not receive comments from DOT that were substantial during the previous rezone application process. They were not aware of the access issues at that time, she said.

Mr. Dye said after reading the material he was not clear why access was required for the rezone. The point from the airport was that future development was not part of the rezone, he said.

That was a key point, said Ms. Camery. Staff's position is that the proposed rezone is consistent with the requested condition. The condition is necessary because without that there is not adequate infrastructure in place to support increased development, she added.

Any development would trigger the need for access, said Mr. Dye, whether that development would be proposed for the land zoned Rural Reserve or for the land would it be zoned Industrial.

Access to the property through Maplesden Way is an option, said Ms. Camery, but there may be other options open to the applicant, she said. She said that the staff report notes the option of a road through the Mendenhall Wetlands, though that access may not be practicable. She noted that the condition states "Maplesden Way or an alternate access approved by the Community Development Department Director."
Outside of the rezone request, said Mr. Dye, access to the property would need to be provided via a building permit. He asked if this was a correct supposition. He said that access would need to be provided through the building permit process whether it was a condition for the rezone or not.

The Community Development Department has a very specific responsibility for public safety reasons to ensure an alternate access when they know the rezone is for increased development, said Ms. Camery.

Part of their analysis of the rezone request is to ensure that there is adequate infrastructure to serve the future uses of the rezone, said Ms. McKibben.

Mr. Dye asked if it is common to see this kind of condition placed on a zone change. He said he did not recall seeing similar conditions in past rezone requests.

Ms. McKibben said they did one off of Sherwood Lane just a few months ago which was a condition to transition once the access was addressed. There was also a rezone request on Lee Street about seven years ago which predicated a rezone upon access, said Ms. McKibben.

Mr. Frisby asked why this rezone is before the Commission now when it may have been better to deal with the access issue prior to the rezone request.

Ms. Camery said they have been working on the access issue for many months. CDD has made every effort to get an access location established before bringing this rezone before the Planning Commission, she said. CDD was not able to finalize an access location and did not feel

that it was appropriate to keep the rezone on hold until that access location could be confirmed, she said. The rezone complies with the Comprehensive Plan in every other aspect and CDD felt with access named as a condition that they could proceed with the rezone request. If CDD had waited until access had been determined, staff did not feel that would be fair to the applicant, she said.

Mr. Frisby repeated his question again. He asked why they would proceed with the rezone request when access had not been determined. He said to him it felt like they were putting the cart before the horse.

Ms. Camery said the legal guidance that CDD staff has received is that this is an option and it is a process. FAA has not been contacted at this point, she said.

Mr. Frisby asked if the staff recommendations were approved by the Commission what the result would be in terms of property values.

This is a question for the City Assessor's office, noted Ms. McKibben. She said in the past on other rezones the City Assessor has indicated that generally the zoning is not what affects the value of the property. It is the use that occurs on the property, she added.

**MOTION:** *by Mr. Voelckers, to approve AME2016 0007 and adopt staff's findings, analysis and recommendations.*

Speaking in favor of this motion, Mr. Voelckers said this was not an easy decision to make. However, he said he felt the staff has done a good job of illustrating that there is a very specific intent language particularly in areas of resource extraction with the intent that land be returned to an industrial zone. He added he felt it was an appropriate use surrounding the airport. He said this is a beautiful land parcel that has touched the community's heart for years and that there had been hope that a compromise could be worked out between the City and the applicant. That compromise could not be reached and they now have an applicant who states that they owned the land and that it is in line with the Comprehensive Plan. Mr. Voelckers said this rezone seems appropriate. The applicant understands that access to the site has to be provided before it can be developed, said Mr. Voelckers.

Mr. Dye asked to make a friendly amendment that the condition be removed since it has to be addressed regardless before the property is developed. He said that condition seemed redundant.

Mr. Voelckers said he would not accept the friendly amendment of Mr. Dye. He said he felt the staff has made a good case that this is necessary for any kind of safe utilization of the property given DOT's firm denial of the use of any other driveway.

Mr. Dye said he felt it was redundant and that he had nothing else to add other than what has already been said on this topic.

**Roll Call Vote:** *(on Mr. Dye's proposed amendment to the main motion to remove the condition that access to the property be obtained as a condition of the rezone)*

**Yeas:** Shelton-Walker, Greene, Dye, Hickok

**Nays:** Frisby, Voelckers, Haight

***The amendment failed.***

Ms. Shelton-Walker asked if this property was approved for industrial zoning that there may not be a public process for the actual development and that it could go straight to the CDD Director for a decision.

Ms. Camery stated that building permits do not go out for public review but there would still be a public safety review and it would go before the airport as an interested party. The public is not notified about building permits, only Conditional Use Permits, and other requests that go to the Planning Commission such as variances, she said.

Chairman Haight reminded the Commission that Mr. Bruce had raised a number of additional findings to be placed in the rezone.

Mr. Voelckers said those were all good points and that he did not recommend them to be included in his motion as findings because they are already strongly enumerated in the staff report.

**Roll Call Vote On the Main Motion:**

**Yeas:** Greene, Shelton-Walker, Dye, Voelckers, Hickok, Haight

**Nays:** Frisby

***The motion passed.***

**B. AME2016 0013:** Text amendment to Title 49 to provide for reductions in parking requirements borough-wide via waiver(s).
**Applicant:** City & Borough of Juneau

**Location:** Borough Wide

Ms. Maclean said in answer to a question posed by Mr. Dye earlier in the day that most of the parking such as for single-family homes, or the mobile parks and the Planned Unit Developments are directly addressed in Title 49. Those types of developments are not specified in the current proposed ordinance because they are not being changed, she said.

Parking districts one and two (PD-1 and PD-2) in the downtown area and the fee in lieu parking area are also not part of this ordinance, she said, because they already have parking requirements stipulated.

The required number of non-accessible parking spaces required by this section may be reduced if the requirements of this subsection (6) are met. The determination of whether these requirements are met, with or without conditions, deemed necessary for consistency with this title, shall be made by the Director in the case of a minor development, the Commission in the case of major development, and the Commission if the application relates to a series of applications for minor developments that, taken together, constitute major development as determined by the Director, read Ms. Maclean.

Any waiver granted should be in writing and should include any findings and conditions such as public amenities, imposed by the Director or the Commission that are consistent with the purpose of this title, she read.

The last time this ordinance was discussed they had discussed that the applicant reasonably demonstrate that these findings were met, said Ms. Maclean. After consultation with the Law Department it was determined that as long as the applicant meets the four standards outlined in the ordinance that those standards would be met, said Ms. Maclean. The Planning Commission or the Director can also add public amenities as a requirement if they feel that this is necessary for the public health, safety and welfare, or economic development, said Ms. Maclean.

For granting of the waiver the applicant would need to prove the following four items:

1) The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the Comprehensive Plan
2) The development is located outside of the PD-1 parking district, PD-2 parking district, and downtown fee in lieu of parking district map areas
3) Granting the waiver shall not result in adverse impacts to property in the neighborhood area
4) The waiver will not materially endanger public health and safety or welfare

The fee remains at $400 and if it is in conjunction with a major development permit it is reduced by twenty percent, said Ms. Maclean. All property within a 250 foot radius of the parking area would be notified, said Ms. Maclean. Approved parking waivers would expire upon a change in use, she said. The waivers would also be applied to nonconforming situations such as properties on Star Hill or in the flats where they are already nonconforming. They also felt that recreational vehicle parks should be able to apply for the waiver, said Ms. Maclean. They also recommended childcare homes and childcare centers be able to apply for waivers, said Ms. Maclean.

*Commission Comments and Questions*
Mr. Voelckers summarized that the purpose of this ordinance is to reduce parking in areas where it would otherwise be required, if the applicant could demonstrate the full number of spaces were not needed. He asked if the purpose of this ordinance was stated anywhere in the ordinance. He said he did not see language indicating that an applicant has to show a certain proposed use won't generate the required amount of parking.

Ms. Maclean stated if an applicant proves that they meet items one through four then they do not need the full parking.

Mr. Palmer said he believed that Mr. Voelckers has hit upon one of the critical issues with this project. It is a tricky issue to mandate that the applicant show that they did not need to meet the required parking specifications, said Mr. Palmer. It puts a significant burden on the applicant to prove that they do not need the required parking, said Mr. Palmer. It starts to look very similar to a variance or it starts to look like they may need to hire a traffic engineer to dictate use and to figure out if the specific use follows the parking standards or deviates above or below those standards, he said.

A good example is the Housing First project which due to its use does not need 78 parking spaces, said Mr. Voelckers; it needs six spaces.

Mr. Palmer said the ordinance with the four criteria was drafted to give a fair amount of discretion to the Director or the Planning Commission in order to make parking waivers easier to obtain than is currently available. If the Commission thinks the criteria are too loose then maybe they need to tighten them up, said Mr. Palmer, or conversely, if they think one of the criteria is excessive they can adjust accordingly, he said.

Mr. Voelckers said nowhere is it stipulated in the waiver that the use does not need the full parking requirement.

For background Ms. Maclean said there is a convenience store in Douglas which required three parking spaces on site. They had two apartments above the store which each required one

parking space, she said. That store would have met the criteria outlined in this ordinance, said Ms. Maclean.

Any realistic community models that they held up against this criteria fit well, said Ms. Maclean.

Mr. Greene asked about residences in the downtown area which had no parking at all.

This ordinance would apply to some areas within town but that it would not apply to those homes within the PD-1 and PD-2 or fee in lieu districts, because in effect they already had reduced parking requirements, explained Ms. Maclean.

Mr. Voelckers asked Mr. Palmer if he saw any danger in establishing a precedent with open ended criteria. He asked if there could be a potential problem with the City with an inconsistent application of justice.

Mr. Palmer said this is a very interesting point and that basically time would tell. This ordinance was drafted to give as much discretion as possible within limits, said Mr. Palmer. He said as this waiver process gets used there will be a digest of "case law" that will assist CDD in developing a thorough backlog of information. If this ordinance is perceived later to be too liberal, it can always be tightened up in the future, said Mr. Palmer.

**MOTION:** *by Mr. Voelckers, that they approve AME2016 0013 and adopt staff's findings, analysis and recommendations and forward it to the Assembly.*

***The motion passed with no objection.***

**X. BOARD OF ADJUSTMENT** - None

**XI. OTHER BUSINESS** - None

**XII. DIRECTOR'S REPORT** – None

Ms. McKibben reported there are no items on the agenda for the February 14, (2017) regular Planning Commission meeting. She asked the Commission if they should remove this meeting from their calendar.

The Commission approved the dismissal of the February 14, meeting.

Ms. McKibben reminded the Commission that the Title 49 committee meets February 1, (2017) at 3:00 p.m.

Mr. Frisby asked for a review of the new committee assignments, which was provided by Mr. Dye.

Chairman Haight said the committee assignments are final.

**XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES** - None

**XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS** - None

**XV. ADJOURNMENT**

Adjourned at 9:45 p.m.

**From:** Roxanne Stewart <roxannadanna@gci.net>
**Sent:** Wednesday, August 04, 2021 1:06 PM
**To:** PC_Comments
**Subject:** Landslide and Avalanche Areas. 49.70.300

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Dear Planning Commission:

Having spent over two months last winter either in hotels or out of state due to the avalanche hazard in the Behrends area, I have a comment to make concerning the current CBJ practice re avalanche areas. Let me preface my comment by stating that I did not notice a reduction in my 2021 property tax.

This being the case, I think that the proper course of action by the CBJ would be to mitigate the probability of a catastrophic avalanche by periodically using the Daisy Bell or some other means to relieve the build-up of snow on Mt. Juneau just as is done in the Thane area. Property owners could be notified well in advance of the operation as is done by DOT/PF in the Thane area. Property owners could provide the CBJ with a waiver of liability for these activities. This approach would be proactive rather than reactive since there seems to be little interest on the part of the CBJ in buying out impacted properties.

Thank you for your consideration.

Roxanne Stewart
100 Ross Way
Jun eat, Alaska. 99801
(907) 321-5087

**From:** jessalynn; <semicolonarmy@gmail.com>
**Sent:** Wednesday, August 04, 2021 2:08 PM
**To:** PC_Comments
**Cc:** Teri Camery; Borough Assembly
**Subject:** Please adopt the new hazard maps

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Dear planning commission,

I'm writing regarding the proposed new hazard maps. Brief, I support their quick adoption. I am a homeowner in a designated landslide hazard zone, and these improved maps are critical to public safety; I, for one, am very grateful for the updated, detailed info. Requests to delay are an attempt to bully vital public services into serving private homeowners' individual interests, and at the direct expense of public safety. It is, to my mind, unconscionable, and I hope the commission is able to continue their excellent work of enhancing Juneau's safety and well-being in quick and timely fashion by adopting the new maps.

I have read through the detailed concerns raised by a Starr Hill community group. The reasons they request to slow this process down run counter to the interests of safety and well-being. For example, I've heard folks say it's unfair only downtown is being reassessed. There are many ways we as a community could address that concern, but, because this is about *safety,* I don't think delaying the adoption of known, mapped hazards is the right approach. We can't wish hazards away because we only know about some of them.
They are also requesting a major delay that would put future property owners at risk. They suggest we should wait, apparently, until there is no more pandemic so that there can be "human" time and face to face meetings. Perhaps we can adopt these maps in 2024, when they have had time to sell their homes before a hazard designation is adopted. That delay would be a tremendous disservice to people who might be buying property between now and the adoption of the hazard maps, and it's important, for those of us who plan to stay here, we as a community operate honorably and with future residents' best interests in mind.

