

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

June 12, 2018
Assembly Chambers
7:00 PM

- I. ROLL CALL
- II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
- IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE
 - A. Additional Materials
- V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- VI. ITEMS FOR RECONSIDERATION
- VII. CONSENT AGENDA
 - A. CSP2018 0005: A City Project in a rural reserve zone to provide an easement across CBJ property
 - B. CSP2018 0007: A City Project to review the sale of city property to Alaska Legacy Partners.
 - C. USE2018 0004: A Conditional Use Permit for a marijuana product manufacturing facility
 - D. USE2018 0006: A Conditional Use Permit for a marijuana retail store
 - E. USE2018 0008: A Conditional Use Permit for a 220 square foot detached accessory apartment.
- VIII. UNFINISHED BUSINESS
- IX. REGULAR AGENDA
 - A. Discussion Item: Ordinance 2018-28, amending 49.65, Article I, the Exploration and Mining Code
- X. BOARD OF ADJUSTMENT
- XI. OTHER BUSINESS
- XII. STAFF REPORTS
- XIII. COMMITTEE REPORTS
- XIV. LIAISON REPORT
- XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS
- XVII. EXECUTIVE SESSION
- XVIII. ADJOURNMENT

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers

7:00pm

Meeting Date: June 12, 2018

1. CSP2018 0005:

- a. Public comment from Brenner/Bidlack
- b. Public comment from Bill Legere on behalf of KTOO
- c. Memo from staff: email response to Brenner/Bidlack comments

From: Rich Brenner <richbrenner.alaska@gmail.com>
Sent: Thursday, June 7, 2018 8:47 AM
To: PC_Comments
Subject: CSP2018 0005: Locating a power and communication cable near Auke Bay

Hello,

We live at 13650 Glacier Highway in Auke Bay on a parcel abutting the CBJ rural reserve that is the subject of this permit request.

We are not opposed to the concept of this power and communications cable; however, we do have some concerns:

- 1) We chose to live adjacent to the CBJ rural reserve because it is quiet and we enjoy seeing wildlife that uses the reserve. We do not want the communications cable to become a corridor for increased foot traffic within the rural reserve. Clearing brush seems innocuous but such clearings can quickly become hiking trails. I will note that the John Muir trail already provides access to Auke Mountain and we do not need another trail without public input. We would like an explicit plan in place to prevent the communications corridor from becoming a new hiking trail. Such a plan to include the installation of fences across the corridor along with the planting of vegetation.
- 2) The proposed route is through steep terrain that is very unstable rocks and prone to landslides. I can tell you that even walking in some parts of this area can create slides; it is not hyperbole to say that this can be a dangerous place. Our concern is that the installation of a communications cable could touch off slides that would reach the highway or houses. Thus, we propose a route for the cable that begins tangential to the highway until the slope of the hillside cuts away from the highway and houses. In addition, we suggest that city engineers hike the proposed route to assess the possibility of slides.
- 3) This rural reserve parcel is used in the spring and summer by nesting birds and other wildlife (river otters, bears, deer, coyotes, etc.) to raise their young and deer hunters in the fall. We suggest that the installation of the communications cable should occur between January 1 and April 15th to prevent conflicts with wildlife, wildlife viewers, and hunters.

Thank you for the opportunity to comment.

Sincerely,
Rich Brenner and Allison Bidlack

From: Bill Legere <bill@ktoo.org>
Sent: Tuesday, May 22, 2018 12:31 PM
To: PC_Comments
Subject: Comments on Case No. CSP2018 0005

I am writing to support the application by Rainforest Telecom for an easement for a power and communication cable to serve their telecommunications site on Auke Mt.

KTOO, Juneau's not profit public media organization, plans to relocate our main FM radio transmitters for KTOO, KRNN and KXLL to this site when commercial power becomes available. Locating at the site will improve KTOO's signal coverage in Juneau and to surrounding communities, and will reduce our operating costs compared to existing sites. The high elevation of Auke Mt. will allow us to reach more of the population of the CBJ, as well as nearby communities of Hoonah, Gustavus and Excursion Inlet. KTOO-FM has been designated by the State Emergency Communications Committee as the "Local Primary 1" broadcast station, which means that KTOO is Juneau's Emergency Alert System station for the purpose of relaying EAS messages for sever weather, civil emergencies and Amber child abduction alerts to all of the other broadcast and cable stations in Juneau, and the new location will improve KTOO's ability to provide emergency information to Juneau residents. Further, the Auke Mt. site will allow us to consolidate or close several transmitter locations. We have grant funding available and applications pending at the FCC to relocate and hope to do so by September 30, 2018.

Thanks for your consideration of our comments in support of the application, and please don't hesitate to contact me if further information is required.

Bill Legere | President & General Manager | KTOO Public Media | 907-463-6406

Visit us at www.ktoo.org and www.360north.org. Connect with us on [Facebook](#) and [Twitter](#).



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

June 12, 2018

TO: Benjamin Haight, Chair
Planning Commission

FROM: Jill Maclean, AICP, Director
Community Development Department

CASE NO.: CSP2018 0005

PROJECT PROPOSAL: A City Project in a rural reserve (RR) zone to provide an easement across CBJ property north of the Ferry Terminal in order to locate a power and communication cable.

RE: Additional Information – Public Comment / CBJ Lands & Resources Division

Please see the attached email and response to public comment that was received on Friday, June 8, 2018. I apologize for the delayed response.

Additionally, CBJ Lands & Resources Division is requesting that the easement be adjusted from 10 feet in width to "10 feet to 15 feet in width".

Thank you.

From: [Jill Maclean](#)
To: ["richbrenner.alaska@gmail.com"](mailto:richbrenner.alaska@gmail.com)
Cc: [Dan Bleidorn](#); ["Wade McKeown"](#)
Subject: RE: CSP2018 0005: Locating a power and communication cable near Auke Bay
Date: Tuesday, June 12, 2018 10:28:47 AM

Good morning Mr. Brenner,

I apologize for the delayed response, as I was in training all day Friday. I have responded to your concerns below in blue text. Please let me know if I may be of further assistance.

Thank you,

Jill

From: PC_Comments
Sent: Friday, June 8, 2018 12:42 PM
To: Jill Maclean
Subject: FW: CSP2018 0005: Locating a power and communication cable near Auke Bay

This came in yesterday. So far, to my knowledge, the only additional material for the PC. I will email it out to them this afternoon and print for their packets on Tuesday.

Marjie

From: Rich Brenner [<mailto:richbrenner.alaska@gmail.com>]
Sent: Thursday, June 7, 2018 8:47 AM
To: PC_Comments
Subject: CSP2018 0005: Locating a power and communication cable near Auke Bay

Hello,

We live at 13650 Glacier Highway in Auke Bay on a parcel abutting the CBJ rural reserve that is the subject of this permit request.

We are not opposed to the concept of this power and communications cable; however, we do have some concerns:

1) We chose to live adjacent to the CBJ rural reserve because it is quiet and we enjoy seeing wildlife that uses the reserve. We do not want the communications cable to become a corridor for increased foot traffic within the rural reserve. Clearing brush seems innocuous but such clearings can quickly become hiking trails. I will note that the John Muir trail already provides access to Auke Mountain and we do not need another trail without public input. We would like an explicit plan in place to prevent the communications corridor from becoming a new hiking trail. Such a plan to include the installation of fences across the corridor along with the planting of vegetation. [JMM] The U.S. Forest Service currently leases a portion of land to Rainforest Telecom for an existing communications tower powered by a solar and propane generator. The requested easement will allow Rainforest Telecom the ability to provide colocation services to other entities such as KTOO and Juneau EMS. The power and communication cable will be ground laid and allowed to settle into the forest floor over time. The laying of the cable will not require removal of vegetation or trees.

2) The proposed route is through steep terrain that is very unstable rocks and prone to landslides. I can tell you that even walking in some parts of this area can create slides; it is not hyperbole to say that this can be a dangerous place. Our concern is that the installation of a communications cable could touch off slides that would reach the highway or houses. Thus, we propose a route for the cable that begins tangential to the highway until the slope of the hillside cuts away from the highway and houses. In addition, we suggest that city engineers hike the proposed route to assess the possibility of slides. [JMM] As stated the above response, the power and communication cable will be ground laid and allowed to settle into the forest floor over time. The laying of the cable will not require removal of vegetation or trees. The applicant will not be cutting into the hillside.

3) This rural reserve parcel is used in the spring and summer by nesting birds and other wildlife (river otters, bears, deer, coyotes, etc.) to raise their young and deer hunters in the fall. We suggest that the installation of the communications cable should occur between January 1 and April 15th to prevent conflicts with wildlife, wildlife viewers, and hunters. [JMM] The proposed easement for a power and communications cable that will be ground laid and allowed to settle into the forest floor is found to fit the criteria of RD designated lands as it is not expected to have a negative impact on the natural resources located throughout the easement path or the areas adjacent to it. Removal of vegetation is not anticipated to install the cable, therefore conflicts to wildlife are not anticipated.

Thank you for the opportunity to comment.

Sincerely,
Rich Brenner and Allison Bidlack



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: May 29, 2018

TO: Planning Commission

FROM: Jill Maclean, AICP Senior Planner
Community Development Department

FILE NO.: CSP2018 0005

PROPOSAL: A City Project in a rural reserve (RR) zone to provide an easement across CBJ property north of the Ferry Terminal in order to locate a power and communication cable.

GENERAL INFORMATION

Applicant: City and Borough of Juneau

Property Owner: City and Borough of Juneau

Property Address: 13010 Glacier Highway

Legal Description: Lot 1 Fraction, USS 3810

Parcel Code No.: 4B3001020020

Site Size: 340 acres (approximately)

Comprehensive Plan Future Land Use Designation: Resource Development (RD) *"Land to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed..."*

Zoning: Rural Reserve (RR)

Utilities: CBJ Water

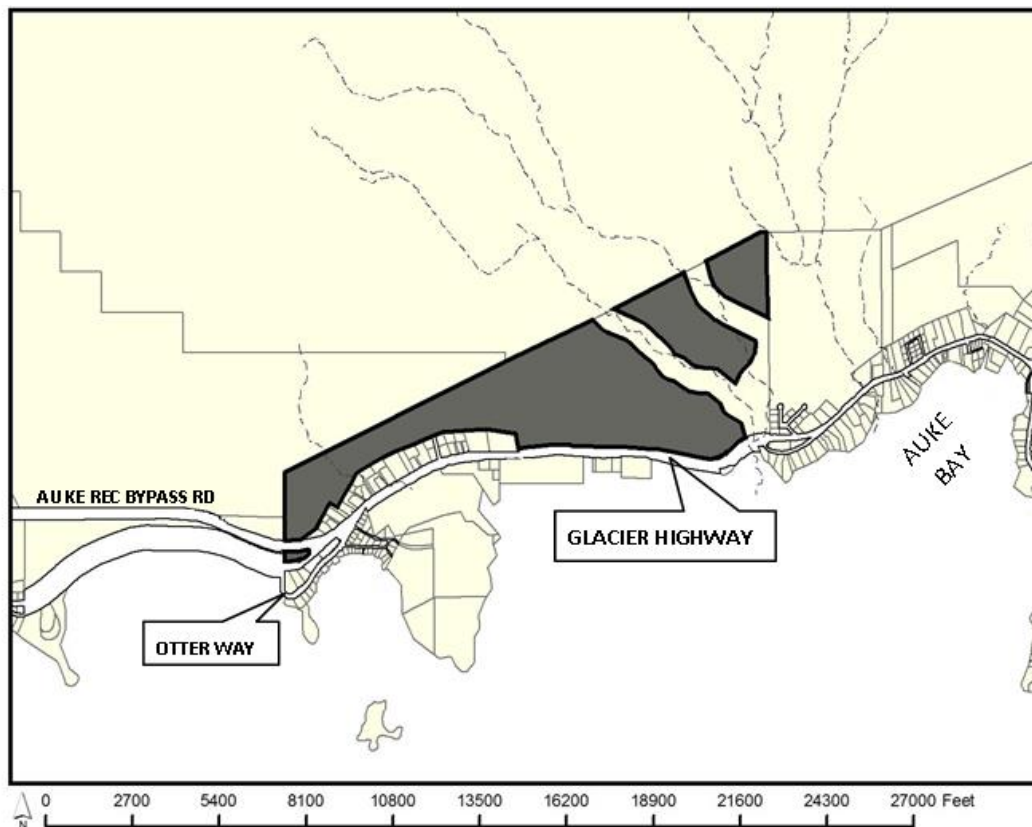
Access: Glacier Hwy

Existing Land Use: Vacant/Stabler's Quarry

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Surrounding Land Use: North: RR; CBJ / State of Alaska vacant
 South: WI; State of Alaska, Auke Ferry Terminal
 East: D1 T D3; Vacant
 West: D3; Single-family/vacant

VICINITY MAP



ATTACHMENTS

- Attachment A – Application
- Attachment B – Site Plan of Power Cable Location
- Attachment C – Engineer Statement Material Cable Approval
- Attachment D – Cable Specs for Auke Mt Project
- Attachment E – Public Notice

PROPOSAL

The CBJ Lands and Resources Division requests a Planning Commission recommendation to the Assembly regarding an easement of approximately 1,500 to 2,000 feet in length and 10 feet in width to locate a power and communications cable across CBJ-owned property (see Attachment B for approximate easement location; specific measurements will be determined through the development of leasing terms with the CBJ Lands and Resources Division). Removal of vegetation is not anticipated to install the cable.

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The cable will serve an existing tower located on U.S. Forest Service property adjacent to the CBJ-owned property containing Stabler's Quarry. This portion of the property is managed by CBJ Lands and Resources Division.

Rainforest Telecom is a private corporation that was created from a collaboration between Jeffus & Williams Co., a Juneau based telecommunications firm, and Coeur Alaska a mining company. Coeur Alaska had a need for telephone and internet service along with a high speed data network between their Juneau headquarters and the mining camp at Kensington. Rainforest Telecom provides the following services:

- Broadband Internet
- Managed Telephone Service
- Website and E-mail Hosting
- Corporate Wide Area Network
- Automated, Off-Site Data Back-up
- Spam and Virus Protection
- Network Monitoring

BACKGROUND

The U.S. Forest Service currently leases a portion of land to Rainforest Telecom for an existing communications tower powered by a solar and propane generator. The requested easement will allow Rainforest Telecom the ability to provide colocation services to other entities such as KTOO and Juneau EMS. The power and communication cable will have a maximum voltage of 2,400 volts and will be ground laid and allowed to settle into the forest floor over time.

ANALYSIS

Project Site

The subject tract of land is located in Auke Bay across from the ferry terminal on the uphill side of Glacier Highway. The CBJ-owned land contains Stabler's Quarry on the eastern portion of this 340-acre site. At the nearest point, the easement is proposed to be located approximately 1,700 feet from Stabler's Quarry. The existing tower is located on the property directly to the north owned by the federal government and managed by the U.S. Forest Service.

CBJ Titles 49 and 53

The final terms and conditions of this easement will be negotiated prior to execution of the easement. The Lessee shall ensure all equipment and activities on the leased premises operate in a manner which will not cause unreasonable interference with the operations of the CBJ or other authorized users in the vicinity of the leased premises.

CBJ 49.10.170 describes the duties of the Planning Commission including the review and recommendation to the Assembly regarding land disposals as described in Title 53.

CBJ 49.10.170 (c) City and borough land acquisitions, disposals and projects. *The commission shall review and make recommendations to the Assembly on land acquisitions and disposals as prescribed by Title 53 or capital improvement project by any City and Borough agency. The report and recommendation to the commission shall be based upon the provisions of this title, the Comprehensive Plan and the capital improvements plan.*

CBJ 53.09.300 Easements.

Authorized. The manager may convey or lease an easement in City and Borough owned land upon approval by the assembly. Easements shall be nonexclusive unless otherwise provided in the easement document.

(b) Application and fee. The applicant for an easement shall apply to the manager on a form prescribed by the manager. The application shall be accompanied by plans, reports, a narrative and other material sufficient to permit the City and Borough to evaluate need for and the use to be made of the requested easement. The application shall also be accompanied by a base fee of \$15.00 plus an amount determined by the manager to cover the cost of an appraisal of the value of the easement. From time to time, the manager shall adjust the base fee to reflect changes in the cost of municipal services.

(c) Departmental and planning commission action. The application for the easement shall be referred to the planning department and public works department for comment. The manager may refer the application to other departments which may have an interest in the parcel subject to the proposed easement. Upon receipt of the comments of other departments, the planning department shall refer the application and departmental comments to the planning commission for its recommendation to the assembly. The planning commission may hold a public hearing on the application prior to making its recommendation.

(d) Assembly action. Upon receipt of the planning commission recommendation, the assembly may, by resolution, authorize the manager to execute the easement under such terms and conditions as are authorized by the assembly.

(e) Survey. Prior to the execution of an approved easement, the applicant shall provide a survey of the easement to the standards required by the manager.

(f) Easement price. The sale or lease price of an easement shall be the appraised value established not more than 90 days prior to assembly authorization of the easement. Upon execution of the easement by the City and Borough, the applicant shall pay to the City and Borough the market value of any marketable materials, timber or other resources within the easement area which will be destroyed, cut or removed. The manager shall determine the value of resources of any marketable materials, timber or other resources within the easement area which will be destroyed, cut or removed.

(g) Improvements and changes. No improvements or changes to improvements may be made within an easement unless first approved by the manager.

(h) As-built plans. Immediately upon completion of the construction of any improvements within the easement area, the easement holder shall provide the manager with accurate, complete and legible as-built drawings of such improvements. Upon making any changes or additions to such improvements, the permittee shall provide the manager with as-built drawings showing such changes or additions.

(i) Relocation. The assembly, by resolution, may direct the holder of an easement granted under this section to relocate the holder's improvements within the easement or to relocate the improvements to a new easement granted by the City and Borough for that purpose. Such relocation shall be at the sole expense of the easement holder, and the City and Borough shall not be liable to the easement holder for reimbursement of any expenses or compensation for any losses or damages suffered by the easement holder or others arising out of the relocation. Unless the assembly, in the resolution directing the relocation of the improvements, permits otherwise, the easement holder shall remove all improvements he or she has constructed in the area to be vacated. No compensation shall be due the City and Borough for the value of resources which must necessarily be cut, damaged or removed to permit the relocation, nor shall the easement holder be liable for the cost of any survey required to describe a new easement area.

(j) Restoration. The manager may require restoration and the posting of such security for restoration as he or she determines necessary.

Habitat

No known habitats regulated by Title 49 are located in the proposed easement area.

See the "Agency Review" section below for comments from Alaska State Department of Fish and Game (ADF&G).

Conformity with Adopted Plans

This proposal was reviewed for consistency with the *2013 Comprehensive Plan* and Title 49.

2013 Comprehensive Plan

As stated above, the Comprehensive Plan Land Use Map D (Subarea 2 Lena Cove to Eagle River) designates this area as Resource Development (RD). This designation identifies the use of RD designated land 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 proposed easement for a power and communications cable that will be ground laid and allowed to settle into the forest floor is found to fit the criteria of RD designated lands as it is not expected to have a negative impact on the natural resources located throughout the easement path or the areas adjacent to it. Removal of vegetation is not anticipated to install the cable.

Chapter 10 – Land Use Element

The policies in the Comprehensive Plan which most directly relate to this project proposal are found within Chapter 10 - Land Use and Chapter 12 - Public and Private Utilities and Facilities.

POLICY 10.14 - TO RESERVE SUFFICIENT LAND TO SUPPORT THE DEVELOPMENT OF PUBLIC FACILITIES THAT ARE ANTICIPATED TO BE NEEDED BY THE COMMUNITY IN THE FORESEEABLE FUTURE, INCLUDING RIGHTS-OF-WAY, SCHOOL SITES, PARKS, STREAM CORRIDORS AND OTHER PUBLIC FACILITIES.

POLICY 12.11 – TO PLAN FOR AND TO ESTABLISH LAND USE CONTROLS ON WIRELESS COMMUNICATION FACILITIES IN AN MANNER THAT IS APPROPRIATE FOR THE COMMUNITY AND WITHIN THE PARAMETERS ESTABLISHED BY FEDERAL LAW.

12.11 – SOP1 Facilitate the provision of high quality, consistent wireless communication services to residents, businesses, and visitors.

12.11 – SOP3 Accommodate the growing need and demand for wireless communication services.

The proposed easement location traverses CBJ-owned property that is currently used for the Stabler’s Quarry operations and will not likely affect future development. The proposed easement facilitates the provision of high quality consistent wireless communication services to the community of Juneau and Kensington Mine.

The project is found to conform to the *2013 Comprehensive Plan*.

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Land Management Plan 2016 Update

The project location is cited on the Auke Bay Map 6 of the *Land Management Plan* on a property consisting of approximately 340 acres owned by the CBJ. The streams and stream corridors located on the property are managed by CBJ Parks and Recreation and the remainder of the land, which includes the proposed location of the easement, is managed by CBJ Lands and Resources Division. According to the Plan, the Retention Status of this property is listed as “retain/dispose” which the Plan describes as lands that are “*appropriate for disposal, but there are sections (such as stream corridors, high value wetlands, etc.) that may be retained for a public purpose. This designation is particularly common for larger parcels*”.

The project is found to be consistent with *the Land Management Plan* as it would preclude disposal of this property.

Auke Bay Area Plan

The subject property is located within the Auke Bay Area Plan boundary. The project complies with the Plan’s goals, specifically Chapter 2: Natural Resources and Habitat. This Chapter identifies the following goals:

- Goal 1: Maintain healthy water quality in Auke Bay and Auke Lake;
- Goal 2: Protect and restore marine habitat in Auke Bay.

The proposed easement is located well outside of the Stream Protection Corridors that exist on the eastern portion of the 340 acre property.

The project is found to be consistent with the *Auke Bay Area Plan*.

Title 49

Utilities and towers are identified as a permissible land use in the Rural Reserve zoning district, as noted in the Land Use Code.

This proposal is classified as a minor utility in CBJ 49.25.300 Sec.17.1 Utilities, and would not require a Conditional Use Permit in the RR zoning district. CBJ 49.80 Definitions defines Utilities, Minor as:

“Utilities which do not produce noise, vibration, air pollution, fire hazard, glare or noxious emission which will disturb or endanger neighboring properties. This category includes most underground utilities”.

Any alterations to the existing tower would receive review through the Wireless Communications Facility special use permit and building permit processes.

The project is found to be consistent with Title 49.

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AGENCY REVIEW

The following agencies/departments provided comments on the proposed project.

Capital City Fire/Rescue: *CCFR has no fire issues with this project.*

CBJ Building Division: *No issues with this project.*

CBJ General Engineering: *No issues with this project, as it is well clear of the quarry and its operations.*

ADF&G, Division of Wildlife Conservation: *The Alaska Department of Fish and Game (ADF&G) has reviewed the application by Rainforest Telecom Inc. for a utility easement across the City and Borough of Juneau (CBJ) property known as Stabler's Quarry. ADF&G has no objection to the proposed easement. However, black bears are common in the Juneau area and ADF&G Division of Wildlife Conservation (DWC) recommends that construction staff practice bear safety precautions by properly securing food, trash, fuel, human waste and other bear attractants. When bears are rewarded by obtaining attractants associated with humans they may become habituated and food conditioned which will perpetuate future nuisance behavior. Staff should contact ADF&G DWC at 465-4265 to report all bear sightings or if any wildlife concerns should arise.*

PUBLIC COMMENT

The following public comments were received and responded to as of noon on May 25, 2018:

Mr. Thomas Abbas:

- *The notification received May 19th 2018 does not provide any relevant information about the communications equipment or easement location. Please clarify where the telecommunications equipment and easement would be placed, as well the frequency and power level of its proposed transmission.*

[JMM] (see attached application; p. 3 and 7 of the PDF numbering contains the location and property ownership; the maximum voltage proposed by the applicant is 2,400 volts).

- *Please discuss the routing path and proposed alternative paths such as Stabler's access road to the proposed site.*

[JMM] (an alternative path is not being proposed as this is the most advantageous route given the existing tower site on the U.S. Forest property; Stabler's Quarry access road is not in the vicinity – see p. 3 and 7 of the PDF).

- *Please disclose any private firms or corporations associated with the equipment installation and or operation once commissioned.*

[JMM] Rainforest Telecom is the corporation associated with this project; in the future, Rainforest may lease space on the existing tower to other private entities; a new tower is not proposed at this time.

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- *When will maps and specifics of the proposed project be made available? Prior to the hearing date?*
 [JMM] (maps are included in the attached application and have been uploaded to the City's website).
- *Is an access road associated with this easement or equipment?*
 [JMM] (No).
- *Are other utilities associated with this access easement?*
 [JMM] (No).

Mr. Bill Legere, President and General Manager, KTOO Public Media:

I am writing to support the application by Rainforest Telecom for an easement for a power and communication cable to serve their telecommunications site on Auke Mt. KTOO, Juneau's not profit public media organization, plans to relocate our main FM radio transmitters for KTOO, KRNN and KXLL to this site when commercial power becomes available. Locating at the site will improve KTOO's signal coverage in Juneau and to surrounding communities, and will reduce our operating costs compared to existing sites. The high elevation of Auke Mt. will allow us to reach more of the population of the CBJ, as well as nearby communities of Hoonah, Gustavus and Excursion Inlet. KTOO-FM has been designated by the State Emergency Communications Committee as the "Local Primary 1" broadcast station, which means that KTOO is Juneau's Emergency Alert System station for the purpose of relaying EAS messages for sever weather, civil emergencies and Amber child abduction alerts to all of the other broadcast and cable stations in Juneau, and the new location will improve KTOO's ability to provide emergency information to Juneau residents. Further, the Auke Mt. site will allow us to consolidate or close several transmitter locations. We have grant funding available and applications pending at the FCC to relocate and hope to do so by September 30, 2018.

Thanks for your consideration of our comments in support of the application, and please don't hesitate to contact me if further information is required.

FINDINGS

CDD staff finds that the proposed lease between the CBJ Lands and Resources Division and Rainforest Telecom meets all applicable land use codes and is consistent with CBJ adopted plans and studies.

RECOMMENDATION

Staff recommends that the Planning Commission finds CSP2018 0005 consistent with the 2013 *Comprehensive Plan*, the *Land Management Plan*, the *Auke Bay Area Plan*, and Title 49 and forward a recommendation of approval to the Assembly.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 4/16/18
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Rainforest Telecom is requesting this easement to place a power and communications cable across City property. See attached application.		
	PROPERTY LOCATION		
	Street Address 13010 Glacier Hwy; 13460 Glacier Hwy	City/Zip Juneau/ 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 3810 LT 1 FR		
	Assessor's Parcel Number(s) 4B3001020020 4-B30-0-102-002-0		
	LANDOWNER/ LESSEE		
	Property Owner's Name City and Borough of Juneau Lands and Resources; Lands and Resour	Contact Person: Dan Bleidorn	Work Phone: 586-0224
	Mailing Address 155 S. Seward Street	Home Phone:	Fax Number:
	E-mail Address DanBleidorn@juneau.org	Other Contact Phone Number(s): 586-5252	
	PROJECT / APPLICANT	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			4/13/2018
		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 Rainforest Telecom Inc.		Contact Person: Wade McKeown	Work Phone: 907 523-2410
Mailing Address 3031 Clinton Drive STE 101		Home Phone: 907 523-2410	Fax Number:
E-mail Address Wade@rainforesttelecom.com	Other Contact Phone Number(s):		
X		4-12-2018	
	Applicant's Signature	Date of Application	

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		4-16-18	CS20180005	
		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				
		Other (Describe)				
	***Public Notice Sign Form filled out and in the file.					
	Comments:					Permit Intake Initials 

RECEIVED

APR 16 2018

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

FORMS 01/10 Applications

Revised November 2009

PERMIT CENTER/CDD

Attachment A

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number CSP 18-005	Date Received 4/16/18
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TYPE OF PROJECT REVIEW:

☒ City Project Review
 ☐ City Land Acquisition /Disposal
 ☐ State Project Review

DESCRIPTION OF PROJECT

On March 13, 2018 The Lands office received an application for a utility easement across City property from Rainforest Telecom Inc. The easement is being requested on the property owned by the City located north of the Ferry Terminal, on the uphill side of Glacier Highway. Rainforest Telecom is requesting this easement to place a power and communications cable across City property to serve their existing tower on Forest Service property. Currently this tower is powered by solar and a propane powered generator. This easement will allow Rainforest Telecom the ability to provide colocation services to other entities such as KTOO and Juneau EMS. Rainforest has also requested a similar easement across Forest Service property for this power/communications cable. Please attach a cover letter to fully explain the project if there is not adequate space on this form.

CURRENT USE OF LAND OR BUILDING(S):

This 310 acre property is also the location of Stabler Rock Quarry which is on the Southwest corner of this parcel

PROPOSED USE OF LAND OR BUILDING(S):

Rainforest Telecom is requesting this easement to place a power and communications cable across City property.

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☐ No ☐ Yes Case No.: _____

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: \$ _____

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.

CITY/STATE PROJECT FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ _____	_____	_____	_____
Total Fee	\$ _____	_____	_____	_____

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

&

EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS APPLICATION MUST BE FILLED OUT

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
(907) 586-5252

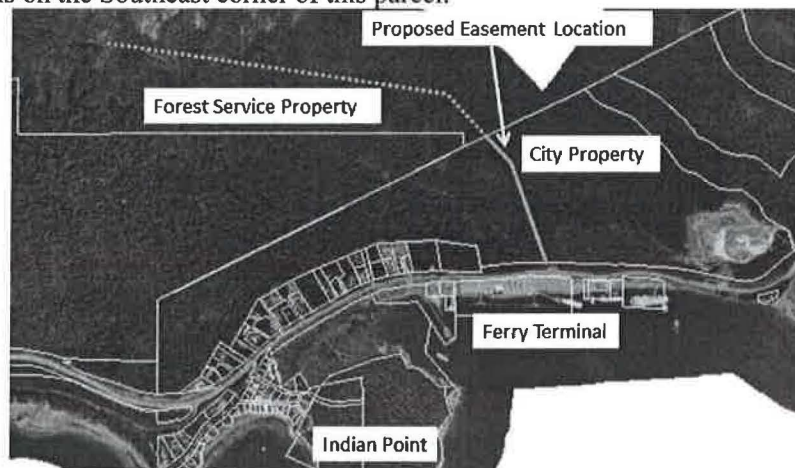
TO: Assembly Lands Committee

FROM: Dan Bleidorn, Deputy Lands Manager

SUBJECT: Rainforest Telecom Request for a Utility Easement

DATE: March 14, 2018

On March 13th, 2018, the Lands office received an application from Rainforest Telecom Inc requesting a utility easement across City property located north of the ferry terminal on the uphill side of Glacier Highway (Attachment A). This 310 acre CBJ property (LND-0201) is also the location of Stabler Rock Quarry, which is on the Southeast corner of this parcel.



Rainforest Telecom Inc. is requesting this easement so that they may place a power and communications cable across City property to serve their existing tower located on Forest Service property. Currently, their tower runs off of a solar generator and a propane powered generator. This easement will allow Rainforest Telecom the ability to provide colocation services to other entities such as KTOO and Juneau EMS. Rainforest Telecom has requested a similar easement across adjacent Forest Service Property as the proposed power and communications cable will also run through their property.

53.09.300 - Easements (d) Assembly action states “upon receipt of the planning commission recommendation, the assembly may, by resolution, authorize the manager to execute the easement under such terms and conditions as are authorized by the assembly.”

By securing Assembly approval for this easement, Rainforest Telecom will be able to provide increased services on their tower.

Staff Recommends the Lands Committee pass a motion of support for the Assembly to grant an easement across City property contingent on a Planning Commission recommendation.



Attachment A





Applicants for an Easement on CBJ Lands

← Go back

Applicant Information

Rainforest

Telecom Inc.

Mailing Address: 3031

Clinton Dr. STE.101

Juneau, Alaska 99801

Legal Representative: Wade McKeown

Phone: (907) 523-2410 **Email:**

wade@rainforesttelecom.com

CBJ Land Information

Site Address: 13010 Glacier Hwy; 13460 Glacier Hwy

Legal Description: USS 3810 LT 1 FR

Map: Map Link

\$15.00 Fee Paid: Yes

Proposal of Usage:

We would like to place a power/communications cable from our tower on the top of Auke Mt. down the hill to the small parking lot across from the ferry terminal. The propose of this cable would be to provide a reliable source of power to run our site. This will allow us the ability to provide colocation services to other entities such as KTOO and Juneau EMS.

Delete Entry

Edit Entry



Attachment A

RECEIVED
APR 16 2018
PERMIT CENTER/CDD

Attachment A

Edward Quinto

From: Dan Bleidorn
Sent: Monday, April 16, 2018 8:47 AM
To: Edward Quinto
Cc: Beth McKibben
Subject: Rainforest Telecom Easement CSP/DPA
Attachments: Signed CSP_DPA.pdf; Easement Location Map.jpeg; Final Memo.pdf; Rainforest telecom Easement Application.pdf

Good morning,

Attached is the CSP/DPS for an easement request across CBJ Land. Let me know if you need any other information.

Thanks,

Dan

Dan Bleidorn | Deputy Manager CBJ Lands and Resources | ph 907.586.0224
[Lands and Resources](#) | Dan.Bleidorn@Juneau.org |



MEMORANDUM

To: William Shattenburg Date: 05/02/2018
From: Quincy Judson HAI Job#: 204-27

Regarding: Auke Mountain Communication Site Power Cable

Per NEC 2017 it is permissible to install MC type cable directly in an exposed application under the following reference:

Article 300: General Requirements for Wiring Methods and Materials
Part II: Requirements for over 1000 Volts, Nominal

Section 300.37: Aboveground Wiring Methods. Aboveground conductors shall be installed in rigid metal conduit, in intermediate metal conduit, in electrical metallic tubing, in RTRC and PVC conduit, in cable trays, in auxiliary gutters, as busways, as cable bus, in other identified raceways, or as exposed runs of metal clad cable suitable for the use and purpose...

Because the Okonite Loxarmor Type MV-90 or MC (with galvanized steel shielding) cable proposed here satisfies the requisite criteria to be listed as MC cable it is suitable for the application of exposed runs. This makes it a suitable choice for the power installation at Auke Mountain in which the cable will be installed in exposed runs.

526 Main Street
Juneau, Alaska
99801

Telephone
(907) 586-9788
Fax
(907) 586-5774

Auke Mt Power line



Rainforest Telecom Inc. would like to install Hybrid Power and Fiber-optic cable from our facility on Auke Mt. and the small parking lot across the street from the Ferry Terminal. The cable will be ground laid and allowed to settle into the forest Floor along the path outlined in red.

COMPACT STRAND CONSTRUCTION



Product Data Section 2: Sheet 21

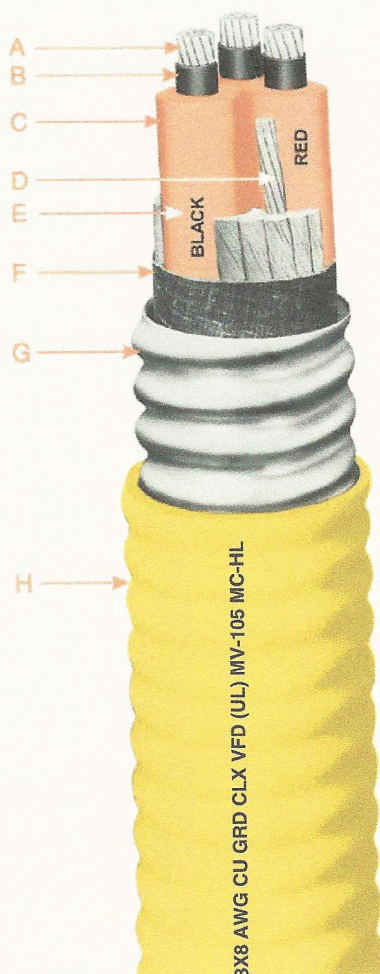


C-L-X® VFD Type MV-90 or MC-HL

2.4 kV Okoguard® Nonshielded Power Cable-Aluminum Sheath 5000V CSA RA90

3 Okopact® (Compact Stranded) Copper Conductors/90°C Rating
100% and 133% Insulation Level

For Cable Tray Use-Sunlight Resistant-For Direct Burial



- A Uncoated, Okopact (Compact Stranded) Copper Conductor
- B Extruded Semiconducting EPR Strand Screen
- C Okoguard (EPR) Insulation
- D Three Copper Grounding Conductors
- E Phase Identification
- F Fillers and Binder Tape
- G Impervious, Continuous, Corrugated Aluminum C-L-X Sheath
- H Jacket- Low Temperature Yellow Okoseal

Insulation

Okoguard is Okonite's registered trade name for its exclusive ethylene-propylene rubber (EPR) base, thermosetting compound, whose optimum balance of electrical and physical properties is unequalled in other solid dielectrics. Okoguard insulation, with the distinctive red color and a totally integrated EPR system, provides the optimum balance of electrical and physical properties for long, problem free service.

Assembly

The Type MV-90 conductors are assembled with fillers and a binder tape into a round core. Three bare stranded copper grounding conductors, located in the outer interstices, is provided for grounding. A continuously corrugated welded aluminum sheath C-L-X encases the cable core. The C-L-X sheath is protected with a low temperature yellow Okoseal® (PVC) jacket. The impervious, continuous, corrugated aluminum C-L-X sheath provides complete protection against moisture, liquids and gases in addition to its excellent mechanical strength. In addition, the aluminum CLX sheath exceeds the equipment grounding requirements of NEC Section 250.118 and 250.122, and can be used as the equipment grounding conductor in non-HL areas. The overall Okoseal (PVC) jacket allows the cable to be direct buried in the ground, embedded in concrete or areas subjected to a corrosive atmosphere.

Applications

C-L-X power cables are recommended as an economical alternate to a wire in conduit system. They are designed specifically for use on feeders and branch circuits in industrial power distribution systems. C-L-X power cables may be installed in both exposed and concealed work, wet and dry locations, direct burial in the earth, or embedded in concrete. They may be installed on metal racks, troughs, in cable trays or secured to supports not greater than 6 feet apart. C-L-X power cables are also approved for Classes I, II and III. Divisions 1 and 2 and Class I, Zones 1 and 2 hazardous locations - NEC Articles 501, 502, 503 and 505.