Lastly, requests for information do not need to extend the length of the adoption process. Besides, based on my experience of the three hour plus public meeting in July, requests for information are shorthand for wanting to argue one's way out of a hazard designation. Obviously, no one wants to be in a hazard zone. But one *cannot* argue with a landslide. The hazard maps should be isolated from that sort of politicking and the proposed timeline for adoption on the tenth honors that. Please do not delay.

Thank you for your time and service!

Jessalynn Rintala
116 Gold St.

**From:** Genevieve Gagne-Hawes <gagnehgj@gmail.com>
**Sent:** Thursday, August 05, 2021 10:16 AM
**To:** PC_Comments; Teri Camery
**Subject:** Adoption of proposed hazard maps

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Hello Planning Commission:

I am a local homeowner (with my husband) in the downtown area. I am writing to express our support for the speedy adoption of the new hazard maps. This winter and the potential avalanche risk was a sobering reminder that our information about the geography of our town (as officially recorded, at least) is outdated. It feels essential to public safety to adopt these new maps as soon as possible.

We have read through concerns expressed by a group of downtown residents about the adoption of the maps. They struck both my husband and I as spurious, particularly the request for a slow down to perhaps allow in-person meetings. Given that we have no idea what the duration of the Covid-19 pandemic might be, and that winter is fast approaching, it feels self-indulgent to potentially endanger our community in the interests of some nebulous end date.

Thank you for your time and consideration, and for all the work you have done thus far.

Sincerely,
Genevieve Gagne-Hawes
Justin Pahl

We are residents of the Westridge Condominiums at 300 Hermit Street and are writing to express our concern over the draft CBJ hazard zone map (July 2021) that appears to place the area of our property in the severe hazard category. Before these recommendations move forward we request additional time and hopefully a third party evaluation of the proposed designations (to include public input and comment). Our concern is both emotional and financial, and we desire to be fully informed as we make personal decisions affecting our continued residency at our current address if it is in fact determined to be in a severe hazard zone.

Brynn Keith and Guy Bell

PO Box 22493
Juneau, AK 99802

CBJ Planning Commission
155 S. Seward St
Juneau, AK 99801

August 6, 2021

Dear CBJ Planning Commission,

I'm writing to comment on the proposed CBJ Planning Commission adoption of the recent Geophysical Hazards survey/assessment.

I do not recommend adoption of the survey in its current form. Although they have done a lot of work to prepare this survey, it appears that much of the information particularly in my area of downtown was taken from the 1972 Swanston study, and does not appear to reflect true analysis of this particular area. According to the Landslide Hazard Designations, the new "Severe" category is used for super-steep slope that show signs of recent activity, and estimated even is very likely to almost certain to occur.

Our area of Westridge/Hermit/Rheinhardt areas are currently designated as "Moderate" and proposed designation as "Severe" (Figures 1.3b and 1.6c) The 1972 study cites that there was apparent slide in this area BEFORE the establishment of Juneau as a townsite. This does not seem to fit the criteria of "likely to occur." Just adjacent to us is Bathy Creek gulch, which does have avalanche activity, but provides a fin of rock that directs the flow of either avalanche or landslide activity directly down the hill from that area.

As additional information, we are in possession of an engineer certification that removed our properties from the high hazard zone, and so we are not sure why it is now being changed to this higher designation. I have provided a copy of that letter for your use. The CBJ has a copy of this certification and I do not know why it was apparently not provided to the geohazard assessment team for consideration in their study.

I understand the importance of this study and for identification of hazard areas in Juneau, but it feels like a designation was imposed on this area not based on actual study and included an area that is more moderate in risk. I am happy to be classified as a moderate risk but moving to Severe seems an unjustified designation from my review of their report and the 1972 study.

As an additional issue, I request the Planning Commission to consider the parity issue that there are some extremely high-risk areas in Juneau such as out on Cohen where a residence was almost torn in half, and I am concerned that your actions will be creating a disparity among property owners in hazard zones where some are designated along with associated insurance burdens, and others in high hazard zones do not have any similar designations.

**I request that the Planning Commission and CBJ not adopt this study until these inconsistencies are addressed.**

I can be contacted regarding this letter at sudie1ak@yahoo.com, or 907-321-8300. Thank you for your consideration of this request and information.

Sincerely,

Susan Hargis

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

August 28, 1990

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Ms. Phyllice Bradner
2152 C, Lawson Creek Road
Douglas, Alaska 99824

SUBJECT: Lot B-2 Westridge Subdivision

Dear Ms. Bradner:

I am pleased to report the result of technical discussions regarding the subject property. The Director of the CBJ Engineering Department has concluded that the site of your proposed structure on this parcel is not threatened by any landslide or avalanche hazard and that our hazard zone boundary should be adjusted to reflect this finding.

We shall proceed to make this adjustment on our maps. This means, of course, that a hazard - type conditional use permit is not needed for your proposed duplex. A refund of your application fee with be sent as soon as possible.

I know this matter has been of concern and anxiety to you and I am glad it has been put to rest. Best of luck with your project.

Sincerely,

Murray, R. Walsh, Director
Community Development
(907) 586-5235

cc: Dave Harman
Terry Brenner
Debbie Purves
Trish Ward

ONOMIC EVALUATION
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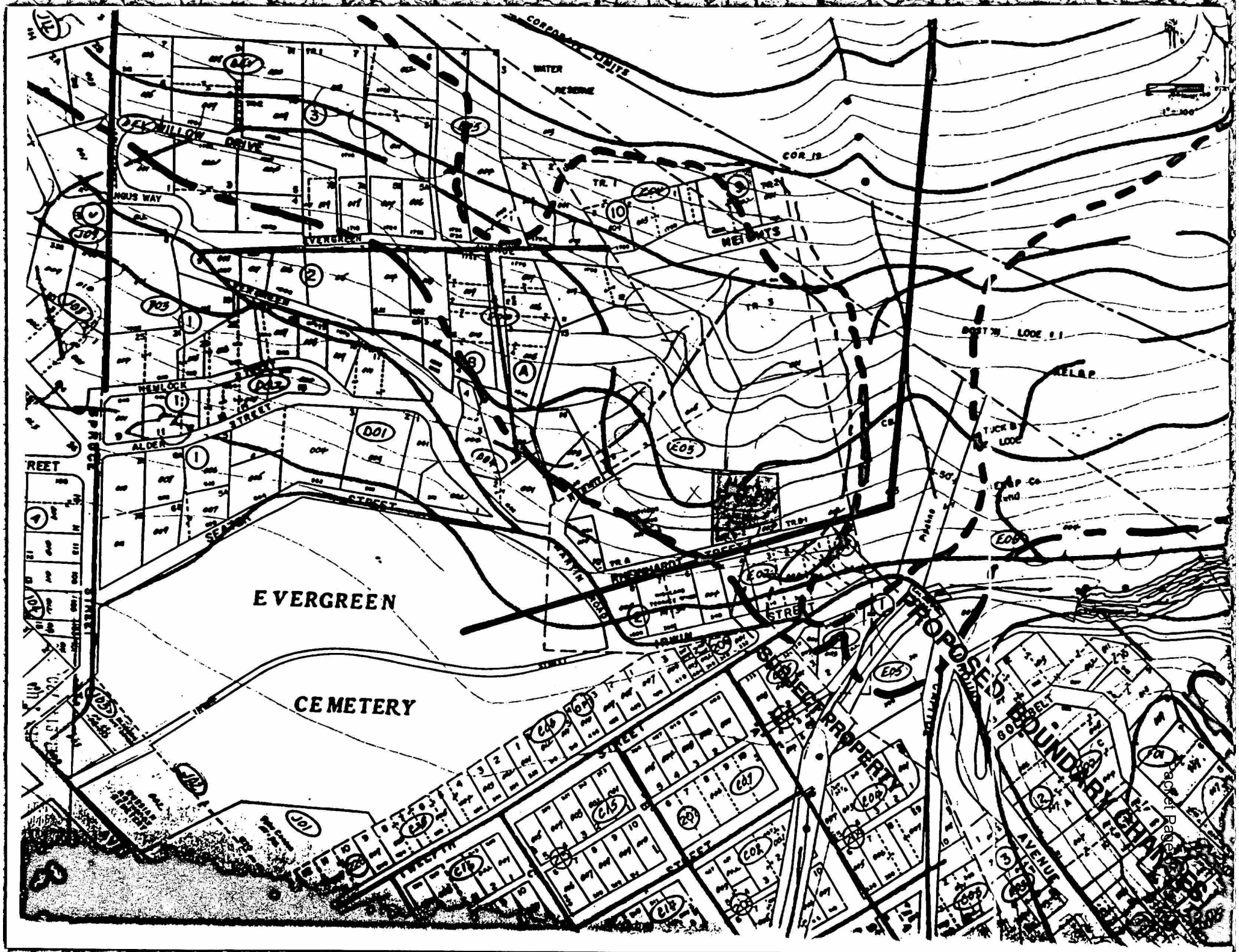
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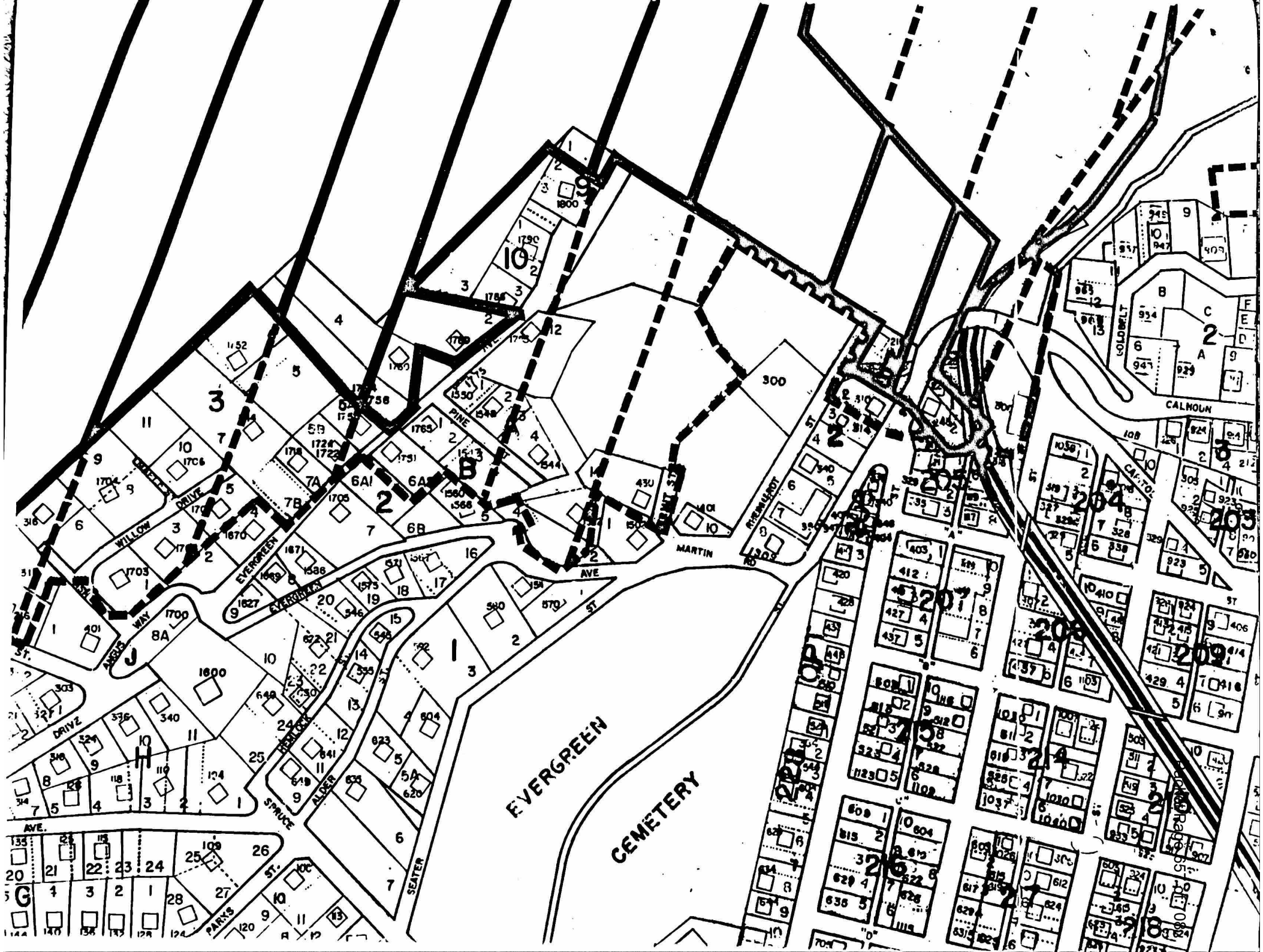
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**DOUGLAS N. SWANSTON**
CONSULTING ENGINEERING GEOLOGIST
300 HERMIT STREET, SUITE 12
JUNEAU, ALASKA 99801

28 August 1990

David Harman, P.E.
Director of Engineering
City and Borough of Juneau
155 South Seward
Juneau, Alaska 99801

Dear Mr. Harman:

Terry Brenner asked me to provide you with a statement of my views on the intent and application of the landslide hazard boundaries presented in the Geophysical Hazards report for the City and Borough of Juneau.

First, let me say that I have reviewed and agree with the statements concerning the intent of the "moderate hazard" designation presented in the Baxandall report on the Bradner property. In my opinion, the Bradner site is protected from direct debris flow impact by convex alluvial cone deposits on which the property is located and by a bedrock gully which directs any flows or avalanches developed on the Mt. Juneau slope to the north and away from the site.

In general, the Geophysical Hazards Report for the City and Borough of Juneau was designed to be used as a planning - level tool to identify and draw attention to known or potential problem areas. Boundaries on the accompanying maps are the approximate location of natural boundaries based on physical evidence of current and past landslide activity and on engineering characteristics of slopes/materials. These boundaries do not, and were not intended to follow artificial property lines. Recommendations provided in the report for each hazard category are interim recommendations and are not ment to supercede results and recommendations derived from more detailed site investigations by competent, licensed engineering geologists or geotechnical engineers. Each property should be reviewed and judged on its individual merit.

I hope these comments will be useful to you.

Sincerely,

Douglas N. Swanston
Consulting Engineering Geologist

CERTIFIED
OREGON
Douglas N. Swanston
ENGINEERING GEOLOGIST

BAXANDALL ASSOCIATES
CONSULTING ENGINEERS
P.O. BOX 32478 JUNEAU, ALASKA 99803
(907) 364-3213

20 August 1990

Mr. Terry Brenner
City & Borough of Juneau Building Department
155 South Seward Street
Juneau, Alaska 99801

Dear Terry:

Reference our recent discussion regarding Phyllice Bradner's planned construction of a duplex residence on Tract B-2 of Westridge Subdivision. She is requesting either an adjustment to the Composite Hazards Areas boundaries or the issuance of a conditional use permit to allow construction of the residence.

The enclosed report covers the findings of our current site study and investigation work as well as those of earlier site studies.

Both our site investigations and the soil studies done in conjunction with the construction of the Westridge Condominiums show no evidence of the property having been subject to past occurrences of mass wasting, debris flow deposition or snow avalanches.

In an effort to help clarify the intent of the 1972 Study, we discussed our report findings and conclusions with Dr. Douglas Swanston, the Associated Consultant who was responsible for the mass wasting hazard portion of the report. Dr. Swanston stated that the 1972 report and the mapping were general in nature and were not intended to be site specific. The overall intent of the report was to primarily make the community aware of the potential hazard areas and to guide the City and Borough in the development of properties within these areas.

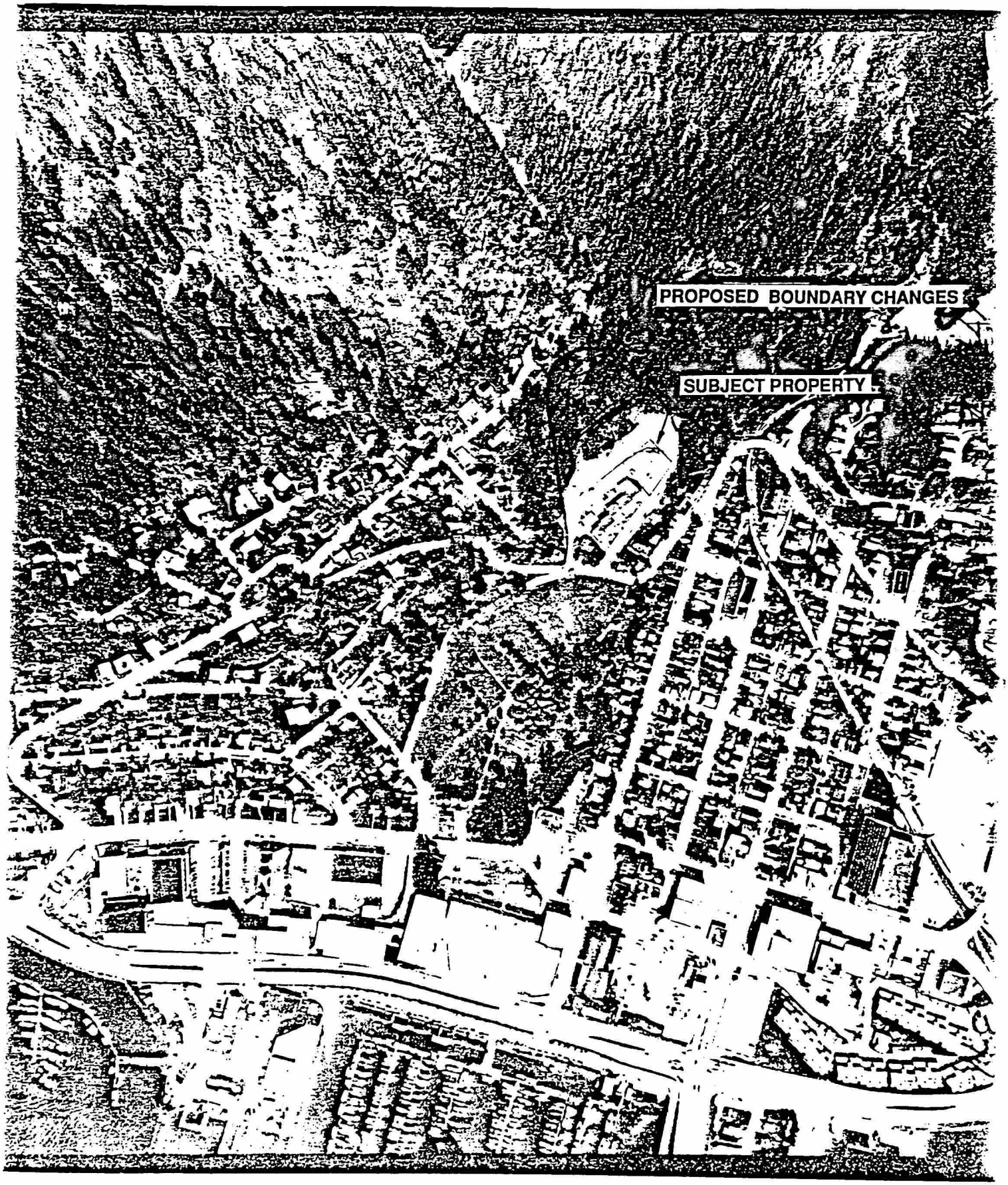
Based on the property's apparent protection from the slopes above and the stability on on-site soils, we see no basis for the property to be shown as being within a hazard area. We request that the area boundaries be adjusted to accurately reflect actual ground and topography conditions at this site and to remove the property from the Composite Hazard Areas designation.

Should you have any questions, or if we can be of further assistance, please advise.

Sincerely,

Bill Baxandall

F.W. "Bill" Baxandall, P.E.
Baxandall Associates




PHYLLICE BRADNER PROPERTY HAZARD ANALYSIS

# PHYLLICE BRADNER PROPERTY DEVELOPMENT

# TRACT B-2, WESTRIDGE SUBDIVISION

# REQUEST FOR HAZARD AREA BOUNDARY ADJUSTMENTS

## GENERAL

Ms. Phyllice Bradner is desirous of constructing a duplex residence on Tract B-2 of the Westridge Subdivision. Her property lies directly to the east of the existing Westridge Condominiums development and along the north side of Rheinhardt Street.

The property was originally a part of the planned Westridge Condominiums development but was sold with only the utilities and streets having been developed.

As the property was originally included within the proposed overall Westridge development, the site has been graded with the upper slopes being revegatated to help control and minimize surface drainage erosion. The circular drive that connects Rheinhardt Street with Hermit Street passes through the property on an easement granted for that purpose.

At present, the property has been identified by the City & Borough of Juneau as being within the Composite Hazard Areas. The Geophysical Hazards Investigation Report that was developed by Daniel, Mann, Johnson & Mendenhall for the City and Borough of Juneau in 1972 had classified this area as being a moderate hazard zone. The current CBJ mapping shows the property as within a Potential Hazard Limit.

## STUDY OBJECTIVES

The main objective of the study was identify the potential for mass wasting within the site, debris deposition from landslides occurring above the property and for snow avalanche occurrence or deposition. The intent being to provide for the safety of the proposed building and its occupants.

**HAZARD ANALYSIS**

A hazard analysis was accomplished by Douglas Swanson, a Registered Engineering Geologist who participated in the 1972 Geophysical Hazards Investigation done for the City and Borough, and Bill Baxandall, a Professional Engineer who has done similar studies within the Community.

The property is located along the lower slopes of Mount Juneau and to the west of Gold Creek . Prior to development of the Westridge Condominiums, the site was an active borrow source for the removal of the alluvial deposits from Gold Creek.

The property slopes up from Rheinhardt Street lying between an elevation of the street at approximately 115 feet to a 140 foot elevation at the back of the lot. The original ground topography having been altered during both borrow pit use and the grading operations for the condominium development. The site has an average slope of 12%, with the lot sloping to both the south and east.

As identified within the soils studies performed by R&M Engineering in 1980 and 1981 for the Westridge Condominium development project, the general soil conditions within the property encompass three types. The extent and depth of each type being governed by the geologic events which have transpired over the past 8,000 to 10,000 years.

R&M found basically, that the soils underlying the site are of glacial origin having been formed as ice-contact and glacial outwash deposits in a declining sea level environment. After being uplifted to an elevation in which deposition was no longer possible, erosional forces reworked the lower levels of the project area. Mass wasting had occurred on the higher slopes and had formed a third soil type which is present at the surface in the upper reaches above the property.

There are no defined drainage courses within the lot. Surface drainage flows from the elevated back portion of the lot to the street. Ground water flows appear to be intercepted by the subsurface drainage developed for the condominium project. At present, both surface and subsurface water from the property are directed into the streetside storm drainage system.

Soil deposits present on the property and the size and age of the vegetative cover above the property both indicate the absence of recent (200 years) mass wasting or snow avalanche

activity. Ground topography above the property is such that any mass wasting or snow avalanche activity on the steeper upper slopes of Mt. Juneau would be directed to either side of the subject property.

Of the past recorded landslide and avalanche activity in the area, there is no record of this property being affected.

The soils present on the site have a good cut slope stability with moderate erodibility. Slope "ravelling" is due to loosening of cobbles, boulders and large gravel by frost and sheet flow runoff being the primary causes. Since completion of the site grading operations in 1981, slope ravelling has been minimal with all debris movement being readily trapped within the streetside ditch along the upper side of Hermit Street.

## CONCLUSIONS

Site investigations show no evidence of on-site mass wasting, deposition of debris from mass wasting above the property, or the presence of on-site snow avalanches or avalanche debris deposition.

Site conditions do not dictate the need for any protective measures to assure the safety of the planned structure or its occupants.

Soil conditions are suitable for use of standard building foundation construction methods. Providing adequate subsurface drainage along the uphill side of the residence is recommended to minimize ground water surfacing within the perimeter of the building's foundation walls. Upon completion of the construction activities, all unvegetated soil surfaces should be planted to minimize future surface
erosion.

## RECOMMENDATIONS

Considering the stability of the soils present at the site and the site protection provided by the ground topography above the property, we recommend that the property be removed from the Composite Hazard Areas designation.

R&M

R&M CONSULTANTS, INC. 6-1/2 MILE GLACIER HWY ■ BOX 1786 ■ JUNEAU, ALASKA 99801 ■ PH [illegible] ■ TLX. 020 [illegible]

ENGINEERS
GEOLOGISTS
PLANNERS
SURVEYORS

March 3, 1981

RECEIVED
MAR - 4 19[illegible]
ACKLEY/JENSEN ARCHITECTS, INC.
[illegible] (WJ) [illegible] 80

Ackley/Jensen, Architects, A.I.A.
P.O. Box 310
Juneau, Alaska 99802

Attention Mr. Doug Ackley

Re: Soil Conditions Review
Westridge Condominiums
R & M Project No. 132103

Gentlemen:

This is to report the findings of our review of geologic and soil conditions at the above referenced project and relate how these conditions affect your proposed development.

The actual location of the structures within the Westridge complex is taken from the set of drawings from your office entitled "Master Plan" which includes site sections and drainage plans as of February 1981.

Subsurface geology and soil conditions are taken from our report to your office dated June 24, 1980. In that report, we summarized the geologic and soil condition information obtained during our subsurface investigation concluded in June 1980. Information was also obtained from the log of test borings performed at the lower (Elevation 115') areas of the site by the Corps of Engineers as part of a U.S.G.S. soil survey of the Juneau area during 1966.

## General Soil Conditions

Within the boundary of the site, at least three soil types are known to exist; the extent and depth of each type being governed by the geologic events which have transpired over the past 8,000 to 10,000 years.

Basically, the soil types which underlie the site are of glacial origin having been formed as ice-contact and glacial outwash deposits in a declining sea level environment. After being uplifted to an elevation in which deposition was no longer possible, erosional forces reworked the

lower levels of the project area while mass wasting on higher slopes formed a third soil type which is present at the surface in the upper reaches of the site.

## Soil Type Conditions

The uppermost soil type which is found above approximate Elevation 160, is a silty SAND with platy, fine gravel size fragments. Depth is known to extend to at least 10' (see log of test boring No. 3). This soil type is the poorest of the three existing types from a foundation engineering standpoint. It is sensitive to excess moisture and has a low natural density requiring overexcavation and compaction if used as a load bearing surface. Cut slope angles in the soil are limited by its high degree of erodibility and relatively low (35° to 37°) angle of internal friction.

The above soil, a colluvium, is underlain by a sandy GRAVEL of glacio-fluvial/deltaic origin. The thickness of this soil stratum was found to range from 2' to 25', thickening in the westerly direction. This soil type is relatively dense with a safe bearing value in the 3500 PSF range. Overall cut slope stability should be excellent, the soil possessing an angle of internal friction in excess of 40°. Erodibility is expected to be moderate with slope "ravelling" due to loosening of cobbles, boulders and large gravel by frost and sheet flow runoff being the primary causes.