Medium voltage Non-Shielded cables discharge normally in service when spacing between phases is non-uniform or when phases are in close proximity to a grounded surface.

Specifications

Conductors: Annealed uncoated copper compact stranded per ASTM B-496.

Strand Screen: Extruded semiconducting EPR strand screen meets or exceeds electrical and

physical requirements of ICEA S-96-659/NEMA WC71 and UL 1072.

Insulation: Okoguard meets or exceeds the electrical and physical requirements of ICEA S-96-659/NEMA WC71 and UL 1072.

Phase Identification: Print color code (black, red and blue).

Grounding Conductors: Three uncoated copper Class B in accordance with UL 1072.

Assembly: Cabled with fillers and ground wires, in the interstices, binder tape overall.

Sheath: Close fitting, impervious, continuous, corrugated aluminum C-L-X per UL 1072. C-L-X is recognized as a grounding conductor by NEC.

Jacket: A low temperature sunlight resistant, yellow PVC jacket in accordance with UL 1072. Other color jackets are available. UL Listed as type MV-90 or MC-HL, sunlight resistant, for use in cable tray, and for direct burial in accordance with UL 1072 and 2225.

Product Features

- Tandem extruded, all EPR system.
- Complete prepackaged, color coded, factory tested wiring system.
- Okoguard C-L-X cables meet or exceed electrical and physical requirements of all recognized industry standards (UL, AIEC, NEMA/ICEA, IEEE).
- Passes the vertical tray flame test requirements of IEEE 383 and 1202, UL 1072, ICEA T-29-520(210,000 BTU/hr.)
- Complies with NEC Articles 300.50 and 310.10(F) for direct burial.
- Complies with NEC Articles 501, 502, 503 and 505 for hazardous locations.
- Continuous sheath provides grounding safety.
- Excellent corona resistance.
- Exceptional resistance to "treeing."
- Stress cones not required.
- Minimum installation temperature of -40°C.
- Three symmetrical grounding conductors with the CLX sheath provide a superior low resistance return path for VFD and other modern ac drive/motor applications.
- ABS listed as CWCMC Type MC-HL.
- CSA listed as RA90, FT4, SR, HL, -40°C and 5000V.

C-L-X VFD Type MV-90 or MC-HL

2.4 kV Okoguard Nonshielded Power Cable-
Aluminum Sheath — 5000V CSA RA90



Product Data Section 2: Sheet 21

3 Okopact® (Compact Stranded) Copper Conductors/90°C Rating
100% and 133% Insulation Level

For Cable Tray Use-Sunlight Resistant-For Direct Burial

Okoguard Insulation: 90 mils (2.29mm)

Catalog Number (1)	Conductor Size (AWG/kcmil)		Conductor Size - mm²	Approx. Diameter over Insulation (in.)	Grounding Conductors No. x Size (AWG/kcmil)		Approx. Core O.D. - Inches		C-L-X O.D. - mm		Jacket Thickness mils		Jacket Thickness mm		Approx. O.D. - Inches		Approx. O.D. - mm		Approx. Net Weight lbs./1000'		Approx. Ship Weight lbs./1000'		Ampacities In Air (2)		Ampacities Cable Tray (3)		Ampacities Direct Burial (4)	
With Yellow Okoseal Jacket																												
571-21-3193	8	8.4	0.36	3x12	0.77	19.6	0.97	50	1.27	1.08	27.4	565	630	59	52	85												
571-21-3196	6	13.3	0.39	3x10	0.85	21.6	1.06	50	1.27	1.17	29.7	740	820	79	69	105												
▲ 571-21-3200	4	21.2	0.44	3x10	0.97	24.6	1.19	50	1.27	1.30	33.0	960	1050	105	91	135												
▲ 571-21-3204	2	33.6	0.50	3x10	1.10	27.9	1.34	50	1.27	1.45	36.8	1270	1470	140	125	180												
571-21-3208	1	42.4	0.52	3x8	1.16	29.4	1.42	50	1.27	1.53	38.9	1520	1660	160	140	200												
571-21-3212	1/0	53.5	0.56	3x8	1.23	31.2	1.51	60	1.52	1.65	41.9	1835	1980	185	165	230												
▲ 571-21-3217	2/0	67.4	0.60	3x8	1.33	33.8	1.60	60	1.52	1.73	43.9	2160	2325	215	190	260												
▲ 571-21-3224	4/0	107.0	0.70	3x7	1.53	38.9	1.83	60	1.52	1.96	49.8	3075	3340	285	255	335												
571-21-3228	250	127.0	0.75	3x6	1.64	41.7	1.96	60	1.52	2.09	53.1	3470	3725	320	280	365												
▲ 571-21-3236	350	177.0	0.85	3x6	1.86	47.2	2.19	60	1.52	2.32	58.9	4705	5265	395	350	440												
▲ 571-21-3244	500	253.0	0.96	3x5	2.10	53.3	2.45	75	1.91	2.61	66.3	6405	6965	485	425	530												
571-21-3248	750	380.0	1.14	3x4	2.51	63.8	2.93	75	1.91	3.10	78.7	9220	9980	615	525	650												
571-21-3252	1000	507.0	1.29	3x4	2.90	73.7	3.41	85	2.16	3.59	91.2	12075	13155	705	590	730												

Okonite's web site, www.okonite.com contains the most up to date information.

▲ **Authorized stock item.** Available from our Customer Service Centers.
Copper or bronze and non-jacketed C-L-X is available on special order.

Jackets

Optional jacket types available - consult local sales office.

Aluminum Conductors

(1) Aluminum conductors are available on special order.

Ampacities

(2) Ampacities are in accordance with Table 310.71 of the NEC for an insulated three conductor cable, isolated in air, with a conductor operating temperature of 90°C and an ambient air temperature of 40°C.

(3) Ampacities are in accordance with Table 310.75 of the NEC for a three conductor Type MV-90 or MC cable installed in uncovered cable tray in accordance with Section 392.13 of the NEC with a conductor operating temperature of 90°C and ambient air temperature of 40°C. Where the cable tray is covered for more than six feet with solid unventilated covers, the ampacities shall not be more than 95% of the values shown above.

(4) Ampacities are in accordance with Table 310.83 of the NEC for an insulated three conductor cable directly buried in the earth with a conductor operating temperature of 90°C, ambient earth temperature of 20°C, 100% load factor and thermal resistance (RHO) of 90.

Refer to the NEC, IEEE/ICEA S-135 Power Cable Ampacity Tables, or the Okonite Engineering Data Bulletin for installation in duct banks, other ambient temperatures, circuit configurations or installation requirements.

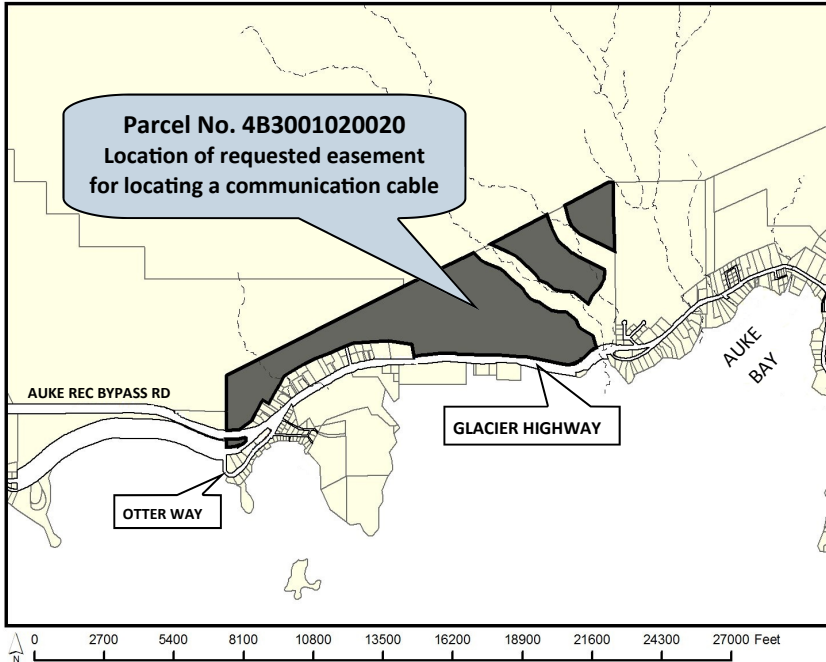
C-L-X® The Okonite Company

N/17040221

THE OKONITE COMPANY
Ramsey, New Jersey 07446

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **City Project in a rural reserve zone** to **provide an easement across CBJ property** north of the Ferry Terminal in order to **locate a power and communication cable** to serve a Rainforest Telecom tower.

TIMELINE

Staff Report expected to be posted Monday, June 4, 2018 at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 21, 2018

Comments received during this period will be sent to the Planner, **Jill Maclean** to be included in the staff report.

May 22 through 12 noon, Friday, June 8

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, June 12, 2018

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

June 13

The results of the hearing will be posted online.

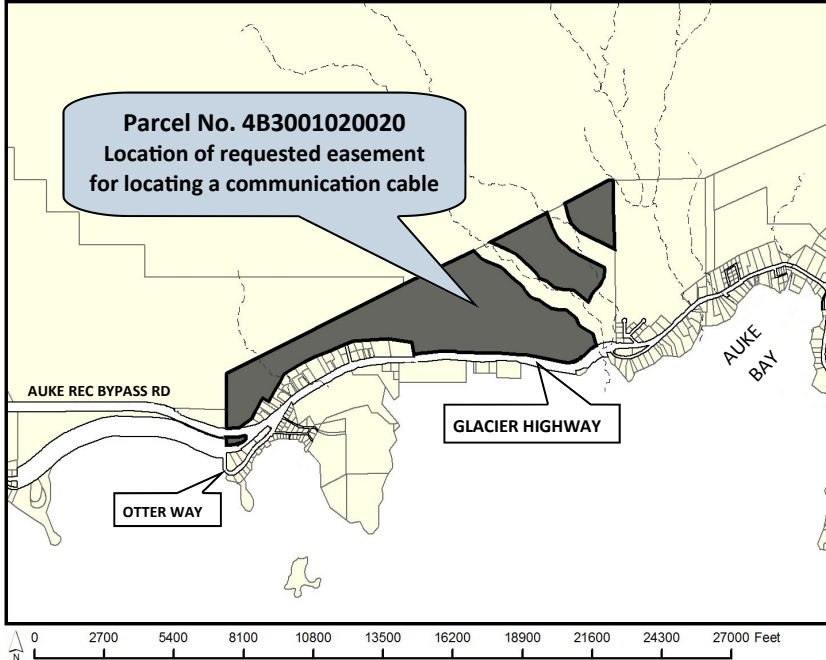
Phone: **(907)586-0715** ♦ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed May 14, 2018

Case No.: CSP2018 0005
Parcel No.: 4B3001020020
CBJ Parcel Viewer: <http://epv.juneau.org>

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Your Community, Your Voice



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Printed May 14, 2018

Case No.: CSP2018 0005
Parcel No.: 4B3001020020
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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: June 12, 2018
File No.: CSP2018 0005

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a City Project in a rural reserve (RR) zone to provide an easement across CBJ property north of the Ferry Terminal in order to locate a power and communication cable.

Property Address: 13010 Glacier Highway

Legal Description
or ROW name: USS 3810 Lot 1, Fraction

Parcel Code No.: 4B3001020020

Hearing Date: June 12, 2018

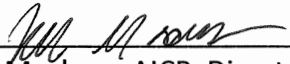
The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 29, 2018, and recommended that the CBJ Assembly approve the easement to locate a power and communication cable across CBJ property (USS 3810 Lot 1, Fraction).

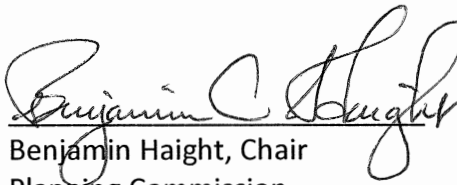
Attachments: May 29, 2018 memorandum from Jill Maclean, AICP, Director of Community Development, to the CBJ Planning Commission regarding CSP2018 0005.

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).

City and Borough of Juneau
CBJ Assembly
File No.: CSP2018 0005
June 12, 2018
Page 2 of 2

Project Planner:


Jill Maclean, AICP, Director
Community Development Department


Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

June 13, 2018

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 CBJ 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.



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: May 29, 2018

TO: Planning Commission

FROM: Laurel Bruggeman, Planner
Community Development Department *Laurel Bruggeman*

FILE NO.: CSP2018 0007

PROPOSAL: A City Project to review the sale of city property to Alaska Legacy Partners.

GENERAL INFORMATION

Applicant: City and Borough of Juneau

Property Owner: City and Borough of Juneau

Property Address: 9290 Hurlock Avenue

Legal Description: Fraction of USS 381

Parcel Code No.: 5B1601020230

Site Size: 36,122 sq. ft.

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential

Zoning: D5

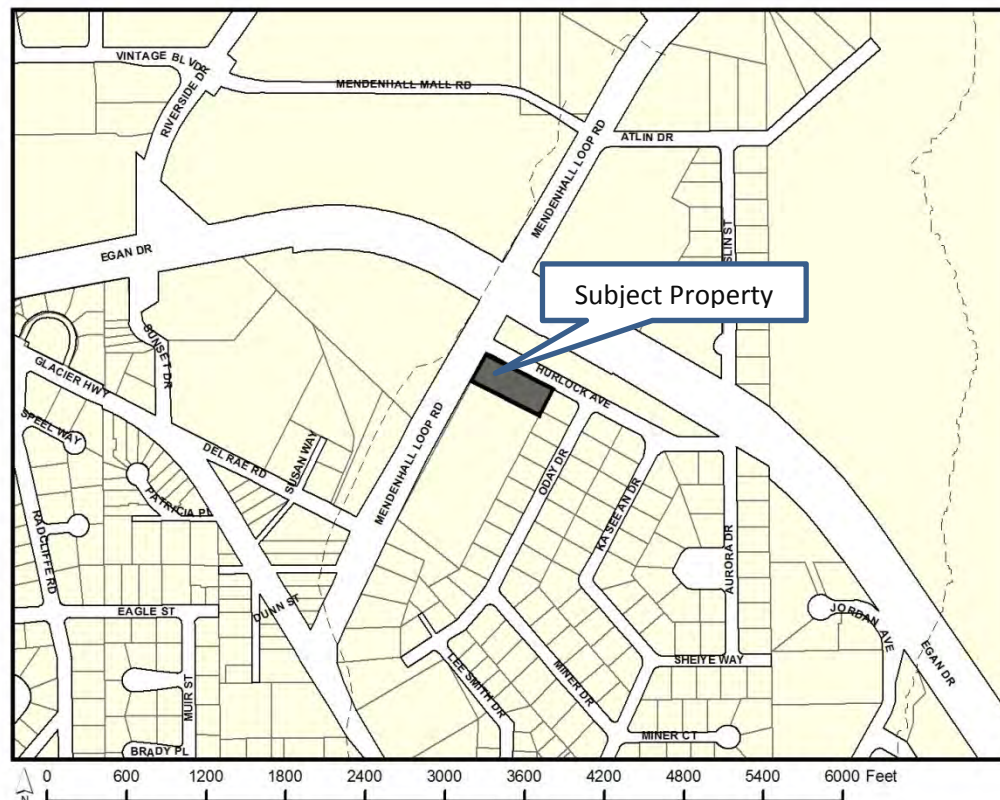
Utilities: City water and sewer

Access: CBJ right of way – Hurlock Avenue

Existing Land Use: Vacant – Previously Juneau Youth Services, Cornerstone Campus

Surrounding Land Use:
North - Egan Drive
South - D5 - Pipeline Skate Park on CBJ property
East - D5 Residential – Single family homes
West - Mendenhall Loop Road

VICINITY MAP



ATTACHMENTS

- Attachment A: Project Application Packet
- Attachment B: April 16, 2018 Assembly Committee of the Whole Minutes
- Attachment C: Flood Hazard Map

PROPOSAL

CBJ would like to sell one lot located at 9290 Hurlock Avenue to Alaska Legacy Partners, who intend to develop existing buildings into a 16-18 bed assisted living and memory care facility on the subject property (see Attachment A).

BACKGROUND

The subject property was developed in the 1960's and has been municipally owned and leased to Juneau Youth Services (JYS) since that time. It has housed a children's receiving home, a youth educational services facility, and an emergency shelter. JYS vacated the property in December of 2017.

After CBJ received written notice from JYS of their intention to vacate the property, the Lands & Resources Committee approved the solicitation of letters of interest from the community for

future uses of the subject property. In January of 2018, the Land and Resources Division housed an open house for interested organizations and community input. Shortly after, six organizations submitted applications to take over the property. In February two meetings were held by the Lands and Resources Committee to hear testimony from the applicants and the public. The Lands and Resources Committee then presented the Assembly with two options for the property. Following these meetings, and after a thorough review, the Assembly Committee of the Whole decided at their April 16, 2018 regular meeting that selling the property to Alaska Legacy Partners would be the best option for the property (see Attachment B).

AGENCY REVIEW

Staff contacted CBJ Engineering/Public Works, Fire, Parks and Recreation, Streets, Water, Wastewater, Lands & Resources, Law, the Alaska Department of Environmental Conservation, Alaska Department of Natural Resources, Alaska Department of Fish and Game, and AEL&P. Staff received no comments of concern with the sale of the subject property. Additionally, there were no recommendations from the agencies contacted regarding conditions of the sale.

PUBLIC COMMENTS

CDD Staff received no public comments regarding the sale of the subject property. Lands & Resources received comments during the public process discussed in the background of this report. Those comments primarily pertained to the future use of the parcel, not specifically whether it should be leased or sold.

ANALYSIS

The Planning Commission is required to review the disposal of CBJ Property per CBJ 49.10.170(c):

City and borough land acquisitions, disposals and projects. The commission shall review and make recommendations to the assembly on land acquisitions and disposals as prescribed by title 53, or capital improvement project by any City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.

Additionally, CBJ 53.09.260(b) requires Planning Commission review of negotiated sales, leases, and exchanges of CBJ property:

Planning commission review, final assembly approval. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, and after review by the planning commission and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, or exchange or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance

enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

CBJ 49.25.300 Table of Permissible Uses lists assisted living facilities as a permissible use within a D5 zoning district with an approved Conditional Use Permit (CUP). While issuance of the CUP required by this title is not pertinent to the sale of the subject property, it is important to note the intended future use of the property may be restricted by conditions of the CUP and that the use as an assisted living facility will only be allowed after the issuance of the CUP from the Planning Commission at a later date.

Conformity with Adopted Plans

2013 Comprehensive Plan

The sale of the subject property to Alaska Legacy Partners for the development of an assisted living facility is consistent with the following policies of the Comprehensive Plan:

POLICY 4.1: TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ RESIDENTS.

*Standard Operating Procedure 4.1 - SOP1: **Fund, or assist in securing funding for, emergency shelters, transitional housing, permanent supportive housing, and appropriate supportive services for people who are homeless or near homeless or rent overburdened, particularly families and unaccompanied youth, and an increasing aging population** (emphasis added).*

POLICY 4.2: TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.

POLICY 13.3: TO PROMOTE QUALITY MEDICAL AND SOCIAL SERVICES IN THE CBJ TO ENSURE THE SAFETY, HEALTH, WELL-BEING AND SELF-SUFFICIENCY OF ITS RESIDENTS.

POLICY 17.1: TO COORDINATE DEVELOPMENT ACTIVITIES OF THE PRIVATE AND PUBLIC SECTORS FOR PROJECTS THAT ARE CONSISTENT WITH THE COMPREHENSIVE PLAN AND MEET IMPORTANT PUBLIC NEEDS.

POLICY 17.2: TO HOLD CERTAIN LANDS IN THE PUBLIC TRUST, AND TO DISPOSE OF CERTAIN LANDS FOR PRIVATE USE WHEN DISPOSAL SERVES THE PUBLIC INTEREST

17.2 - SOP4: Base decisions regarding disposal of CBJ-owned lands on demonstrated market demand and evidence that disposal will be in the public interest and, particularly, for projects that would provide affordable housing or that would create jobs that pay a living wage.

2016 Lands Management Plan

There are 4 goals identified in the 2016 CBJ Land Management Plan:

- *Continue the land disposal program which systematically places CBJ land into private ownership.*
- *Provide direction on the best use of CBJ owned land for both development and preservation.*
- *Conduct CBJ land disposals in a manner that promotes compact urban growth and efficient expansion of municipal utilities and services.*
- *Maintain the Land Management Plan as required under CBJ§53.09.180 as a comprehensive reference document, updated every two years, that establishes CBJ land management policy and provides a framework for developing regulations concerning CBJ property.*

CBJ 53.09.010 Land Management Policies are also referenced within the CBJ Lands Management Plan:

*It is the policy of the City and Borough to manage its real property as a municipal resource and to use, **retain and dispose of both improved and unimproved land to realize the maximum benefit of the municipality and its residents**, including encouraging beneficial private economic activity and facilitating the provision of public services, guiding a rational growth pattern, preserving land for public and private use for present and future generations of City and Borough residents, meeting the need of City and Borough residents for private ownership, and stabilizing land values without making land available for purposes of speculation” (emphasis added).*

According to the Land Management Plan the subject property for sale should be “retained.” At the time of this designation Juneau Youth Services had no intent to vacate the property. In November of 2017 Juneau Youth Services notified CBJ that they would be vacating the property at the end of 2017. Due to the change in circumstances the Lands & Resources Division reevaluated the status of the property and determined that it should be disposed, not retained. Disposal of the subject parcel is consistent with the first 3 goals of the Land Management Plan, listed above.

Per CBJ 53.09.200(b) an ordinance will be drafted and presented to the Assembly with the terms of the sale of the subject parcel. The Lands Division Manager has indicated that this ordinance may contain a requirement that the retention status of the parcel be changed in the Land Management Plan from “retain” to “dispose.”

2015 Juneau Economic Development Plan

The Juneau Economic Development Plan identifies seniors as important members of Juneau’s community and has established ways to help build the senior economy:

Goal: Facilitate development of services and facilities necessary for residents to comfortably and affordably retire in Juneau. In this way, Juneau seniors can continue to participate in the economy and contribute to the community.

Action 1-B: Identify public/private partnerships, including those to provide land for assisted living development in the community (emphasis added).

2016 Housing Action Plan

The Juneau Housing Action Plan identifies senior housing as a community need. One of the goals of the plan is to construct 900 new senior housing independent living units, assisted living units, and step-down single family housing units over the next 30 years. One way the plan identifies to implement this goal is to “make CBJ land available for senior housing projects”. The sale of the subject property for the development of senior housing is consistent with this goal of the Housing Action Plan.

Habitat

There are no habitat concerns on the subject property.

Flood Hazard Zones

Most of the subject parcel is in Zone X (0.2 PCT ANNUAL CHANCE FLOOD HAZARD), however roughly 30 feet of the property, from the west lot line inward, is in Zone AH, EL 28.5 Feet (see Attachment C). According to CBJ 49.70.400(d)(2) certain construction materials and methods may be required for new construction or significant renovations within the AH Flood Zone. These requirements will be addressed during the building permit review process if/when the buildings are remodeled.

FINDINGS

Staff finds the sale of the subject property to be consistent with Title 49 and CBJ adopted plans, specifically the 2013 Comprehensive Plan, 2015 Economic Development Plan, and the 2016 Housing Action Plan. The sale will be consistent with the 2016 Land Management Plan if the “retention” status of the parcel is amended to “dispose”, as listed in the condition below.

RECOMMENDATION

Staff recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval to dispose of the CBJ property located at 9290 Hurlock Avenue with the following condition:

- The “retention” status of the subject parcel be changed to “dispose” in the Land Management Plan.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>4/30/18</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Alaska Legacy Partners has requested to purchase the City owned property at 9290 Hurlock Ave. Their application was received through a request for proposals and was reviewed by the COW on 4/16/18. City code 53.09.260 states that disposals (sale or lease) need to be reviewed by the Planning Commission.		
	PROPERTY LOCATION		
	Street Address 9290 Hurlock Ave	City/Zip Juneau/99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 381 FR		
	Assessor's Parcel Number(s) 5B1601020230		
	LANDOWNER/ LESSEE		
	Property Owner's Name City and Borough of Juneau, Div. of Lands	Contact Person: Dan Bleidorn	Work Phone: 586-0224
	Mailing Address 155 S. Seward street	Home Phone:	Fax Number:
	E-mail Address Dan.Bleidorn@Juneau.org	Other Contact Phone Number(s): 586-5252	
	PROJECT / APPLICANT	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 <u>Daniel Bleidorn</u>		04/27/2018	
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 Same		Contact Person:	Work Phone:
Mailing Address		Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):		
X _____		_____	
Applicant's Signature		Date of Application	

-----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		<u>4/30/18</u>	<u>CS218-007</u>	
		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				
		Other (Describe)				
	***Public Notice Sign Form filled out and in the file.					
	Comments:					Permit Intake Initials <u>ANE</u>

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

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number CSP	Date Received
----------------	------------------------------	--------------------	---------------

TYPE OF PROJECT REVIEW:

☒ City Project Review
 ☐ City Land Acquisition /Disposal
 ☐ State Project Review

DESCRIPTION OF PROJECT

Alaska Legacy Partners has requested to purchase the City owned property at 9290 Hurlock Ave. Their application was received through a request for proposals and was reviewed by the COW on 4/16/18. City code 53.09.260 states that disposals (sale or lease) need to be reviewed by the Planning Commission.

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

CURRENT USE OF LAND OR BUILDING(S):

Currently the building are empty, this is the site of the former Juneau Youth Services Cornerstone Facility. See attachments for Alaska Legacy partners application to purchase this property.

PROPOSED USE OF LAND OR BUILDING(S):

Assisted living

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☐ No ☐ Yes Case No.: _____

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: \$ _____

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.

CITY/STATE PROJECT FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 9			
Total Fee	\$			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM &

EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS APPLICATION MUST BE FILLED OUT

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

April 16, 2018, 6:00 PM.

Assembly Chambers - Municipal Building

Assembly Work Session - No Public Comment



I. ROLL CALL

Mayor Ken Koelsch called the meeting to order at 6:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Rob Edwardson, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Beth Weldon, Mary Becker(telephonic).

Assemblymembers Absent: Jerry Nankervis, Maria Gladziszewski

Staff present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, City Attorney; Beth McEwen, Deputy Clerk; Greg Chaney, Lands Manager; Dallas Hargrave, HR/RM Director; Bob Bartholomew, Finance Director; Michele Elfers, Recycleworks/Chief Landscape Architect.

II. APPROVAL OF AGENDA

Approved as presented.

III. APPROVAL OF MINUTES

A. March 7, 2018 Committee of the Whole Minutes

MOTION by Mr. Edwardson to approve the minutes with minor corrections. *Hearing no objections, the minutes were approved as corrected.*

IV. AGENDA TOPICS

A. Mining Ordinance Review

Ms. Mead said the information provided to the Assembly in the packet reflected her work based upon the direction of the Assembly Mining Subcommittee. The committee unanimously approved moving the ordinance to the Planning Commission for its review and consideration and granted her the authority to bring forward two significant potential changes, one to the financial warranty section and one to the reclamation section. She has also brought forward changes to mesh the CBJ ordinance with state law, and that work is underway.

Mr. Gregory reported that the Mining Subcommittee moved forward with Ms. Mead's recommendations.

MOTION by Gregory, that the Mining Subcommittee forward the draft ordinance to the Planning Commission's Title 49 committee for review and approval, and to authorize the attorney to further provide changes to mesh the CBJ ordinance with state and federal law, and to return the ordinance to the Committee of the Whole for further consideration.

Mr. Edwardson asked what "meshing" with state and federal law meant.

Ms. Mead said she contacted two state attorneys who primarily work on mining issues with the State of Alaska and they were in the middle of a process with Fairbanks to better align

Ms. Becker had questions about the hotel tax funding and its relation to this agreement and expressed concerns about how that can create a "revenue neutral" situation.

Ms. Cosgrove said the intent is to make sure the funding available is largely the same pots of money available now and it fulfills the same purpose for the community. The long term hope is that the facility use will increase and the method of operation is cost effective.

Mayor Koelsch asked if the JAHC would maintain the same rules in place currently that are imposed for use of the facility by the Centennial Hall staff. Ms. Cosgrove said the intent would be to look at policies and fee structures and make recommendations. The fee structure would need to be approved by the manager's office.

Mr. Watt said management of the "campus" by one operator, the JAHC, made sense. He would like to set this in motion and make it happen and there will be continued discussion on an ongoing basis, particularly during the budget sessions, about the agreement.

Hearing no objection, the motion carried.

C. Hurlock Property

Mr. Watt spoke about the Assembly's work to determine a future use for this property. The building will require some renovation. The COW asked for more information from Alaska Legacy Partners and Gehring Preschool and that information was included in the packet. He said the Alaska Legacy Partners submission has more economic "meat," the budget is more thought out and they are more likely to be successful. It will be difficult, but compared to the child care proposal, it stands a greater chance of success. Child Care is economically difficult in the best of circumstances and the COW determined sale of the property was the best approach, so that would make the child care proposal difficult. Mr. Watt said the Assembly received a letter in the mail from the Juneau Homeless Coalition in favor of the Polaris House proposal. His recommendation would be with Alaska Legacy Partners for senior housing.

The Assemblymembers discussed their thoughts on the proposals.

***MOTION** by Weldon to direct staff to draft an ordinance for the sale of the Hurlock property to Alaska Legacy Partners and to return that ordinance to the Assembly at a future date.*

Roll call:

Aye: Becker, Edwardson, Gregory, Weldon, Koelsch

Nay: Jones, Kiehl.

Motion carried, 5 ayes, 2 nays.

D. Recycleworks Program - Verbal Update

Mr. Watt provided a verbal update of the Recycleworks Program. Staff has been meeting and trying to figure out the ways in which to evolve the program and negotiate options with the Brewery. There are two new issues:

1) Waste Management has approached the city and proposed that they manage both the household hazardous and recycling on their property. This issue will be discussed at a future COW meeting.

2) Staff is looking at the way we collect fees for the program and how the revenue is collected and allocated. This issue will be discussed at a future Finance Committee meeting.

The Assembly and staff discussed related issues and no action was taken.

V. EXECUTIVE SESSION

Edward Quinto

From: Dan Bleidorn
Sent: Friday, April 27, 2018 12:15 PM
To: Edward Quinto
Cc: Greg Chaney
Subject: City disposal of 9290 Hurlock Ave_CSP/DPA
Attachments: 04_16_2018_COW minutes_Hurlock.pdf; City_State_Project_Review_Application.pdf; DEVELOPMENT_PERMIT_APPLICATION.pdf; Alaska Legacy Partners Application.pdf; Cornerstone Floorplans 11.8.08 newer.jpg; Hurlock Property - ALP Question Response - 4-10-18.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello Eddie,

Attached is the CSP/DPA for the disposal of CBJ property located at 9290 Hurlock Ave. the former JYS Cornerstone Facility

I believe this will need Planning Commission review and comments. I've also attached other information that could be useful for this review.

Thanks,
 Dan

Dan Bleidorn | Deputy Manager CBJ Lands and Resources | ph 907.586.0224
[Lands and Resources](#) | Dan.Bleidorn@Juneau.org |



January 12, 2018

CBJ Purchasing Division
Land Manager

RE: 9290 Hurlock Ave. Application & Letter of Intent

To Whom It May Concern:

As you're probably aware Juneau is in dire need of senior support services, specifically assisted living and memory care facilities. New construction from the private sector to fill this need has not yet materialized and demand continues to increase. We are proposing a 16 to 18 bed memory care facility that will help alleviate this much-needed sector in Juneau. We are requesting a lease similar to JYS whereby our annual rent payment is waived for the initial 5 year term with an additional 5 year renewal option. If significant progress has not been made to open the facility during the first 12 months then the city can cancel the lease. Since we will have a significant amount of money invested into renovations and improvements, once the project reaches stabilization, which we believe is 18-36 months, we would like an option to purchase the property for \$1 (one dollar).

In return for the below market value lease, we are prepared to solve a portion of the memory care needs for the community, invest to upgrade the facility (see Exhibit A), and use this operation to accurately forecast market demand with the goal of developing additional properties and increasing supply levels. We currently own several acres of developable land, but until someone sees a successful operation the risk of a major new development is high. Under our plan, the Hurlock site will be used as a great low risk entry point to gauge actual demand. According to the market research report done by Salus, Juneau is currently underserved in memory care by 61 beds and the need is growing by 6 beds per year for the next 3 years. It is our thought, that we do not have to convince the city of the need as CBJ has entertained financially securing a future development. Our initial site planning suggests, the Hurlock site will allow for a fully functioning 16-18 bed memory care facility with space for commercial kitchen, offices, nurses, safe recreation, dining, medication, secure gardens, and more.



It is our belief that this is in the best interest of the community and is a very low risk option for CBJ to assist with senior facility development. We plan to use an experienced / qualified operator such as Village Concepts from Auburn, Washington or Milestone Retirement Communities from Vancouver, Washington. There are well over 5 operators from which we can choose and all of them have over 20 year's experience managing multiple properties with excellent reputations in memory care management.

Our staffing levels will be inline with national averages of 1 caregiver per 6-7 residents. The goal is to use registered certified nursing assistants from UAS. Currently, UAS graduates about 35 CNA's every 12 months, and anticipates at least 30 this year.

Our firm, a Juneau owned and operated company, is currently in the market to assist with senior based real estate development. Specifically, Alaska Legacy Partners (ALP) was formed for the purpose of supporting, investing, and preserving Alaska's legacy, with a focus on job creation within our community. We see no better way to further that mission than by focusing on the senior market and the aging demographic in Southeast. Having been born and raised in Juneau, ALP principals have a real connection to the community and want to help preserve that sense of community for our children.

Alaska Legacy Partners recently purchased the UAS bookstore building in Auke Bay next to Squirez (www.thejettyak.com) for more than \$2M. The building is a 10,000 square foot facility on 2.43 acres and we have an experienced team already assembled for property maintenance and management, so adding Hurlock Ave to the pipeline is an easy plug and play scenario.

Alaska legacy Partners will not be seeking 3rd party financing to complete the planned improvements. The \$850,000 budget will be financed wholly by it's members.



References

Kelly Pajinag - 907-382-4767 – Director of Home Care and Hospice for Multi-Care Health System in Tacoma, WA with annual revenue of \$2 billion.

Walter Moser – 619-231-2132 – Director of food and beverage for Continuing Life a 600 person continuum of care facility for seniors in San Diego, CA

John Williams – 907-790-6655 – Owner JRE Real Estate

Consultancy Group

Village Concepts or another group will be engaged from a consultant standpoint to ensure regulatory compliance, accessibility requirements, and management of the facility.

BIO's

Garrett Schoenberger

Co-Founder

Garrett is an accomplished real estate professional with over \$200MM in transaction volume over his career. After graduating from Arizona State University in 2004 with a business degree, Garrett started his journey working as an industrial broker for Grubb & Ellis, a commercial real estate brokerage out of Phoenix, AZ. While there, he completed over \$39MM in lease and sale transactions ranging from 1,000 square feet to 250,000 square feet. He provided transaction services to 51 clients on assets totaling 2.5 million square feet and represented institutional clients such as First Industrial Realty Trust, the City of Mesa, and Reliance Companies.

Prior to forming Alaska Legacy Partners, Garrett served as Director of Acquisitions for Curtis Capital Group, a private equity syndicate based out of Bellevue, WA. Over those five years Garrett acquired 12 multifamily properties across five states. The total consideration of those properties was over \$161MM. Primary responsibilities included sourcing, underwriting, negotiating, and executing business plans on value-add



multifamily properties across the country. Garrett is a proud Alaskan and is happy to be back in his home state.

Paul Simpson
Co-Founder

Paul is an accomplished entrepreneur who has founded and grown three companies to combined annual revenues of over \$25MM and 160 employees. 18 months ago, Paul decided to step back from daily roles with each of his companies and look for opportunistic business acquisitions. His latest venture Bantamconnect.com is a insurance based company based in Sacramento, California. In December 2017, he sold BC to a prominent firm in Seattle, Washington. Paul served as chairman of the board and negotiated all facets of the deal from initial funding to acquisition.

Prior, Paul served as CEO of Zoom Health Insurance, one of the fastest growing online and call center backed health insurance brokerages in the country, writing \$2MM of annual premiums per week and 30,000 insurance policies in it's first 12 months. Zoom later merged with a successful insurance operation out of Cleveland, Ohio where Paul worked to transition the functions of the company from California to Ohio as it's Managing Partner and Chief Marketing Officer.

With a strong track record of taking companies from incubation to maturation, Paul attributes his success to a total devotion to strategic execution, original entrepreneurial thinking, and intense customer focus. He prides himself on being innovative and pragmatic with a focus on motivating teams to achieve fast, measurable results. Outside of work, Paul and his wife Ashley have two little girls Poppy and Margo who enjoy playing in the southeast rain forest and combing the beaches.

You can reach me on my cell (949-244-2924). Also, please know that I'd be happy to fly out to talk with you in person.

I hope to hear from you soon.

Sincerely,

-Paul



Paul Simpson
Managing Principal
Alaska Legacy Partners
paul@alaskalegacypartners.com



Garrett Schoenberger
Managing Principal
Alaska Legacy Partners
garrett@alaskalegacypartners.com

Negotiated Sale or Lease of 9290 Hurlock Ave (Cornerstone Campus)

- ordinance approved by the Assembly.
- The Assembly motion will be reviewed by the Planning Commission prior to the Assembly public hearing and the ordinance adoption process.
- CBJ Planning Commission comments will be forwarded to the Assembly with the authorizing ordinance.
- Once approved by ordinance, terms of the negotiated sale or lease will be executed.

To better understand the City and Borough of Juneau's public process, please consult CBJ Code CBJ§53.09.260 - CBJ§53.09.270.