The glacio-fluvial soil is underlain by an even denser soil of ice-contact origin. The chief distinguishing factor of this soil is its relatively high "fines" content (in the 15% to 25% range). Under ideal weather conditions this soil has excellent load-bearing value (in excess of 4000 PSF); however, it tends to become semi-plastic and unworkable if saturated. This condition can only be corrected in the short term by excavation of the wet material and replacement with relatively clean material compacted to equivalent density. Cutslope stability should be excellent.

"Ravelling" of exposed slopes will occur to some extent. Successful revegetation of slopes in this material will likely be inhibited by the extreme density and impervious nature of the soil. A layer of soil more favorable to plant growth will have to be placed over cutslopes exposed in this soil if revegetation is to be successful.

## Foundation Recommendations - General

According to the cross sections referenced in the "Introduction" to this report, all structural foundations will consist of reinforced concrete footings/grade beams and/or piers, bearing on either undisturbed in-situ

soil or disturbed natural soil compacted to original density over in-situ soil. Available subsurface information suggests that this design is feasible and practical for all the locations shown on the cross section.

The cross sections indicate that structural walls on the upslope side of most of the units will have to be designed as retaining walls with zero allowable movement. Maximum vertical soil contact will be on the order of 20'. Where the required cuts intercept the often water-bearing interface btween the glacio fluvial and the underlying glacial till soil, a means of positive drainage will likely have to be designed to eliminate fluid pressure build-up caused by possible ground water and runoff accumulation.

Foundation Recommendations - Specific

The chief foundation engineering problem for the project is obviously the structural/retaining wall design, the specifics of which must be dealt with by a structural engineer and are beyond the scope of this report.

If the walls are to be designed as free standing (not tied-back), we recommend that such walls be founded on a footing keyed into the in-situ soil a depth sufficient to counter horizontal pressure equivalent to approximately 70 PSF where the ground slope beyind the wall equals 1 1/2:1. Vertical pressure under these conditions will be approximately 40 PSF. Coefficient of friction for the very dense glacial till soil may be taken at 0.45, with a unit weight (dry) of 135 PCF.

Backfilling behind the high retaining/structural walls is a very important step in design/construction. We recommend the use of very free-draining open-graded granular material enclosed in a filter fabric envelope to eliminate silt infiltration and eventual plugging of the backfill "wedge." Positive drainage of water accumulating at the base of the wall should be performed by means of a continuous back drain.

A suggested construction sequence would be to excavate the wall area to a temporary backslope of 1/2:1 and covering the slope to at least the level of the top of the temporary slope utilizing Dupont Typar, Celanese Mirafi or equivalent. Forming and pouring of walls could proceed, the concrete would be then allowed to achieve adequate strength; the space between the cut slope and the wall could be backfilled utilizing pea gravel, coarse concrete aggregate, or any pervious aggregate of similar nature. No special compaction should be allowed. The top of the fabric could then be folded over the top of the special backfill "wedge" to contact the wall. Topsoil over this to form a planting strip for example.

The above recommendations do not take into consideration the buttress effect that would result if the lower level units were separated by reinforced concrete or structural steel braced dividing walls.

## Cut Slope Stability

The stability of cut slopes is a very important consideration in site design. The 1 1/2:1 slopes shown on the furnished section renditions should be satisfactory from the standpoint of mass wasting potential in the glacial outwash and glacial till soil. However, this slope angle may not be satisfactory where cuts intercept the overlying colluvial soils as they will probably do in the areas upslope of the structures on the north side of the site. We recommend a cut slope angle of 1.75:1 in these soils plus immediate planting/mulching of exposed soil to counter sheet flow erosion.

At random intervals, slope cuts will intercept springs localized along the contact between the semi-pervious glacial outwash soil and the impervious underlying glacial till soil. The spring water should be intercepted and channeled away from downslope areas as soon as possible, so as to avoid unnecessary saturation of those slopes.

We recommend that all exposed soils be protected from sheet flow erosion as soon as possible and insofar as the state of the art allows.

## Summary

We have reviewed the currently available renditions of the master plan and have found it to be generally sound. We emphasize that structural walls will have to be designed as retaining walls with careful consideration given to backfill and drainage. Cast concrete spread footings as shown are the logical foundation choice. Exposed soil slopes should be stable in glacial soils at the angles given; however, a lower slope is recommended where colluvial soils are exposed during construction.

Erosion control will be an important design consideration. Short term means such as mulching and seeding should be performed as soon as possible followed by long term means such as heavy plant growth, terracing, or set stone. A positive drainage plan to intercept sheet runoff from upslope areas should be effected. Drainage of spring water should be accomplished before downslope soils become saturated and subject to slump and flow.

We recommend that an engineering geologist or soils engineer examine the foundation area of each structure after site preparation is relatively

complete to verify that soil conditions predicted in our reports to date are correct. Cut slopes should also be inspected to ascertain the location of the various soil types present.

## Closure

Due to the preliminary nature of the foundation investigation to date, information in this report is necessarily general in nature. As planning on this project progresses, we would welcome the opportunity to perform more site specific soils work as it becomes necessary.

Should there be questions regarding the content of this or our previous report, please do not hesitate to contact us at your convenience.

Sincerely,

R & M CONSULTANTS, INC.

Joseph L. Connolly
Engineering Geologist

Malcolm A. Menzies
Civil Engineer

fej

**From:** Carl Brodersen
**To:** PC_Comments; Teri Camery
**Subject:** Please don"t rush slide hazard map adoption
**Date:** Friday, August 6, 2021 4:23:42 PM
**Attachments:** image.png

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Planning Commission,

Hello!
-Carl Brodersen here, my partner and I live at the blue star:

The process of new slide map adoption needs to slow down until the impact of the updates has been determined, and their accuracy verified. Risk assessment is an important tool for shaping the future, absolutely, but homes in the study area have already been built, obviously. Thus we want maps that help the City deny permits for high risk areas *without* disproportionately affecting the finances of homes that already exist. In particular, we need to know how this will affect the way banks treat mortgages in this area. The last time my partner looked into landslide insurance, she found that Lloyds of London was the only firm in the world willing to offer a policy. State Farm has no solutions, so at the very least, every home in the study area needs to be informed about this option and the possibility that banks could otherwise terminate their mortgages.

There is a high amount of subjectivity in the designations and definitions, also. Simply calling a zone "severe" is too much of a simplification without specifying where the threat comes from. A house below a steep hill must be at less risk than a house that actually experiences regular landslides, but that's not what this system conveys to an insurer or an assessor; and at a purely subjective level, a home where mine is should not be in the same risk category as a house on Gastineau Ave. - especially in light of other mitigating factors like the *actual* chute path (added by me in purple above) terminating almost a tenth of a mile away from me, and there being a massive structure above me acting as a slide barrier. I doubt I am the only person with such site-specific concerns.

One pair of boots on the ground in 2019 does not seem like enough to get a proper picture, and we must first understand the implications of this picture before we officially hang it on the wall. Please provide more time for individuals to learn about their designations and contest them if needed; and for individuals and the City to research the financial implications of these designations (and to share that information with each other) instead of just adopting them and

then waiting to see what happens. There's no rush here. The homes are already built. Slow down, please.

Thank you,
-Carl

August 6, 2021

Dear Ms. Camery and Planning Commissioners,
Sent to Teri.camery@juneau.org and PC_Comments@juneau.org

Thank you for the opportunity to comment regarding adoption of the Downtown Juneau Landslide-Assessment, case #AME2021-0008. For the following reasons we respectfully request that the CBJ Planning Commission POSTPONE adoption of the proposed Landslide-Assessment and DIRECT CDD to require the consultants to host an all day drop-in (or reservation) in-person open house so that residents have an opportunity for iterative back-and-forth discussion with staff and the Tetra Tech consultants regarding questions and concerns about the study's findings and maps.

We AGREE that it is appropriate to first adopt the maps and second wrestle with the policy, program, and financial implications. Our questions and concerns however are with the field work, observations, local knowledge, and science that have gone into preparing the proposed maps.

We disagree with the Staff's conclusion on page 10 that the best time to have an open house is after adoption of the maps and before the policy implications are considered by the Assembly. This approach has the process backwards. To get residents of the affected areas on board with a consideration of the policy questions, the underlying conditions should be understood fully. Otherwise, the policy discussions will devolve into a discussion of why an area is in a certain zone, rather than what to do about the agreed upon designations. The Staff has provided no compelling reason to adopt the maps at this time.

The Staff report notes multiple times that the webinar went 1.5 hours over the allotted time. This appears to be an attempt to show that the Staff and consultants spent extra time answering residents' questions. While the meeting did go 1.5 hours over the allotted time, the Staff and consultants made clear that they would not answer any property-specific questions. Consequently, the added time did not address at all the request for an open house to better understand the analysis and how various parcels were included in certain designations.

In fact I suggest that it was unfair to run beyond the advertised time, some residents had to leave for pre-scheduled appointments based on the advertised ending time, and others were simply worn out. Regardless, the format with staff reading typed questions then going on to the next one provided no opportunity for the back-and-forth dialogue needed to gain understanding. It was very frustrating.

The maps raise significant questions as to how areas were given certain designations. Houses that have had tree slides damaging the structure have been included in lower hazard zones than those below with no tree slide history. How are some areas adjacent to severe hazard zones rated as low hazard zones without a transition area? What site specific analysis was done in each area, such as Starr Hill? How are severe hazard zones with a 300 foot run from the ridge above a residence compare to those with 3,000 foot runs? Are these actually comparable situations? These are science questions, not policy questions

and should be dealt with prior to the adoption of the maps. An in-person all-day open house with consultants (masked and by reservation if needed) will provide a forum to have these discussions, which may lead either to concurrence by residents of the maps and science, new information for consultants that may merit revised designations, or both.

Also on page 10 of the Staff report, it is noted that Tetra Tech will present information on how designations were made in the Highlands and Starr Hill neighborhoods. This is the type of information that residents should have first before it comes to the Planning Commission. Obviously, there will be no time for affected residents to understand and address this new information in the public testimony portion of the Commission meeting.

Given the fact that Staff does not intend to move forward with the policy analysis for another year, there is no great rush to approve maps that are not well understood, that do not make sense based upon the information that we have been given to date, and that will have such a potentially major impact on the use and value of so many residences in the city.

To reiterate and in conclusion, please POSTPONE adoption of the proposed Landslide-Assessment and DIRECT CDD to require the consultants to host an all day drop-in (or reservation) in-person open house so that residents have an opportunity for iterative back-and-forth discussion with staff and the Tetra Tech consultants regarding questions and concerns about the study's findings and maps. Requiring consultants to host all day drop-in open house such as this is COMMON PRACTICE by both the City and State.

After such an open house, followed by time for both consultants and residents to consider and respond to information they receive, it will be time for Planning Commission adoption of the maps.

Sincerely,

Barbara Sheinberg & Norman Cohen
739 5th Street
Juneau, AK 99801

**From:** Andrew Heist
**To:** PC_Comments; Teri Camery
**Subject:** Comments on proposed new avalanche maps, August 10 PC meeting
**Date:** Sunday, August 8, 2021 9:51:09 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

To the members of the Planning Commission:

I am writing to express dire concern about the planned adoption of the proposed new avalanche maps at the Aug 10 meeting. I am requesting that the process of adopting the maps be delayed for a minimum of six months to allow community members time to fully engage in the process, have all questions answered, and fully understand the multitude of very significant effects these new classifications, and attached development restrictions, will have on their properties.

In addition to the adoption of the maps, proposed changes to Juneau Municipal Code to prevent any addition of bedrooms, or any other improvements that would increase density in these designated areas will have such a profound negative effect on the hundreds of properties included in the new zones that much more time should be devoted to finding a better solution aimed at mitigation and risk-reduction strategies, rather than restrictions on development that will drive property values down sharply and surely end up in litigation.

This process is rushed and has not allowed adequate time for community members and property owners to get fully educated and have their questions answered. The virtual information session that was held on July 21 only allowed questions to be submitted through a moderator. There was no opportunity for follow-up questions or clarification. Additionally, not all submitted questions were even addressed at all. Community members deserve the opportunity to have all of their questions answered fully and completely given the gravity of the proposed changes.

The current maps have been in effect since 1987 so it can be inferred that these new maps will likely be in effect for over a generation as well. The long timeline attached to this decision, combined with the very significant negative impacts of the new classifications (and attached restrictions) demands a much more thorough vetting and review by the community.

The fact that this is happening during a pandemic, where all meetings are being held virtually combined with the fact that it is not only summer in Juneau, but the first time in over 17 months where people have felt safe and able to travel, means that an overwhelming number of affected community members have not had the opportunity to become fully engaged in this important process.

While I’m not a geotechnical expert, it does not appear that the Pasadena, California based company that provided these maps paid any regard to site-specific elements such as existing structures, trees, etc. that may reduce the chances of an avalanche impact. With the extremely negative impacts to affected properties, a much more granular and detailed analysis needs to be completed.

Specifically regarding the proposed development restrictions on affected properties, the negative impacts of these changes to property owners can not be overstated. Instead of issuing blanket restrictions, the city should first look at what mitigation and risk-reduction strategies can be pursued to protect life and property without devastating the values of the most important financial asset of a huge number of community members.

I appreciate the work that the Planning Commission does, and recognize that avalanches and slides are real hazards that should be taken seriously but the process of adopting them and the proposed development restrictions needs to be delayed to allow much greater dialogue with the community.

Respectfully,

Andrew Heist
310 Irwin St.
314 Irwin St.
407 Irwin St.

**From:** Emily
**To:** PC_Comments; Teri Camery
**Cc:** Miller White
**Subject:** Comments for Downtown Juneau Landslide and Avalanche Assessment
**Date:** Sunday, August 8, 2021 1:58:50 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

To the CBJ Planning Commissioners,

My family recently made the hard decision to leave our Gustavus home for the expanded educational and recreational opportunities we feel Juneau can provide to our children. After reviewing the rental market it became apparent that buying a house made more sense financially for the seven years we plan to be there for their schooling.

Luckily, our good friends had a house they were selling and we were first on their for-sale-by-owner list. It was more than we could really afford but we worked some magic and with the intention of renting the apartment it came with, it felt scary but doable. Houses in this area hold their value and sell quickly- often just by word of mouth. Seemed like a no-brainer! We scoured the landslide and avalanche maps and felt confident in seeing we were in the safe zone. This great house is located on Evergreen Ave, an awesome location. We recently shared a celebratory toast with our friends, the former owners, at the news of the closing.

You can image my heartache when I was scanning the Flats Families Facebook page and stumbled across a conversation regarding a notice that had gone out to the neighborhood regarding the proposed landslide maps, placing our new house in a red severe landslide zone. We were clueless to this conversation up until this point.

We admittedly aren't experts in this area but after reading Bill Glude's comments that were submitted to the planning commission, we are more concerned. Bill, who is a well respected voice with a wealth of local avalanche knowledge, states that he feels "they made a mistake with the huge red severe landslide hazard zone in the Irwin to Evergreen Avenue area".

The outcome of this could result in a devastating financial catastrophe to my family in loss of property value and increased insurance. We may never recover financially from this so we urge you to do everything possible to ensure the landslide hazard mapping is absolutely accurate and correct, with no question.

Sincerely,
Miller White and Emily Herman
1567 Evergreen Ave
Juneau AK 99801

Sent from my iPhone

**From:** Helen Clough
**To:** PC_Comments
**Subject:** comments on An ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.70.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment (AME2021 ...
**Date:** Monday, August 9, 2021 7:19:01 AM

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EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Dear members of the planning commission.

I am unable to attend the Zoom meeting on August 10 so I am submitting comments in writing. I want to make it clear that I do not have an issue with the new maps including their apparent inclusion of properties for which I am responsible in the new designations. But I have serious concerns about the manner in which the public has been involved. I was told that there would be no changes other than adopting new maps. I spoke with three planners at CBJ about this matter and none of them indicated that in adopting the new maps, the uses of my property would be affected. They all said that only maps would be adopted and that any regulatory changes would be addressed in a separate process.

I was unable to attend the public meeting as I was out of state and several time zones away. I read the full report from the consultant and looked over the maps, After much searching I finally found the old hazard maps and was able to compare and figured that some, if not all, of the properties I am responsible for were now included in a high hazard area, whereas previously a portion, I believe - (map scale makes it impossible to be sure) was in a moderate hazard area. Just a couple of days ago, I discovered when reading the agenda for the planning commission meeting and related documents, that there would be serious restrictions possibly placed on future use of my properties. I say "possibly" because the scale of the maps provided on the city website makes it impossible to determine if the hazard area includes all of my lots and specifically the houses located on them.

I believe city staff is very hard working, but I also believe the process they undertook is seriously flawed. When I contacted the planner in charge of the project, she told me she did not have time to determine for each possibly affected property owner if their property was affected. I had to go to the web, download an almost 200 page document, print it out and read it to learn about the project and review the new maps. then I had to go back to the city's web site and finally (with assistance from another planner) find the old maps and compare. These maps are pdfs and when I blow them up to try and look at my properties they lose resolution so I cannot determine the exact boundaries of the new hazard areas relative to my property lines and structures.

At a minimum, each affected property owner should have been contacted in writing about possible effects and exactly what the adoption of the maps mean. Homeowners and others should not have to spend hours and hours searching the city's web site to find information. I still do not know exactly what the change in status means, other than the planning director told me I cannot add bedrooms or an accessory apartment to my structures. That is a major change and affects plans for one of the potentially affected structures.

Two things that would be immensely helpful,

(1) maps that compare the old designations to the new ones at a scale a property owner can see if their property and structures are affected
(2) a clearly spelled out document that shows what changes would mean for future use and enjoyment of the affected properties.

Also, every directly affected property owner should be contacted.

Therefore, I urge the commission to not approve the new maps at this time, but direct staff to do as I recommend, allow additional time for public comments after property owners have been contacted. Also, the commission should consider adopting the maps in a manner that does not immediately change the uses of the affected properties. I have other concerns that are specific to my properties as I am in the process of spending a very large amount of money to armor the slope in question (with all required CBJ approvals and permits) which I believe should change the hazard designation in question.

Thank you for considering my comments. Again, I urge you to make sure property owners are informed and have an opportunity to make informed comments, prior to taking any action.

Helen Clough
Responsible party for
747 Goldbelt and 101 Goldbelt Ave
Juneau, AK

907 321 4004

Ann Metcalfe
624 6th Street
Juneau, AK 99801
anngmet@gmail.com
907.321.3686

To: Teri Camery, teri.camery@juneau.org

CC: CBJ Planning Commission, PC_comments@juneau.org

Re: Adoption of 2021 Downtown Juneau Landslide & Avalanche Assessment

I urge the Planning Commission to slow down the process of adopting the new maps presented in the report until affected residents have more time to meet with the city and the contractor to understand the changes, given the dramatic affect these changes may have on value. Barb Sheinberg and Norm Cohen have submitted excellent testimony in this regard, and I will not restate their recommendations, all of which I support.

I also support the recommendations in Shawn Eisele's letter in regards to the concurrent adoption of maps and regulations. Lenders, the assessor, and potential buyers will factor the current maps into value assessments and lending decisions even if the maps have been adopted on a "for discussion only" basis. The resulting regulatory limbo will negatively affect property transactions with delays and uncertainty. We appreciate the desire to move forward in a timely manner, but please make these changes all at once as a full package that encompasses the new maps, the effect on assessments, avenues to assist affected property owners (reinsurance pool, mitigation programs, buy backs, to suggest a few), and situations that may allow for variances.

Finally, I am concerned after reading avalanche expert Bill Glude's July 26, 2021 comments. He felt the avalanche mapping was "generally accurate and well done." However he found inconsistencies in the landslide mapping and recommended it be sent back "for a more stringent review, re-draw, and tidying." Our property is one that went from low hazard to severe hazard, with no transition zone, which seems a very broad brush stroke. Does the avalanche risk assessment need to be separated from the landslide risk?

I truly appreciate the efforts of the city and wish to see adoption new maps and regulatory changes as a package rather than trying to rush through maps that are not fully understood by those most impacted, then following up with implementing regulations. Thank you for your consideration of my comments.

Sincerely,

Ann Metcalfe

**From:** Suzanne Cohen
**To:** Teri Camery; PC_Comments
**Subject:** Starr Hill Landslide Zoning
**Date:** Monday, August 9, 2021 9:09:49 AM

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EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Dear Ms Camery and Planning Commissioners,

My husband, son and I are all residents of one of the properties in question on Starr Hill. We have questions regarding the results of the new study and the ramifications our the new designations. We urge you to organize a meeting between the staff, tetra tech, and the people who's homes are apparently in harms way. Barb Sheinberg and Norm Cohen recently submitted a letter asking for just that, and we concur and hope that you make this opportunity available prior to adopting the new maps.

Thank you for your work. It is very important that we understand the risks associated with our homes locations especially considering that climate change seems to be increasing our flood risk.

Best regards,

Suzanne Cohen
725 5th Street
Juneau, AK 99801

C. Kiel Renick & Olivia Sinaiko
615 East Street
Juneau, AK 99801

August 8, 2021

City and Borough of Juneau
Planning Commission
PC_comments@juneau.org

Dear Commissioners,

We are writing to express our concern and to request actions in regards to the recent proposed changes and process for implementing the draft CBJ Landslide and Avalanche assessments, map, and related regulations.

As current residents at 615 East St. (a.k.a., 615 Basin Rd.), the formulation and adoption of these maps and regulations will likely have a significant impact on our home, and also, on the way in which we consider or mitigate risks to ourselves and our property.

First and perhaps most importantly, we would like to request a more modest pace for the process by which any new maps, designations, and policies are reviewed and adopted. Proposing huge changes like these in July with a two-month timeline for full adoption – Planning Commission in August followed by Assembly in September – is incredibly fast, and far too quick of a turn-around to allow the public a meaningful opportunity for engagement. This is even more true during the pandemic, when meetings that would normally be held in person are instead held over Zoom, and opportunities for face-to-face consultations with the contractors are non-existent. As evidenced by Bill Glude's comments, the conclusions the experts reached are not universally agreed to by members of the scientific community. To the extent that homeowners might wish to hire and consult with their own experts in order to offer additional information that could help to refine the maps in ways that increase their accuracy for the benefit of the whole community *before* the maps are formally adopted, this incredibly quick timeline made doing so virtually impossible. As part of a more reasonably paced and thorough public process, we would like to request additional time and space to interface with experts, local and outside, on the fundamental issues of science and urban planning that inform these proposed changes.

Second, while the meeting in July was informative, it was neither spacious, comprehensive, conclusive, or, given its online format and limited timeframe which kept some people from participating, entirely inclusive. At the meeting in July, many of the submitted questions were not considered at all, and the format did not allow for follow-up questions. Further, the meeting only covered general questions – if we had site-specific questions, we were instructed to send emails after the meeting, but in this

context, where the maps we provided are often difficult for laypeople to make sense of and the answer to one question will likely trigger several follow-up questions, email was simply not practicable. While it was very helpful to learn from that meeting – and we'll presumably learn even more from the scheduled August 10th meeting – the format of these larger meetings makes them insufficient to address complex and sweeping updates with serious ramifications for hundreds of Juneau households today and for decades into the future.

It is a widely utilized procedure to hold an "open house" or other type of information-gathering event at which consultants, officials, and members of the affected public get to express both general and site-specific concerns in a more intimate setting, and have general and site-specific questions and follow-up questions answered and considered. We understand that in-person face-to-face meetings are difficult to implement during the pandemic, but there are a variety of COVID-safe alternatives we can imagine that would allow the public a much more meaningful opportunity for understanding and engagement, such as a Zoom open-house where community members are able to sign up for a 10-minute slot with the contractors to ask site-specific questions as needed. Before adopting the new maps, please ensure that at least one open house is held, where all concerned citizens have the opportunity to discuss both general and site-specific issues with real people in a dialogue format that respects the input of residents and clarifies the information of experts, so that we can move forward on clear informational footing.

Third, we would like to request that you incorporate information from multiple sources. While Tetra Tech may be a reputable contractor, the issues of predicting avalanches and landslides are complex and dynamic. Just as one would get 2nd opinions from an additional physician before a risky and costly medical procedure, it would be prudent to at least get a second opinion, or to take private surveys into account when developing new maps. There are many different factors to consider, and scientists like Bill Glude have already weighed in with dissenting opinions. While total consensus may never be possible in urban planning and geological forecasting, greater breadth of expertise and public participation in their incorporation is warranted here.

Fourth, as to the substance of the maps themselves, we are concerned that for many of the homes affected – including our own – extant uphill structures were not taken into account whatsoever. As a result, some homes (including ours) are designated in the "severe" zone when in fact there may be no current risk at all, due to the presence of uphill structures that would almost certainly block falling rocks and debris of the sort that the experts identified in their analysis. We echo Shawn Eisele's comments on this point, and second his proposal that the city establish a special, temporary exemption for property owners in our situation, lasting as long as the protecting structure is in place. As Shawn points out, this more accurate portrayal of current conditions would mitigate unnecessary impacts to mortgage, insurance, or property value, while keeping owners on notice that their property would be susceptible should human development change. As Shawn pointed out, this policy would also incentivize property owners to initiate

engineered mitigation, which could significantly reduce the risk of safety impacts to our community in the long term.

Fifth, please ensure that before the maps are formally adopted, the clarity, resolution, and accuracy of the maps being utilized in this process is significantly improved. The current maps are fuzzy and are inadequate for either analyzing safety or risk property by property, which makes it impossible to make informed decisions regarding risk, insurance, and potential mitigation measures.

Finally, and independent of the requests above, we ask that CBJ hold off on formally adopting the maps until a basic policy frame-work related to what these maps mean for homeowners can be implemented. We echo the points raised in Shawn Eisele's comments on this topic, and agree with them whole-heartedly. Ideally, before adopting the maps, CBJ would thoroughly understand and explain – and possibly even take steps to mitigate, where possible – the physical dangers and financial impacts of what these new assessments and their adoption may mean. Whether a high danger zone needs netting, or avalanche control throughout the year, or other efforts to increase safety for current or future residents, please share these forecasts or considerations. If insurance will no longer be available for residents in particular zones, it would be helpful for the city to provide guidance for its residents who now may have as a major liability something that they had planned to use for retirement--are there assistance programs avaialable? What are the ways in which the city foresees life changing, and changing the lives of, those in the newly demarcated zones? Are mortgage lenders going to be able to give and maintain loans on these homes? If these or other financial issues are imminent (and possibly will be the greatest impact that most residents in the low, moderate, and even high zones ever experience), what mitigation support does the city foresee providing? If the old maps have been sufficient for 30+ years or regulation and planning, then it seems that new ones with serious consequences should not be formally adopted without serious consideration of their consequences.

Thank you very much for the consideration of these comments and for your hard work on this issue. We understand and appreciate how important having scientifically founded, accurate, and comprehensive assessments are for the community's health and safety. We hope that this process can be thoughtfully and carefully orchestrated throughout to bring the best outcome for all residents.