Application Checklist

Check all items that you have included with this application:

- ☒ Letter of Interest
- ☒ Completed Application
- ☒ List of References
- ☒ \$500 Non-Refundable Application Fee

Negotiated Sale or Lease of 9290 Hurlock Ave (Cornerstone Campus)

1. Property Information

Property Owner: City and Borough of Juneau
 Property Addresses: 9290 Hurlock Avenue, Juneau, Alaska 99801
 Legal Descriptions: Fraction of U.S.S. 381

Parcel Code No.: 5-B16-0-102-023-0

Site Sizes: 36,122 square feet

Zoning: D5
 Utilities: CBJ Water and Sewer Services
 Access: Hurlock Avenue
 Existing Land Use: Juneau Youth Services, Cornerstone Campus will vacate the site on December 31st, 2017. The main building and 3 outbuildings total 6,400 square feet of living area. There is also enough gravel parking for roughly 20 vehicles.

Surrounding Land Use:
 North: Egan Drive
 South: Renninger Skate Park (City Parks & Recreation)
 East: Residential
 West: Mendenhall Loop Road

2. APPLICANT IDENTIFICATION

Legal Entity: ☐ Non-profit ☐ Ltd./General Partnership ☐ Corporation
☒ LLC ☐ Individual ☐ Other (Describe):
 Applicant's Federal I.D. (if applicable): TBD

Applicant Name/Title: Alaska Legacy Partners LLC
 Mailing Address (Street/City/State/Zip): 2780 Fritz Cove Road, Juneau, AK 99801
 Contact Name/Title: Paul Simpson / Managing Member
 Phone: 949.244.2924
 Fax: N/A
 Email: paul@alaskalegacypartners.com

Applicant Name/Title: Alaska Legacy Partners LLC
 Mailing Address (Street/City/State/Zip): 2780 Fritz Cove Rd., Juneau, AK 99801
 Contact Name/Title: Garrett Schoenberger / Managing Member
 Phone: 602.790.6144
 Fax: N/A
 Email: garrett@alaskalegacypartners.com

Please provide applicant identification for each person or entity that has a financial interest in this application. Attach a separate sheet if needed.

Negotiated Sale or Lease of 9290 Hurlock Ave (Cornerstone Campus)

3. APPLICANT EXPERIENCE

Provide a description of your real estate and/or facility management experience. Be sure to highlight any projects or programs with buildings similar in scale to this facility. List any past or current development projects or programs that involved the sale of CBJ land or that included CBJ financial assistance. Please provide your organization's relevant building maintenance experience. In the description, please include profiles, resumes, and references for key development team members. (Attach additional sheets if necessary.)

see Attached documentation

Note: Any applicant participating in a City Land Disposal or Lease must be an individual 18 years of age or older at the time of registering for the sale; or a business, licensed to conduct business in the State of Alaska. CBJ Code- Title 53.09.200(g)

Negotiated Sale or Lease of 9290 Hurlock Ave (Cornerstone Campus)

4. PURCHASE AND LEASE PROPOSAL

☒ Purchase

☒ Lease

Proposed purchase price: option

Proposed lease price: \$0 / ~~year~~

*Market Value is currently being determined by City-ordered appraisal. This information will be made available on the CBJ Lands and Resources Division Land Disposal website once the appraisal is completed.

See letter of intent

If proposing less than fair market value per CBJ\$53.09.270, please provide justification that the facility will be used solely for the purpose of providing a service to the public which is supplemental to a governmental service or is in lieu of a service which could or should reasonably be provided by the State or the City and Borough of Juneau.

Justification: (attach additional sheets as needed)

— See Attached letter of intent / Exhibits

Project Narrative: Write a description of the project. Please provide details about timing and schedule, scope of work, intended end-users, number of people to be served, financing, and budget. (Attach additional sheets if necessary.)

Negotiated Sale or Lease of 9290 Hurlock Ave (Cornerstone Campus)

5. SIGNATURE

I, the undersigned, affirm that the information I have provided in this application is true and complete to the best of my knowledge.

I/we, am/are authorized to apply for purchase of property from the City and Borough of Juneau on behalf of the applicant.

I/we certify that we are in good financial standing with the City and Borough of Juneau.

By signing and delivering this application I/we hereby waive any rights to object to or prevent the disclosure to the public of the contents of the application as it progresses through the CBJ public review process.

Signature  Date 1/16/18

Printed Name:

Title:

Applicant:

Signature  Date 1/16/18

Printed Name: Garrett Schoenberger

Title: Managing Member

Applicant: Alaska Legacy Partners LLC

Signature _____ Date _____

Printed Name:

Title:

Applicant:

Project Summary	
Overview	
Proposed Project Name:	Legacy Village Senior Center
Address:	9290 Hurlock Avenue, Juneau, AK 99801
Proposed Use:	Memory Care
Proposed Number of Beds:	18
Zoning:	D-5
Building Square Feet:	7,056
Site Size:	36,122
Construction:	Wood/Modular
Project Schedule	
Design/Permitting:	February 1, 2018
Duration:	90 days
Construction:	May 1, 2018
Duration:	150 days
Opening	September 1, 2018
Project Cost Summary	
Permitting and Design:	\$75,000
Legal Fees:	\$50,000
Land Expense:	\$1
*Renovation Costs:	\$700,000
Marketing Costs:	\$25,000
TOTAL PROJECT COSTS:	\$850,001
*See Exhibit A for full breakdown	

Exhibit A – Improvement Plan Budget

Exterior Improvements

- New roof
- Secure garden/patio area
- Landscaping
- Parking lot
- Signage

Interior Improvements

- Resident rooms
- Dining area
- Kitchen area
- Living area/great room
- Sitting/relaxing area
- Beauty salon
- Medication office
- Laundry room
- Secure entry and exit areas
- Resident care manager's office

Furniture, Fixtures, & Equipment

- Nurse call system
- Telephone equipment
- Window coverings
- Therapy equipment

Deferred Maintenance

We will take care of any mechanical or structural deferred maintenance where needed. Examples of this could include:

- Electrical
- Boiler
- Hot water heaters
- Windows
- Property drainage

EXHIBIT A - contd.

Improvement	Cost	Notes
Exterior		
New Roof	\$50,000	new roof
Secure Garden/Patio Area	\$25,000	create secure garden and patio area for residents
Landscaping	\$25,000	update landscaping and drainage on site
Parking Lot	\$25,000	pave (asphalt) parking area
Signage	\$5,000	new monument sign at entry
Exterior Total	\$130,000	
Interior		
Resident Rooms	\$250,000	build out 9 semi-private rooms (equals 18 beds)
Dining Area	\$40,000	update dining area
Kitchen Area	\$25,000	update kitchen area to handle resident cooking load
Living Area/Great Room	\$20,000	build out defined living area with televisions and chairs
Sitting/Relaxing Area	\$15,000	build out defined relaxation area for knitting, puzzles, quiet time
Beauty Salon	\$15,000	hair salon dedicated to residents
Medication Office	\$15,000	built out secure medication management office
Laundry Room	\$15,000	update laundry area (floors and venting) and buy new equipment
Secure Entry & Exit Areas	\$15,000	create secure entry and exit points throughout the property
Resident Care Manager's Office	\$10,000	dedicated office for resident care manager
Furniture Fixtures & Equipment	\$100,000	Nurse call system, telephone equipment, window coverings, therapy equipment
DEFERRED MAINTENANCE	\$25,000	budget for unforeseen deferred maintenance (electrical, plumbing, heating)
RESERVES	\$25,000	reserve budget for operations
Exterior Total	\$570,000	
PROJECT TOTAL	\$700,000	

Exhibit B – Consolidated Operating Budget Estimation

INCOME

Annual

Income:	\$1,077,300	18 residents @ \$5,250 per month
Vacancy:	<u>(\$53,865)</u>	5% vacancy
Net Rental:	\$1,023,435	
Other Income:	<u>\$123,120</u>	\$600 per resident per month (5% vacancy)
Total Income:	\$1,146,555	

EXPENSES

Annual

Property Taxes:	\$0	exempt
Property Insurance:	\$10,000	market
Utilities/Maintenance:	\$72,000	estimate (based on historical data)
*Payroll:	\$696,680	estimate
Contracted Services:	\$10,000	mkt
Property Management:	\$57,328	5% (based on total income)
Administration:	\$10,000	mkt
Reserve Allowance:	\$1,800	mkt (\$100 per bed)
Misc/Other:	<u>\$2,500</u>	mkt
Total Expenses:	\$860,308	

*see Exhibit C for full staffing breakdown

Income:	\$1,146,555
Expenses:	<u>(\$860,308)</u>
Net Operating Income:	\$286,247

Per Resident Day Breakdown

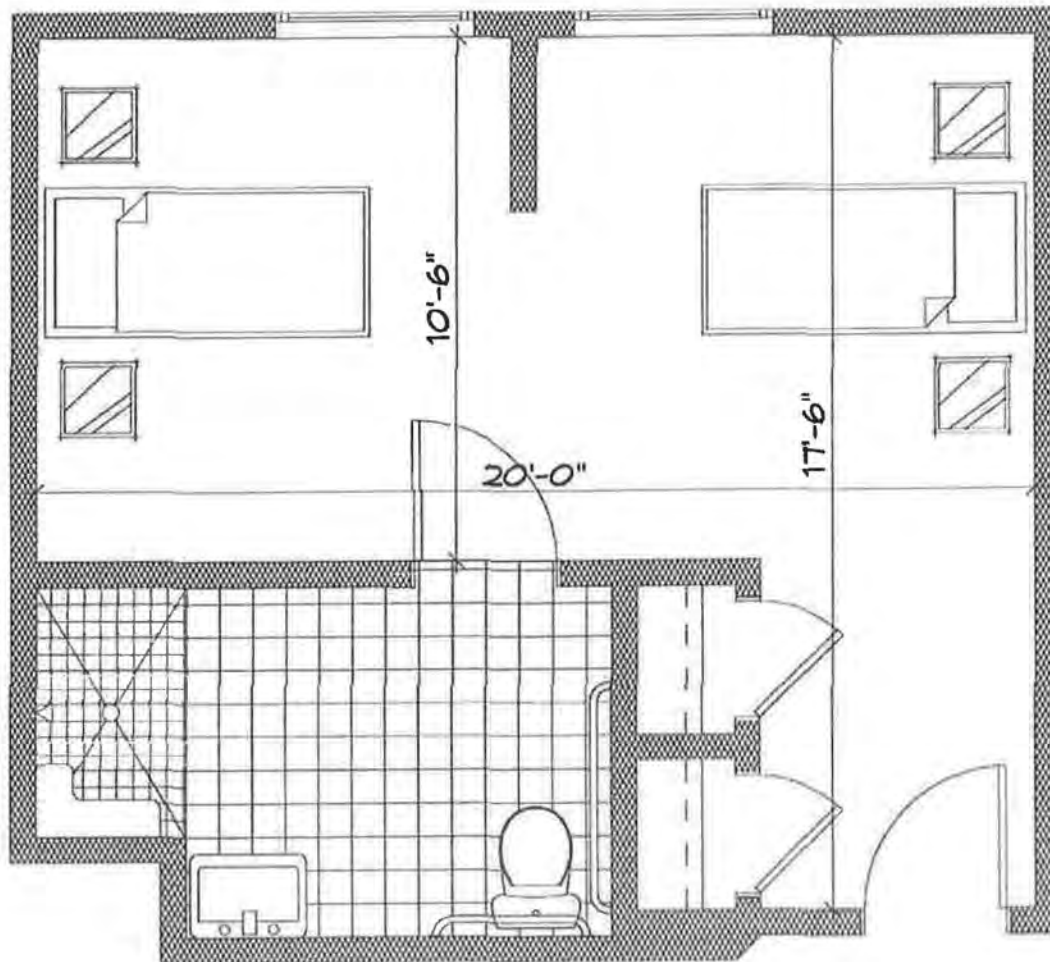
18 rooms @ 5% vacancy = 6,242 resident days

Income:	\$184 PRD
Expenses:	\$138 PRD

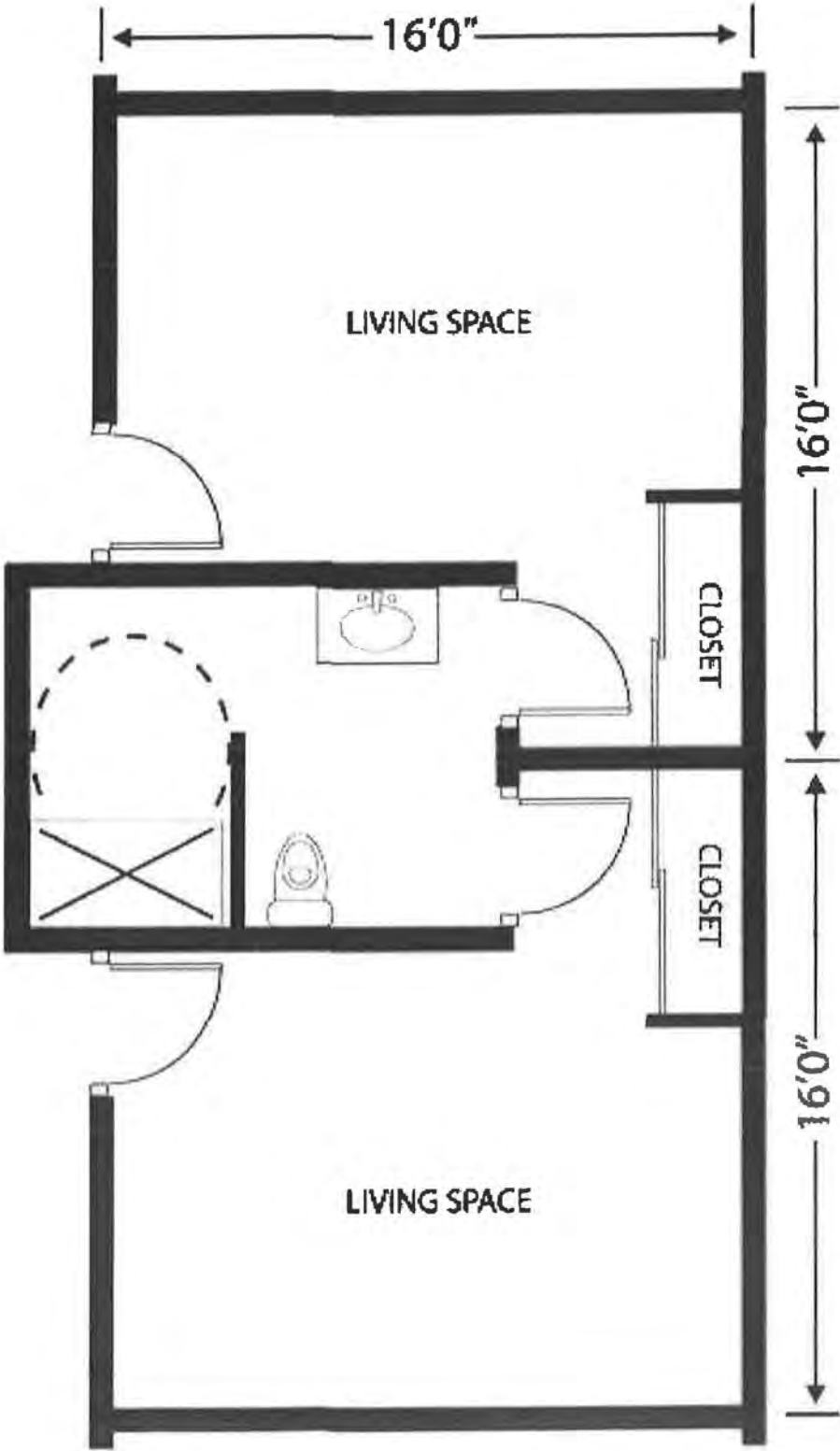
Memory Care Wages Budget Salary Report

Account	Avg. Rate	Hours	Total Wage	FTEs
Operating Expenses				
Nursing Memory Care				
Head Nurse	\$35.00	2,080	\$72,800	1
Nurse Assistants / Caregivers	\$20.00	23,310	\$466,200	8
Plant Operations & Maintenance				
Maintenance Supervisor	\$20.00	500	\$10,000	1
Dietary				
Chef	\$20.00	2,080	\$41,600	1
Housekeeping				
Housekeeping	\$16.00	2,080	\$33,280	1
Administration & General				
Executive Director	\$35.00	2,080	\$72,800	1
Total Operating Expenses		32,130	\$696,680	13

Semi-private 350 sq. ft.



Semi-private 512 sq ft.



Attachment A

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

April 16, 2018, 6:00 PM.

Assembly Chambers - Municipal Building

Assembly Work Session - No Public Comment

I. ROLL CALL

Mayor Ken Koelsch called the meeting to order at 6:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Rob Edwardson, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Beth Weldon, Mary Becker(telephonic).

Assemblymembers Absent: Jerry Nankervis, Maria Gladziszewski

Staff present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, City Attorney; Beth McEwen, Deputy Clerk; Greg Chaney, Lands Manager; Dallas Hargrave, HR/RM Director; Bob Bartholomew, Finance Director; Michele Elfers, Recycleworks/Chief Landscape Architect.

II. APPROVAL OF AGENDA

Approved as presented.

III. APPROVAL OF MINUTES

A. March 7, 2018 Committee of the Whole Minutes

MOTION by Mr. Edwardson to approve the minutes with minor corrections. *Hearing no objections, the minutes were approved as corrected.*

IV. AGENDA TOPICS

A. Mining Ordinance Review

Ms. Mead said the information provided to the Assembly in the packet reflected her work based upon the direction of the Assembly Mining Subcommittee. The committee unanimously approved moving the ordinance to the Planning Commission for its review and consideration and granted her the authority to bring forward two significant potential changes, one to the financial warranty section and one to the reclamation section. She has also brought forward changes to mesh the CBJ ordinance with state law, and that work is underway.

Mr. Gregory reported that the Mining Subcommittee moved forward with Ms. Mead's recommendations.

MOTION by Gregory, that the Mining Subcommittee forward the draft ordinance to the Planning Commission's Title 49 committee for review and approval, and to authorize the attorney to further provide changes to mesh the CBJ ordinance with state and federal law, and to return the ordinance to the Committee of the Whole for further consideration.

Mr. Edwardson asked what "meshing" with state and federal law meant.

Ms. Mead said she contacted two state attorneys who primarily work on mining issues with the State of Alaska and they were in the middle of a process with Fairbanks to better align

Ms. Becker had questions about the hotel tax funding and its relation to this agreement and expressed concerns about how that can create a "revenue neutral" situation.

Ms. Cosgrove said the intent is to make sure the funding available is largely the same pots of money available now and it fulfills the same purpose for the community. The long term hope is that the facility use will increase and the method of operation is cost effective.

Mayor Koelsch asked if the JAHC would maintain the same rules in place currently that are imposed for use of the facility by the Centennial Hall staff. Ms. Cosgrove said the intent would be to look at policies and fee structures and make recommendations. The fee structure would need to be approved by the manager's office.

Mr. Watt said management of the "campus" by one operator, the JAHC, made sense. He would like to set this in motion and make it happen and there will be continued discussion on an ongoing basis, particularly during the budget sessions, about the agreement.

Hearing no objection, the motion carried.

C. Hurlock Property

Mr. Watt spoke about the Assembly's work to determine a future use for this property. The building will require some renovation. The COW asked for more information from Alaska Legacy Partners and Gehring Preschool and that information was included in the packet. He said the Alaska Legacy Partners submission has more economic "meat," the budget is more thought out and they are more likely to be successful. It will be difficult, but compared to the child care proposal, it stands a greater chance of success. Child Care is economically difficult in the best of circumstances and the COW determined sale of the property was the best approach, so that would make the child care proposal difficult. Mr. Watt said the Assembly received a letter in the mail from the Juneau Homeless Coalition in favor of the Polaris House proposal. His recommendation would be with Alaska Legacy Partners for senior housing.

The Assemblymembers discussed their thoughts on the proposals.

MOTION by Weldon to direct staff to draft an ordinance for the sale of the Hurlock property to Alaska Legacy Partners and to return that ordinance to the Assembly at a future date.

Roll call:

Aye: Becker, Edwardson, Gregory, Weldon, Koelsch

Nay: Jones, Kiehl.

Motion carried, 5 ayes, 2 nays.

D. Recycleworks Program - Verbal Update

Mr. Watt provided a verbal update of the Recycleworks Program. Staff has been meeting and trying to figure out the ways in which to evolve the program and negotiate options with the Brewery. There are two new issues:

1) Waste Management has approached the city and proposed that they manage both the household hazardous and recycling on their property. This issue will be discussed at a future COW meeting.

2) Staff is looking at the way we collect fees for the program and how the revenue is collected and allocated. This issue will be discussed at a future Finance Committee meeting.

The Assembly and staff discussed related issues and no action was taken.

V. EXECUTIVE SESSION



April 10, 2018

Mr. Greg Chaney
CBJ Lands and Resources Division
155 Seward Street
Juneau, AK

RE: Hurlock Property – Response to Questions

Please find our response to your list of questions sent to Alaska Legacy Partners on April 2, 2018. Feel free to contact either one of us with additional questions. We look forward to your response.

Regards,

Garrett Schoenberger
Managing Member
Alaska Legacy Partners LLC
(602) 790-6144

Paul Simpson
Managing Member
Alaska Legacy Partners LLC
(949) 244-2924

Supplemental Questions Regarding the City Property Located at 9290 Hurlock Ave.

1. Are you still planning on a 16-18 bed memory care facility as stated in your initial application? If anything has changed please explain.

Yes. However, it is important to note that based on demand it could be a combination of memory care, assisted living, and/or hospice end of life. Commonly referred to as the continuum of care.

2. The original application states you are interested in a less than fair market value lease or sale. How has this changed in light of new information?

We understand CBJ is not legally permitted to lease or sell a city owned property below market value to a for-profit entity. In light of this we are requesting CBJ to seller finance the property with deferred loan payments.

3. The fair market value of the Hurlock Ave. facility has been appraised at \$350,000. Could you afford a 10% down-payment in the amount of \$35,000 by the date of closing if required?

☒ Yes ☐ No

If "No", please explain:

4. How will you be financing a potential acquisition and/or construction costs associated with the Hurlock Avenue facility? Will there be a private lender involved? Will you elect to use City Financing to purchase the property? Please explain.

Alaska Legacy Partners will use private funds for the acquisition (down payment) and development (renovation and initial operational costs) of the senior facility. We will utilize seller financing from CBJ and would look to refinance the property with AHFC (Alaska Housing Finance Corporation) upon stabilization (estimated at 24-36 months).

5. If a sale of the property is approved, how soon could you close on the property? Please provide a specific date. **Note:** At closing, a 10% down-payment and title insurance are some of the conditions the CBJ typically requires if utilizing City Financing to purchase the property.

Date: June 1, 2018

Alaska Legacy Partners LLC | paul@alaskalegacypartners.com | 949-244-2924

6. Are you prepared to pay property taxes?

☒ Yes ☐ No If you answered "No" please explain.

7. The project summary submitted with the application has permitting beginning on February 1, 2018. How has the project schedule changed in light of new information? Based on the above mentioned closing date, provide a timeline that demonstrates all necessary steps indicating when the facility will be operational. Please attach additional pages if necessary.

Our updated timeline would mirror the original submitted but would commence on June 1, 2018. As follows:

Design/Permitting:	June 1, 2018
Duration:	90 days
Construction:	September 1, 2018
Duration:	150 days
Opening:	February 1, 2019

****ALP will work immediately after closing to obtain all required city, state, and federal licensing to operate a senior living facility****

8. Please provide a breakdown of needed building improvements as well as a budget for construction of building modifications. Please include the updated land expense in the project cost summary.

Please see Exhibits A (Improvement Plan) and B (Improvement Plan Budget)

9. Please provide an operating budget which includes expenses and income on an annual basis, including staff.

Please see Exhibit C (Consolidated Operating Budget)

10. Based on the information provided above, when will the facility be operational and ready to provide the proposed service? Please provide a specific date.

Date: February 1, 2019

Exhibit A – Improvement Plan Budget

Exterior Improvements

- New roof
- Secure garden/patio area
- Landscaping
- Parking lot
- Signage

Interior Improvements

- Resident rooms
- Dining area
- Kitchen area
- Living area/great room
- Sitting/relaxing area
- Beauty salon
- Medication office
- Laundry room
- Secure entry and exit areas
- Resident care manager's office

Furniture, Fixtures, & Equipment

- Nurse call system
- Telephone equipment
- Window coverings
- Therapy equipment

Deferred Maintenance

We will take care of any mechanical or structural deferred maintenance where needed. Examples of this could include:

- Electrical
- Boiler
- Hot water heaters
- Windows
- Property drainage

EXHIBIT B

Improvement	Cost	Notes
Land Cost	\$35,000	Down Payment (10% of \$350,000)
Exterior		
New Roof	\$50,000	new roof
Secure Garden/Patio Area	\$25,000	create secure garden and patio area for residents
Landscaping	\$25,000	update landscaping and drainage on site
Parking Lot	\$25,000	pave (asphalt) parking area
Signage	\$5,000	new monument sign at entry
Exterior Total	\$130,000	
Interior		
Resident Rooms	\$250,000	build out 9 semi-private rooms (equals 18 beds)
Dining Area	\$40,000	update dining area
Kitchen Area	\$25,000	update kitchen area to handle resident cooking load
Living Area/Great Room	\$20,000	build out defined living area with televisions and chairs
Sitting/Relaxing Area	\$15,000	build out defined relaxation area for knitting, puzzles, quiet time
Beauty Salon	\$15,000	hair salon dedicated to residents
Medication Office	\$15,000	built out secure medication management office
Laundry Room	\$15,000	update laundry area (floors and venting) and buy new equipment
Secure Entry & Exit Areas	\$15,000	create secure entry and exit points throughout the property
Manager's Office	\$10,000	dedicated office for resident care manager
Interior Total	\$420,000	
Furniture Fixtures & Equipment	\$100,000	Nurse call system, telephone equipment, window coverings, therapy equipment
DEFERRED MAINTENANCE	\$25,000	budget for unforeseen deferred maintenance (electrical, plumbing, heating)
RESERVES	\$25,000	reserve budget for operations
PROJECT TOTAL	\$735,000	

Exhibit C – Consolidated Operating Budget Estimation

INCOME

Annual

Income:	\$1,077,300	18 residents @ \$5,250 per month
Vacancy:	<u>(\$53,865)</u>	5% vacancy
Net Rental:	\$1,023,435	
Other Income:	<u>\$123,120</u>	\$600 per resident per month (5% vacancy)
Total Income:	\$1,146,555	

EXPENSES

Annual

Property Taxes:	\$3,731	\$350,000 @ current CBJ mill rate (1.066%)
Property Insurance:	\$10,000	market
Utilities/Maintenance:	\$72,000	estimate (based on historical data)
Payroll:	\$696,680	estimate
Contracted Services:	\$10,000	mkt
Property Management:	\$57,328	5% (based on total income)
Administration:	\$10,000	mkt
Reserve Allowance:	\$1,800	mkt (\$100 per bed)
Misc/Other:	<u>\$2,500</u>	mkt
Total Expenses:	\$864,039	

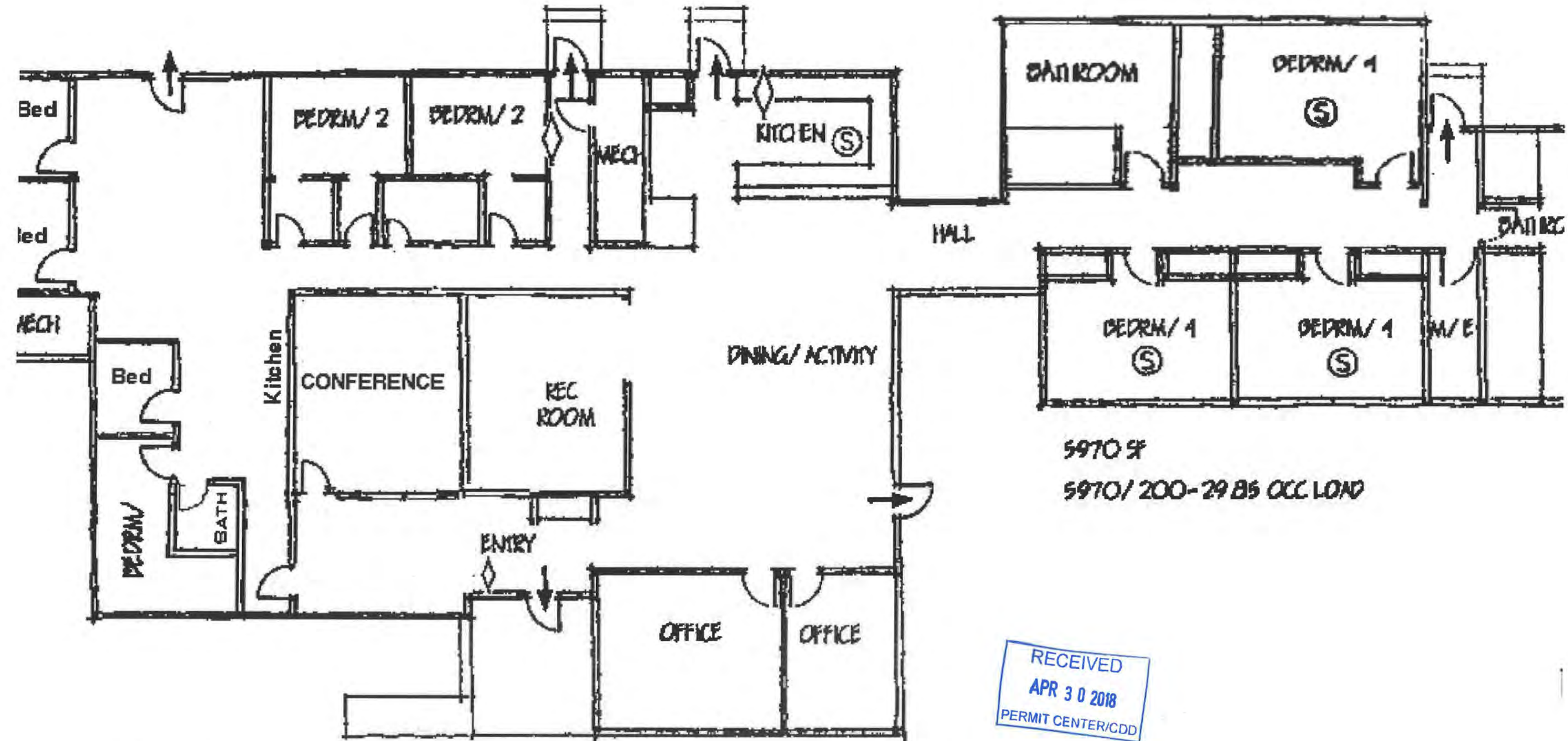
Income:	\$1,146,555
Expenses:	<u>(\$864,039)</u>

Net Operating Income: \$282,516

Per Resident Day Breakdown

18 rooms @ 5% vacancy = 6,242 resident days

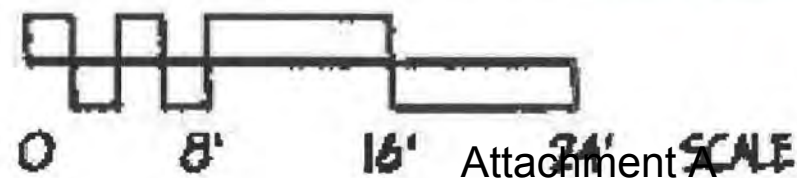
Income:	\$184 PRD
Expenses:	\$138 PRD



nerstone

FLOOR PLAN

EAU YOUTH SERVICES



JENSEN DOUGLAS ARCHITECTS, INC.

Attachment A

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

April 16, 2018, 6:00 PM.
Assembly Chambers - Municipal Building

Assembly Work Session - No Public Comment

I. ROLL CALL

Mayor Ken Koelsch called the meeting to order at 6:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Rob Edwardson, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Beth Weldon, Mary Becker(telephonic).

Assemblymembers Absent: Jerry Nankervis, Maria Gladziszewski

Staff present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, City Attorney; Beth McEwen, Deputy Clerk; Greg Chaney, Lands Manager; Dallas Hargrave, HR/RM Director; Bob Bartholomew, Finance Director; Michele Elfers, Recycleworks/Chief Landscape Architect.

II. APPROVAL OF AGENDA

Approved as presented.

III. APPROVAL OF MINUTES

A. March 7, 2018 Committee of the Whole Minutes

MOTION by Mr. Edwardson to approve the minutes with minor corrections. *Hearing no objections, the minutes were approved as corrected.*

IV. AGENDA TOPICS

A. Mining Ordinance Review

Ms. Mead said the information provided to the Assembly in the packet reflected her work based upon the direction of the Assembly Mining Subcommittee. The committee unanimously approved moving the ordinance to the Planning Commission for its review and consideration and granted her the authority to bring forward two significant potential changes, one to the financial warranty section and one to the reclamation section. She has also brought forward changes to mesh the CBJ ordinance with state law, and that work is underway.

Mr. Gregory reported that the Mining Subcommittee moved forward with Ms. Mead's recommendations.

MOTION, by Gregory, that the Mining Subcommittee forward the draft ordinance to the Planning Commission's Title 49 committee for review and approval, and to authorize the attorney to further provide changes to mesh the CBJ ordinance with state and federal law, and to return the ordinance to the Committee of the Whole for further consideration.

Mr. Edwardson asked what "meshing" with state and federal law meant.

Ms. Mead said she contacted two state attorneys who primarily work on mining issues with the State of Alaska and they were in the middle of a process with Fairbanks to better align the Fairbanks code

with the state's code and those attorneys would like an opportunity to the CBJ code and make some recommended changes. She would like to review the two provisions in depth to ensure that they work seamlessly. The state explained the process to Ms. Mead as that code provisions can overlap but the process is supposed to work as a seamless integration. CBJ can't direct that reclamation occur on state land. State land has the authority to direct that. The state has to work with CBJ if the mining is on CBJ land. There is a lot of interaction and Ms. Mead wanted the code to envision that interaction and to the extent necessary build that into the code language for clarity.

Mr. Edwardson asked if Ms. Mead was looking into bonding and who might be an obligee. Ms. Mead said she was not removing any substantive provisions or protections the CBJ has in existing code. She wants to ensure that CBJ code does not contain language that arguably suggests CBJ is trying to regulate something which CBJ is pre-empted from regulating and to ensure CBJ is required, to ensure the code works with state law.

Hearing no objection, the motion was approved.

B. Centennial Hall Management

Ms. Cosgrove said the COW discussed this topic at the February 26 meeting, the same materials were presented in the packet. Public comment had been solicited. Users of Centennial Hall were contacted and comments were requested, and that input had been received via email and the Finance Committee. CBJ staff continues to meet with Centennial Hall on a management agreement and HRRM has worked on the staffing issues and PERS / termination study.

Mr. Jones reported that the Assembly had heard from three persons at a recent meeting and all three testified in favor of Centennial Hall management going to the JAHG. Most of the emails have been favorable, but more recently some have expressed concern and also happiness with the current Centennial Hall operations and staff.

Ms. Cosgrove said technically it is under the manager's authority to enter into a management agreement, but as this is a major policy move, staff wants the Assembly to be informed and to have the Assembly's support for further investigation into a management agreement, and to understand any questions the Assembly may have.

Mr. Jones asked if there was any estimate regarding the cost of a termination study from PERS. Ms. Cosgrove said that was still an unknown. Staff has a tentative projection of the ongoing cost that could be modified from the actuarial study. Mr. Hargrave got a rough estimate of \$50,000 per year, based upon all six benefitted positions. Regarding a termination cost, there is a one time fee and an ongoing cost, and that is the information staff is still seeking. If the cost was significant, that matter would be returned to the Assembly.

Ms. Becker noted a needed correction on page 53, from "uses to users."

Mr. Kiehl asked how many job classes were discussed. Ms. Cosgrove said there are six benefitted positions at Centennial with 4 job classes, three of which are unique to Centennial Hall. Mr. Kiehl suggested looking at moving job classes so as not to terminate them could avoid termination costs.

Mr. Jones spoke about his concerns regarding termination studies and the potential repercussions, and his concern about replacing city employees.

***MOTION**, by Jones, that the Committee of the Whole agreed with the manager's interest in negotiating a management agreement between CBJ and JAHG for the operation and management of Centennial Hall.*

Ms. Becker had questions about the hotel tax funding and its relation to this agreement and expressed concerns about how that can create a "revenue neutral" situation.

Ms. Cosgrove said the intent is to make sure the funding available is largely the same pots of money available now and it fulfills the same purpose for the community. The long term hope is that the facility use will increase and the method of operation is cost effective.

Mayor Koelsch asked if the JAHC would maintain the same rules in place currently that are imposed for use of the facility by the Centennial Hall staff. Ms. Cosgrove said the intent would be to look at policies and fee structures and make recommendations. The fee structure would need to be approved by the manager's office.

Mr. Watt said management of the "campus" by one operator, the JAHC, made sense. He would like to set this in motion and make it happen and there will be continued discussion on an ongoing basis, particularly during the budget sessions, about the agreement.

Hearing no objection, the motion carried.

C. **Hurlock Property**

Mr. Watt spoke about the Assembly's work to determine a future use for this property. The building will require some renovation. The COW asked for more information from Alaska Legacy Partners and Gehring Preschool and that information was included in the packet. He said the Alaska Legacy Partners submission has more economic "meat," the budget is more thought out and they are more likely to be successful. It will be difficult, but compared to the child care proposal, it stands a greater chance of success. Child Care is economically difficult in the best of circumstances and the COW determined sale of the property was the best approach, so that would make the child care proposal difficult. Mr. Watt said the Assembly received a letter in the mail from the Juneau Homeless Coalition in favor of the Polaris House proposal. His recommendation would be with Alaska Legacy Partners for senior housing.

The Assemblymembers discussed their thoughts on the proposals.

***MOTION** by Weldon to direct staff to draft an ordinance for the sale of the Hurlock property to Alaska Legacy Partners and to return that ordinance to the Assembly at a future date.*

Roll call:

Aye: Becker, Edwardson, Gregory, Weldon, Koelsch

Nay: Jones, Kiehl.

Motion carried, 5 ayes, 2 nays.

D. **Recycleworks Program - Verbal Update**

Mr. Watt provided a verbal update of the Recycleworks Program. Staff has been meeting and trying to figure out the ways in which to evolve the program and negotiate options with the Brewery. There are two new issues:

1) Waste Management has approached the city and proposed that they manage both the household hazardous and recycling on their property. This issue will be discussed at a future COW meeting.