Sincerely,

C. Kiel Renick & Olivia Sinaiko
krenick@gmail.com
osinaiko@gmail.com

**Date:** August 9, 2021

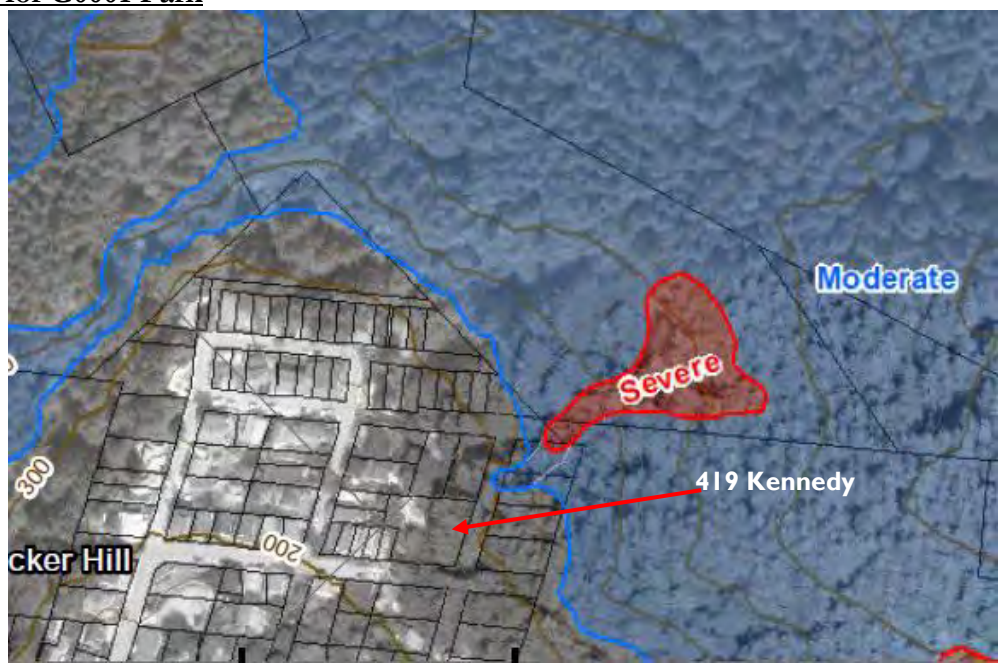
**To:** City and Borough of Juneau Planning Commission (pc_comments@juneau.org)

**From:** Sally Schlichting and Bob King
419 Kennedy Street
Juneau, AK 99801
(907) 957-3488/(907)957-2355
sally.schlichting@gmail.com
fishtorian@gmail.com

**Subject:** Downtown Juneau Landslide and Avalanche Assessment, (Tetra Tech, May 28, 2021)

We own the properties at 419 and 421 Kennedy Street in Starr Hill. We have resided at 419 Kennedy since 1996. Under the proposed maps, our properties have jumped two landslide hazard designations, from moderate to severe. We attended the first two hours of the July 21, 2021 zoom presentation of the 2021 Downtown Juneau Landslide and Avalanche Assessment. We request that a time extension be granted for the public to review and comment on this assessment. We respectfully submit the following comments on the assessment and additional comments about the shortcomings of the public process for this project.

**I. Avalanche Designation for G0001 Park**



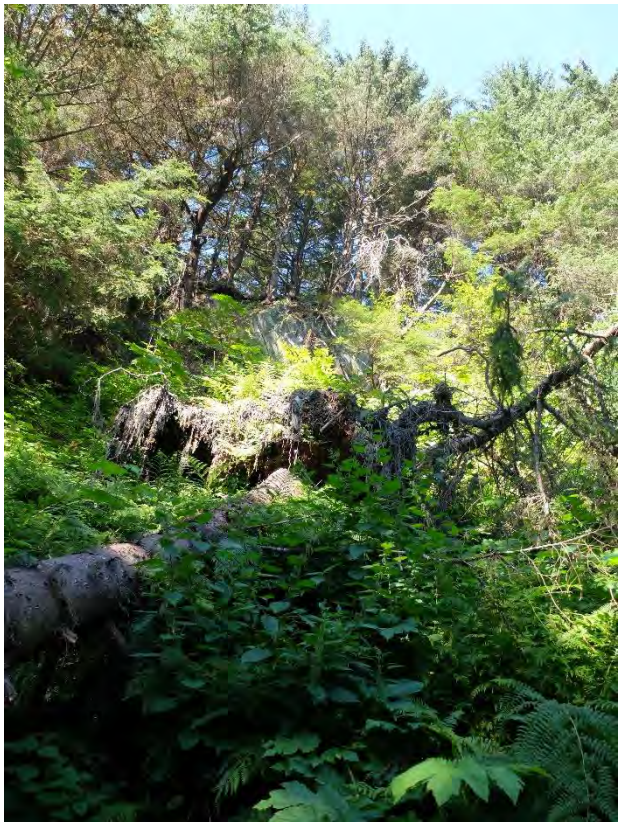

G0001 Park (shown right) is a newly designated avalanche zone or path in this study. G0001 Park is located upgradient of our two properties (419 and 421 Kennedy Street).

The gully, as shown on the following photographs (August 1, 2021), is relatively short and mostly forested, although there is evidence of recently downed trees in the upper reaches. Nevertheless, it would appear unlikely for sufficient snow to accumulate and form an avalanche, nor would it have sufficient area, distance, and slope to develop the volume and momentum necessary to evolve into an avalanche. While there is some opening as shown on the right near the top of the ridge, there isn't a history of avalanche activity, and the nature of the area doesn't seem to warrant a rating of severe risk. According to our neighbor, Al Moore, who has owned the house closest to the gully since 1971 (418 Park Street), there has never been an avalanche at this location in the past 50 years. If there hasn't been a history of avalanche activity, wouldn't a rating of moderate risk be more appropriate?

**August 1, 2021 images of the G0001 Park Gully, mid and upper reaches, CBJ property**

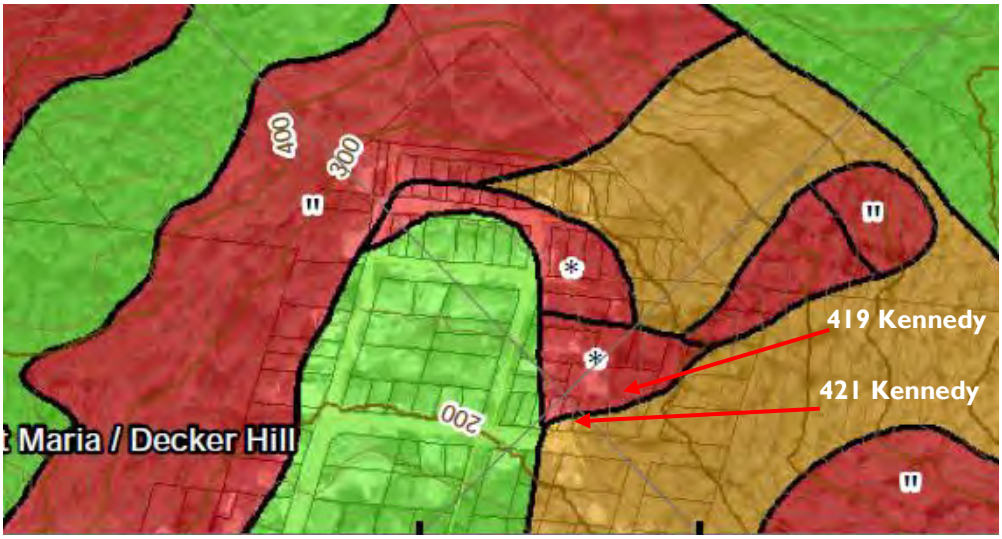
The slope above the top of Nelson street (the old trailhead to Mt. Roberts) is similar, and yet it did not receive any avalanche designation. What is the distinction in risk between these two locations? See the photos below, taken August 1, 2021.

**Mid and upper reaches of slide zone above Nelson Street in the old Roberts Trailhead**



Overall, Juneau is receiving declining amounts of precipitation as snow over the past 50 years, with 2020/21 an apparent outlier. This would seem to change some of the avalanche projections in the report. The CBJ should provide more information about how climate projections were factored into these designations.

**II. Landslide Assessment in the G0001 Park Gully**




We agree that there is landslide activity in the G0001 Park Gully, but properties have largely been protected by maintenance and instream mitigation structures and drains. The area designated as severe (red) has resulted in two debris flow events in the last 35 years. We question the high risk (gold) designation adjacent to the gully, as the topography is relatively dry, stable, and does not seem to foster conditions for any landslide, debris flow or erosion.

Our primary home (419 Kennedy) has stood since the 40s. Our rental home (421 Kennedy) and the rest of the miners' cabins on Kennedy have stood for a bit more than 100 years. As cited above, a debris flow incident occurred in the late 1980s, as a result of the drain above 725 5th Street becoming plugged because the home was vacant and there was no one to monitor/maintain the drain. In 2019, the gully creek undercut a bank causing a flowerpot to fall and temporarily block the flow.

In regard to the structures in the gully mentioned by Alan Jones in the Q/A transcript for the July 21, 2021 presentation:

> 76:09 (= 1:16:09) Alan Jones
> Okay, I can speak to that path. It actually has both avalanche hazards and debris flow hazards. I walked personally - I walked that path extensively and observed there's actually structures in there. There's evidence that debris flows right in that gully, and there's actually some old structures there that were constructed to prevent or mitigate debris flows in some manner – some sort of homemade structures there. I'm not sure who did those, but they're there.

Those structures were installed by homeowners Allan Moore and the previous owner of our house, Larry Eppenbach, with materials that were supplied by the City and Borough of Juneau. Some photos of those structures that Larry and Allan installed on CBJ property are here:

Some of these structures need to be repaired or replaced in order to continue proper drainage of this creek through the city-installed culvert that runs under the under the 725 Fifth Street home.

We have the following questions:

- What technical assistance and mitigation measures will the CBJ take to assist with reinforcing diversion barriers such as these, or to otherwise deal with risks that are on CBJ property?
- Will the areas platted by CBJ for future residential development be withdrawn?
- Will CBJ provide a City Engineer to walk this gully and give advice to the downgradient homeowners, including us, in how we can protect our properties?

The Community Development Department staff have stated that these issues are being tabled, but we feel that affected homeowners deserve some dialogue on these issues now, not a year from now. Once these maps go into effect, the impact on property values will occur immediately, not a year from now.

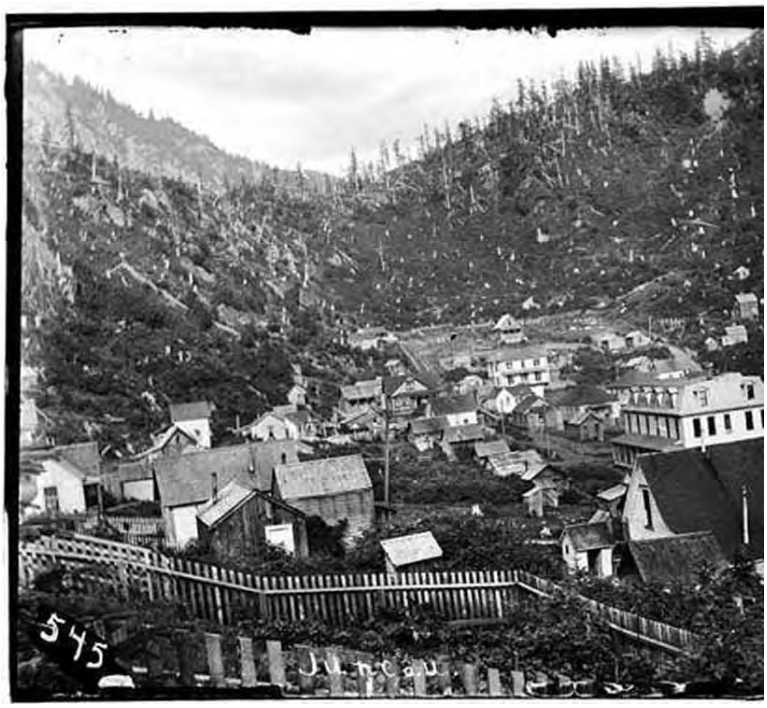
**III. Historic Activity vs. Future Risk**

We appreciate the historic accounts of landslides in the Juneau area, but we would like to know if any consideration was given to the fact that the mining industry denuded the hillsides above Juneau and the presence of a trestle/tram and other traffic/activity above Gastineau Avenue for example, may have contributed to a destabilized hillside. In present day conditions, this may be lessened now that it has reforested and revegetated.

The same is true of the Starr Hill area where our properties are located. You will note that Starr Hill/Mt. Maria were clearcut early on (see following images). If the consultants are basing future risks on the past, these historical conditions would have exaggerated the landslide risks and

frequencies during that time, while reforested conditions should reduce the risks, even with climate change-driven precipitation events. I didn't find any discussion about that in the report.

**Starr Hill 1901 showing deforestation**
**(image courtesy of the Alaska State Library Historical Archives)**




**Starr Hill 1940 showing gradual reforestation**
**(image courtesy of the Alaska State Library Historical Archives)**

**Aerial View of Juneau in 1935 – Mt. Maria in center of photo**
**(image courtesy of the Alaska State Library Historical Archives)**

Alaska State Library - Historical Collections

## IV. Old Mt. Roberts Trailhead

Although this trailhead was supposedly abandoned a number of years ago, it continues to receive regular, year-round (and likely daily) use by locals and visitors alike. This use by hikers and runners is likely destabilizing the hillside above the Nelson Street homes and worsening the landslide conditions. The current signage and availability of stair access does more to invite users than it does to discourage them. The CBJ should consider removing the stairs and placing signage that strongly discourages users by explaining that foot traffic is destabilizing the hillside and threatening the homes below.

**V. Public Process is Rushed and Insufficient**

These maps are a big change from the 1987 adopted hazard maps, with many more properties adversely affected. Given this new and rather stark assessment, we are concerned that the amount of time being provided to affected homeowners to ask questions, get answers, review this 140+page report, meeting materials and transcript, and the CDD staff report, and provide comments to the Planning Commission is too short. If there are errors, or additional information that property owners have that could usefully refine the analysis by the consultants, we must have the opportunity to provide that information before the maps are adopted.

We received postcard notice of the report and the Zoom meeting only late in the week prior to July 21 and had other plans for the night of the meeting. During the meeting we were informed we must provide comments by noon on August 9 to have the considered by the Planning Commission, giving us less than 30 days to review this information from the date we were notified by mail. Furthermore, we were informed that the analysis will be in front of the Assembly for final adoption in September, just next month.

The single Zoom meeting, which many residents may not have known about or been able to attend with just one week's notice, was not conducive for asking clarifying questions, discussing specific impacts for specific properties, and was very restrictive for public engagement. We understood that the meeting went from 6-8pm, and like some others, exited the meeting after two hours to attend previously scheduled engagements; yet the meeting apparently continued without us.

During the meeting, there was mention of additional future plans for mitigation measures, policy, and regulations changes, and a UAS project to develop Juneau-area climate projections, but these are not described in the Project Timeline posted online for this project.

This expansive impact of this assessment would seem to warrant PSAs on local radio stations as a better way of alerting the large number of affected property owners and of their opportunity to review the information, provide comments and provide testimony.

The new designations are a significant change that warrants additional public involvement <u>before these maps are adopted</u>. It is illogical to wait until after the maps are adopted to have a full discussion with CBJ residents.

We respectfully request that:

- The City hold a day-long open house where consultants are present so that residents may stop in and visit with the scientists and have a fuller discussion in person about their specific properties. The City must provide more opportunities or a better venue for homeowners to get their questions answered and provide better notice of those opportunities.

- The public be given more time to review the study and provide comments.

- The CBJ explain the reasons for the haste in adopting these maps.

- The CBJ utilize local media, including PSAs, to get the word out.

- The CBJ begin dialogue with the public now on regulatory consequences, property values, insurance, liability, and mitigation options for property owners. If this analysis is correct and there are a significant number of homes and properties in High and Severe landslide and avalanche classifications, then there is no time to waste and no reason to further risk the loss of life and property.

- The CBJ provide technical assistance to homeowners on how to improve conditions on their property, such as how to enhance drainage, construct retaining walls, and implement other mitigative strategies.

- The CBJ develop a list of contractors/laborers who can help with such projects.

Thank you for considering our comments.

Shawn Eisele
606 6th St.
Juneau, AK 99801
(907) 723-9066
shawneisele@gmail.com

August 9, 2021

City and Borough of Juneau
Planning Commission
PC_comments@juneau.org

RE: Downtown Juneau Landslide-Assessment, case #AME2021-0008, August 10 2021 meeting

Dear Commissioners,

Please, at least temporarily, table adoption of the proposed landslide maps. Yes, we should have well-delineated hazard zones, but I encourage the Planning Commission not to rush this. Instead, it makes better policy to allow input and address residents' concerns. Further, it only makes sense to wait to adopt the maps at the same time as the new regulations governing them.

I want to acknowledge that landslide hazards are real and increasing; we should not just sweep this under the rug nor punt the problem to future property owners. Also, I am grateful CBJ staff and contractors have been helpful and have put forth a diligent study.

Time for community input is important

One reason to slow down, however, is that this is huge for affected homeowners and they deserve more than a few weeks to understand it and contribute. I'm amazed at how many neighbors have told me they haven't been able to access or understand the report or maps. Others came home from July vacation or fishing to find it was about to be voted on by this Commission. While CBJ staff and consultants were truly generous with their time, people do deserve the opportunity to engage and ask questions, and even contribute insight that might benefit the study. We ought to have more than a zoom session that occurs after the project is done, and in which the public only types notes that may or may not be answered. The community is having more opportunity to weigh in and appear now at the Planning Commission than at the department level, which seems like a mistake. That is really too late for the study to benefit from community input, it makes the community feel unheard or uninformed, and it probably is not the best use of this Commission's time. Especially during the pandemic, it takes time to include the public, but it's important we figure out a way to include our community members.

New regulations and maps should occur together

I believe the Planning Department's current strategy of adopting the maps first, and regulations to govern them perhaps a year later, is a mistake that creates unnecessary hardship for homeowners without providing additional safety.

I am not currently in any hazard zone, but in the new maps my property has a few feet of its corner clipped by a red, severe landslide zone. The rest, the vast majority, is in a green, low hazard zone. It appears my house (the building) is *not* in the severe zone. However, because the current regulations were based on hazard maps made by property boundary not topography, current regulations are only for the whole property. That means although neither old or new maps have my house, or the vast majority of my property, in a hazard zone, the old regulations (promulgated for the old maps) would wind up treating my home and entire property as in the severe zone—though it's not. It would remain that way indefinitely until the new regulations for the new maps are promulgated.

I'm particularly afraid that the new regulations could become contentious and bogged down for well more than a year. In that case we'd be in limbo with the mismatch of new maps constrained by old regulations for two years, or five years, or however long that takes. I believe that means homes not in any hazard zone would nonetheless be limited in building permits and mortgages during that time. Doing this would also fail to take advantage of the new more detailed maps, which should encourage development onto low hazard areas, instead of treating an entire property without regard to where the hazard is. Why would we impose that kind of arbitrary policy on Juneau residents, instead of just waiting the year for the new regulations?

Rushing to adopt maps first does not promote safety or the best science. Safety is a result of 1) the hillside, and 2) the regulations affecting what happens there. Adopting the maps does not, by itself, promote safety; rather, adopting the maps along with appropriate regulations does. For example, instead of preventing development on any parcel a landslide zone touches, good policy would encourage development on the unencumbered, safe portion. Likewise, rarely is the best science the one that's rushed. Taking valid concerns into account now means better science in the end.

On a similar note, having updated maps without updated regulations creates a catch 22 where homeowners are placed in a zone, but the regulations for getting out or mitigating it aren't available yet since those would need to be in the new regulations. Even the most proactive homeowners are just stuck in limbo for however long it takes for the new regulations.

This is, personally, an issue for me. As soon as we have a sense for what the regulations allow, I'd like to adjust the few affected square feet of my property, or work with my neighbors, to mitigate the danger. I would happily put a cement pillar in the corner of my property that's clipped by the landslide zone. But with the current timeline we're just stuck in a hazard zone while the process to solve it is unavailable.

Adopting the maps and the regulations together, soon, makes far more sense. It would help lenders decide if they can loan on these properties, by knowing what the regulations allow for that property. It would help homeowners take steps to mitigate or exempt their properties. And it would allow the detail in the new maps to serve its purpose.

<u>There are legitimate data concerns in the new study</u>

The science, not public opinion, is what's important, but some issues raised the last few weeks should at least be addressed in the study before adoption. I'm surprised, for example, that past landslides were used as indicative, without accounting for the fact that some were on deforested slopes undergoing

blasting and water discharge from mining. I was also struck by Bill Glude's comments about the landslide delineations, which come from a perspective very knowledgeable about local hazard areas.

Likewise, affecting probably a third to half of the homes included in the new maps, the study (or at least the new regulations) should address how structures factor into landslide hazards. The new zones were drawn agnostic of human-made structures, like buildings, above us. But realistically the structures exist and will mitigate landslides. That means many, if not hundreds of homes not actually at risk of a landslide will be classified as if they were, which benefits no one. The city could establish a special, temporary exemption for property owners in such a situation, lasting as long as the protecting structure is in place. That would mitigate unnecessary impacts to mortgage, insurance, or property value, but keep property owners on notice that their property would be susceptible should human development change. Such a policy would also promote engineered mitigation structures (not just houses), which we should promote. These issues deserve consideration before rushing to adopt the maps.

<u>There are overlooked policy implications</u>

It seems like a mistake to list virtually all of downtown as green, "low hazard zones." We should instead not adopt the green zones as part of hazard maps. Neither the city nor residents benefit from applying a "hazard" zone to these properties. When the maps are eventually adopted, I recommend the Commission adopt the moderate through severe zones, but not the green, "low hazard" zones.

The city also needs time to get its story straight about tax assessments. The planning department says the assessor is going to ignore the new zones for a while. That's not really tenable. We know being in a severe landslide zone affects property value. While there can be uncertainty as to how much, CBJ has enough data points of houses in severe hazard zones to make an educated guess. Having CBJ adopt these zones while the assessor refuses to consider them would be unfair to residents and certain to result in litigation.

It's also a little weird that people can't quite tell where the new lines actually are. It was ambiguous in the maps available online whether any of my property was impacted, so I contacted department staff who generously zoomed in for me. Even then, it can be really hard to tell if a dwelling is impacted or not. The photos of where structures lie are older photos from an oblique angle. That means the verticality of a building is cast like a shadow horizontally. So the old photos might show a top floor as if it were in a landslide zone— but the house's location is actually based on the foundation, which may not be in the zone or isn't necessarily visible in the old photo. I accept that life is sometimes just unclear, and I genuinely appreciate how helpful city staff has been, and maybe I just need to hire a surveyor. But this does seem discomforting to adopt the maps without a plan for knowing something like this, or time for homeowners to identify it, or even regulations specifying how it's going to be handled.

I think it would be appropriate if this Commission officially designated the new maps as proposed or something similar. That would mean new home owners would need to be given knowledge. (It would certainly be inappropriate to sell an affected property right now without disclosing the new maps to the buyer.) Ultimately though, I don't think the new maps are ready for full adoption. Particularly given

how tremendously they impact so many residents, it just doesn't seem like a process to rush, particularly without commensurately-updated regulations. CBJ plans to adopt new regulations in a year, and pausing at least until then, while informing the public and addressing public input, seems obvious and quite reasonable.

Sincerely,

Shawn Eisele

| | |
|---|---|
| **From:** | chris trostel |
| **To:** | PC_Comments |
| **Cc:** | Teri Camery; Alexandra Pierce; Rick"s computer |
| **Subject:** | Landslide-Avalanche Assessment Comments |
| **Date:** | Monday, August 9, 2021 11:19:30 AM |

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

*Apologies if you reveive more than one copy of this - we're having network issues.*

From: **chris trostel** <chris.trostel@gmail.com>
Date: Mon, Aug 9, 2021 at 11:10 AM
Subject: NewJNU Landslide/Avalanche Map
To: <teri.camery@juneau.org>, <Alexandra.Pierce@juneau.org>
Cc: Rick's computer <jnurdtcmt@comcast.net>

Dear Ms. Pierce and Ms. Camery,

We are long-time downtown residents who through a chain of neighborhood emails just saw the recently released CBJ updated avalanche and landslide hazard zones map.

It is rather distressing to see the zone wherein our house lies, now identified as a severe landslide zone where prior to this that was not the case when we purchased it. But, good science is good science and these things are good to know. However, we have some concerns about the science, the process, and next steps.

To those ends, we are specifically requesting two things:
- a response from your department and/or the CBJ Assembly to the questions and concerns listed below; and
- that this new hazard map not be adopted until certain mitigations, plans, and means are in place (see below).

Concerns & Questions:

1. It is unclear how the data were collected and then used to create this new map with its new and/or altered zones. Were geology sets and climate and weather data collected? What specific criteria and data were used to create the map and its zones? And who precisely were responsible for the studies and the conclusions? And what are their qualifications for this specific kind of work?

How can we access and review these data? How can we reach out and talk to the parties involved to find out more?

2. The scale of the map and quality of the image is poor (too small) for determining exactly where each zone begins and ends. Therefore, while it appears my house is in a new zone, it is not clear and it is not clear how far in or out of the zone my house is or if it is only a portion of my property. We imagine other property owners have similar questions.

A larger scale map is needed and one whose quality allows it to be expanded to see fine details. Also needed on the map are clear demarcations of the starting and ending paths of each zone.

3. Property Values & Mitigation 1: The only mitigation we have seen mentioned is a control for density in hazardous areas. How will this work? For example, there is a lot for sale just two lots over from ours that is zoned for condos/townhouses/apartments - and it is now in a new/altered hazard area. Will the zoning change? What kind of variances might be grandfathered in? If so, variances seem to run counter to the purposes of the map. How will the changing hazard zones affect property values and how does the city propose to mitigate this situation?

4. Property Values & Mitigation 2: We have not seen or heard anything from CBJ discussing how hazards might be mitigated by either the city and/or property owners. Pursuing new mapping and hazardous areas is important - but part of a multi-step process. And, since the City has clearly allowed building in previously identified hazard zones for decades and now is expressing a compelling interest in hazard zones and which buildings are in which zones - the City should also have a compelling interest in mitigating the potential dangers - esp. to those homes in severe hazard zones.

What are the mitigations the CBJ proposes? And what are the means to enact those mitigations?

Adopting this new map with its newly and differently identified zones at this time is not correct. We need more than a map - we need a plan for mitigation and the means to execute that plan all running parallel to one another before any one item is adopted by the assembly.

For these reasons, at this time, we are opposed to the CBJ Assembly adopting the map.