2) Staff is looking at the way we collect fees for the program and how the revenue is collected and allocated. This issue will be discussed at a future Finance Committee meeting.

The Assembly and staff discussed related issues and no action was taken.

V. **EXECUTIVE SESSION**

***MOTION** by Kiehl, to enter into Executive Session for the purposes of discussing matters, the immediate knowledge of which would have an impact on the finances of the city, namely that of Labor Negotiations.*

There being no public comment and no objection, the Assembly recessed into Executive Session at 7:23 p.m.

A. Labor Negotiations

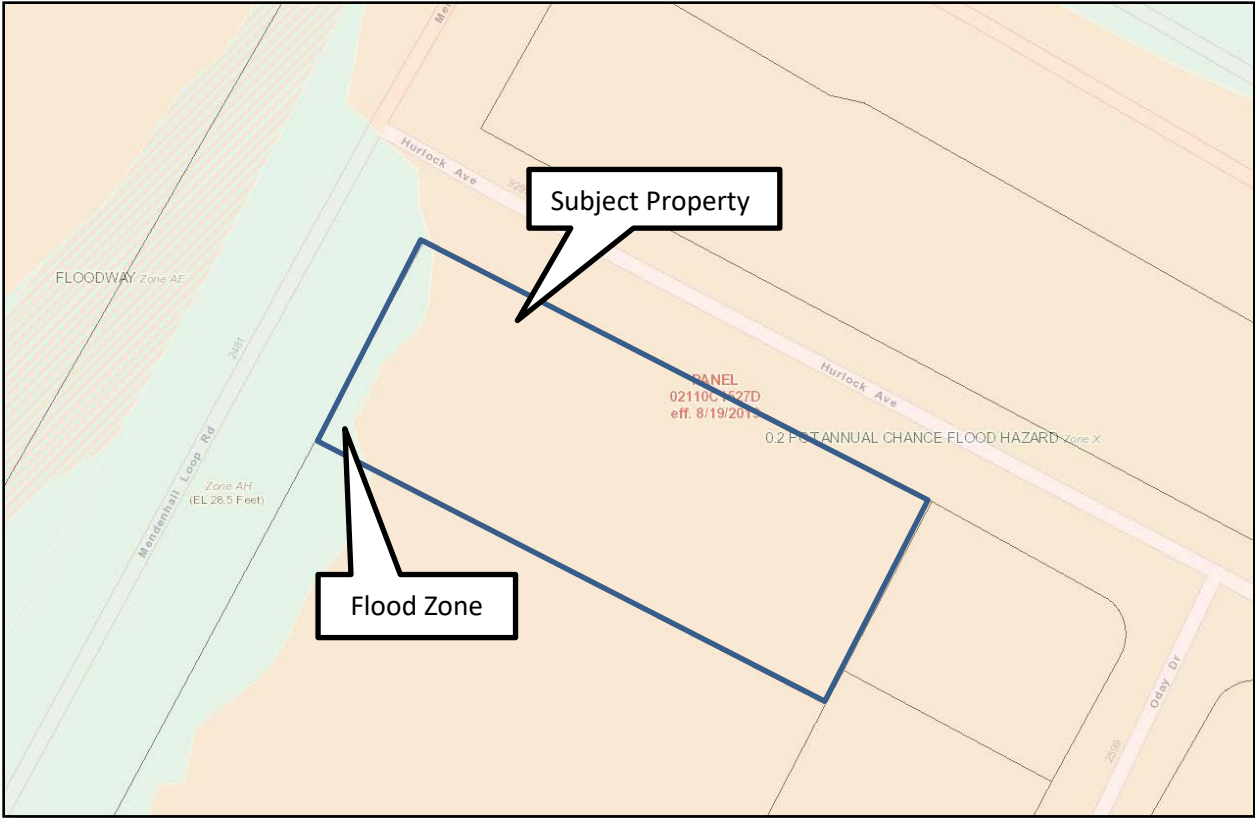
The committee returned from Executive Session at 8:21p.m.

Mr. Kiehl noted that during Executive Session, the Assembly heard an update about labor negotiations from staff and gave direction to the Manager regarding labor negotiations.

VI. ADJOURNMENT

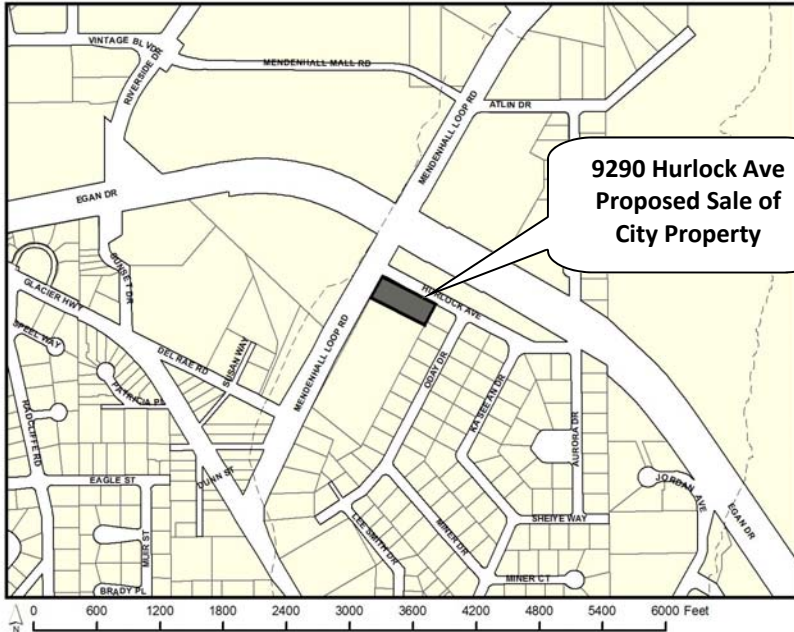
There being no further business to come before the committee, Mayor Koelsch adjourned the meeting at 8:22 p.m.

Submitted by Beth McEwen, Deputy Clerk



Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **City Project** to **review the sale of city property to Alaska Legacy Partners** located at **9290 Hurlock Avenue** in an **D5 zone**.

TIMELINE

Staff Report expected to be posted Monday, June 4, 2018 at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 25, 2018

Comments received during this period will be sent to the Planner, **Laurel Bruggeman** to be included in the staff report.

May 26 through 12 noon, June 12

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, June 12, 2018

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

June 13

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**

Case No.: CSP2018 0007
Parcel No.: 5B1601020230
CBJ Parcel Viewer: <http://epv.juneau.org>



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: June 12, 2018
File No.: CSP2018 0007

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal:	Planning Commission Recommendation to the City and Borough Assembly regarding disposal (sale) of 9290 Hurlock Avenue to Alaska Legacy Partners
Property Address:	9290 Hurlock Avenue
Legal Description	USS 381 Fraction
Parcel Code No.:	5B1601020230
Hearing Date:	June 12, 2018

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 29, 2018, and recommended that the City Manager direct CBJ staff to sell CBJ owned property located at 9290 Hurlock Avenue to Alaska Legacy Partners with the following condition:

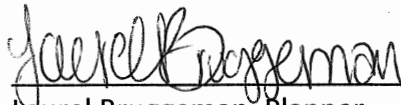
1. The "retention" status of the subject parcel be changed to "dispose" in the Land Management Plan.

Attachments: May 29, 2018 memorandum from Laurel Bruggeman, Community Development, to the CBJ Planning Commission regarding CSP2018 0007.

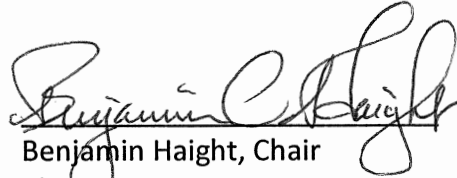
This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).

City and Borough of Juneau
CBJ Assembly
File No.: CSP2018 0007
June 12, 2018
Page 2 of 2

Project Planner:



Laurel Bruggeman, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

June 13, 2018

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 CBJ 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.



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/cdd

155 S. Seward Street • Juneau, Alaska 99801

DATE: June 1, 2018

TO: Planning Commission

FROM: Tim Felstead, Planner II
Community Development Department

FILE NO.: USE2018 0004

PROPOSAL: Conditional Use Permit for a Marijuana Product
Manufacturing Facility in an Industrial Zone

A handwritten signature in black ink, appearing to read "Tim Felstead".

GENERAL INFORMATION

Applicant: ISG LLC

Property Owner: Grant Properties LLC

Property Address: 5011 Short Street

Legal Description: USS 204 Fraction

Parcel Code Number: 5B1201000033

Site Size: 213,000 square feet (4.89 acres)

**Comprehensive Plan Future
Land Use Designation:** Commercial

Zoning: Industrial

Utilities: Public water/public sewer

Access: Stark Street via Short Street/Glacier Highway

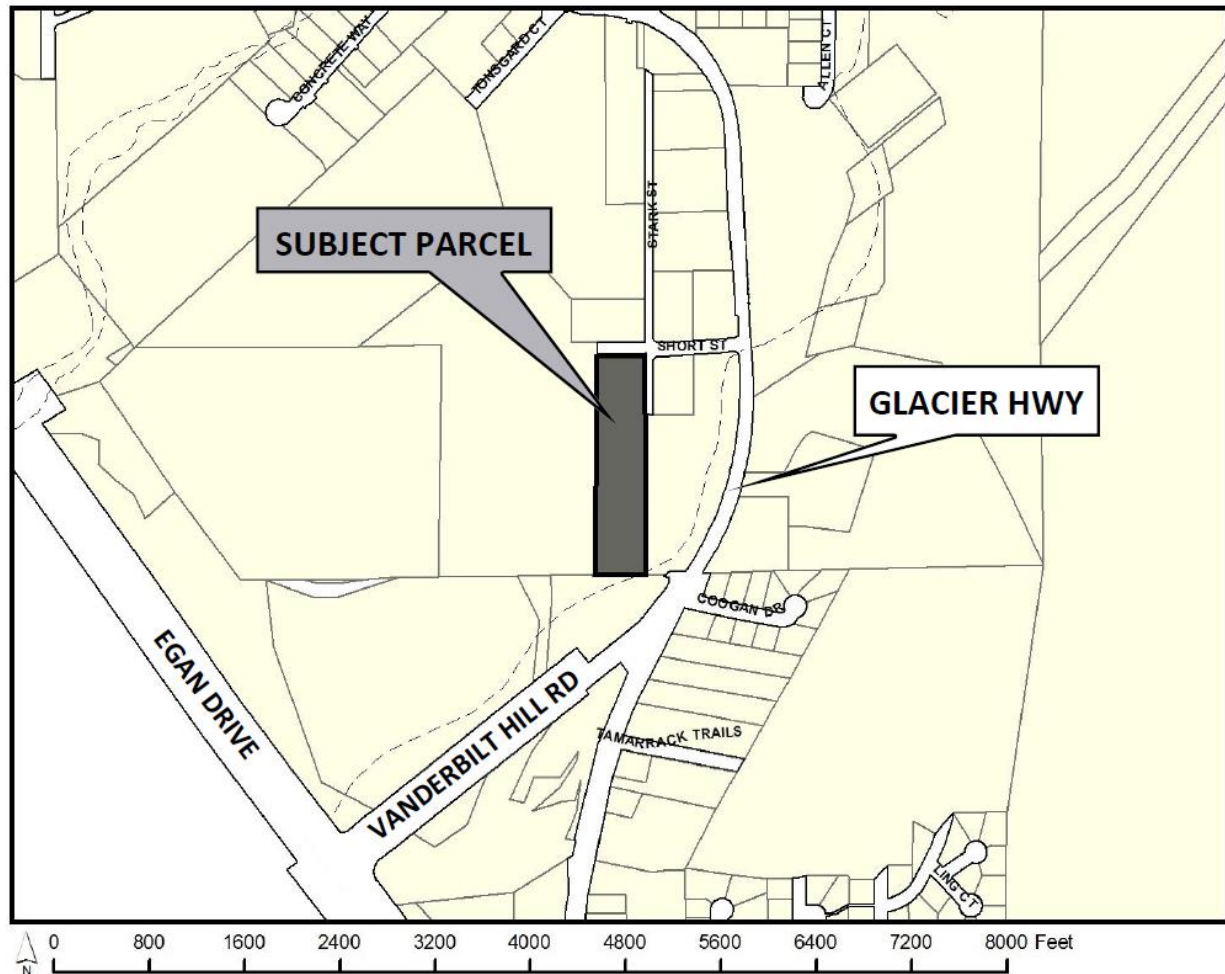
Existing Land Use: Warehouse (Marijuana Cultivation has received Conditional
Use permit and Building permit)

Planning Commission
 File No.: USE 2018 0004
 June 1, 2018
 Page 2 of 12

Surrounding Land Use:

North	- Commercial office/warehouse; Industrial (I)
South	- Vacant wetlands (State of Alaska)); Industrial (I) and Rural reserve (RR)
East	- Commercial retail; Industrial (I)
West	- Industrial/ Landfill; Industrial (I)

Vicinity Map



ATTACHMENTS

- Attachment A – Application including narrative, site photos, site plans and floor plans
- Attachment B – Public Notice
- Attachment C – Aerial photograph of the site showing security gate at the end of Stark Street and proposed access arrangements

Planning Commission
File No.: USE 2018 0004
June 1, 2018
Page 3 of 12

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 650 square foot marijuana product manufacturing facility on an Industrial zoned lot in the Lemon Creek area.

BACKGROUND

In 2016, a Conditional Use Permit was approved for a marijuana cultivation facility in approximately one-half of an existing warehouse at 5011 Short Street (USE2016-0030). The subject manufacturing facility will occupy one room in the same area of the warehouse. A building permit has been issued for remodeling of the warehouse space for both the cultivation and manufacturing spaces (BLD2018-0178), although no manufacturing will be allowed until both a Conditional Use Permit and CBJ Marijuana License have been approved. The cultivation operation has yet to apply for a CBJ Marijuana license. During review of BLD2018-0178, it was noted that the floor plan had changed from that reviewed under USE2016-0030. These changes do not substantively differ from what was reviewed by the Planning Commission.

The construction of the subject warehouse was approved with an Allowable Use Permit (USE2006-00006). The Allowable Use Permit was required as the warehouse was more than 5,000 square feet. A use permit for this structure would not be required under today's land use code. The building was constructed with appropriate building permits in two phases (Phase 1, BLD2006-00068 and Phase 2, BLD2009-00081). The proposed facility will occupy the area constructed in Phase 2 and will be remodeled to make it suitable for both marijuana cultivation and manufacturing operations. The building was previously the State of Alaska archives storage building.

ANALYSIS

A Conditional Use Permit is required for operation of a marijuana product manufacturing facility per the CBJ Land Use Code Table of Permissible Uses (CBJ 49.25.300). The Planning Commission can impose conditions on the proposed development per the standard Conditional Use Permit process (CBJ 49.15.330(g)) and require additional conditions per CBJ 49.65.1245 (c).

In addition to the operational requirements outlined in 49.65 Article XI, one specific condition is required for all marijuana establishment Conditional Use Permits. This has been added as a condition of approval for this application.

(d) The commission shall impose as a condition of any permit issued by the commission under this title a requirement that the applicant submit a complete copy of the applicant's approved state license application to the department for review prior to operating. If the director determines there are substantive inconsistencies between the state license application and the conditional use

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permit application, the commission shall review the development for consistency with this title.

According to CBJ 49.65.1245(e), an approved Conditional Use Permit for a marijuana establishment is subject to review by the Commission every five years from the date of issuance. This has been added as a condition of approval.

(e) Conditional use permits issued to marijuana establishments under this chapter shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title. If an appeal challenging the amendments to a conditional use permit is filed, the new conditions shall be stayed and the existing permit shall govern the operations of the marijuana establishment until the conclusion of the appeal. The scope of review on appeal is restricted solely to the amended conditions.

The applicant has submitted an application with the State of Alaska Marijuana Control Board.

The inspection required for the CBJ marijuana license will ensure that the applicant meets any related requirements of the approved marijuana cultivation Conditional Use Permit, special use requirements found in CBJ 49.65.1200, and any conditions required by this permit.

Project Site - The subject lot is located behind Western Auto in the Lemon Creek area. Access will be through the Grant's Plaza lots that have frontage on Glacier Highway; alternative access could be provided via Short Street/Stark Street if access through the Grant's Plaza lot is ever restricted. At present, the subject lot and the Grant's Plaza lot are under common ownership and a gate/fence prevents access to the portion of the building addressed in this application (see **Attachment C**).

The subject lot was created through a platting waiver in 1976 (SUB W76-454). The subject lot meets all current dimensional requirements for the Industrial zoning district. The lot is approximately 213,000 square feet; the minimum lot size in Industrial zones is 2000 square feet. The minimum required lot width is 20 feet and depth 60 feet; the subject lot is 230 feet deep and 950.7 feet wide. The required setbacks are 10 feet from front and rear lot lines and zero feet from side lot lines. The subject building meets the required setbacks. The requested Conditional Use Permit does not propose any exterior modifications.

The lot currently contains 2 buildings. The subject building is 16,722 square feet. Half of this building will be used for the marijuana cultivation use sought by this Conditional Use Permit. This portion of the building is already separated from the other half of the building by an unpierced, fire rated wall. The other half of the building is currently used for storage by the

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property owner. The second building on this lot is used as workshop space for other businesses and is not included in this application.

The location of the proposed marijuana manufacturing facility meets State distance requirements from schools, recreation or youth centers, buildings in which religious services are regularly conducted, and correctional facilities.

Project Design - The exterior of the building will be unchanged. Higher level security doors, locks, and exterior video surveillance cameras will be installed (see floor plans in **Attachment A**). The manufacturing area is only accessible through the area already approved for cultivation activities under USE2016-0030. The building has no windows. There will be a single door used as the main entrance adjacent to the existing loading door on the south side of the building. The other existing door will be a locked fire exit. There will also be a mechanical room with a single locked door that can only be accessed from the exterior of the building.

A floor plan is provided in **Attachment A**. Except for an existing bathroom, closet, flower and product preparation room, and the kitchen subject to this application, the interior of this half of the building is an open space.

Manufacturing facilities are required by the State to obtain a manufacturing facility license, with those producing concentrates required to obtain a separate concentrate manufacturing license.

The manufacturing area will be required to be accessed through a secure door for use by authorized personnel per State requirements for manufacturing facilities. It is not clear from the floor plans that this door will be locked except when being accessed by authorized employees. It is recommended as a condition of approval of this permit that prior to issuance of a CBJ marijuana manufacturing license, the door between the manufacturing area and the cultivation area have a suitable lock to comply with State requirements, and as an operational condition this remains locked at all times except for access to and from the room.

CBJ 49.65.1245 identifies additional requirements for marijuana establishments. Those items to be reviewed are detailed below.

Ventilation & Filtration/Odor – Odor control for the building has been addressed in USE2016-0030. The applicants propose to use a carbon filter and intake fan in each room where plants will be grown (see Carbon Filter floor plan in **Attachment A**). The scrubbed air will then be introduced to the HVAC system. The applicant has stated that because of the size of the building, the cleaned air can be recirculated internally and no exterior exhaust is required. Humidity will be controlled and excess water will be collected and used for watering the marijuana plants.

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The HVAC system will be reviewed as part of the required Building Permit process.

Fungicides, pesticides, fertilizers, and harmful molds – Review of the use of fungicides, pesticides, and fertilizers for cultivation is not relevant to manufacturing Conditional Use Permits. Manufacturing permit applications do have to specify methods used to prevent the growth of harmful molds. The applicant has provided a mold prevention and control plan as part of their application.

Security - According to CBJ 49.65.1245(a)(2), applicants are required to submit a security plan. State regulations require exterior lighting, alarm systems, video monitoring, and commercial grade door locks. The floor plans and narrative included in **Attachment A** identify:

- The entire building is classed as a restricted area
- Existing exterior lighting.

A surveillance camera plan for the whole site, as approved under BLD2018-0178, has been submitted showing the proposed field of each camera (see **Attachment A**).

The building currently has six exterior lights mounted to the wall on the east and south sides of the building where vehicles and people will be present. There are no doors on the west side of the building and no activities in this area are planned so no lighting is proposed on this side.

The north wall is internal and separates the half of the building considered in this application from the other half of the building. As noted above, this wall is a fire wall, and there are no doors between the two halves of the structure. Outside, the two halves of the building are separated by a security gate and a fence.

The surveillance hardware will be housed in a locked cabinet in the room identified as the 'flower and product preparation room'. Four surveillance cameras are proposed on the exterior of the building covering each doorway that has direct access to the building. Two exterior cameras will provide coverage of the parking lot. Eighteen internal surveillance cameras are proposed for the entire building including two in the manufacturing room.

The surveillance system will be inspected as part of State and CBJ license inspections. The plan shows cameras facing the entry door to the manufacturing area in accordance with State requirements. State requirements also require that the surveillance system is capable of viewing all regular activities in the room. It is not clear if the vision of the cameras will be obscured by items in the manufacturing area. It is recommended, as a condition of approval, that the ability of the surveillance camera system to observe all regular activities and doorways be demonstrated prior to approval of a CBJ marijuana license.

The applicant has stated visitors will be limited to no more than 5 at a time, will have to show

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identification to prove they are 21 or over, and will be escorted by staff at all times.

Waste disposal - The State has disposal requirements including tracking and retention of waste as part of its regulations. The applicant proposes to grind down any non-useable material using an industrial garage disposal. This material will then be mixed with compost before being disposed at the local landfill as required by state regulations or reused in the cultivation process. It is recommended, as a condition of approval, that all waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill. The applicant proposes to use the closet area for this purpose.

Screening - CBJ 49.65.1245(a)(4) prohibits marijuana product from being visible to the general public from the right-of-way. As stated previously, there are no windows in the facility. There is no ability to see into the facility from the public right-of-way. Further, manufacturing will take place in fully enclosed rooms within the larger warehouse.

CBJ 49.15.330(g) identifies the general items reviewed for all Conditional Use Permits. These items are detailed below.

Traffic - Traffic to and from the site will consist of employees and supply delivery. The applicant will not sell any product on site. The applicant plans for a maximum of 5 employees to be on site at any one time. Supply deliveries will occur on a weekly or biweekly basis, and outgoing deliveries will occur with a similar frequency. The level of traffic is expected to be negligible compared with traffic levels already generated by surrounding uses. The subject building is accessed from Glacier Highway through Grant's Plaza (which is under the same ownership as the subject building) (see **Attachment C**). There is also a developed access to Stark Street, a CBJ right-of-way, which is currently blocked with a security gate.

Parking and Circulation -The parking for the existing warehouse was reviewed when it was constructed under USE2006-0006 and again under its associated building permit (BLD2009-00081. It was revised for USE2016-0030 and has been revised again for this permit since the new floor plan for the entire building no longer includes an office. The removal of the office does not substantially alter plans approved under USE2006-0006. According to CBJ 49.40.210, a total of 8 parking spaces are required for the proposed cultivation and manufacturing operations. The applicant's narrative states they will have 20 employees, but this is for the company's whole retail, manufacturing, and cultivation operations. They have since stated that there will only be approximately 5 employees at the combined manufacturing and cultivation location at any time.

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Use	Use parking space requirement	Size of use	Parking spaces required
Marijuana Manufacturing	1 per 1000 sf	650 sf	0.65
Marijuana Cultivation	1 per 1,000 sf	7,700 sf	7.7
Total			8.35 (rounded to 8)

CBJ 49.40.210(b)(3) requires that for 1 to 25 parking spaces, one space must be ADA van accessible. Van accessible spaces are required to be 16 feet by 17 feet, including an access aisle that measures 8 feet by 17 feet.

CBJ 49.40.210 also requires one loading space be provided that is 30 feet deep by 12 feet wide with a clearance of 14.5 feet.

The proposed parking plan does not affect parking for any other uses (see parking plan in **Attachment A**).

Noise - There is no evidence that noise created by the proposed cultivation facility will be out of keeping with that generated by surrounding land uses or out of keeping with the Industrial zoning.

Public Health or Safety - At the time this staff report was written, no comments were received from the public. No objections have been received from CBJ General Engineering, Building Division or Capital City Fire and Rescue. A building permit for the remodel of the space has been approved ensuring relevant CBJ building code requirements are met.

FEMA flood maps indicate that the warehouse is located in a flood hazard zone with a base flood elevation of 23 feet. However, CBJ LIDAR data shows the grade elevation immediately surrounding the building to be ~25 feet, and so CBJ flood hazard zone requirements do not apply.

Habitat - No habitat regulated by CBJ Title 49 is affected by this proposal.

Vegetative Cover - CBJ 49.50.300 requires five percent of the site be maintained with live vegetative cover. For this site, 10,650 square feet of vegetative cover is required. A site visit and analysis of aerial imagery by staff confirmed the site exceeds the minimum vegetative cover requirement for the Industrial zoning district.

Property Value or Neighborhood Harmony - The area is zoned Industrial and the proposed activity is in keeping with permitted activities in this zoning and in keeping with surrounding land uses. At the time of the writing of this staff report, no comments were received from the public. The CBJ Assessor has stated she believes it is a good location for such a facility.

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Conformity with Adopted Plans:

Comprehensive Plan

The proposed development is located in the Subarea 5 of the Comprehensive Plan (Switzer Creek, Lemon Creek and Salmon Creek). The proposal is compatible with the guidelines and considerations for this area.

The subject lot is designated as Commercial in the Comprehensive Plan Land Use maps. Commercial lands are identified as having a mix of retail, offices, and higher density housing. This would suggest future zoning of General Commercial or Mixed Use may be appropriate for the area. Marijuana product manufacturing is allowed in General Commercial and Mixed Use but not Light Commercial zoning districts. It should be noted that only General Commercial would allow both manufacturing and cultivation.

Staff further reviewed the 2013 Comprehensive Plan for policies that may be relevant to the proposal:

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

The proposed development would help to diversify the economy and is a new business as encouraged by these policies.

Lemon Creek Area Plan (2018)

The following goal in the Lemon Creek Area Plan supports the encouragement of new businesses in the Lemon Creek Area. Based on the applicant's proposal there will be no adverse external impacts from the proposed facility on the surrounding area.

Goal 2: Create thriving commercial and industrial areas that support industry and neighborhood.

The Lemon Creek Plan does suggest that higher density residential or mixed use be developed along the existing Glacier Highway transit corridor. The current Industrial zoning of the lot does not support higher density housing. Only General Commercial zoning would support housing and marijuana cultivation and manufacturing. Changes in zoning to better match the Lemon Creek Plan would not result in the subject development becoming a nonconforming use.

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FINDINGS

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

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

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

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

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

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

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

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, 4.220 for the Industrial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public

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notice of this project was provided in the June 1, 2018 and June 11, 2018 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right-of-way. Further, the proposal, with conditions, has been found to meet the requirements of CBJ 49.65.1245 related to marijuana cultivation.

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

No. The applicant has proposed a surveillance and security system and these will be inspected to ensure that they meet minimum state and local regulations. Further, much of the use is contained indoors in a secure facility where unescorted non-employees are not permitted.

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

No. Surrounding uses have similar or more intense off-site impacts such as noise and traffic. The proposed marijuana cultivation facility is not expected to decrease the value of or be out of harmony with property in the neighborhood.

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

Yes. The development of private businesses in Juneau is supported by the Comprehensive Plan. Further, the Heavy Industrial land use designation supports manufacturing uses.

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

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

N/A

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 650 square foot marijuana product manufacturing facility on an Industrial zoned lot in the Lemon Creek area.

The approval is subject to the following conditions:

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1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD a State of Alaska license that permits the use of marijuana retail at the subject site that substantially matches subject plans and operations described in the subject Conditional Use Permit.
2. The Conditional Use Permit shall be reviewed by the commission every five years from the date of issuance.
3. Prior to approval of a CBJ marijuana license, to comply with State requirements, the door between the manufacturing area and the cultivation area shall have a suitable lock and that this remains locked at all times except for access to and from the room.
4. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity.
5. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.



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 5011 Short Street, Juneau, AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) USS 204 Fraction		
	Parcel Number(s) 5-B12-0-100-003-3		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Lessee: ISG, Inc.	Contact Person Elizabeth Romanoski	Phone Number(s) (520) 548-4668
	Mailing Address 251 marine Way, Apt. 3, Juneau, AK 99801		
	E-mail Address elizabethromanoski28@yahoo.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		4.12.18	
	Landowner/Lessee Signature	Date	
X			
	Landowner/Lessee Signature	Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant Same	Contact Person	Phone Number(s)	
Mailing Address			
E-mail Address			
X		4.12.18	
	Applicant's Signature	Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Attachment A: Application

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number US 18-0004	Intake Initials AL
	Date Received 4/13/18



ALLOWABLE/CONDITIONAL USE PERMIT 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

Evergreen Extracts-Marijuana Product Manufacturing Facility. A remodel of an existing building at 5011 Short Street.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment – Accessory Apartment Application (AAP)
☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)
 Table of Permissible Uses Category: 4.220

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # USE20160030 ☐ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 5.02 acres square feet Total Area of Existing Structure(s) 8,100 square feet
 Total Area of Proposed Structure(s) NA square feet

EXTERNAL LIGHTING

Existing to remain ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☒ How the proposed use complies with the Comprehensive Plan

☒ Plans including:

- ☒ Site plan
- ☒ Floor plan(s)
- ☒ Elevation view of existing and proposed buildings
- ☒ Proposed vegetative cover
- ☒ Existing and proposed parking areas and proposed traffic circulation
- ☒ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

If this is a modification or extension include:

- ☒ Notice of Decision and case number
- ☒ Justification for the modification or extension
- ☒ Application submitted at least 30 days before expiration date

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ 500.00			
Admin. of Guarantee	\$			
Adjustment	\$			
Pub. Not. Sign Fee	\$ 50.00			
Pub. Not. Sign Deposit	\$ 100.00			
Total Fee	\$ 650.00			

AL
4/12/18

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.

Attachment A: Application

Case Number	Date Received
USE 18-004	4/12/18

PRODUCT MANUFACTURING MARIJUANA
FACILITY CONDITIONAL USE PERMIT
NARATIVE

Evergreen Extracts – a locally owned and operated
business

Submitted: April 12, 2018

Prepared by:



Jana D. Weltzin, Esq.
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Suite 201

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630-913-1113

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And

Wayne Jensen

Jensen Yorba Lott, Inc.

522 West 10th Street

Juneau, AK 99801

wayne@jensenyorbalott.com

907-586-1070

On behalf of:

ISG, Inc.

RECEIVED

APR 13 2018

PERMIT CENTER/CDD

NARRATIVE & PROJECT DESCRIPTION

Elizabeth Romanasoki, new Alaskan local and business owner, is venturing into the new Alaska commercial marijuana industry. Elizabeth will be opening a new marijuana manufacturing facility located in Juneau DBA Evergreen Extracts. Elizabeth is the sole shareholder of ISG, Inc., which will own and operate the proposed establishment, respectfully requests this honorable Commission consider her application for a Conditional Use Permit for the development of a marijuana product manufacturing facility in the Industrial Zone.

As part of ISG, Inc.'s commitment to follow state and local regulations, the manufacturing facility will have an inventory tracking system, maintain health and safety protocols according to industry standards, maintain high level security and video surveillance, provide an employee training program, and follow efficient operating procedures. Storage functions and waste disposal processes will be carried out in the most prudent way allowed by regulation.

ISG, Inc. is committed to giving back to the community and making Juneau a thriving and vibrant place to live, work, and play. ISG, Inc.'s objective is to provide a compliant, compassionate, and quality-focused environment where employees feel secure and comfortable in their surroundings, respect their community's wishes and input, and provide the unrivaled quality necessary to satisfy the needs of Alaska's adult recreational consumers.

BACKGROUND

The proposed marijuana manufacturing facility is located in an existing warehouse co-located with an approved marijuana cultivation facility see USE2016-0030. The warehouse was previously used for the State of Alaska archives storage building. The manufacturing facility will occupy part of the building, as shown on the diagrams submitted with this application.

The application was submitted to the State of Alaska Marijuana Control Board ("MCB") which was approved by the board in September of 2017. The attached MJ05 describes all the products and processes that were approved by the MCB.

ANALYSIS

A Conditional Use Permit is required under CBJ 49.65.1205. Elizabeth shall be eligible to obtain a CBJ Marijuana License if the CBJ approves this CUP. Elizabeth is in the process of formulating her team to create a staff that is dedicated to compliancy and quality output.

Evergreen Extracts will be using an extraction process to extract cannabinoids from the marijuana plant material and then create concentrated marijuana products and infused edible products to supply the wholesale market with another option for clean, solvent-less concentrate. Solvent-less concentrate is a safer method of creating marijuana products and extracts for the consumer. It employs no harmful substances, such as BHO or hexane, to extract the cannabinoids. Evergreen Extracts will be using a rosin press extraction method to create marijuana concentrates. Unlike extracts like butane hash oil (BHO), which utilizes

solvents, heavy equipment, and time-consuming processes to extract the resin from the plant, rosin production requires only two mechanisms: heat and pressure. At the center of rosin production is the press, a machine responsible for producing controlled amounts of heat and pressure over short periods of time. When you press the cannabis flower between the machine the oil is removed from the plant material and is then made available for collection.

Ice water extraction is a solvent-less process that uses ice, water and agitation to remove the trichomes from the marijuana plant material. The water with the extracted trichomes is then put through several screens of varying micron sizes to remove small plant particulates. The concentrates from the 25, 73 and 90 micron bags is then dried for use.

Once the concentrated product is created it can be made or used to infuse a variety of products – each product must be preapproved by the MCB prior to entering the wholesale market place.

USE OF THE LAND AND BUILDING:

The existing lot was created through a platting waiver in 1976, SUB W76-454, and is located in an Industrial zoning district. The minimum lot size in Industrial zones is 2000 square feet, and the minimum required lot width is 20 feet and depth is 60 feet. The building meets all required setbacks – the lot size is approximately 213,000 square feet; the lot width is 950.7 ft. and the lot depth is 230 ft.

The building being remodeled was constructed under Building Permit BLD2009-00081 in 2009 as an addition to a similar sized building that was constructed in 2006 under Building Permit BLD2006-00068. The total area of the building is approximately 16,300 sf. 8,100 sf of the building will be remodeled for a cultivation and manufacturing facility. Approximately 7,420 sf will be remodeled for the marijuana cultivation facility permitted under USE 2016-0030, 250 sf will be remodeled into a Flower and Preparation Room and approximately 430 sf will be remodeled for a marijuana product manufacturing facility, Category 4.220 in the Table of Permissible Uses.

The facility will be remodeled to reflect the plans attached hereto and will follow all state and CBJ requirements for such facilities. The cultivation license and the proposed product manufacturing facility will be separated by a locking door, creating its own secure area.

The site is located behind Western Auto. Access to the facility is from Glacier Highway around the south side of Western Auto.

PROJECT DESIGN

A floor plan of the proposed facility is attached. Evergreen Extracts does not intend to make any changes or updates to the exterior of the building. Exterior video surveillance will be placed on the outside of the facility in multiple locations. Changes to the interior of the building include constructing an approximately 430 sf Kitchen and converting approximately

EMPLOYEES

ISG, Inc. intends to have approximately 20 employees for both the cultivation and manufacturing businesses.

Qualified candidates will be hired on a probationary period during which time they will receive training and evaluation specific to their position. Training will include marijuana industry topics, safety precautions and procedures, legal issues, and state, local, and federal regulations. Training will take place throughout the year as well as when topics arise that need further explanation. Elizabeth or the general manager will personally present or arrange training and education to employees. Within the probationary period, all new employees will be required to meet with the general manager to learn the company's business approach and to adopt the standard of service. Educational packets will be provided to each manufacturing employee to be read and reviewed.

The educational packets will discuss relevant cannabinoids in the marijuana plant and in each product produced by Evergreen Extracts along with marijuana benefits and risks and general Alaska marijuana law. Packets will also include safety procedures that specifically address the facility's security measures and controls for the prevention of diversion, theft, and loss of marijuana. This includes emergency response procedures and state and federal statutes regarding confidentiality. As proper safety and security procedures are of the utmost importance to Elizabeth, the most up-to-date reading materials will be available to employees at all times.

Management will conduct quarterly staff meetings with the purpose of updating all employees on new state and local regulations, assuring that each employee is performing within company procedure, assessing any procedural changes that are needed, and addressing any comments or concerns from the staff. Prior to beginning work, employees will be expected to understand: (1) Alaska laws, regulations, and codes governing the marijuana industry and marijuana establishments; (2) all of the permitting requirements to act as a marijuana handler (including obtaining a Marijuana Handler permit from AMCO Enforcement after completing a state approved course prior to commencing employment) and to work in a marijuana establishment; (3) Evergreen Extracts' standards, operational protocol, and best practices with regard to all phases of manufacturing and sale of marijuana; (4) general safety procedures and security protocol; (5) how to think defensively if threatening situations occur, and how to recognize the signs of impairment, drug abuse, and instability in co-workers; (6) in-depth information about our particular products; (7) in-depth information on the requirements of each room, task, and system; (8) the general federal, state, and local employment regulations by which Evergreen Extracts is governed; and (9) manufacturing-specific education. To ensure full coverage for each position, all employees will be cross-trained on the requirements of each job. Evergreen Extracts will encourage staff to attend seminars, conferences, and workshops, and Management will maintain a library of resources on marijuana topics which will be available to employees at all times. The state and local marijuana regulations and laws will be posted in the

facility for reference. All new hires will be required to meet with the general manager to go over employment documents, specific tasks, educational materials, facility features, security, and position-specific training.

Evergreen Extracts will ensure that all employees will be properly documented in accordance with State and Federal laws and possess marijuana handling cards, from courses approved by the MCB. Elizabeth will ensure that all cards are kept on premises when employees are on site and will ensure that either a manager or herself does periodic checks to make sure the employees handler cards are valid and up to date. Elizabeth understands she will need to comply with all State of Alaska workers compensation laws and regulations for her staff.

SECURITY

Pursuant to CBJ 49.65.1245(a)(2), applicants are required to submit a security plan. As part of our commitment to the security of our employees, community, and overall public safety, Evergreen Extracts will maintain a comprehensive security plan that will focus on ensuring the overall premises, restricted access areas as outlined in 3 AAC 306.710(a), and parking areas are under continuous video surveillance at all times.