Sincerely,
Chris and Rick Trostel

**From:** Sheila Dyer
**To:** PC_Comments
**Subject:** Fwd: Landslide map
**Date:** Monday, August 9, 2021 11:22:51 AM

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EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Begin forwarded message:

**From:** Teri Camery <Teri.Camery@juneau.org>
**Date:** August 9, 2021 at 10:16:18 AM AKDT
**To:** Sheila Dyer <sheilaedak@yahoo.com>
**Subject: RE: Landslide map**

Thank you for your comments. I will make sure that the Planning Commission receives them.

Kind regards,
Teri Camery

Teri Camery | Senior Planner, CFM
Community Development Department │ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 extension 4129

-----Original Message-----
From: Sheila Dyer <sheilaedak@yahoo.com>
Sent: Monday, August 9, 2021 10:11 AM
To: Teri Camery <Teri.Camery@juneau.org>
Subject: Landslide map

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Hi Teri,
I am a resident of Starr Hill and have some comments I would like you to share and respond to.

As with the last map, the scale for areas is too small to be useful when blown up. The pixelations make it impossible to see where the zones begin and end. As is obvious from the last video conference where the contractors presented, home owners want information about how this data relates to their individual residence.

It is not news that downtown is an area of steep surfaces but my house has been standing since 1928. I am interested in the geology and hazards that exist directly above my property. Was this data collected and how can we access it? I am also interested in ways to mitigate the potential hazards the consultants observed and recorded. The city is the major landholder of the uphill slopes behind my house. What mitigation is the city willing to do or recommend? Can the city make their staff experts available to tax payers to provide advise? If the city doesn't intend to mitigate hazards on city property identified through this study, what is the benefit to citizens of mapping hazards?

It was stated that density will be controlled for areas with high risk. A rental would not necessarily increase density more than a new homeowner who had a large family. It also seems to discourage home owners from formalizing their rentals for whatever benefit that provides them.

If there is no benefit to citizens from this study, no improvement or quality of life measures will be take and it was just done because grant funds were available, I am opposed to it being adopted.

Sheila Dyer
429 Nelson St.
321-0048

**From:** Frankie Pillifant
**To:** PC_Comments
**Cc:** Teri Camery
**Subject:** Landslide mapping proposal
**Date:** Monday, August 9, 2021 11:30:40 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Planning Commissioners,

Thanks for helping us neighbors understand and navigate this proposal.

I am a resident of Starr Hill and have some comments regarding the potential adoption of the currently proposed hazard zones.

The scale available for public use is too small to be useful when scaled up and it becomes very blurry. Are you trying to illustrate exact lines or is the idea a general location of areas? It is difficult to see where the zones begin and end so consideration is difficult on the citizen side. Home owners want information about how this data relates to their individual residence and without the ability to really scroll in without blurring pixelations it's hard to tell exactly what is going on where.

Downtown is an area of steep surfaces and my house has been standing since being built in1920. I feel the historical timeline and perspective on how the mapped risk areas have changed is not given enough consideration in the proposal. Can the CBJ focus on this aspect so we can all gain a better understanding of how changing conditions, weathering, weather, rock type and behavior affect the outcomes on these slopes? Some of the change is due to human altered landscape, such as past clear cutting or rock removal. Has the city reached out to geotechnical experts on rock type behavior, slope angles, vegetation and historical and future angle of repose? Often those questions can only be answered by drilling and core analysis. Relative to that question, how does this affect the way the CBJ owned land that surrounds this area will be risk-managed for slide issues relative to rock type behavior, weather, and vegetation?

I am interested in ways to mitigate the potential hazards consultants observed and recorded. If the city doesn't intend to mitigate hazards on city property identified through this study, what is the benefit to citizens of mapping hazards? How will future CBJ assessments be conducted in these areas?

It was stated that density will be controlled for areas with high risk. How? What does this mean to housing in Juneau? Would a rental increase density more than a homeowner who has a large family?

The assessment of safety issues is important work in any community. I certainly look forward to gaining a better understanding of what this proposal could really mean for the Community. And I challenge the CBJ to take the time to further reach out to scientifically and socially understand what the possible actions could render economically as well as physically. And continue to work towards clarity with the taxpayers.

Best regards,

Frankie Pillifant

**From:** Jay Satterfield
**To:** PC_Comments; teri.camery@juneau.org.
**Cc:** Jay Satterfield
**Subject:** Concerns about CBJ 2021 Proposed Hazard Zones
**Date:** Monday, August 9, 2021 11:45:54 AM

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9 August 2021

Teri Camery
Project Manager CBJ 2021 Proposed Hazard Zones

Teri

I'm concerned about the speed CBJ 2021 Proposed Hazard Zones assessment is moving towards adoption. As a property owner included in this posposed hazard zones update I find it difficult to view the maps on line with in any clarity. I feel that transferring the new hazard zones to CBJ assessors property viewing maps would be a first start in helping property owners understand the impact of this proposal.

Covid makes public input more difficult and makes it more important too slow this process down.

I'm not seeing any historic perspective such as the size and age of trees included in the code red landslide zone. The zone also does not take into account things like the mitigation berm placed above my property by a city contractor.

The impact of the CBJ 2021 Proposed Hazard Zones may have a huge affect on property owners. We need a chance to understand the effects this proposed change will have on the community and make comments in a human way.

It appears the lack of input could be another effect of Covid, but it does not have to be. I see no reason to rush this proposal. Please help the public understand the impact of this proposal and the time to give public input.

THERE IS NO REASON TO RUSH, CBJ 2021 Proposed Hazard Zones changes.

Respectfully,

Jay Satterfield

**From:** Kevin Andrew Higgins
**To:** PC_Comments; Teri Camery
**Cc:** Kate Higgins
**Subject:** Comments on Avalanche and Hazard Zones
**Date:** Monday, August 9, 2021 12:00:30 PM

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Greetings,

We live at 152 Behrends Ave. Instead of cutting and pasting from the thoughtful comments others have submitted, or rewriting them as though they were original thoughts, please simply count us among those calling for a longer engagement process before moving the maps along to the Assembly.

The avalanche danger is what it has been and will be what it is, regardless of the maps that are approved. People who live here are aware of the danger and the maps may help some people better understand the scope of the danger. There's an outside chance that updated maps could affect our behavior going forward, but even that much is not clear. The only thing that is clear is that adopting maps will have significant economic impacts on the people whose properties are now in hazard zones. Please do not rush through that process.

Thanks,
Kevin and Kate Higgins
152 Behrends Ave.

**From:** Teri Camery
**To:** Meredith Savage
**Subject:** FW: protest
**Date:** Monday, August 9, 2021 9:03:22 AM

**Teri Camery | Senior Planner, CFM**
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 extension 4129

**From:** Chuck Collins <ccollinsak@gmail.com>
**Sent:** Friday, August 6, 2021 6:44 AM
**To:** Teri Camery <Teri.Camery@juneau.org>
**Subject:** protest

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

I live at 1921 Bartlett Ave, actually Bartlett does not reach my house as it was never extended that far, to drive home I use Sutherland Drive. When we purchased the home in 1994 the planning department worked with us on the hazard issue. My house has never had a mudslide or snow impact as a result the City placed the lot the structure is on in a moderate risk zone. Saving me thousands of dollars over the years of residency. CBJ did not do this out of kindness, I hired R&M Engineering to survey and plot the path of possible slide damage, conclusively the result was the house is safe due to several geological factors and convinced the City by evidence of the Old Growth Timber above my house. If a hike is taken above my house you will observe that the active White avalanche zone travels down and has a natural impediment above my house. A cliff that deflects all material to the north. To further substantiate this fact, just down from the cliff is one of the oldest and largest trees in Juneau. Well over 100 years old was the estimate in 1994, this tree is huge, maybe ten feet in diameter. No slide of mud, rock or snow has ever been through this area which is above my house. I will grant you that over the years the lots north of my house have seen their share of slides. I even suggested to CBJ to dig a sump above Wickersham to alleviate the issue, CBJ and I own all of that property so access is no issue, but that is too forward thinking and we would rather allow the street to be buried instead. My guess. I humbly ask that the lot my house sits on be left out of the high hazard zone designation as it has been for over twenty years. Lot White BL A Lt 4 should not be in the hazard area. White BL A Lt 3 has minimal impact worries from slides also as the path has moved

to the north over the past decades and I have never experienced issues on this lot. The evidence here is more financial as your own accessor has placed the value of this lot at over fifty times the value of what I paid for it. Next time an expert comes to tell you how and where slides occur they should speak to the residents, the last time this was performed the city's expert showed pictures of snow on a house and claimed it was mine. After confronting the "expert" I was successful in proving to him and the Planning Commission that it was not my house and it was a fabricated "story". The picture did show a house with snow on it, just not mine and no damage was done except to his reputation. Please remember, this decision costs residents money, never once has CBJ stopped the impact of construction on our hillside, yet after the fact and expense of construction CBJ has decided to change the code and force many of us to but expensive insurance that is of no use. I raised three kids in this house, I would like to preserve the investment and memories I have stored in this house. I formally protest and humbly ask that you adjust your map to save my home.

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Chuck Collins

Joshua 24:15

**From:** Teri Camery
**To:** Meredith Savage
**Subject:** FW: Landslide Map
**Date:** Monday, August 9, 2021 10:24:16 AM

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**Teri Camery | Senior Planner, CFM**
Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 extension 4129

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**From:** Anji Gallanos <anji.gallanos@gmail.com>
**Sent:** Monday, August 9, 2021 10:23 AM
**To:** Teri Camery <Teri.Camery@juneau.org>
**Subject:** Landslide Map

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Teri,
My husband and I have been property owners on Starr Hill for 20 years. We have comments on the proposed landslide map.

As a homeowner I want information about how this data relates to my individual address. As you can imagine this information may present a risk to my current homeowners insurance and I want as much accuracy as possible. The information given to property owners has been vague and I believe more information is needed on the potential risks of the area and implications for property ownership. Our residence is on 536 Park Street and I am unclear on the landslide risk for our residence in particular. I am interested in the geology and hazards that exist directly above my property. We may need information on how to mitigate risk.

I would like more information and time to study the map prior to any adoption of the landslide map, therefore I am opposed to this adoption.

Anji Gallanos
536 Park Street #A
Juneau, Alaska 99801

907-957-1234

To: Planning Commission

From: Larry Fanning
300 Hermit St #9
Juneau, AK 99801
fannlklj@gci.net

August 8, 2021

Ref: New Hazard Landslide Mapping

I have great concerns about the Draft Hazard Assessment for Landslides that is being presented by CBJ Community Development for adoption by the Planning Commission.

- The vegetation and topography have not changed in Bathe Creek from the 1989 Hazard Maps. So why the change in designation now to SEVERE?

- It appears the basis for the Draft Hazard Maps for Landslides has changed from 1987. It is hard to compare the two maps without the narrative that accompanied the earlier maps. What were the assumptions used for the 1987 hazard maps and what are the assumptions used in the draft? Why such a drastic change?

- The change represents more than a significant shift in the designation of Juneau's landslide areas. Such a shift should not be taken lightly and deserves more in-depth scrutiny than the one public hearing before it goes before the Planning Commission for adoption. This needs to be thoroughly vetted by the community.

- The change has significant ramifications if the draft is to be adopted. In our case, when we bought our condominium 5 years ago, we would not consider purchasing the property if we had known it was in a SEVERE LANDSLIDE ZONE. With adoption of the draft the resale value (if it is even allowed), insurance and mortgage availability are extremely affected.

- We have lived in Juneau for more than 50 years. During this time the property where Westridge Condos is on Hermit Street have not been affected by landslides. In the information presented by the contractors they did not produce any evidence that there had been a landslide has affected this address.

- There is not a Low, Moderate or High designation for this area. It is all SEVERE. To me consideration should be given in 10-30-year, 30-100 year, and 100-500-year possible events for landslide designations.

- Landslides, it seems to me, are directly correlated to rain fall, and the rain should be a measure in determining the possibility and severity of landslides. Questions like what

will 2”, 4”, or even 5” of rain cause what probability and the effect of landslides. Over one, two, three, 4 or more days of saturation could result in a landslide. How often do these moisture events occur? How big would the landslides be?

I have great concerns on the model that was used by the contractors to determine that Hermit Street is in a SEVERE landslide zone. I guess one could say this is possible, but I would be more concerned about the possibility of an earthquake more than a landslide happening that would affect this property from Bathe Creek. There was no evidence presented that a landslide has ever happened effecting Hermit Street.

I strongly encourage the Planning Commission to:

1. Provide the community the opportunity to learn about the new zones and how their property is affected.
    - The new information does not clearly explain the issues of individual slide zones.
    - The public process is harder during Covid that means we need to be more patient so community members are reached and have an opportunity to be engaged.
    - New maps will have a significant effect on property values, insurance,mortage availability.

2. Consider the important concerns the community has already expressed.
    - The proposed new maps have surprised local experts. Public comments suggest the shapes at times appear abstract for topographic reality, and incorrect when it comes to historic frequency.
    - Only downtown Juneau is being re-mapped, creating a disparity throughout Juneau. Property owners in one are being subjected to higher risk classification than those similarly situated in other parts of town.
    - It is unrealistic and unfair for the Planning Department to impose severe hazard area onto hundreds of homes, but the assessor office taking no action assessing this.
    - Community members deserve thoughtful policy to accommodate new designations. If hundreds of properties, CBJ should at the same time consider how it can protect its residents.

Before this significant action is taken affecting hundreds of resident’s properties, community members deserve to have their questions answered and sometime given to assess how they are impacted and how they want to proceed. The impact of this designation is serious, and we deserve better than a rushed process.