Evergreen Extracts will restrict access to any part of the licensed premises where marijuana is stored or stocked. Each restricted access area will be marked with a sign that says "Restricted Access Area. Visitors Must Be Escorted." Visitors will be limited to no more than five (5) per each authorized employee. Individuals under the age of twenty-one (21) are not allowed and visitors will show identification as outlined in 3 AAC 306.350, obtain a visitor pass, and be escorted at all times.

Video surveillance will maintain a 360-degree view of the exterior and interior of the premises including restricted access areas as outlined in 3 AAC 306.720 (1) and 3 AAC 306.430(d). Cameras will be placed with a full view of the entrance and exit of all interior and exterior doors and strategically placed in restricted access areas that will provide a clear view of regular activity without blockage by lighting hoods, fixtures, or other equipment in order to be able to identify individuals in the restricted access areas at all times per 3 AAC 306.720(b).

Video surveillance monitors will be in the restricted access area office and will ensure that the last forty (40) days are recorded (including time & date) and stored in order to comply with regulatory requirements (3 AAC 306.720(d)(e)). All security records will be accessible to law enforcement, Peace Officers, and Directors or Staff of the Marijuana Control Board as requested.

Evergreen Extracts' manufacturing facility has exterior lighting to help facilitate surveillance, a security alarm system on all exterior doors and windows, and continuous video monitoring. Evergreen Extracts will utilize motion detectors and commercial grade, non-residential door locks are used on all exterior entry points into the licensed premises. In the case of an unauthorized breach of the premises, local law enforcement and the owner/licensee will be

notified immediately. Strict policies and procedures to prevent diversion of marijuana or marijuana product and loitering (3 AAC 306.715) will be enforced. Evergreen Extracts will also ensure methods are put in place and maintained to certify that marijuana cannot be observed by the public from outside the facility.

During transport, product will be in a sealed package and in a locked, safe, and secure storage compartment in a transporting vehicle (3 AAC 306.750). Evergreen Extracts will keep records of all products in the electronic inventory tracking system to ensure overall compliance with state and local laws/regulations.

SCREENING

Pursuant to 49.65.1245(a)(4), Evergreen Extracts will not have any windows on the building, prohibiting the public's ability to see into the facility and view marijuana products or marijuana in general. There is no ability to see into the facility from the public right-of-way.

ODOR CONTROL

Pursuant to CBJ 49.65.1260, ISG, Inc. will abide by a strict no odor policy that will ensure no odor is detectable by the public from outside the facility as required by 3 AAC 306.420(a)(2)(F), and 3 AAC 306.430(c)(2). Odor control will consist of a number of methods meant to eliminate including sealed containers and air sanitizers throughout the building and when transporting marijuana to and from the premises. Further, due to the co-location of the cultivation facility, the entire warehouse will contain filters for the intake and exhaust outlets to prevent containments from entering the facility as well as removing odor from outgoing air. The system is a benefit for the public and for the cultivation facility and proposed product manufacturing facility.

WASTE DISPOSAL

In accordance with CBJ 49.65.1245(a)(3), Evergreen Extracts' manufacturing establishment will comply with applicable waste disposal federal, state and local laws and regulations as outlined in 3 AAC 306.740(a). Evergreen Extracts will create plant waste that is discarded after it has been processed by the above extraction methods. Another form of waste may be products that failed potency testing or testing for any other reason. All plant waste will be rendered unusable after giving AMCO enforcement a three-day notice prior to destruction of marijuana plant waste.

Evergreen Extracts will ensure that health and safety standards are met, and reasonable precautions are taken while storing, managing and disposing of solid or liquid waste as outlined in 3 AAC 306.740.

Waste is defined as marijuana plant waste including roots, stalks, leaves, and stems that have not been processed with a solvent, solid marijuana sample plant waste in the possession of a marijuana testing facility, and any other waste as determined by the Marijuana Control Board.

Solid Waste

Waste will be weighed using an industrial scale as outlined below and in compliance with 3 AAC 306.745 and logged into the electronic inventory tracking system which will provide the required three (3) day notice to AMCO enforcement in preparation for rendering it unusable and disposing of it (3 AAC 306.745(b)(1)). After notifying AMCO Enforcement of the destruction, Evergreen Extracts will wait the required three (3) day waiting period before rendering marijuana waste unusable. The marijuana solid waste will be combined and ground up with a compostable or non-compostable product. Marijuana solid waste will be mixed with at least an equal amount of compostable or non-compostable material. Management will ensure that the final disposal mixture is composed of no more than fifty percent (50%) marijuana waste by volume. Elizabeth or a trained employee shall check each time marijuana waste is rendered unusable to ensure the 50/50 ratio is achieved.

Unusable solid waste will be taken to a solid waste facility, transfer station, or incinerator and a record of the destination will be maintained as part of the business record (3 AAC 306.470(c)(2). Testing samples returned to the manufacturing facility after required testing will be disposed of in the same manner as listed above.

In the case of a waste disposal emergency such as pests, molds, accidents or other comparable situations, the solid plant waste will be separated from all other waste and stored in a separate bin until a Marijuana Control Board Staff Member and/or Director authorizes an immediate disposal as outlined in 3 AAC 306.740(c)(1).

Upon rendering an item unusable, the following information will be recorded in the electronic inventory tracking system:

1. A description of and reason for the marijuana being disposed of including, if applicable, the number of failed or other unusable marijuana plants and the weight of the plant(s) or item(s);
2. The date of disposal;
3. Confirmation that the marijuana was rendered unusable before disposal;
4. The method of disposal; and
5. The name and permit number of the agent responsible for disposal.

HABITAT

No habitat regulated by Title 49 is affected by this proposal. The project is a portion an approximately 5 acre site. The two buildings occupy approximately 1/3 of the site. The remaining approximately 2/3 of the parcel is vegetated.

TRAFFIC

Due to the proposed use being a commercial manufacturing facility, the only traffic generation will consist of employees and supply delivery coming to and from the proposed location. Traffic to and from the site will consist of employees coming to and from work, supply deliveries into the facility, shipments of product out of the facility, the occasional AMCO Enforcement Officer visits, and any CBJ staff visits/inspections. Elizabeth will not be selling any product onsite and anticipates weekly or biweekly reoccurring deliveries to be made to the facility.

PARKING Using the parking ratios of 1 space/1,000 sf for the cultivation and manufacturing related area results in total required parking of 8,100 = 8.1 (8) spaces. This total includes 1 van accessible space. In addition one loading zone is required. The parking is indicated on the attached Site Plan.

PROPERTY VALUE OR NEIGHBORHOOD HARMONY.

The proposed use is compatible with adjacent properties and fits perfectly into the neighborhoods industrial purpose both in size and design. Adjacent properties are zoned as industrial which is compatible with the proposed property and its proposed use. Nearby properties focus on industrial services and range in size from small buildings to medium/large. Adjacent lots are similarly set up with a building, parking area, side yards and storage areas as is seen on the proposed property.

The manufacturing facility will not be open to the public and appointments will be set for visitors, vendors, deliveries and other allowable activities between the hours of 8am-6pm, Monday through Saturday. Since the proposed use operates on limited business hours it is not overextending its presence with adjacent properties and it will not be open to the public which will help to minimize any impact in the surrounding area.

NOISE.

The proposed use will have limited noise compared to adjacent properties. Elizabeth does not anticipate any noise to come from her manufacturing facility, and if any noise is to be produced it will be comparable to surrounding industrial land uses.

Mold Prevention Plan

Evergreen Extracts will employ a strict mold management system that will ensure protocols are in place if mold is located on the premises. The mold management system will be monitored and overseen by the Manufacturing Manager and the premises will be checked regularly for potential mold issues at least once per week.

Prevention is key to the success of the mold management plan as well as standardized procedures (utilized to ensure if incidents occur they are handled quickly and efficiently) and remediation. The Manufacturing Manager will use reasonable and prudent judgment to determine when employees should evacuate the building.

Prevention

Moisture control is the key to mold control. Moisture issues such as leaks should be reported to the Manufacturing Manager immediately to ensure proper steps are taken. In order to prevent mold, the following procedures will be followed:

- Fix leaks and leaky plumbing as soon as possible.
- Watch for condensation and wet spots and clean any spots within 48 hours.
- Mold caused by condensation will be prevented by increasing surface temperatures or reducing moisture levels in the air.
- Keep heating, ventilation and air conditioning, flowing properly and unobstructed.
- Maintain the minimum amount of humidity needed to ensure proper manufacturing processes are maintained.
- Perform regular building & HVAC inspections and maintenance as necessary

Mold Found in Marijuana Used for Processing

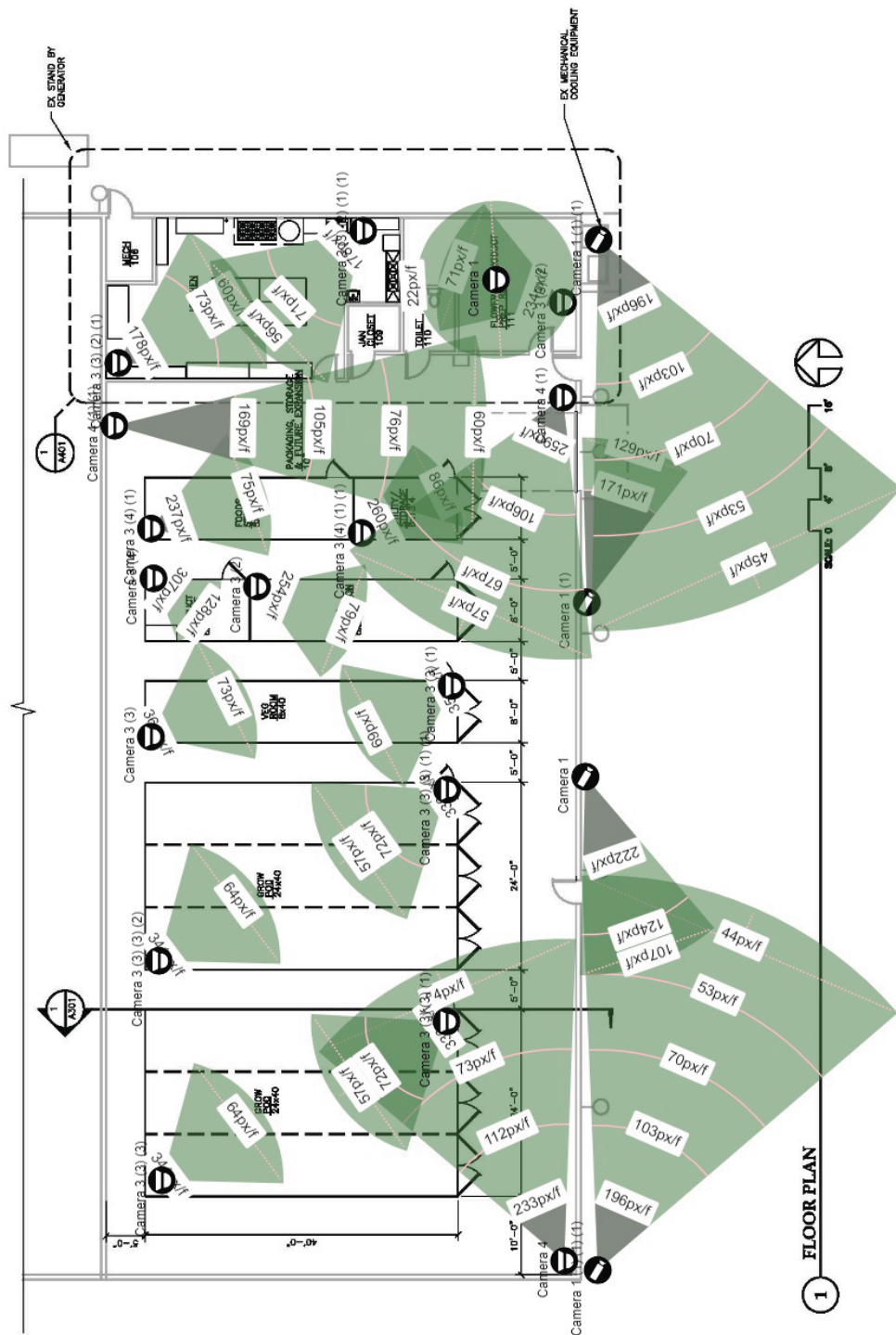
Upon rendering the plant(s) or item unusable, the following information will be recorded in the electronic inventory tracking system:

1. A description of and reason for the marijuana being disposed of, including, if applicable, the number of failed or other unusable marijuana plants and the weight of the plant(s) or item(s);
2. The date of disposal;
3. Confirmation that the marijuana was rendered unusable before disposal;
4. The method of disposal; and
5. The name and permit number of the agent responsible for disposal.

10/26/2016

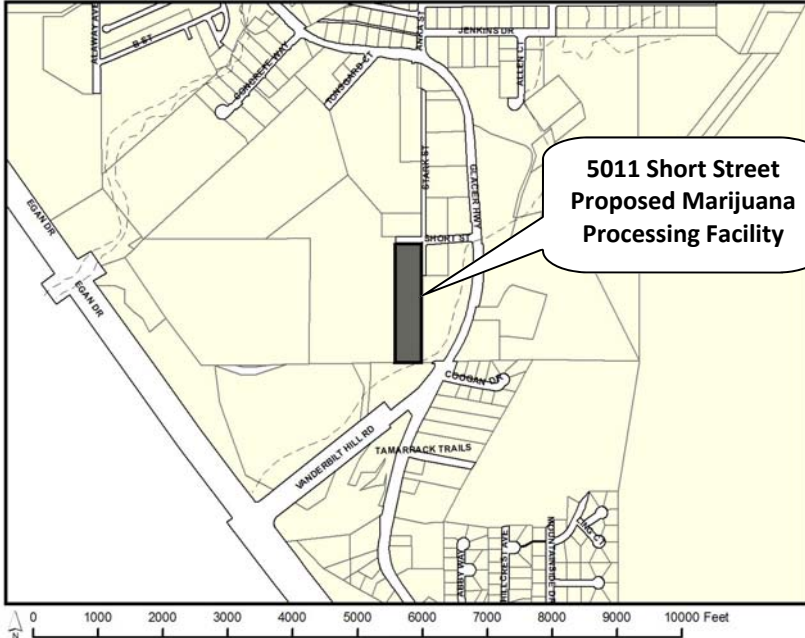


Attachment A: Application



Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



5011 Short Street
Proposed Marijuana
Processing Facility



COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **marijuana product manufacturing facility** located at **5011 Short Street** in an **Industrial (I) zone**.

TIMELINE

Staff Report expected to be posted Monday, June 4, 2018 at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 25, 2018

May 26 through 12 noon, June 12

HEARING DATE & TIME
7:00 pm, June 12, 2018

June 13

Comments received during this period will be sent to the Planner, **Tim Felstead** to be included in the staff report.

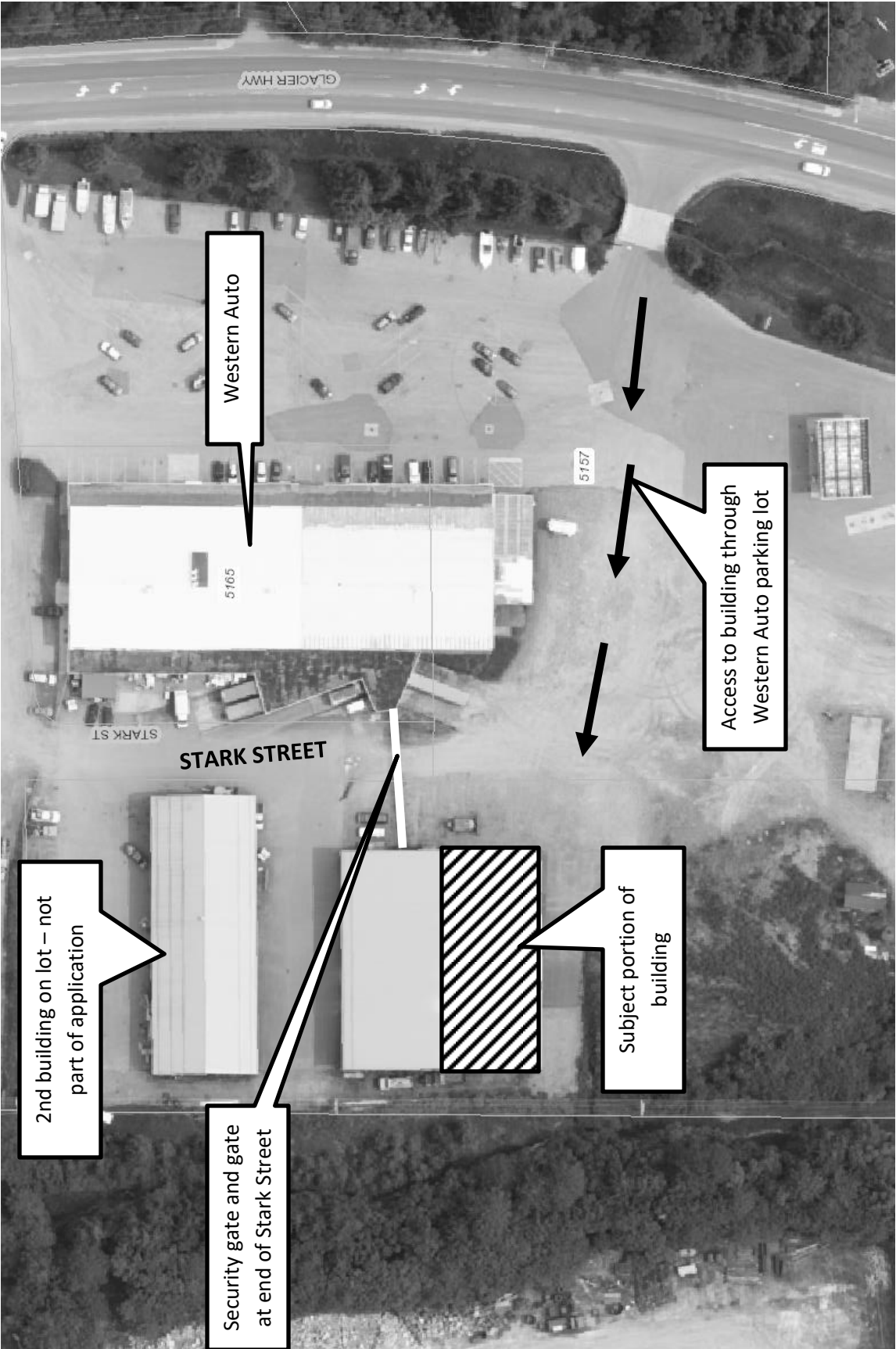
Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

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

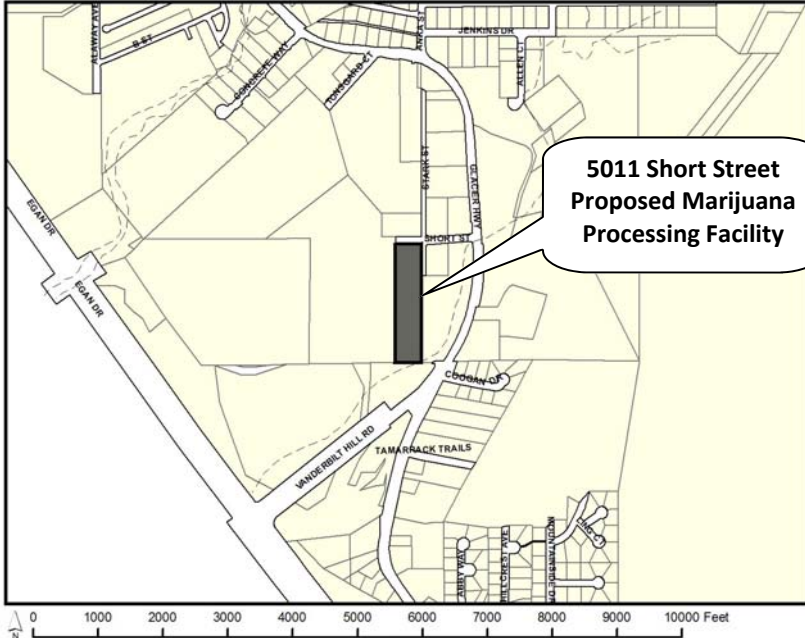
Case No.: USE2018 0004
Parcel No.: 5B1201000033
CBJ Parcel Viewer: <http://epv.juneau.org>



Aerial photograph of site showing security gate at the end of Stark Street and proposed access

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



5011 Short Street
Proposed Marijuana
Processing Facility



155 S. Seward Street Juneau, Alaska 99801

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Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: June 12, 2018
File No.: USE2018 0004

ISG, Inc.
251 Marine Way, Apt. 3
Juneau, AK 99801

Proposal: A Conditional Use Permit for a marijuana product manufacturing facility in an Industrial Zone

Property Address: 5011 Short Street

Legal Description: USS 204 Fraction

Parcel Code No.: 5B1201000033

Hearing Date: June 12, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 1, 2018, and APPROVED the Conditional Use Permit for a Marijuana Product Manufacturing Facility in an Industrial Zone to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD a State of Alaska license that permits the use of marijuana retail at the subject site that substantially matches subject plans and operations described in the subject Conditional Use Permit.
2. The Conditional Use Permit shall be reviewed by the commission every five years from the date of issuance.
3. Prior to approval of a CBJ marijuana license, to comply with State requirements, the door between the manufacturing area and the cultivation area shall have a suitable lock and that this remains locked at all times except for access to and from the room.
4. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity.

ISG Inc.
File No.: USE2018 0004
June 12, 2018
Page 2 of 2

5. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

Attachments: June 1, 2018, memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2018 0004.

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

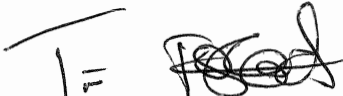
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030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

Effective Date: The permit is effective upon approval by the Commission, June 12, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or December 12, 2019, if no building permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.

Project Planner:


Tim Felstead, Planner
Community Development Department


Benjamin Haight, Chair
Planning Commission


Filed With City Clerk

June 13, 2018

Date

cc: Plan Review

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



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: June 4, 2018

TO: Planning Commission

FROM: Tim Felstead, Planner
Community Development Department

FILE NO.: USE2018 0006

PROPOSAL: A Conditional Use Permit for a marijuana retail establishment in a mixed used zone

A handwritten signature in black ink, appearing to read "Tim Felstead", is written over the printed name in the "FROM:" field.

GENERAL INFORMATION

Applicant: Alaskan Kush Company LLC

Property Owners: Michael Thomas & Bettye Jean Adams

Property Address: 159 S. Franklin Street

Legal Description: Juneau Townsite Block H, Lot 1 Front

Parcel Code Number: 1C070B0H0030

Site Size: 3,872 sq. ft.

Comprehensive Plan Future Land Use Designation: Traditional Town Center (TTC)

Zoning: MU

Utilities: Public water/Public sewer

Access: S. Franklin Street

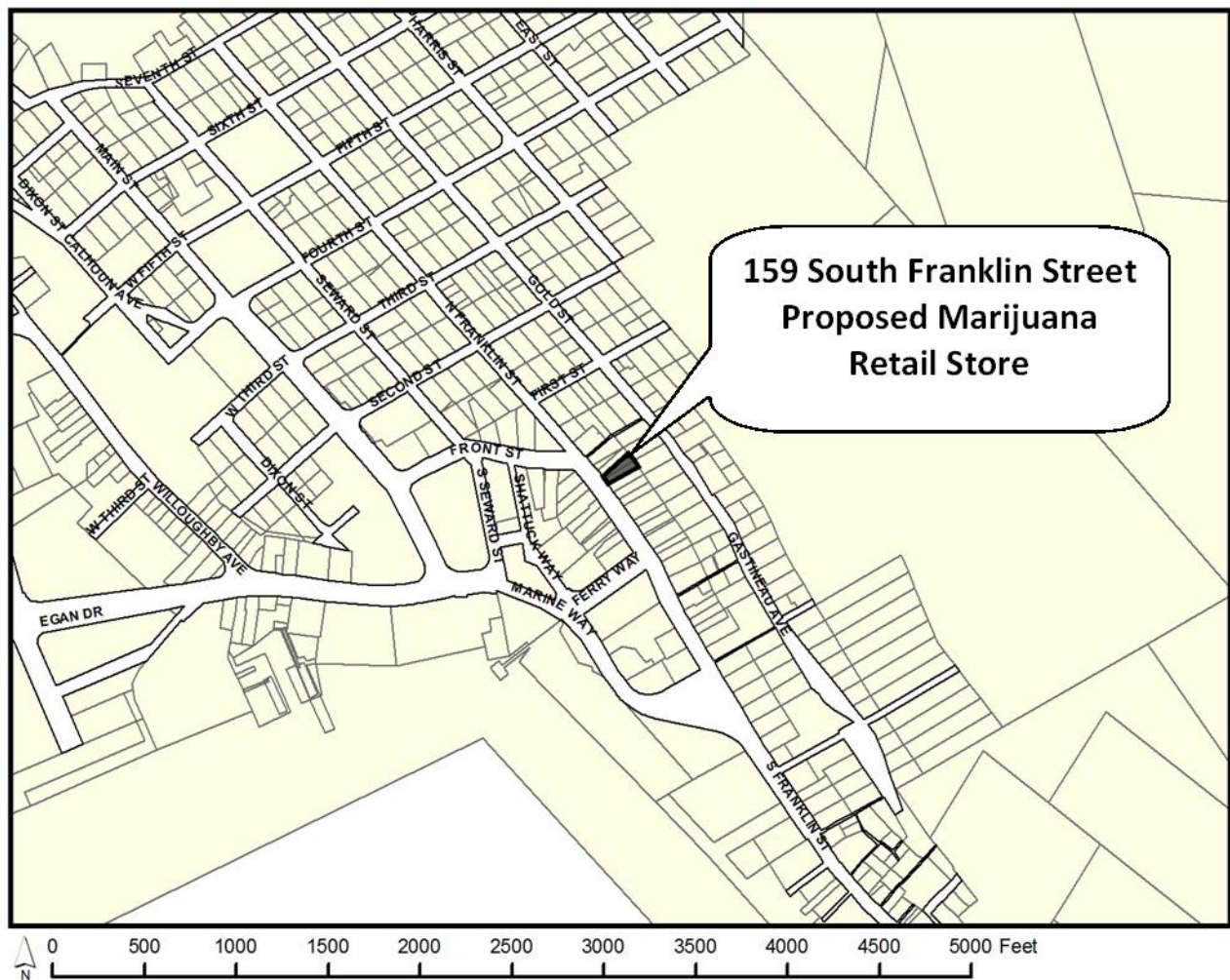
Existing Land Use: Single story retail

Planning Commission
 File No.: USE 2018 0006
 June 4, 2018
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Surrounding Land Use:

North	- Retail; Mixed Use (MU)
South	- Hotel/Bar; Mixed Use (MU)
East	- Vacant; Mixed Use (MU)
West	- S. Franklin St, Retail/Multifamily; Mixed Use (MU)

VICINITY MAP



ATTACHMENTS

Attachment A: Application including site plans, floor plans and narrative
 Attachment B: Public notice
 Attachment C: Photos of site

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June 4, 2018
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PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a marijuana retail establishment in Downtown Juneau.

BACKGROUND

According to the CBJ GIS, the building at 159 S. Franklin Street exists on two legal lots of record, although it has only one CBJ tax parcel code. The building was one of the previous locations for the Red Dog Saloon and more recently has been a retail store or an art gallery.

The building is designated as an historic structure in the CBJ Historic Downtown District (CBJ database #A-07). According to the CBJ Historic Structures and Sites database, it was constructed in 1914, although the CBJ Assessor's database shows 1900 as the construction date.

ANALYSIS

Project Site – The subject building is located on South Franklin Street adjacent to the Alaskan Hotel. The building is accessed from the front on South Franklin Street and a door at the rear which can be accessed from a passageway between the Alaskan Hotel and the subject building. The door at the rear is designed for use as an emergency exit. The passageway has an emergency exit lock and is not publically accessible from South Franklin Street. The main front door will be used by both the retail staff and the public.

The combined size of the two lots is 3,872 square feet. The minimum lot size for the Mixed Use zoning district is 4,000 square feet. The lot size is nonconforming. All setbacks in the Mixed Use zoning district are zero feet. With the exception of the building crossing the common side yard lot line, the subject building complies with the setbacks. The building crossing the lot line is considered a nonconforming situation. There is no minimum vegetative cover requirement in the Mixed Use zoning district.

Project Design – The subject building will be divided by a partition wall (see **Attachment A**). This will separate a restricted access marijuana retail area from a non-restricted retail space that will sell general merchandise. The applicant intends to remodel the front of the building so that both the restricted and unrestricted areas have the same main entrance but the restricted area will have an internal public entrance where identification will be checked.

The business staff will be able to move between the restricted and unrestricted areas through a door at the rear of the unrestricted area. Per State regulations, retail establishments may have a limited access public area where the public show identification for access. Anywhere the product is stocked or dispensed is restricted to access by staff with a State Marijuana Handler's License. Visitors are allowed in restricted areas if they sign in as visitors and are escorted by staff while they are on the premises. The applicant has stated they will have an audible alarm to alert when the connecting door is open. Given the unusual floor plan for a marijuana retail

Planning Commission
File No.: USE 2018 0006
June 4, 2018
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business and to ensure this is reviewed during inspection, it is recommended as a condition:

It is recommended as a condition of approval that the door between the unrestricted area and restricted area have an alarm that is audible in the restricted area to make the staff aware the door is open. It is recommended that the door shall be monitored by a camera.

The applicants intend to change the current design of the entrance area alcove to a flat store façade. The proposed remodel will require a building permit. It will also require review by the CBJ Historic Resources Advisory Committee (HRAC).

Signs for the store will require CBJ Sign permits, and these will also be subject to the CBJ Historic District design standards.

CBJ 49.65.1245 identifies additional submittal requirements for marijuana establishments. Those items to be reviewed are detailed below.

Ventilation & Filtration/Odor – Per CBJ 49.65.1260, all marijuana establishments shall utilize a system which prohibits the detection of noxious odors from outside the licensed premises. This requires the level of odor to be below a threshold *‘that a reasonable person of ordinary sensibilities would find negatively affects the person’s enjoyment of life, health or property’*.

Odor is primarily a concern with marijuana cultivation. Retail operations are not required to submit a ventilation and filtration plan with the Conditional Use Permit application. Most marijuana product sold at retail is packaged. Marijuana retail establishments typically have small amounts of marijuana enclosed in containers for customers to smell. It is expected that there will be no odor discernable from outside the building.

Security – According to CBJ 49.65.1245(a)(2), applicants are required to submit a security plan. State regulations require exterior lighting, alarm systems, video monitoring, and commercial grade door locks.

All exterior entrances will be equipped with security cameras and a number of security cameras will provide surveillance coverage of the interior space including the doorways to restricted employee-only areas. The recordings will be located in the restricted access office area and are required to have a battery back-up system. Exterior entrances are also proposed to have security cameras on exterior walls.

Exterior lighting is provided in the canopy on South Franklin Street. The applicant has stated they will install commercial grade locks on all exterior doors and the applicant intends to board up some windows from the inside. An alarm system will be installed to detect broken windows, each exterior door will have a sensor, and the tills will have a panic button next to them.

Waste disposal – The products for sale will be pre-packaged before arriving at the retail store. It is expected that very little waste will need to be disposed of. Any marijuana waste will be returned to the supplying cultivation facility for disposal according to State regulations.

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Screening – State and local regulations require that no marijuana products be visible from a public right-of-way. The applicant does not discuss this in their proposal.

It is recommended that as a condition of approval that prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevents marijuana products being visible by the general public from the right-of-way.

Traffic – No significant traffic impacts are expected from the proposed use of the existing retail space as a marijuana retail store.

There is potential for customers to queue on the sidewalk while waiting to enter the limited access area of the retail store. Other marijuana retail establishments in the downtown area do not experience this issue. The applicant should require any queuing customers to wait in the non-restricted side of the building or require them to line up along the front of the building out of the way of other pedestrians.

It is recommended, as a condition of approval, that as an operational condition, the applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.

Parking and Circulation - The building was constructed prior to parking requirements under the CBJ Land Use Code and is located in the PD-1 parking overlay district. CBJ 49.40.210(d) provides an exemption for buildings in the PD-1 overlay district. Only expansions of existing buildings or construction of new buildings are required to provide additional parking; changes in use of an existing building do not require additional parking. The subject building was expanded in 2016 (BLD2016-0404) with an additional 330 square foot storage area being added. Part of this addition has been identified as office space in the floor plans for this Conditional Use Permit.

The parking requirement based on the floor plan in the 2016 building permit is 0.132 spaces based on the use of the area for storage, which when rounded to the nearest whole number is 0 spaces.

Noise - The operation is not anticipated to create any more noise than any other retail operation in the vicinity.

Public Health or Safety – Several aspects of public health and safety related to a marijuana retail establishment were addressed in previous sections of this report including security and odor management. Public health issues related to marijuana retail also include quality control of the salable product. Samples of all products are required to be tested prior to sale to ensure the absence of harmful microbial and residual solvents and provide potency information.

State regulated potency limits, package labeling, and sign posting requirements are meant to ensure consumers are educated about the products' potency, time elapsed effect, and dosage

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 File No.: USE 2018 0006
 June 4, 2018
 Page 6 of 9

recommendations. CBJ regulations also require signage regarding use and transportation of marijuana products to be displayed in a prominent place.

A building permit will be required for the anticipated remodel of the front doorway and a fire inspection is required as part of the CBJ licensing inspections. Tenant improvements to the retail areas will also need to be completed and inspected prior to a CBJ license being approved. The CBJ Building Official and CBJ Deputy Fire Marshall have no concerns with the application.

Habitat – No habitat regulated by Title 49 is affected by this proposal.

Property Value or Neighborhood Harmony – The site is located in the core of downtown where diverse uses exist such as bars, restaurants, apartments, retail, and various public services. Operating under the restrictions of the CBJ and State, the proposed marijuana retail use is not expected to decrease property value or negatively affect neighborhood harmony.

The CBJ Assessor has stated that given the number of bars in the vicinity, she foresees no negative impacts from a marijuana retail business than would be expected from a bar.

No comments have been received from the public at the time of writing.

Conformity with Adopted Plans

CBJ 2013 Comprehensive Plan

The commercial area of downtown is designated Traditional Town Center (TTC) as shown on Map M on page 163. In summary, TTC is designated for an area appropriate for high density housing, major employment centers, and a mix of retail and residential developments.

Pages 184–186 provide policies pertaining to the downtown area; the following are relevant to the project:

SUBAREA POLICIES: MAP 'M' POLICIES

POLICY 10. PROMOTE MIXED USES DOWNTOWN. ENCOURAGE SMALL-SCALE NEIGHBORHOOD-SERVING RETAIL AND PERSONAL SERVICE BUSINESSES AND INCREASED MULTIFAMILY DEVELOPMENT WITHIN THE URBAN CENTER. ENCOURAGE HOUSING OVER GROUND-FLOOR RETAIL SPACE, SINGLE-ROOM-OCCUPANCY (SRO) DWELLINGS AND/OR LOFT-STYLE HOUSING IN DOWNTOWN. [PAGE 185]

POLICY 19. WHEN CONSIDERING APPLICATIONS FOR BUILDING PERMITS FOR COMMERCIAL USES WITHIN THE DOWNTOWN JUNEAU AREA, CONSIDER THE POTENTIAL NOISE IMPACTS OF MECHANICAL EQUIPMENT OR PATRONS ON ADJACENT RESIDENTIAL USES. IT MAY BE APPROPRIATE TO ESTABLISH A NOISE ORDINANCE FOR THE DOWNTOWN JUNEAU SUBAREA WHERE CASE-BY-CASE

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ANALYSIS, CONDITIONS OF PERMITS AND ENFORCEMENT ACTIVITIES ARE NOT PRACTICAL TO SOLVE NOISE PROBLEMS. [PAGE 187]

Staff further reviewed the 2013 Comprehensive Plan for general policies that may be relevant to the proposal:

POLICY 5.1 TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS. [PAGE 44]

POLICY 5.18 TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA. [PAGE 64]

POLICY 5.20 TO ENCOURAGE RESIDENTS AND BUSINESSES TO “LOOK LOCAL FIRST” FOR PURCHASES OF GOODS AND SERVICES. [PAGE 66]

The proposed development would help to diversify the economy and is a new business as encouraged by these policies.

Economic Development Plan

The goal of this Plan is to ensure Juneau’s future continues on the path of increasing economic resiliency and prosperity. Of the Plan’s seven initiatives, ‘Revitalizing Downtown’ is most relevant to the proposal. Although this priority does not speak specifically to retail or marijuana businesses, the proposal results in continued economic use of downtown store space, continued property and sale tax growth, and activity in the downtown area. This furthers efforts towards downtown revitalization.

Staff finds the proposed marijuana retail use is consistent with relevant adopted plans.

FINDINGS

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

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

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

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

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

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

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

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The use is listed at CBJ 49.25.300, Section 2.300 for the Mixed Use zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the June 1, 2018, and June 11, 2018 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way. Further, the proposal, with conditions, has been found to meet the requirements of CBJ 49.65.1245 related to marijuana retail.

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

No. With the recommended conditions, the subsequent building permit review process, and CBJ License process, the public health and safety will not be materially endangered.

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

No. With the recommended conditions, the approval of the subject permit will not be out of harmony with property in the neighboring area.

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

Yes. The proposal is consistent with the policies and land use designation of the Comprehensive Plan and the Juneau Economic Development Plan and complies with the Land Use Code, Title 49.

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

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

N/A. No elements of the project are affected by the Juneau Coastal Management Program.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development and operation of a marijuana retail business in downtown Juneau.

The approval is subject to the following conditions:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD the approved State of Alaska license application that permits the use of marijuana retail at the subject site to ensure it matches the plans and operations described in this Conditional Use Permit.
2. Prior to receiving a CBJ Marijuana license, the connecting door between the unrestricted area and restricted area shall have an alarm that is audible in the restricted area to make the staff aware the door is open. The door shall also be monitored by a camera.
3. Prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevents marijuana products being visible by the general public from the right-of-way.
4. As an operational condition, the applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.
5. The Conditional Use Permit shall be reviewed by the commission every five years from the date of issuance.



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 <u>S FRANKLIN ST 159</u>	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <u>JUNEAU TOWNSHIP BL H LT 1 FR</u>	
	Parcel Number(s) <u>1C070 B0H0030</u>	
	☒ This property located in the downtown historic district ☒ This property located in a mapped hazard area, if so, which <u>MODERATE LANDSLIDE/AVALANCHE AREA</u>	
	LANDOWNER/ LESSEE	
	Property Owner <u>HERBERT E SMYTH & CASEY WILKINS</u>	Contact Person <u>ALASKAN KUSH COMPANY LLC</u>
	Mailing Address <u>PO Box 240588 DOUGLAS AK 99824</u>	Phone Number(s) <u>801 709 9394 HERB SMYTH</u>
	E-mail Address <u>ALASKANKUSHCO@GMAIL.COM</u>	<u>907 957 3877 CASEY WILKINS</u> <u>503 936 0901 GREG SMITH</u>
	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 <u>HERBERT E SMYTH</u> <u>4/17/18</u> Landowner/Lessee Signature Date X <u>Casey Wilkins</u> <u>4/19/18</u> 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 <u>SAME</u>		
Contact Person <u>HERBERT SMYTH / CASEY WILKINS</u>		
Mailing Address <u>PO Box 240588 DOUGLAS AK 99824</u>		
Phone Number(s) <u>801 709 9394 HERB SMYTH</u>		
E-mail Address <u>ALASKANKUSHCO@GMAIL.COM</u>		
X <u>HERBERT E SMYTH</u> <u>4/17/18</u> Applicant's Signature Date of Application		

DEPARTMENT USE ONLY BELOW THIS LINE

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.

Attachment A: Application

Intake Initials <u>ANF</u>
Case Number <u>USE 18-006</u>
Date Received <u>4/19/18</u>



ALLOWABLE/CONDITIONAL USE PERMIT 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.

PROJECT SUMMARY

A conditional Use Permit for a marijuana retail facility

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment – Accessory Apartment Application (AAP)

☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: 49.25.300 MUDISTRICT USE 2.300 "MARIJUANA RETAIL STORE"

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____

☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☒ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 3872 square feet Total Area of Existing Structure(s) 1367 square feet

Total Area of Proposed Structure(s) 800 square feet

EXTERNAL LIGHTING

Existing to remain

☐ No

☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed

☐ No

☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☐ Narrative including:

- ☐ Current use of land or building(s)
- ☐ Description of project, project site, circulation, traffic etc.
- ☐ Proposed use of land or building(s)
- ☐ How the proposed use complies with the Comprehensive Plan

☐ Plans including:

- ☐ Site plan
- ☐ Floor plan(s)
- ☐ Elevation view of existing and proposed buildings
- ☐ Proposed vegetative cover
- ☐ Existing and proposed parking areas and proposed traffic circulation
- ☐ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

If this is a modification or extension include:

- ☐ Notice of Decision and case number
- ☐ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES		Check No.	Receipt	Date
	Fees			
Application Fees	\$ <u>500</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>650</u>			

0154956 4/19/18

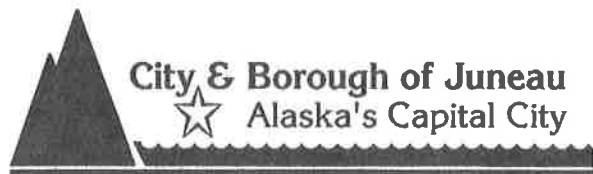
This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
<i>49-18-006</i>	<i>4/19/18</i>

Attachment A: Application



**City and Borough of Juneau
Community Development Department**

155 South Seward Street
Juneau, Alaska 99801

Telephone: 586-0715 Facsimile: 586-3365

Project Name:

Case Number: PAC2016 0011

Project Description: Marijuana Retail

Applicant: Zeke Smythe

Property Owner: Michael Thomas and Bettye Jean Adams

Property Address: 159 South Franklin

Parcel Code Number: 1Co70BoH0030

Site Size: 1,700 sq. ft. building

Zoning: MU

Existing Land Use: Vacant Commercial Space

Conference Date: 2/24/2016

Report Issued:

List of attendees

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

Name	Title	Email address
Zeke Smythe	Applicant	
John Young	Building Department	
Ron King	General Engineering	
Sven Pearson	Fire Marshal	
Chrissy Steadman	Planning Department	
Allison Eddins	Planning Department	

Neighborhood Association/Contact:

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that were not already identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

1. Zoning – Mixed Use (MU). Table of Permissible 49.25.300 use 2.300 “Marijuana retail store” allowed with a CUP in a MU district.
2. Setbacks – MU districts have 0 foot setbacks.
3. Height – See #2
4. Parking – This lot is located in the PD-1 parking district which is exempt from parking requirements in 49.40.210, except in the case of the expansion of an existing building or the construction of a new building.
5. Landscaping – No landscaping is required. However, any vegetation that can be incorporated into the site without encroaching into the public right-of-way, is strongly encouraged.
6. Building – The building is located in the Historic District and should comply with all relevant requirements in the Historic District Design Standards and Guidelines. (See note 20)
7. Fire District – CBJ Fire Marshal has no comments at this time.
8. Lighting – Any proposed or existing exterior lighting should be shown on a site plan.
9. Habitat Issues – No habitat at this location at this time.
10. Lot Coverage – MU districts have no limits on lot coverage.
11. Traffic – Noise levels beyond that of a typical retail establishment are not anticipated with this proposal.
12. Engineering – Owner needs to resolve a storm drain issue and has been working with General Engineering on this issue.
13. Noise – Noise levels beyond that of a typical retail establishment are not anticipated with this proposal.
14. Drainage – The owner of the property has been working with General Engineering to resolve a storm drainage issue.
15. Utilities – Public water and sewer are available at this site.
16. Wetlands – No wetlands issues at this location at this time.
17. Hazard/Avalanche/Hillside Endorsement – This property is located in a moderate landslide/avalanche area.
18. Flood – This property is located in a Zone X area of minimal flood hazard, FEMA panel 1567D.
19. Other Agency Reviews – Planning, Building, General Engineering and Fire will review the conditional use permit application and any building permit applications.
20. Signage – Per 49.45.230, this building is allowed 42 square feet of sign area. This is calculated by taking the length of the building that faces the right-of-way (in this case approximately 28 feet) and multiplying that number by 1.5 ($28 \times 1.5 = 42$). Sign area is the total area of all visible faces of the sign.
21. Historic District -
 - a. This building has a maximum height limit of 35 feet.

Pre-Application Conference Final Report

- b. Rooftop uses, like tables, umbrellas, patio furniture, etc., should be setback from the cornice of the building so that they are not visible from the sidewalk below.
- c. Mechanical equipment should be located where it is not visible
- d. Do not remove or make major alterations the building canopy.
- e. One under canopy hanging sign is allowed per tenant per street façade. This proposal will have only one tenant (you) and one street façade (N. Franklin), therefore only one under canopy hanging sign is allowed.
- f. The primary building entrance shall be the main source of exterior lighting. Recessed down lighting under canopies and seasonal string lighting are both appropriate.
- g. Any exterior alterations, including sign placement, will need to be approved by the Historic Resources Advisory Committee prior to any work being done.

List of required applications

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

1. Development Permit Application
2. Conditional Use Permit Application

Additional submittal requirements:

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined to be complete. Each submittal requirement should contain as much detail as possible. (These are submittal requirements as of 2/24/2016. Please be advised that these may change prior to the City and Borough of Juneau City Assembly adoption of the ordinance 2015-38.)

1. A copy of this pre-application conference report.
2. A site plan of all buildings on the property
3. A floor plan showing how the floor space is or will be used, including restricted areas and the total floor area of the building.
4. A security plan indicating how the business will comply with the requirements imposed by State law
5. A waste disposal plan indicating how the business will comply with the State requirements
6. A screening plan illustrating the business' compliance with AS 17.38.070.
7. A ventilation plan showing the location of all doors, windows, air vents and air vent filters.
8. Any additional documentation determined by the director to be necessary for the commission to make a decision whether to approve or deny the permit, or approve with conditions, to ensure compliance with CBJ 49.65.110 and 49.15.330 (f), including but not limited to neighborhood harmony.

Pre-Application Conference Final Report

Fee estimates

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

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

The proposed use is considered a Class II uses, according to 49.85.100 (3) (B). The fee for the Conditional Use Permit application and review will be \$500.00.

CBJ 49.15.230 requires the applicant of a Conditional Use Permit to post a public notice sign at the location of the proposed use for at least 14 days prior to the Planning Commission hearing. The fee for the public notice sign is \$50.00. The applicant must also pay a \$100.00 sign deposit which will be refunded after the sign is returned to the Community Development Department.

The fees that are applicable to the subject proposal are subject to change if the proposed projects changes and/or if new or additional information is presented after the meeting.

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

Submit your completed application

You must submit your application(s) in person with payment to:

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-3365
Web: www.Juneau.org

Marijuana Handler Training ID Check for Age and Authenticity

The marijuana handler will take the ID of the person who appears to be under the age of 30 in their hand to screen it. No ID will be viewed through plastic. Politely ask customers to remove their ID from their wallet, get it in your hand. If it's in your hand, you can feel it, rub it, touch it and feel any large or small imperfections that will indicate a possible alteration in the ID.

Know the date and the year for someone to be 21. Do this by subtracting 21 from the current year: $2018 - 21 = 1997$

Know the current date in this example the current will be January 9, 2018.

If a persons ID says January 14, 1997 Then that person is 20 with only 5 days till that person is 21.

Another way to detect a possible misuse or false use of an ID is to ask the customer a question. After requesting the customers ID, and while it is in your hand and you've done the math. Closely examine the photo on the ID. See, and remember the image, the number one method used by underage persons to get access to areas designated for persons over 21 years of age is to borrow an ID of someone over 21. Under age persons, won't borrow just any ID they will get the ID of a person they actually look like and whose general physical description is close to them. Look for differences in the hairline, the ears, the nostrils and the smile.

If you doubt the person in front of you is actually the person in the photo ask for other verifiable ID or ask another employee to help you. Never be afraid to ask for help.

If you doubt the authenticity of the ID, ask questions of persons while screening their ID. While you have an ID in hand, and have verified the date, but suspect the photo isn't right, be prepared to ask questions that may confuse the person. You don't have to know the correct answer but instead, you want the person who is using a borrowed ID to stop and think about your question, mainly because the question has surprised them and they don't know the answer. So, pick a question that most people would automatically know the answer to, such as; "What type of car does your mother drive?" or "What college does your sister attend?" Again, you don't have to know the answer but you need to understand their answer.

Typically an underage person will start their answer with; "Uhh" or will be very silent.

If you have a doubt don't serve the person. Ask for help or refuse to serve the person and ask them to leave.

159 South Franklin Street, Juneau AK

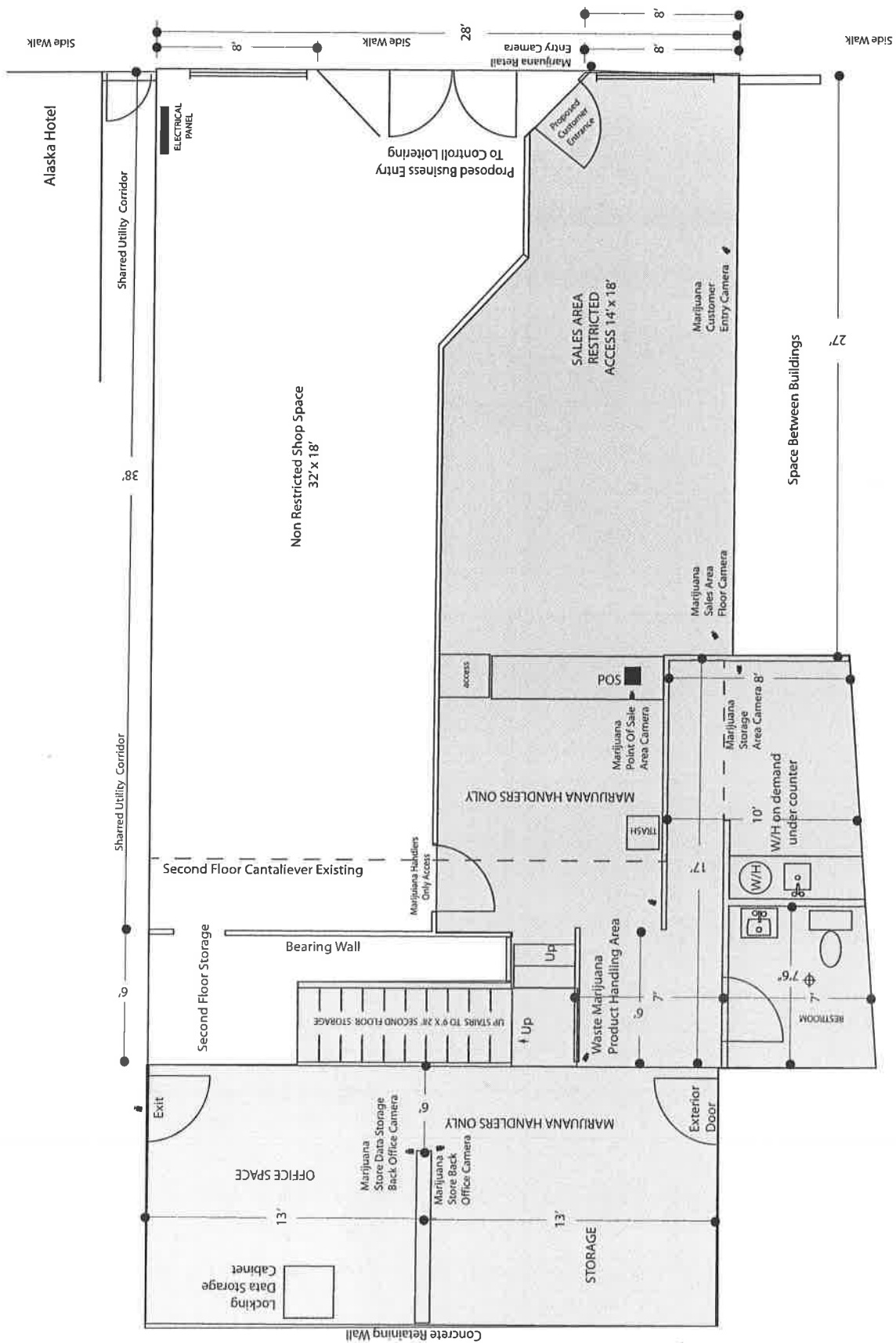
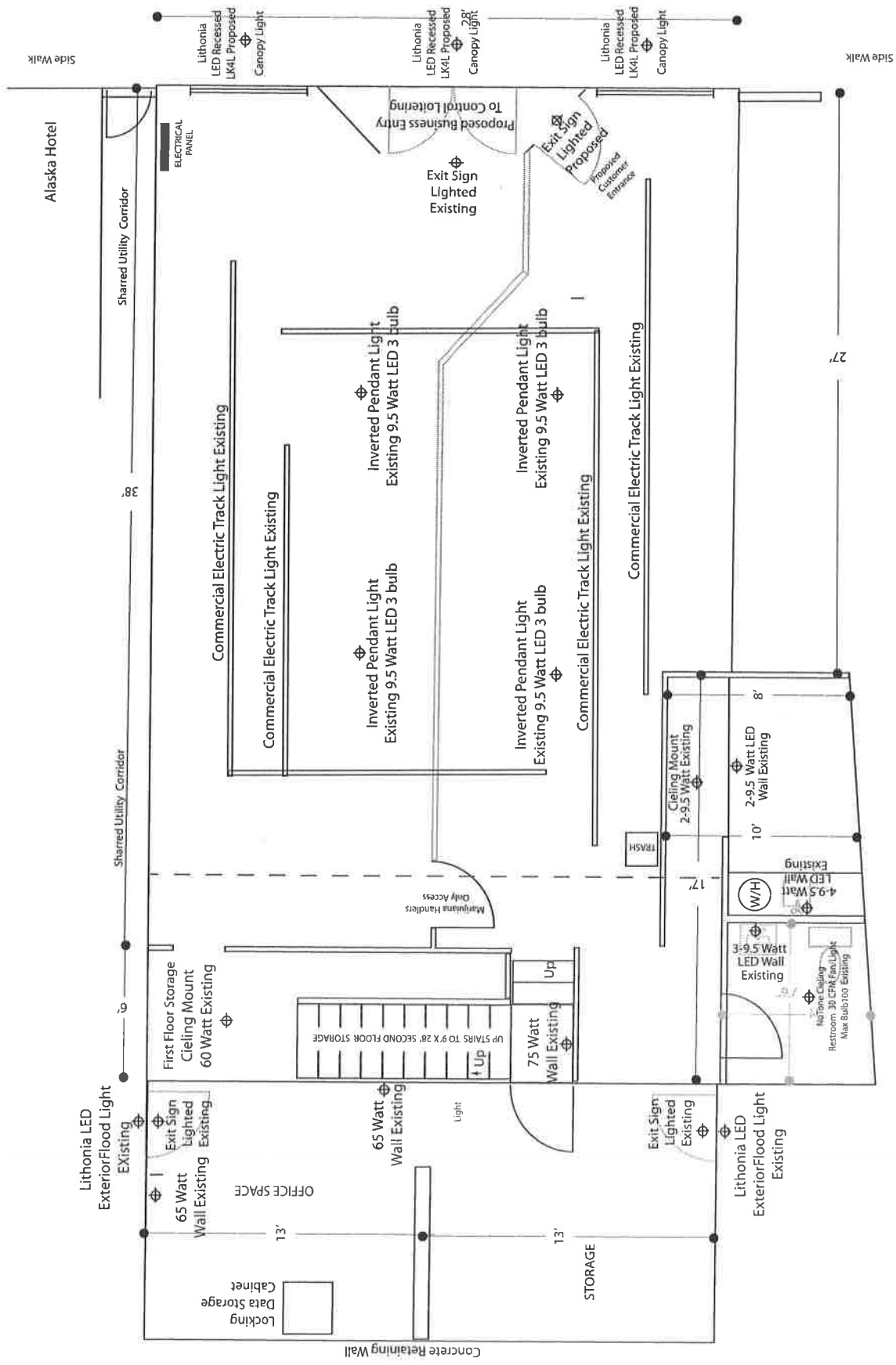
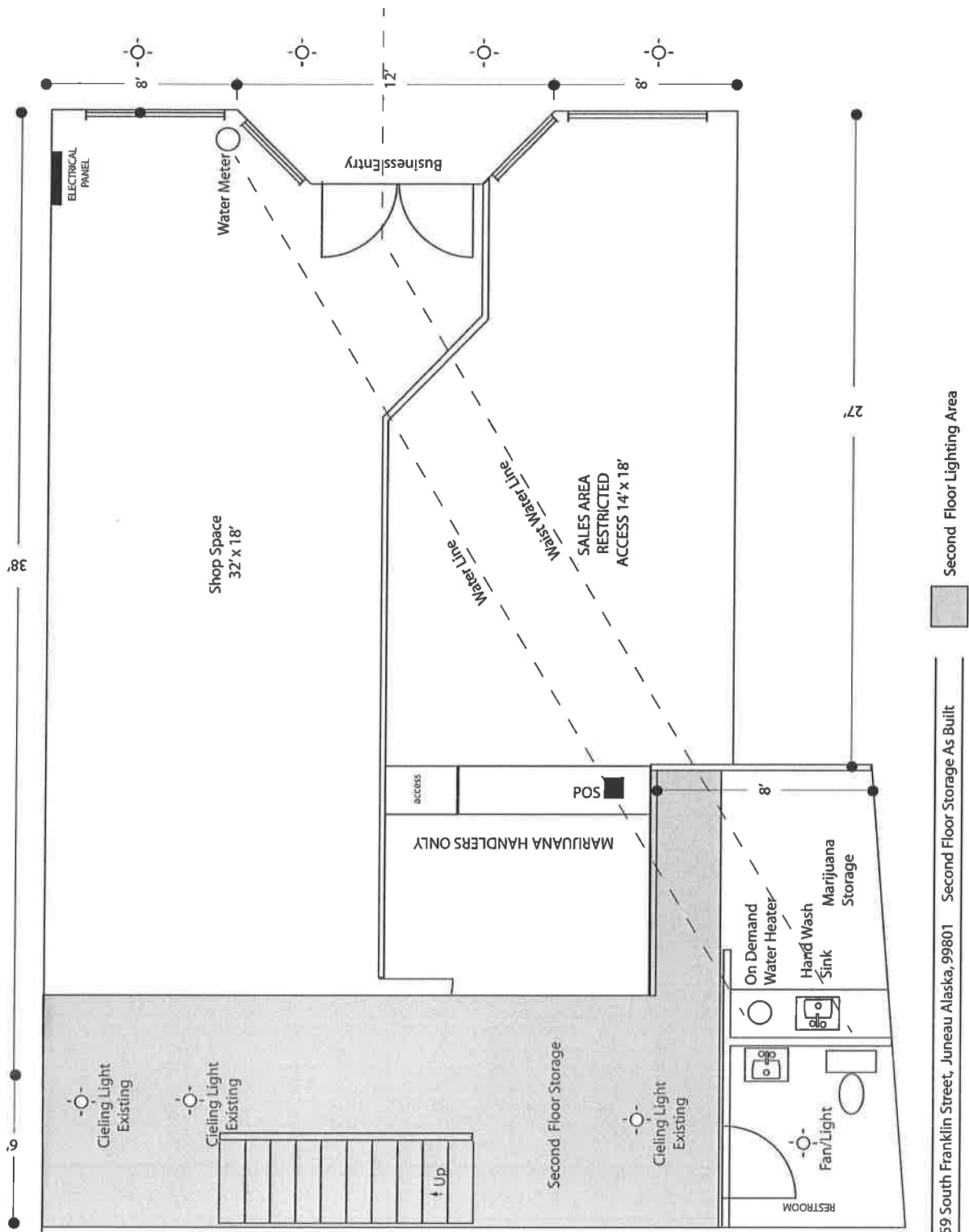


Diagram 1 Proposed Licensed Premises Area First Floor Alaska Kush Company, LLC., AMCO License 16213, 159 South Franklin Street, Juneau Alaska, 99801 1/4" = 1'0" = Licensed Area



Attachment A: Application





Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Section 2 – Security

Review the requirements under 3 AAC 306.710 – 3 AAC 306.720 and 3 AAC 306.755, and identify how the proposed premises will meet the listed requirements.

Describe how the proposed premises will comply with each of the following:

Restricted Access Areas (3 AAC 306.710):

Describe how you will prevent unescorted members of the public from entering restricted access areas:

There are three functional exterior doors accessing the licensed premises: one door in the rear of the building providing egress to an exterior alleyway, the main public entrance, and an employee-only door between the licensed retail marijuana store and an adjoining merchandise area. All doors will have commercial grade locks, with the door in the rear of the premise remaining locked at all times. The main entrance will be unlocked only when the store is open for business. The employee-only door will be locked whenever an employee is not in the immediate vicinity.

A security system will be continuously active to ensure no unauthorized access goes unnoticed. Required signage stating "Restricted access area. Visitors must be escorted." will be posted on the rear exterior door and the employee-only door. A sales counter will provide a physical obstruction to members of the public from accidentally or intentionally entering the retail marijuana store through the employee-only door. An audible alert will sound anytime the employee-only door is accessed. Video of all entrances areas, as well as the entirety of the retail marijuana store and adjacent merchandise area will be provided by the required surveillance system.

Describe your processes for admitting visitors into and escorting them through restricted access areas:

Before being allowed entry to the restricted access areas, visitors must show proper and valid identification indicating that they 21 years of age or older. Each visitor will be given a visitor identification badge. No more than five visitors will be escorted by any one licensee, employee or agent. Anyone escorting visitors must have a marijuana handler's card.

A sign stating "No one under 21 years of age allowed." will be posted on the front door of the restricted access retail marijuana store. Details on recordkeeping of visitors is detailed on the following page.



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

marijuana.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Security Alarm Systems and Lock Standards (3 AAC 306.715):

Exterior lighting is required to facilitate surveillance. Describe how the exterior lighting will meet this requirement:

At all exterior entrance points (main public front door, rear egress door, and employee-only door), light fixtures will provide illumination sufficient to identify persons at least 20 feet from the entrance. Exterior fixtures will be selected to resist weather conditions and tampering.

Additional exterior lighting placed around the perimeter of the building will discourage loitering or burglary.

An alarm system is required for all license types. Describe the security alarm system for the proposed premises:

- E. The services of an alarm company will be contracted for the purpose of maintaining a secure facility.
 - a. Additional security in the form of a panic button will be installed at each till
 - b. Each exterior ground floor window will have a frequency detector installed designed to detect breaking glass
 - c. Each exterior door entrance will have a contact sensor installed that is designed to detect forced entry
 - d. A magnetic entry key pad will be placed at the entry and exit to the restricted access area where marijuana is sold and stored. Alarms will always be active in the sales restricted access area if entry is forced the alarm will sound.

An audible alert will sound anytime the employee-only door is accessed.

The alarm system must be activated on all exterior doors and windows when the licensed premises is closed for business. Describe how the security alarm system meets this requirement:

- e. A motion sensor detection alarm will be installed and activated when the facility is closed for business

All exterior doors and windows that are not boarded/secured will be connected to the alarm system.



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Describe your policies and procedures for preventing diversion of marijuana or marijuana product:

The use of industry best practices will help prevent diversion of marijuana. These efforts include:

- video surveillance of all areas where grown, processed, packaged, or stored, or where marijuana waste is destroyed;
- the use of transportation manifests, and a cannabis inventory tracking system;
- inventory best practices, including multiple employees present during inventory, and the use of certified scales;
- appropriate and secure storage of marijuana on-premise and during transportation;
- security and video surveillance systems and appropriate exterior lighting to discourage unauthorized entry;
- permitting customers to only handle the samples of marijuana products; beyond the samples, the only marijuana or marijuana product they will have access to is their purchased marijuana or marijuana products.

Describe your policies and procedures for preventing loitering:

Appropriate signage will be posted around the facility informing persons that loitering is prohibited. Persons found loitering will be asked to leave. If they do not, local law enforcement will be notified. Additionally, bright exterior lighting should discourage loitering.

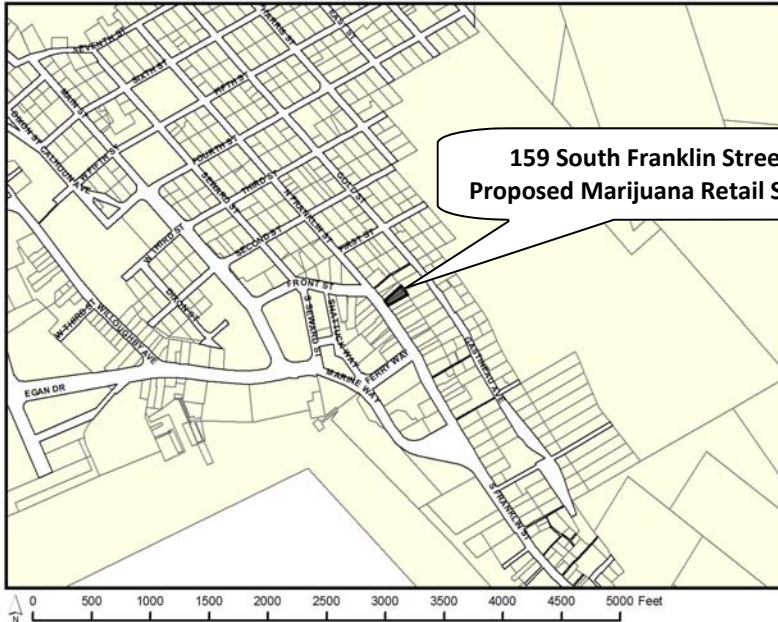
Removing the alcove at the front door entry of the store. Making the entrance parallel with the sidewalk will keep persons from loitering or sleeping in the entry alcove.

Describe your policies and procedures regarding the use of any additional security device, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm to enhance security of the proposed premises:

Motion detectors, panic buttons, and audible door signals will be installed in the facility for an additional layer of security. Employees will be trained in the proper use of these systems.

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **marijuana retail store** located at **159 South Franklin Street** in a **Mixed Use (MU)** zone.

TIMELINE

Staff Report expected to be posted June 4, 2018 at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 25, 2018

Comments received during this period will be sent to the Planner, **Tim Felstead** to be included in the staff report.

May 26 through 12 noon, June 12

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, June 12, 2018

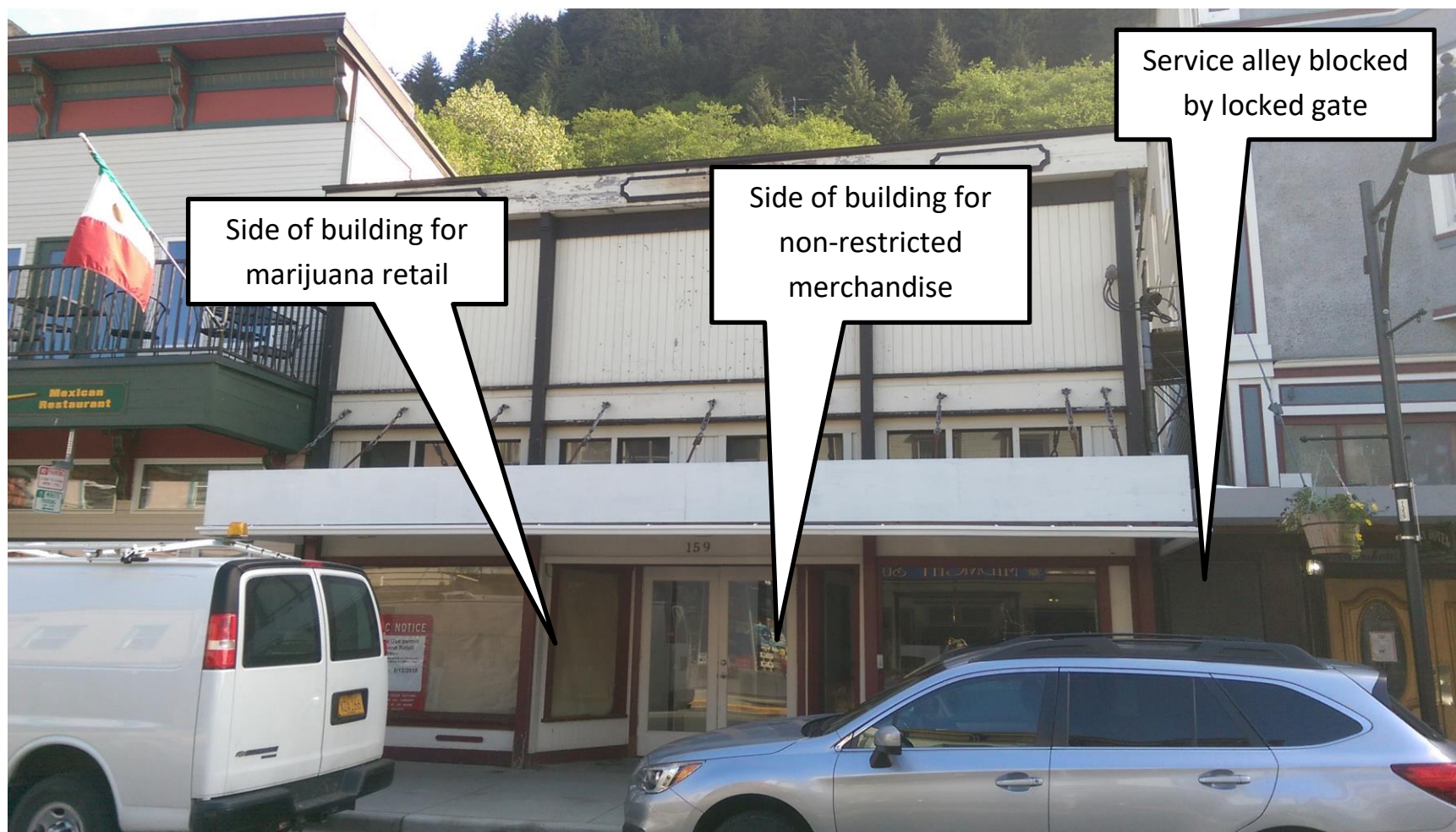
You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

June 13

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**

Case No.: USE2018 0006
Parcel No.: 1C070B0H0030
CBJ Parcel Viewer: <http://epv.juneau.org>



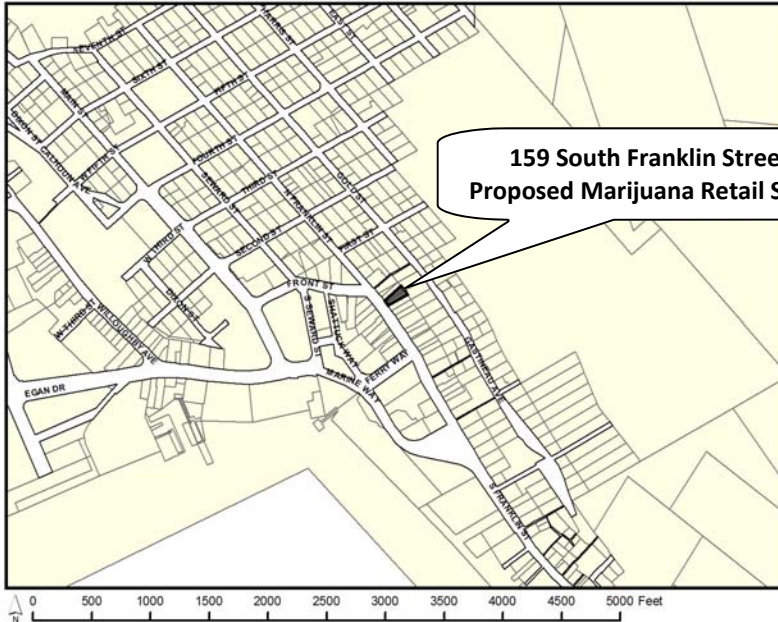
Attachment C – Photo of front of building



Attachment C – Photo of rear of building

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **marijuana retail store** located at **159 South Franklin Street** in a **Mixed Use (MU)** zone.

TIMELINE

Staff Report expected to be posted June 4, 2018 at

<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

Find hearing results, meeting minutes and more here as well.

Now through May 25, 2018

Comments received during this period will be sent to the Planner, **Tim Felstead** to be included in the staff report.

May 26 through 12 noon, June 12

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, June 12, 2018

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

June 13

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 May 16, 2018

Case No.: USE2018 0006

Parcel No.: 1C070B0H0030

CBJ Parcel Viewer: <http://epv.juneau.org>



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: June 12, 2018
File No.: USE2018 0006

Alaskan Kush Company LLC
PO Box 240588
Douglas, AK 99824

Proposal: A Conditional Use Permit for a marijuana retail establishment in a mixed used zone

Property Address: 159 South Franklin Street

Legal Description: Lot 1 Fraction, Block H, Juneau Townsite

Parcel Code No.: 1C070B0H0030

Hearing Date: June 12, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 4, 2018 and APPROVED the development and operation of a marijuana retail business in downtown Juneau to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD the approved State of Alaska license application that permits the use of marijuana retail at the subject site to ensure it matches the plans and operations described in this Conditional Use Permit.
2. Prior to receiving a CBJ Marijuana license, the connecting door between the unrestricted area and restricted area shall have an alarm that is audible in the restricted area to make the staff aware the door is open. The door shall also be monitored by a camera.
3. Prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevents marijuana products being visible by the general public from the right-of-way.
4. As an operational condition, the applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.
5. The Conditional Use Permit shall be reviewed by the commission every five years from the date of issuance.

Alaskan Kush Company LLC
 File No.: USE2018 0006
 June 12, 2018
 Page 2 of 2

Attachments: June 4, 2018, memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2018 0006.

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

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

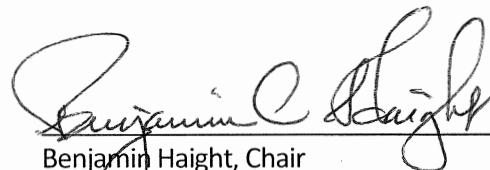
Effective Date: The permit is effective upon approval by the Commission, June 12, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or December 12, 2019, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.

Project Planner:


 Tim Felstead, Planner
 Community Development Department


 Benjamin Haight, Chair
 Planning Commission


 Filed With City Clerk

June 13, 2018
 Date

cc: Plan Review

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



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

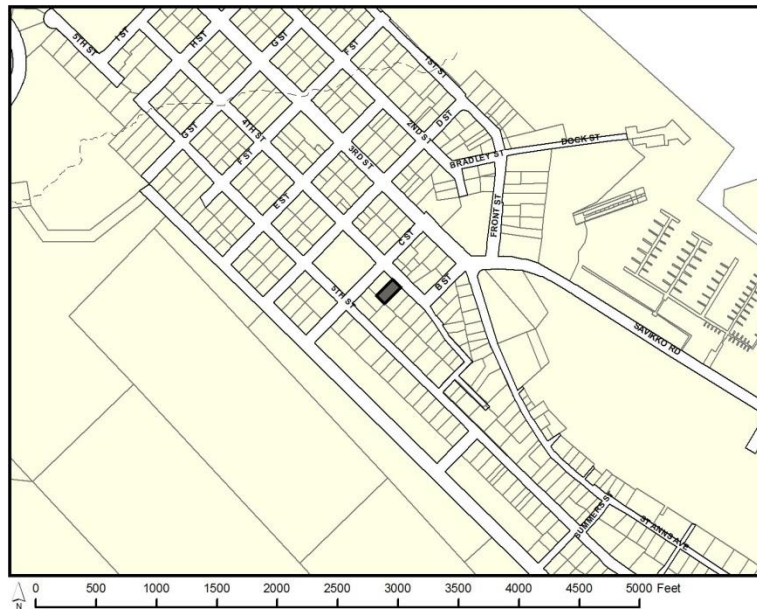
DATE: June 1, 2018
TO: Planning Commission
FROM: Amy Liu, Planner
Community Development Department
Amy Liu
CASE NO.: USE2018 0008
PROPOSAL: A Conditional Use Permit to allow a 220 sq. ft. detached accessory apartment

GENERAL INFORMATION

Applicant: Jeffrey Martinson
Property Owner: Jeffrey Martinson
Property Address: 811 4th Street
Legal Description: Tyee Addition to Douglas Townsite Block 31, Lot 2
Parcel Code Number: 2D040T310020
Site Size: 5,000 sq. ft.
Comprehensive Plan Future Land Use Designation: Medium Density Residential
Zoning: D5
Utilities: Public
Access: 4th Street
Existing Land Use: Single family residential
Surrounding Land Use:
North - D18 zone, single family residential use
South - D5 zone, single family residential use
East - D5 zone, single family residential use
West - D5 zone, single family residential use

Planning Commission
Case No.: USE 2018 0008
June 1, 2018
Page 2 of 7

VICINITY MAP



ATTACHMENTS

Attachment A: Application
Attachment B: Photo of site
Attachment C: As-built
Attachment D: Photos of apartment interior
Attachment E: Correspondence with CBJ Streets and CBJ Assessor's Office
Attachment F: Public Notice
Attachment G: Encroachment easement
Attachment H: NOD for PWD2018-0001

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of an accessory apartment on an under-sized D5 zoned lot. The minimum area for a D5 lot is 7,000 square feet. The area of the subject lot is 5,000 square feet, and the net area of the existing single family dwelling is 768 square feet. CBJ 49.25.510(k)(2)(E)(ii) allows the Planning Commission to approve an accessory apartment of 600 square feet or less on a lot that is less than the minimum lot size. The requested 220 square feet detached accessory apartment would be located 20 feet from the front lot line, 50 feet from the rear lot line, and 5 feet from the nearest side lot line.

Planning Commission
Case No.: USE 2018 0008
June 1, 2018
Page 3 of 7

BACKGROUND

The existing home was constructed in 1998, and the subject lot was platted in 1936 as part of the Douglas Townsite Subdivision. The City of Douglas adopted a Planning and Zoning Ordinance and a zoning map in 1959 that showed the subject lot zoned R1. The minimum lot size for the R1 zoning district was 5,000 square feet. In 1987, the lot was re-zoned to D5 making the lot size legally non-conforming.

ANALYSIS

Project Site – The lot is located on 4th Street and C Street in the Douglas Townsite Subdivision. The lot is gently sloping downwards towards the street. There is a two story single family dwelling that meets required setbacks. The dwelling is 62.23' from the front, 21.47' from the rear, 9.9' from the southern side, and 15.71' from the northern side. Per CBJ 49.25.400, D5 setback requirements are 20' from the front, 20' from the rear, and 5' from a side.

There are two porches facing the front and rear lot lines and an unheated shed in the rear yard. The rear porch and unheated shed encroach into the rear yard as allowed per CBJ 49.25.430(4)(C) *Unheated structures*. Parking is adjacent to the street, on a gravel parking pad that is bordered by a rockery wall. Parking will be further discussed in a later section of this report (Attachment C).

The adjacent Lot 3 has a garage and concrete parking pad that encroach onto the subject lot. An encroachment easement was recorded in 1996. According to the as-built, at the closest point the encroachment is more than 9 feet from the existing home and 33 feet from the proposed apartment (Attachment G).

The proposed apartment will meet the required front and side yard setback requirements; 20 feet from the front lot line, 50 feet from the rear lot line, and 5 feet from the nearest side lot line. As mentioned before, the D5 setback requirements are 20 feet from the front lot line, 20 feet from the rear lot line, and 5 feet from a side lot line. The apartment will also meet the maximum height requirement. The height of structure will be 13.6 feet. CBJ 49.25.400 states that the maximum allowed height for accessory structures in D5 zones is 25 feet.

Project Design – The detached accessory apartment is a 220 square foot, two story structure that has already been fabricated. If this Conditional Use Permit is approved, the building will be placed on a permanent foundation as described above. The first floor has a full kitchen, full bathroom, and seating area. The second floor has a sleeping area. Storage is provided by shelving and closed compartments throughout the structure. There is a ladder between levels (Attachment D).

Planning Commission
Case No.: USE 2018 0008
June 1, 2018
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CBJ 49.25.510(k) Accessory apartments stipulates several requirements for accessory apartment approval. The development must:

Meet minimum building setbacks

The apartment will be at the 20-foot front yard setback and nearest 5-foot side yard setback.

Not exceed maximum lot coverage limits

The apartment will not exceed maximum allowed lot coverage of 50%. The combined area of the 220 square foot apartment and 768 square foot dwelling footprint is 988 square feet. The combined area is significantly less than half of the lot's area, 5000 square feet.

Meet minimum vegetative cover requirements

CBJ 49.50.300 requires 20 percent of the site be maintained with vegetative cover. For this site, 1000 square feet of vegetative cover is required. Using the aerial photos, staff estimates the vegetative cover to be approximately 4000 square feet, or 80 percent of the site. With the addition of the 220 square feet accessory apartment, the required minimum vegetative cover will be met.

Meet minimum parking requirements

One additional parking space is required for the accessory apartment. The applicant submitted an application for a parking waiver to eliminate the one additional parking space requirement. The parking waiver was approved by the Director per 49.40.210(d)(6). Parking is discussed later in this report.

Traffic – According to the Institute of Transportation Engineers, Trip Generation Manual, a single family home generates an average 9.52 average daily trips (ADT). An apartment generates an average 6.65 ADT. The total ADT is 16.17 ADT. Additional traffic generated by the apartment is expected to have minimal impact on the neighborhood. A traffic impact analysis is not required per *CBJ 49.40.300*.

Parking and Circulation – *CBJ 49.40.210 –Table of Minimum Parking Standards* requires single-family dwelling units to have two off-street parking spaces, and an accessory apartment is required to have one off-street parking space. The site currently provides 2 off-street parking spaces. The total parking requirement, which includes the requirements for a single family home and an accessory apartment, is three spaces. As discussed above, the applicant received an approved parking waiver (Attachment H).

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June 1, 2018
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Noise – Noise generated by a tenant is anticipated to be minimal. Property owners live onsite and directly manage the rental space. There is no evidence to suggest that the accessory apartment would create noise more than other uses allowed in the zoning district.

Public Health or Safety – The structure meets zoning requirements for height and setbacks and will meet all applicable building standards. Fire vehicle access to the property will be on 4th Street. There is no evidence to suggest that the proposed accessory apartment would endanger public health or safety.

Habitat – There are no anadromous streams, wetlands, or other sensitive areas on site.

Property Value or Neighborhood Harmony – Based on the above analysis, there is no evidence suggesting that neighboring property values or neighborhood harmony will be negatively affected by the proposal. In particular, there is no evidence that there would be excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.

Conformity with Adopted Plans – The proposed apartment is consistent with the Medium Density Residential (MDR) land use designation outlined in the CBJ 2013 Comprehensive Plan. MDR is defined as urban lands for multifamily dwellings with a density of 5-20 units per acre. The presence of a single family dwelling and accessory apartment meets this density requirement.

Chapter 3 of the 2013 Comprehensive Plan addresses compact urban development.

POLICY 3.2 TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS

The Douglas Townsite Subdivision is connected to city utilities and is within the Urban Service Area. The apartment is not expected to negatively impact natural resources or habitats.

Chapter 4 of the 2013 Comprehensive Plan states the need for more diverse housing options.

POLICY 4.2 TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS

FINDINGS

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

Planning Commission
Case No.: USE 2018 0008
June 1, 2018
Page 6 of 7

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

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

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

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

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

1. Is the application for the requested Conditional Use Permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The proposed use is listed at CBJ 49.25.300, Section 1.130 for single family detached dwelling unit with an accessory apartment in a D5 zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter including CBJ 49.25.510(k)(2)(E)(ii). Public notice of this project was provided in the June 1 and June 11 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a

Planning Commission
Case No.: USE 2018 0008
June 1, 2018
Page 7 of 7

Public Notice Sign was posted on the subject parcel, visible from the public Right of Way. Further, the proposal has been found to meet the requirements of CBJ 49.25.510(k) Accessory apartments.

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

No. Based on the above analysis, there is no evidence that suggests the development of a detached 220 square feet accessory apartment on a 5,000 square feet lot will materially endanger the public health or safety.

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

No. Based on the above analysis, there is no evidence that suggests the development of a detached 220 square feet accessory apartment on a 5,000 square feet lot will substantially decrease the value of or be out of harmony with the property in the neighboring area.

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

Yes. Based on the above analysis, the proposed development of an accessory apartment that is 600 square feet or less on an under-sized lot is found to be in general conformity with the land use code and the Comprehensive Plan.

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

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

Not applicable.

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 detached 220 square foot accessory apartment on an under-sized lot in the D5 zoning district.

DEVELOPMENT PERMIT APPLICATION

Project Number USE20180008/AAP20180004	CITY and BOROUGH of JUNEAU	Date Received: 4/26/18
Project Name (City Staff to Assign Name)		

INFORMATION

PROJECT / APPLICANT

Project Description Install 220 sq ft tiny house on permanent footings connected to water/sewer/electric		
PROPERTY LOCATION		
Street Address 211 4th St		City/Zip Douglas 99824
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Tree 200 ft to block 31 to Douglas townsite		
Assessor's Parcel Number(s) 200401310020		
LANDOWNER/ LESSEE		
Property Owner's Name JEFFREY J MARTINSON		Contact Person: JEFFREY J MARTINSON
Mailing Address PO BOX 22787 Juneau AK 99801		Work Phone: 907 738 2851
E-mail Address jeffrey.j.martinson@yahoo.com		Home Phone:
		Fax Number:
Other Contact Phone Number(s): 		
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	Jeff Martinson Landowner/Lessee Signature	4/2/18 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 SAME		Contact Person:
Mailing Address 		Work Phone:
E-mail Address 		Home Phone:
		Fax Number:
Other Contact Phone Number(s): 		
X	Jeff Martinson Applicant's Signature	4/2/18 Date of Application

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)		04/26/2018	USE 20180008, AAP20180004
☐ Variance Case (De Minimis and all other Variance case types)			
☐ Wetlands Permits			
☐ Zone Change Application			PWD 2018 0001
☒ Other (Describe) PWD		04/26/2018	PWD 2018 0002
Comments: Applicant has photos of exterior & interior that he can email to the Planner.			
Attachment A: Application			Permit Intake Initials ANE

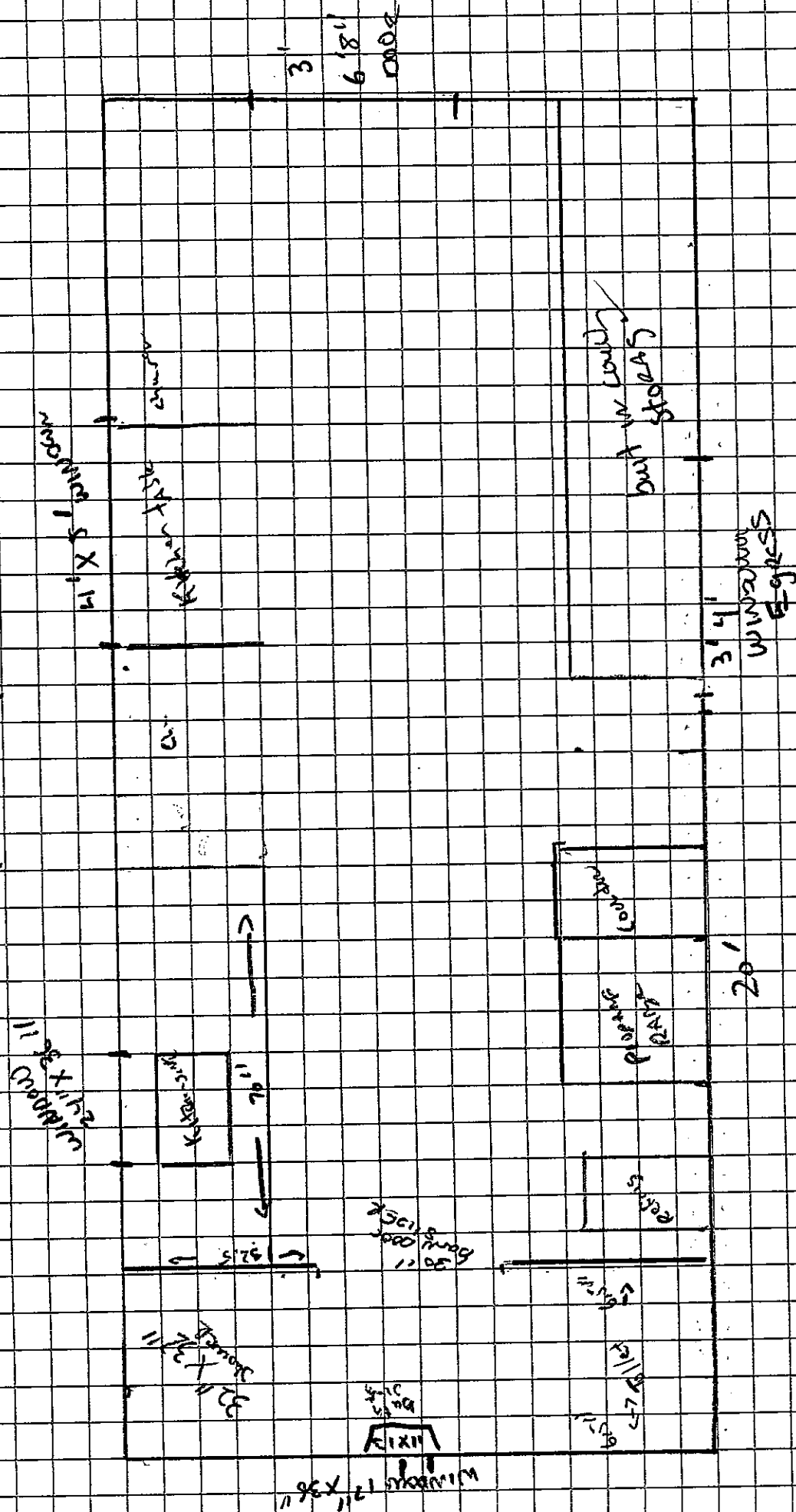
ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number AAP 20180004	Date Received 04/26/2018			
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED <u>USE 20180008</u>						
☒ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)						
☐ Use Listed in §49.25.300 (USE) (Table of Permissible Uses)						
Please list the Table of Permissible Uses Category: _____						
***An Accessory Apartment Application will also be required.						
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. <u>INSTALLING tinyhouse 220sqft on permanent footings on property to serve as bnb AND long term rental</u>						
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES - Case # _____						
CURRENT USE OF LAND OR BUILDING(S): <u>PRIMARY RESIDENCE</u>						
PROPOSED USE OF LAND OR BUILDING(S): <u>MAINTAIN PRIMARY RESIDENCE AND install tinyhouse to serve as rental</u>						
UTILITIES PROPOSED: WATER: ☐ Public ☒ On Site SEWER: ☐ Public ☒ On Site						
SITE AND BUILDING SPECIFICS:						
Total Area of Lot <u>5000</u> square feet		Total Area of Existing Structure(s) <u>768</u> square feet				
Total Area of Proposed Structure(s) <u>220</u> square feet						
EXTERNAL LIGHTING:						
Existing to remain ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures						
Proposed ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures						
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:						
☒ Site Plan		☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation				
☒ Floor Plan of proposed buildings		☒ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)				
☒ Elevation view of existing and proposed buildings						
☒ Proposed Vegetative Cover						
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.		ALLOWABLE/CONDITIONAL USE FEES				
		Fees	Check No.	Receipt	Date	
		Application Fees	\$ <u>350</u> ⁰⁰	_____	_____	_____
		Admin. of Guarantee	\$ _____	_____	_____	_____
		Adjustment	\$ _____	_____	_____	_____
		Pub. Not. Sign Fee	\$ <u>50</u> ⁰⁰	_____	_____	_____
Pub. Not. Sign Deposit	\$ <u>100</u> ⁰⁰	_____	_____	_____		
Total Fee	\$ <u>500</u> ⁰⁰	_____	<u>00154996</u>	<u>04/26/2018</u>		

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM
Attachment A: Application

Floor Plan Tiny House



Egress window 6'ft, bathroom, main living space
 Bath exhaust - 50CFM
 Kitchen exhaust 100CFM
 Smoke Detector & CO
 Heat

250 = 11ft



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

Martinson tiny home/ accessory dwelling

Case Number: PAC20180023

Applicant: Jeffrey Martinson

Property Owner: Jeffrey Martinson

Property Address: 811 4th st

Parcel Code Number: 2D040T310020

Site Size: 5000 sq ft

Zoning: D5

Existing Land Use: Single family residence

Conference Date: 4/11/2018

Report Issued: 4/18/2018

List of attendees

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

Name	Title	Email address
Jeff Martinson	Applicant	jeffreymartinson@yahoo.com
Amy Liu	Planner	Amy.liu@juneau.org
Charlie Ford	Building official	Charlie.ford@juneau.org
John Young	Plans examiner	John.Young@juneau.org
Eddie Quinto	Permit Specialist	Edward.Quinto@juneau.org

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that were not already identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division:

1. **Zoning** – Lot is substandard in area and depth, so a Conditional Use Permit is required. Home must be off skids or chassis with axle removed.
2. **Setbacks** – Front is 0', sides are 5' each, rear is 20'. Front is reduced per 49.25.430(4)(K).
3. **Height** – Maximum height for accessory structures is 25'.
4. **Access** – Lot is accessed from 4th St.
5. **Parking** – Apply for a Parking Waiver in order to eliminate the additional parking required for accessory apartment. Original site plan was approved to provide parallel parking for two vehicles. One additional parking for the apartment would force the parking to encroach on CBJ ROW. Code prohibits encroachment onto CBJ ROW. Streets Department has commented that they do not want to create an easement or any other permanent record that allows private use of the subject ROW. Eliminating the additional parking requirement would keep the existing parking demand and capacity at the approved design. If parking waiver is granted, the parking waiver is valid for as long as the permitted use is active.
6. **Lot Coverage** – Maximum coverage is 50%
7. **Vegetative Coverage** – Minimum coverage is 20%.
8. **Lighting** – Any exterior lighting must have shades that minimize glare onto neighboring properties.
9. **Noise** – NA
10. **Flood** – NA
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – NA
12. **Wetlands** – NA
13. **Habitat** – NA
14. **Plat or Covenant Restrictions** – NA

Building Division:

15. **Building** – Possible need for Code Modification Request per 2018 IRC Appendix Q - <https://codes.iccsafe.org/public/document/IRC2018/appendix-q-tiny-houses>
16. **Outstanding Permits** - None

General Engineering/Public Works:

17. **Engineering** – N/A
18. **Drainage** – Existing lot drainage to remain unchanged, roof drains from new structure must be directed within the lot. Drainage is not allowed to cross property lines.
19. **Utilities** – (water, power, sewer, etc.) –
 - a. **Water** - A water meter will be required due to the additional dwelling unit and additional water fees may be required depending on sizing. No tees are allowed in the water line prior to the

Attachment A: Application

Pre-Application Conference Final Report

water meter. Only one water service is allowed per parcel. Submit a plan showing the proposed water line configuration. Water line size will be evaluated with the building permit application based on fixture count.

- b. **Sewer** – Sewer can wye into the existing line within the property. A cleanout must be installed within 5' of building and one installed before the wye. Submit a plan showing the proposed sewer line configurations.

Fire Marshal:

20. **Fire Items/Access** – N/A – if any questions please contact Fire Marshal Jager or Deputy Fire Marshal Pearson at 586-5322

Other Applicable Agency Review:

CBJ Streets

List of required applications

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

1. Development Permit application
2. Conditional Use application
3. Parking Waiver application
4. Once CUP for use is approved, a separate building permit and utility permits will be required.

Additional submittal requirements:

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

1. A copy of this pre-application conference report.

Exceptions to submittal requirements:

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

NA

Fee estimates

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

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

1. Development Permit; \$0.00
2. Conditional Use; \$500.00 total, consisting of \$350.00 for the application, and \$150.00 for public notice (\$100 refundable if public notice sign returned on time)
3. Parking Waiver; \$400.00

Pre-Application Conference Final Report

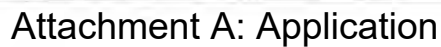
For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your completed application

You must submit your application(s) in person with payment to:

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd



Amy Liu

From: Jeff Martinson <jeffreyjmartinson@yahoo.com>
Sent: Wednesday, May 23, 2018 1:34 PM
To: Amy Liu
Subject: RE: Tiny house

Hi,
 I don't have one on me here there is one view in binder that hopefully will work on page 9. The height is 13'6" I can try to draw something up tonight before I leave if that will not work

Jeff

[Sent from Yahoo Mail on Android](#)

On Wed, May 23, 2018 at 1:18 PM, Amy Liu wrote:

Thanks. Also, could you share with me an elevation drawing of the apartment? I thought I saw it in in *Binder1-2* that you emailed me a few days ago, but now it seems not. Or

Amy Liu | Planner | City & Borough of Juneau

(907) 586-0764 | amy.liu@juneau.org

From: Jeff Martinson [<mailto:jeffreyjmartinson@yahoo.com>]
Sent: Wednesday, May 23, 2018 12:15 PM
To: Amy Liu
Subject: Tiny house

Hi Amy,

Taking off fishing again for next week or so and Caleb told me he is heading out of town so here is another number for when that sign is ready or you have questions.

Jason Donig 723-3583

Thanks

Jeff

[Sent from Yahoo Mail on Android](#)



Attachment B: Site Photo

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
----------------	------------------------------	-------------	---------------

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)
☐ Use Listed in §49.25.300 (USE)
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: _____

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

installing tinyhouse 220sqft on permanent footings on
property to serve as bnb AND long term rental

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES - Case # _____

CURRENT USE OF LAND OR BUILDING(S): Primary Residence

PROPOSED USE OF LAND OR BUILDING(S): MAINTAIN Primary Residence
AND install tinyhouse to serve as rental

UTILITIES PROPOSED: **WATER:** ☐ Public ☒ On Site **SEWER:** ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot _____ square feet Total Area of Existing Structure(s) 768 square feet
 Total Area of Proposed Structure(s) 220 square feet

EXTERNAL LIGHTING:

Existing to remain ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures

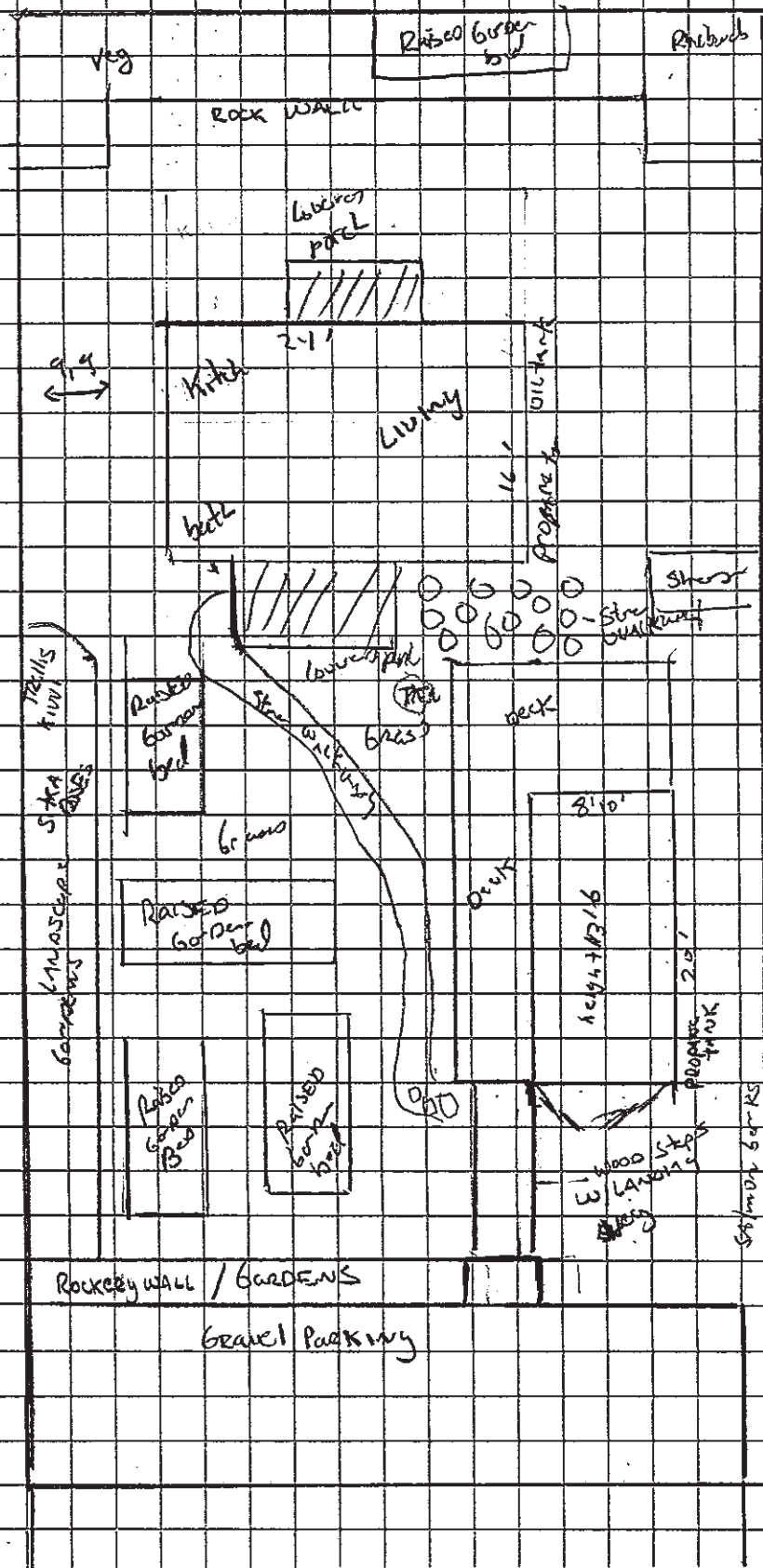
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☐ Site Plan ☐ Floor Plan of proposed buildings ☐ Elevation view of existing and proposed buildings ☐ Proposed Vegetative Cover	☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)
---	---

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.	<table style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">ALLOWABLE/CONDITIONAL USE FEES</th> <th style="text-align: left;">Check No.</th> <th style="text-align: left;">Receipt</th> <th style="text-align: left;">Date</th> </tr> <tr> <td style="width:30%;">Application Fees</td> <td style="width:20%;">\$ _____</td> <td style="width:20%;">_____</td> <td style="width:20%;">_____</td> <td style="width:10%;">_____</td> </tr> <tr> <td>Admin. of Guarantee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>	ALLOWABLE/CONDITIONAL USE FEES		Check No.	Receipt	Date	Application Fees	\$ _____	_____	_____	_____	Admin. of Guarantee	\$ _____	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Pub. Not. Sign Fee	\$ _____	_____	_____	_____	Pub. Not. Sign Deposit	\$ _____	_____	_____	_____	Total Fee	\$ _____	_____	_____	_____
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Pub. Not. Sign Deposit	\$ _____	_____	_____	_____																																
Total Fee	\$ _____	_____	_____	_____																																

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

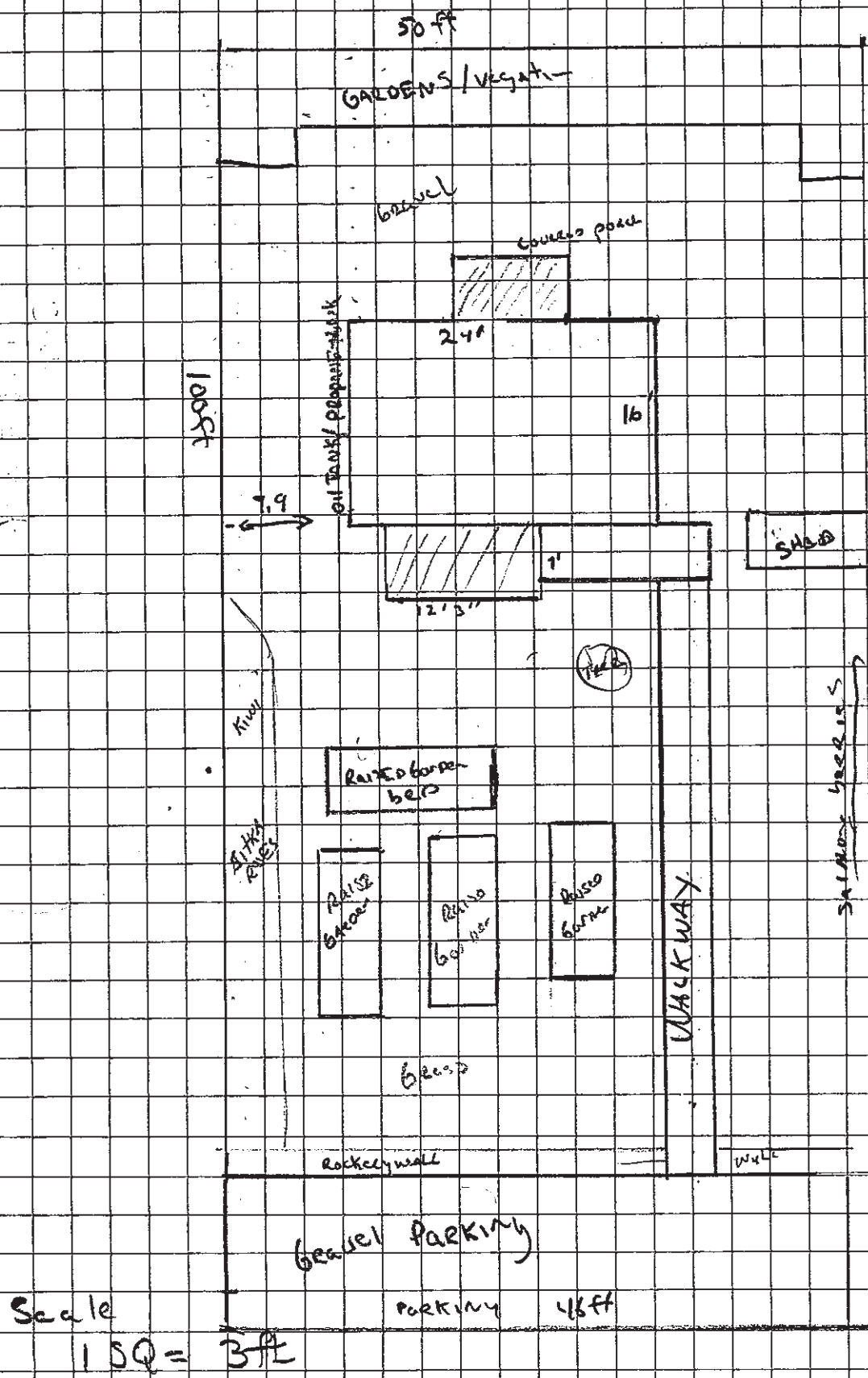
PROPOSED SITE PLAN



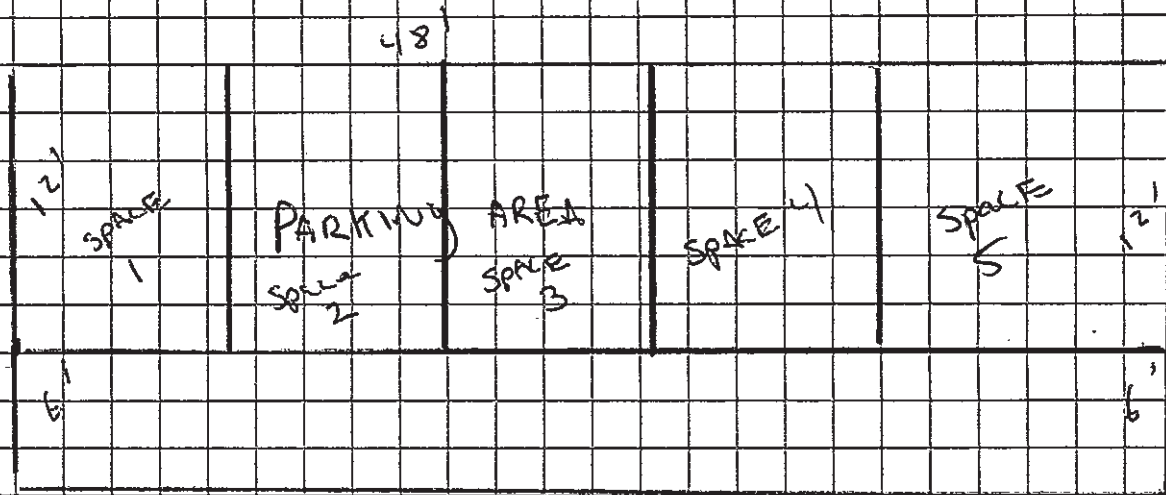
150 = 3ft

150

Existing Site



PARKING AREAS



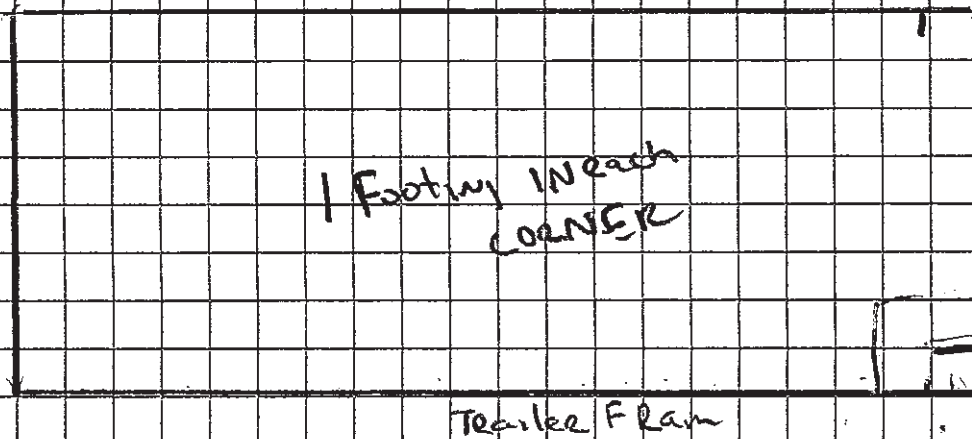
PARKING will remain unchanged SPACE for 4 to 5 vehicles with 9ft SPACES giving minimum 2ft aisle spacing. Access to parking is off of 4th st

Traffic circulation and access & egress will remain the same

Vegetation

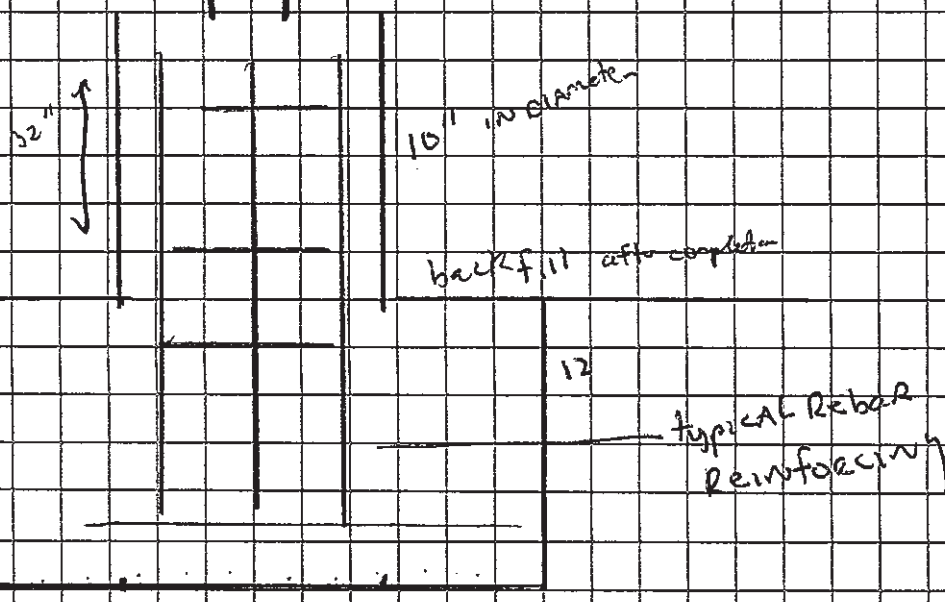
4 SQ = 2 ft

Column Footing / Foundation



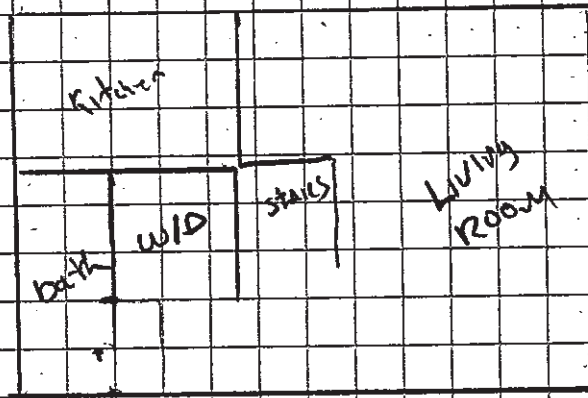
$$1 \text{ SQ} = 1 \text{ ft}$$

1' - bracket Attach to trailer frame

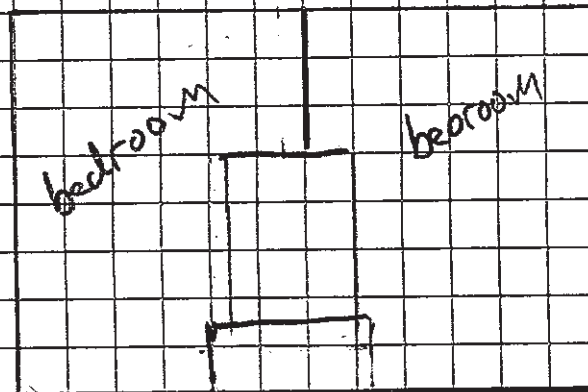


$$1 \text{ SQ} = 2''$$

Existing RESIDENCE Floor PLAN



1st Floor



2nd Floor

1 SQ = 2 ft

Living Area
768 /

PROJECT / APPLICANT INFORMATION	Project Description _____ _____ _____		
	PROPERTY LOCATION		
	Street Address 811 4th St		City/Zip Douglas 99824
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Fee owned by Block 31 to Douglas townsite		
Assessor's Parcel Number(s) :			
LANDOWNER / LESSEE			
Property Owner's Name JEFFREY J MARTINSON		Contact Person:	Work Phone: 907 738 2851
Mailing Address PO BOX 22787 Juneau AK 99801		Home Phone:	Fax Number:
E-mail Address jffreyjmartinson@yahoo.com		Other Contact Phone Number(s):	
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	Jeff J. Martinson Landowner/Lessee Signature	4/2/18 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 SAME		Contact Person:	Work Phone:
Mailing Address		Home Phone:	Fax Number:
E-mail Address		Other Contact Phone Number(s):	
X	Jeff J. Martinson Applicant's Signature		4/2/18 Date of Application

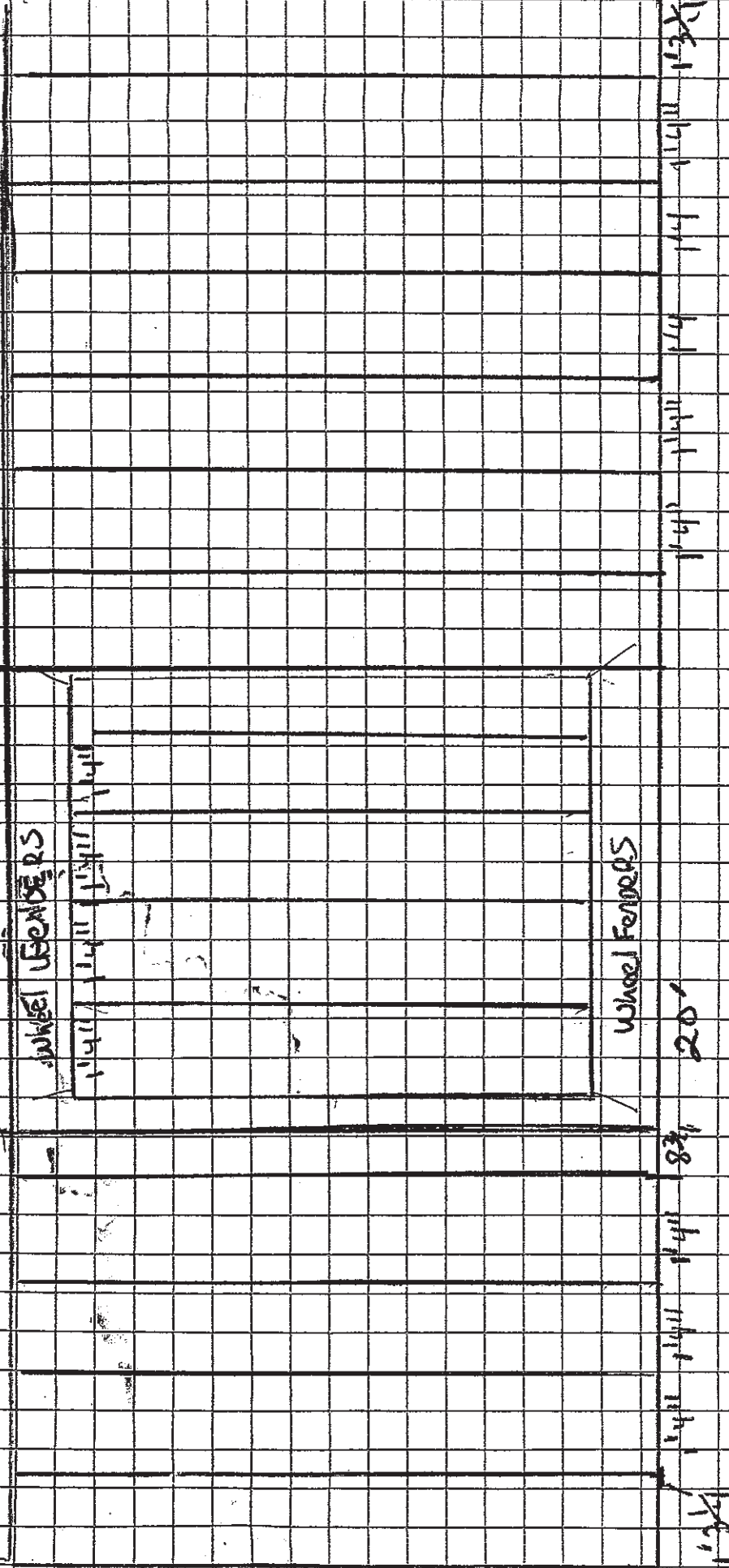
STAFF APPROVALS	✓	Permit Type	**SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
City/State					
Project Review and City Land Action					
Inquiry Case					
(Fee In Lieu, Letter of ZC, Use Not Listed)					
Mining Case					
(Small, Large, Rural, Extraction, Exploration)					
Sign Approval					
(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					
Other					
(Describe)					

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

Comments:	Permit Intake Initials

Floor Framing Plan

5'6"



- Joist 2x4 Full 4" Dimensions

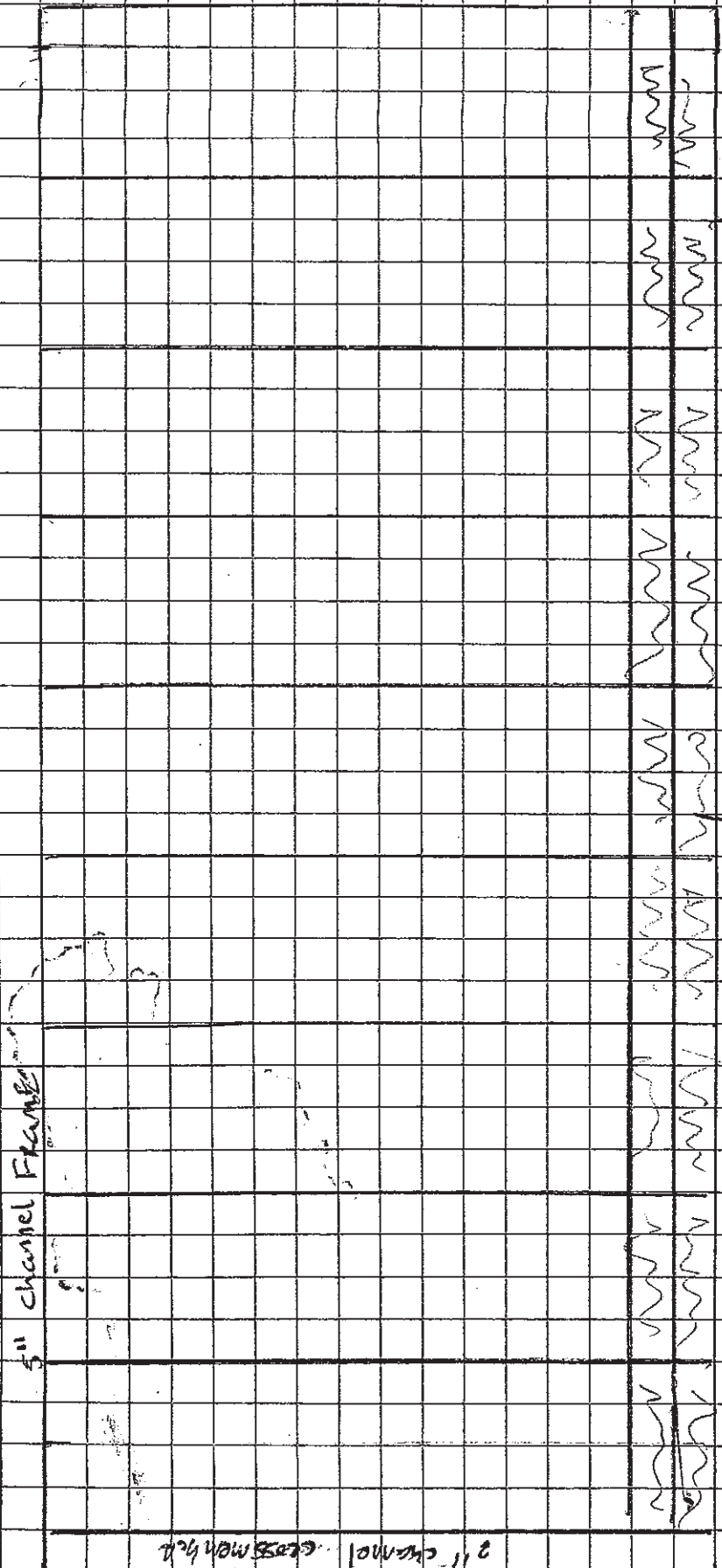
- Rigid Foam 4"

- R 20" Width

- 3/4" Subfloor

$$2.5Q = 154$$

FOUNDATION PLAN



2x6 Decking pressure treated

TRAILER PJBS Buggy hauler

Dual axles 9900 lbs

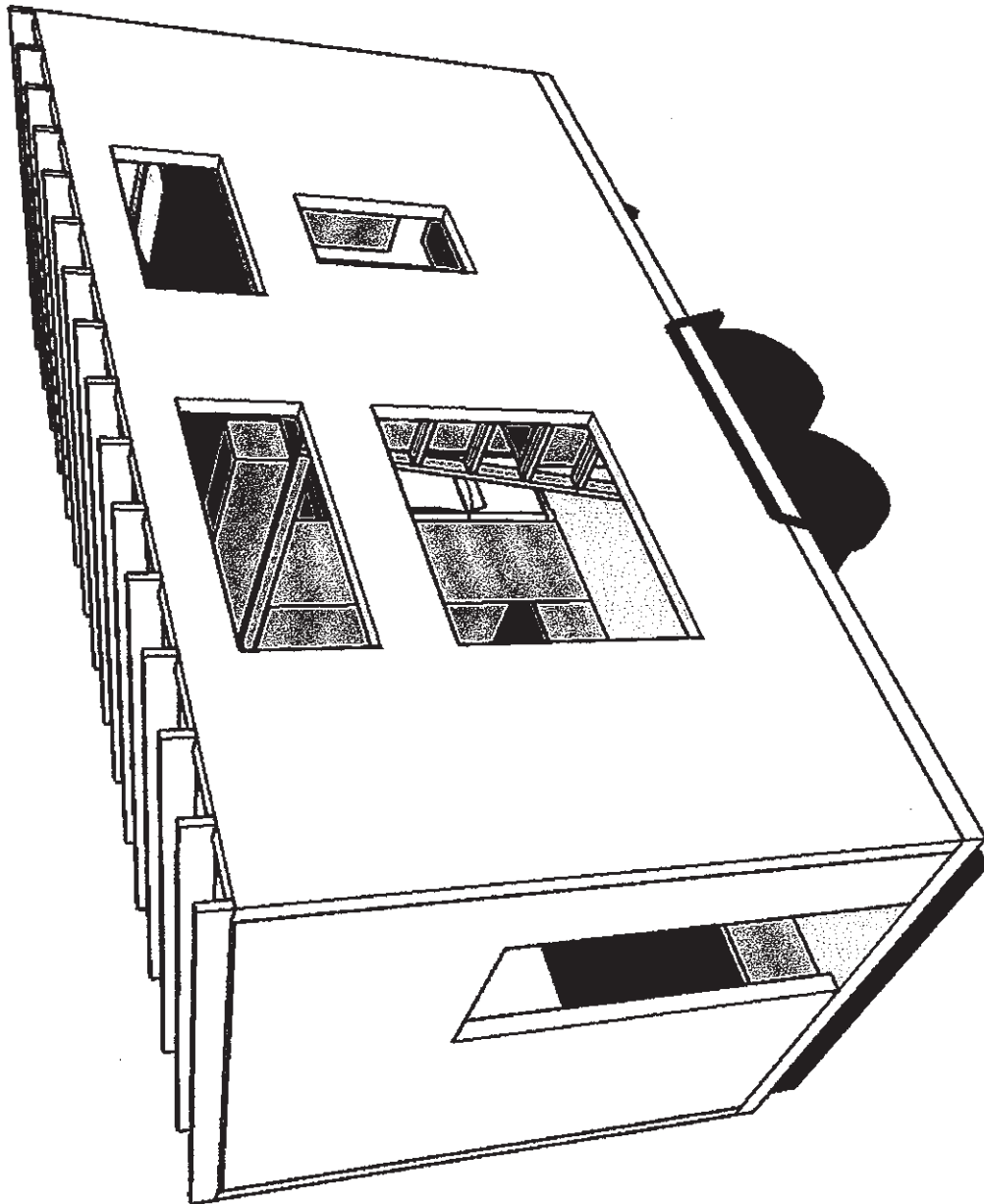
3" C channel 24" centers

5" channel frame

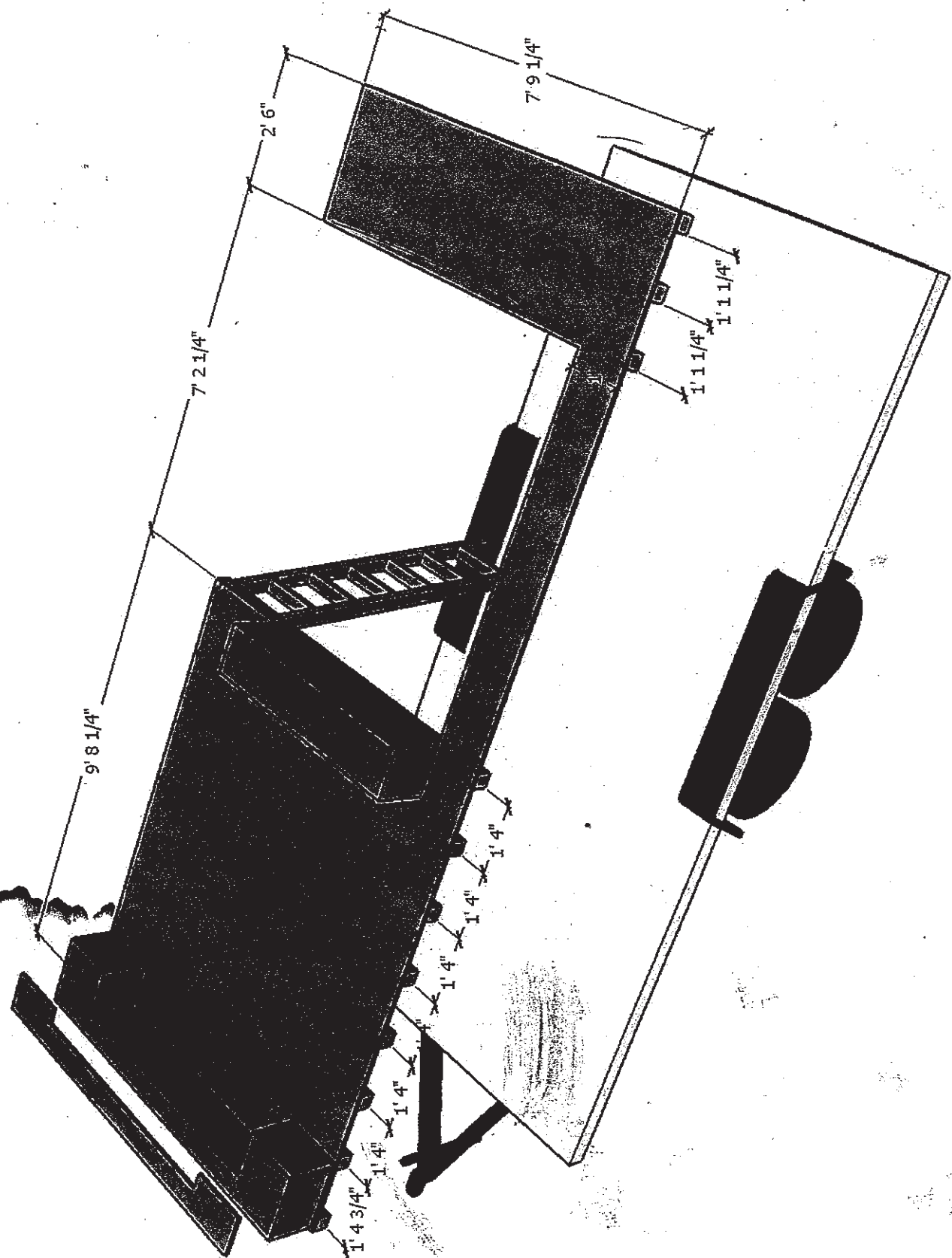
2x6 Decking pressure treated

25'0" = 1ft

25'0" = 1ft

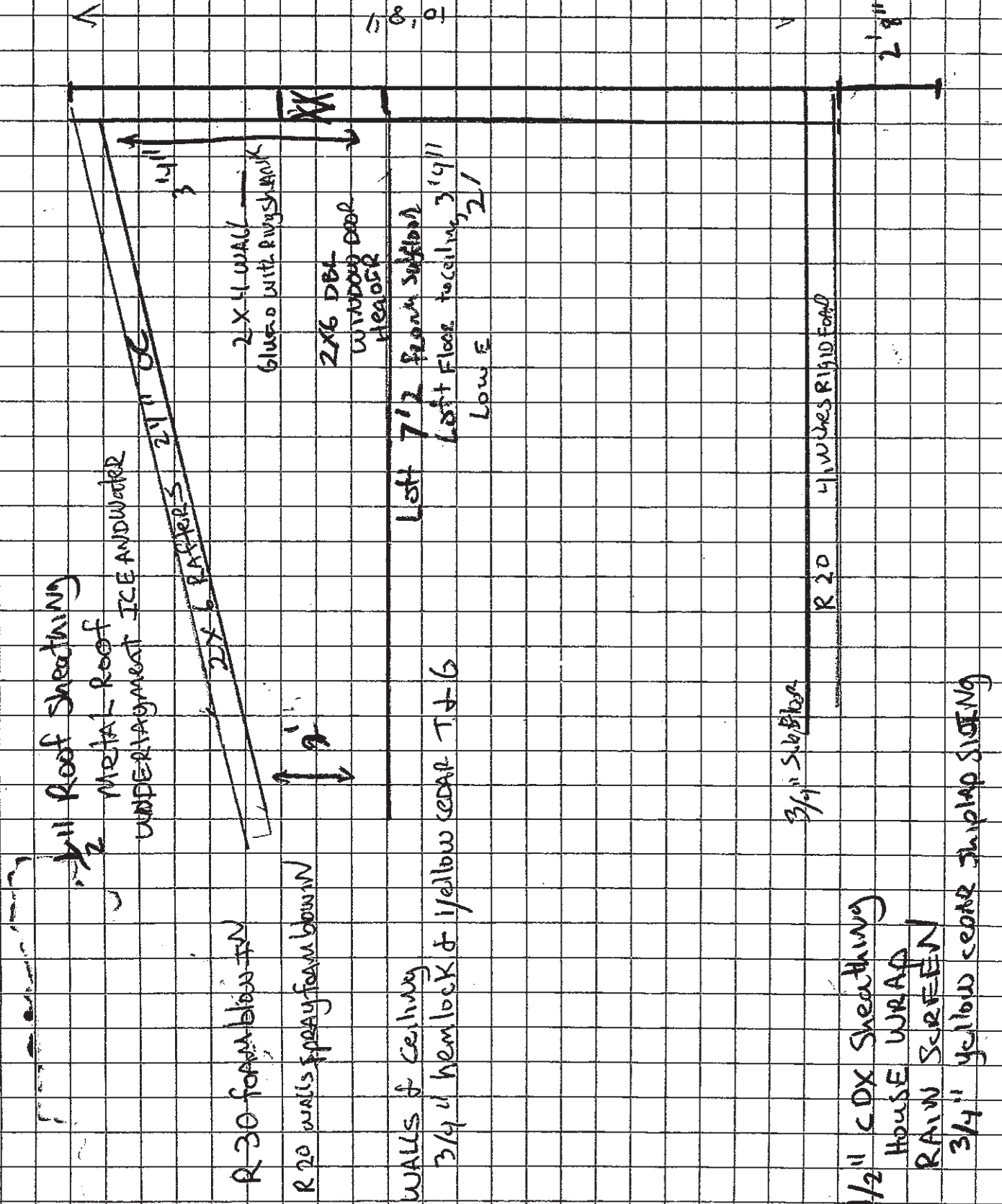






Attachment C

CROSS SECTION



**APPRAISAL REPORT
OF**



811 4TH ST
Douglas, AK 99824

PREPARED FOR

Morgan Stanley Private Bank, NA
c/o PHH Mortgage
1 Mortgage Way Mount Laurel, NJ 08054

AS OF

01/13/2015

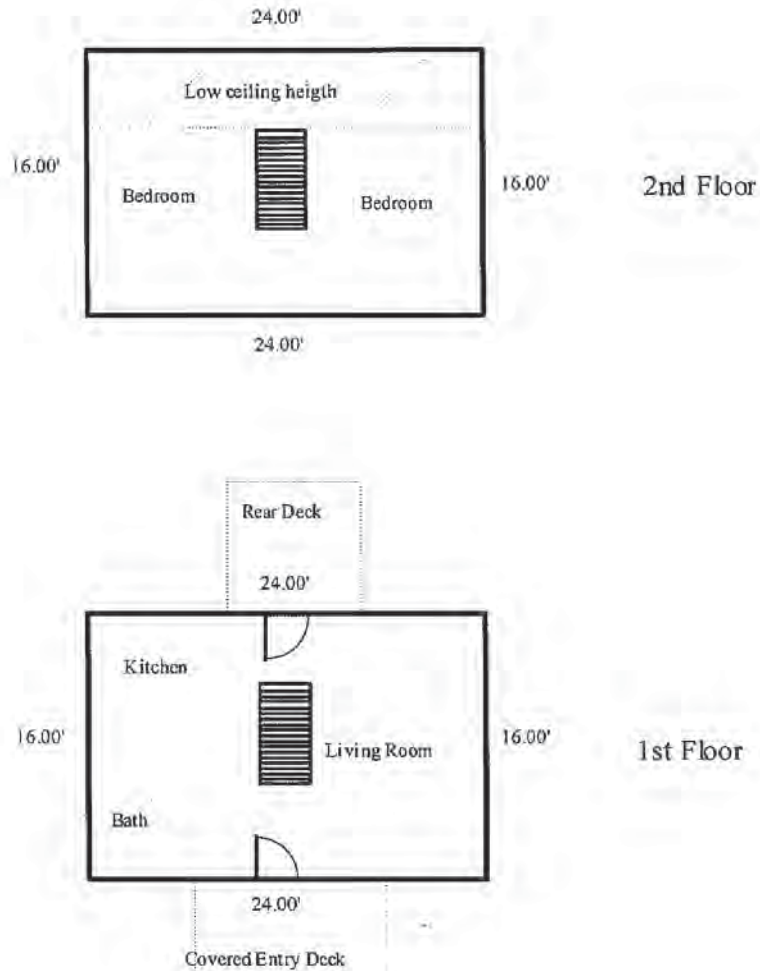
PREPARED BY

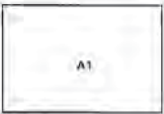
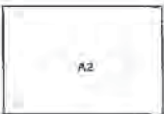
HENRICKSEN APPRAISAL COMPANY
3739 Julep Street
Juneau, AK 99801

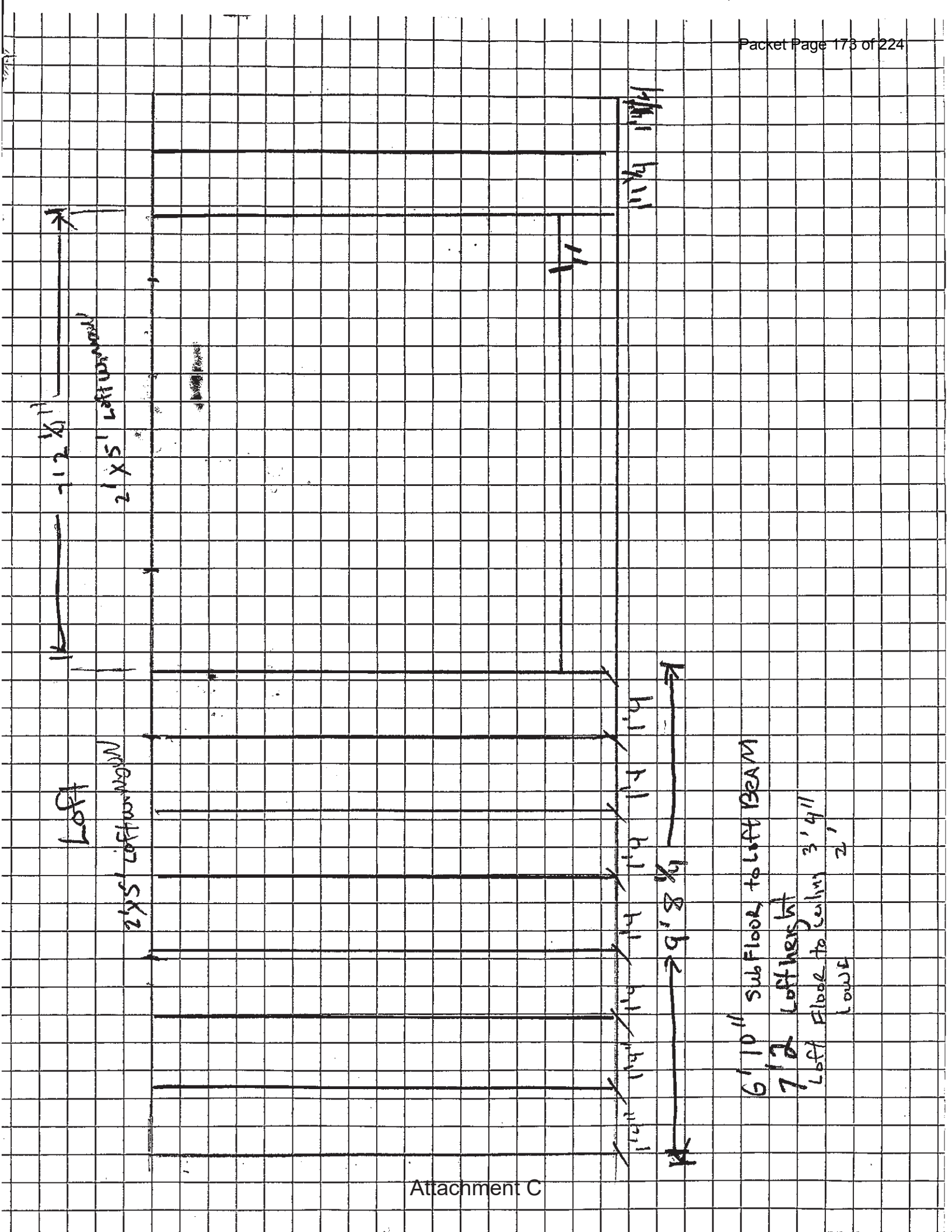
HENRICKSEN APPRAISAL COMPANY
SKETCH ADDENDUM

File No. 7099 Packet Page 172 of 224
 Case No. 1236559

Borrower Martinson, Jeffrey & Pollock, Elinor
 Property Address 811 4TH ST
 City Douglas County Juneau Borough State AK Zip Code 99824
 Lender/Client Morgan Stanley Private Bank, NA Address c/o PHH Mortgage, 1 Mortgage Way Mount Laurel, NJ 08054



SKETCH CALCULATIONS		Perimeter	Area
 A1	A1 : 24.0 x 16.0 =		384.0
	First Floor		384.0
 A2	A2 : 24.0 x 16.0 =		384.0
	Second Floor		384.0
Total Living Area			768.0



Packet Page 173 of 224

Attachment C

[illegible][illegible]



Attachment D: Apartment Interior



Attachment D: Apartment Interior



Attachment D: Apartment Interior



Attachment D: Apartment Interior

From: [Amy Liu](#)
To: [Ed Foster](#); [James "Red" Langel](#)
Subject: RE: Encroachment on 811 4th, Douglas (2D040T310020)
Date: Wednesday, April 11, 2018 4:50:18 PM
Attachments: [image001.png](#)

Ed,

No, the ordinance does not allow using CBJ ROW for required parking, unless an encroachment permit is granted.

Given the information you have provided, CDD will recommend that the applicant seek a parking waiver that would eliminate the additional parking space requirement. Avoiding the additional parking space would keep the existing parking demand and capacity at status quo. We realize that in practice, more cars than are allowed may be parked on site. We'll enforce on a complaint basis and cross that bridge when we get there.

Thanks very much for your insight.

Amy Liu

From: Ed Foster
Sent: Wednesday, April 11, 2018 4:13 PM
To: James 'Red' Langel; Amy Liu
Subject: RE: Encroachment on 811 4th, Douglas (2D040T310020)

Amy,

It doesn't appear parked vehicles in this area will encroach into the flow of traffic, but it does encroach into the CBJ ROW. I think it will be fine to allow them to use this as a perpendicular parking area, however we DO NOT want to create an easement or any other permanent record giving them the right to this ROW area. If that's what your intent is then No, we cannot allow it to remain the way it is and they do have to move the parking farther onto their property. Future improvements to 4th St could require them to move this parking farther back onto their property.

Does the Ordinance allow property owners to use CBJ ROW for establishing required parking, because that's what they are doing here.

Ed

From: James 'Red' Langel
Sent: Wednesday, April 11, 2018 3:20 PM
To: Ed Foster
Subject: FW: Encroachment on 811 4th, Douglas (2D040T310020)

Ed,

The property owners here are asking for a variance to allow parking that is perpendicular to the road. They are adding an apartment and it requires additional parking per ordinance. Using the parcel viewer measuring tool at 20' they would stick out to about where the red line is in the

th

attached photo (4 St.). It appears that there is still plenty space for two lanes of traffic to pass. I don't see any issue with granting this, but I thought you may see something I don't. They also have some other documentation from the past allowing an easement for a garage that isn't there. Please let me know what you think. Thanks.

Red Langel
Town Streets Supervisor

Public Works Streets Division
City & Borough of Juneau
7100 Glacier Highway
Juneau, AK 99801
(907) 586-5256

From: Amy Liu
Sent: Wednesday, April 11, 2018 3:02 PM
To: James 'Red' Langel
Subject: Encroachment on 811 4th, Douglas (2D040T310020)

Red,

I've attached the 1996 easement for encroachment, 1997 building plan, and 2018 accessory apartment application (the apartment adds one more parking space involving back-out).

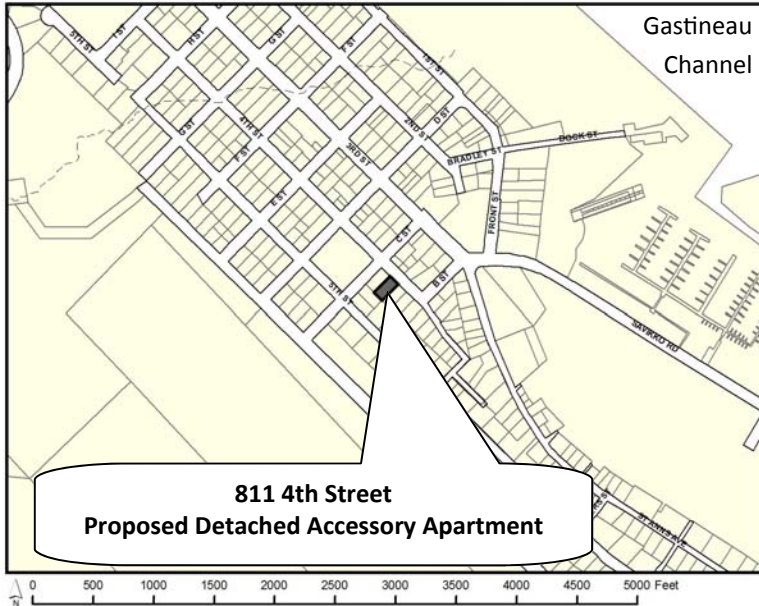
I would like to know whether Streets could allow this encroachment, and if there are any other stipulations moving forward. Thanks.

Amy Liu, Planner
 City & Borough of Juneau
 (907) 586-0764
 155 S. Seward St. Juneau, AK 99801



Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **220 square foot detached accessory apartment** located at **811 4th Street** in Douglas in a **D5 zone**.

TIMELINE

Staff Report expected to be posted Monday, June 4 at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 25, 2018

Comments received during this period will be sent to the Planner, **Amy Liu** to be included in the staff report.

May 26 through 12 noon, June 12

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, June 12, 2018

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

June 13

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 May 16, 2018

Case No.: USE2018 0008
Parcel No.: 2D040T310020
CBJ Parcel Viewer: <http://epv.juneau.org>

Easement for Encroachment of Garage

BOOK 0450 PAGE 697

This indenture made between Rand S. Bigelow and Debora Stover of P.O. Box 240966, Douglas, AK 99824, Grantor, and Donald and Nancy Thompson, husband and wife of 805 Fourth Street, Douglas, AK 99824, as Grantee.

WITNESSETH:

The Grantor does hereby grant unto the Grantee a perpetual right of way easement for the purpose of the encroachment of Grantees garage over and across a portion of Lot 2 Block 31 Douglas Townsite, according to Juneau Recording District, First Judicial District, State of Alaska, said easement is more particularly described as follows:

An area 2.2 feet by 100 feet along the common property line of Lot 2 Block 31 and Lot 3 Block 31, Douglas Townsite over and across a portion of Lot 2 Block 31 Douglas Townsite.

SAID EASEMENT IS SHOWN ON ATTACHED EXHIBIT "A"

This easement is granted in consideration of \$1.00 and other good and valuable consideration in hand paid to grantor.

This agreement shall endure to the benefit of, and shall be binding upon the successors, executors, administrators, heirs and assigns of the respective parties hereto.

In witness whereof, the parties hereto have executed this agreement this 23rd day of JUNE, 1996.

Grantor

Rand S. Bigelow
Rand S. Bigelow

Debora Stover
Debora Stover

Grantee

Donald Thompson
Donald Thompson

Nancy J. Thompson
Nancy Thompson

This certifies that on this 23rd day of June, 1996, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Rand S. Bigelow, Debora Stover, and Donald and Nancy Thompson to me known and known to me to be the persons described in and who executed the within and foregoing instrument, and they acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein mentioned.

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



Adrian Ann Harney
Notary Public for Alaska
My Commission Expires: 7-10-98

Return to.
RAND S. BIGELOW
Box 240966
DOUGLAS, AK 99824

Received
on

JUL 25 1997

Attachment G: Easement
Permit Center
CBJ

Received
on

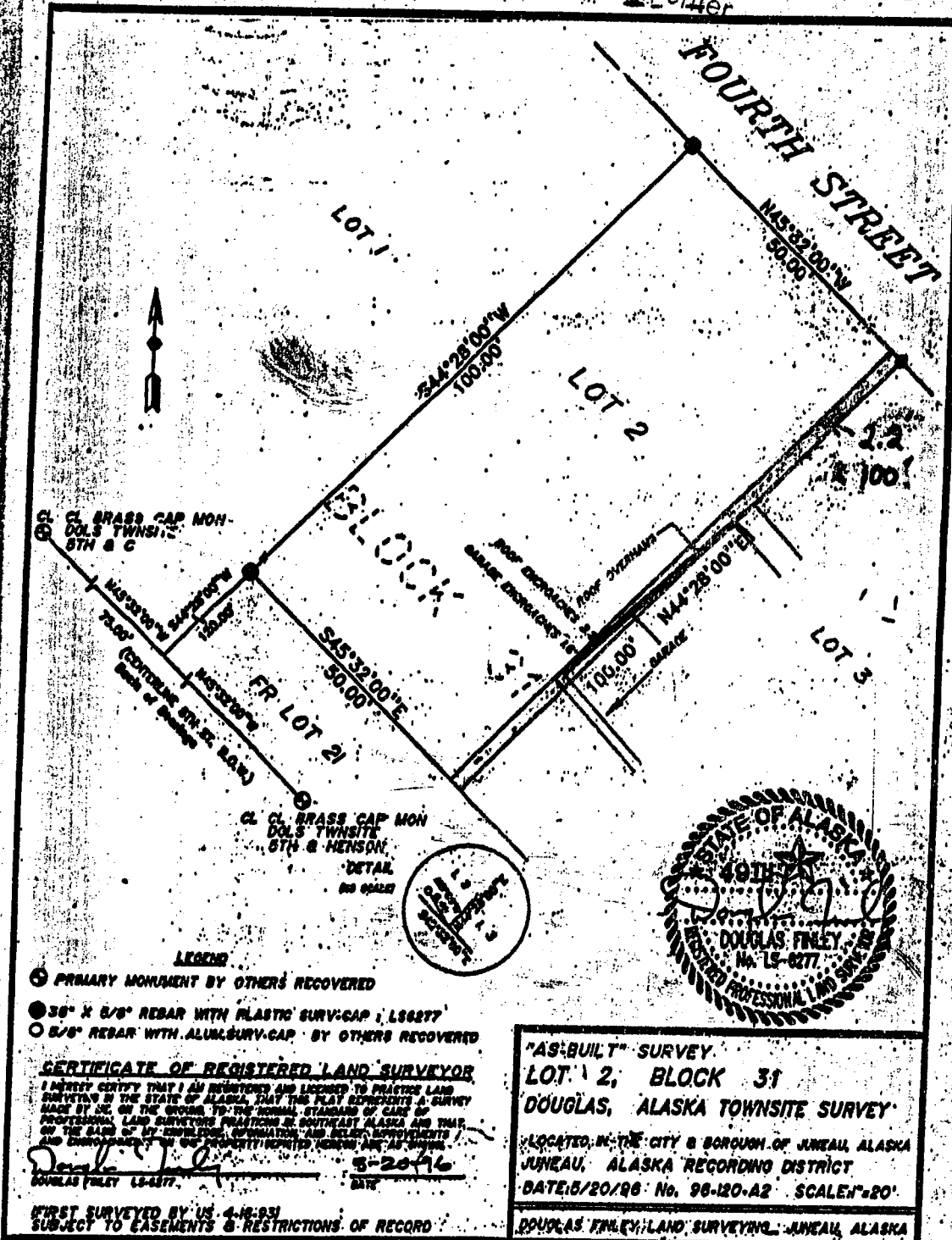
JUL 25 1997

EXHIBIT

A

Permit Center

BOOK 0450 PAGE 698





Rob Steedle, Director

(907) 586-0757
Rob.Steedle@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

NOTICE OF DECISION

File No.: PWD2018 0001

Date: May 31, 2018

Jeffrey Martinson
P.O. Box 22787
Juneau, AK 99802

Proposal: A Parking Waiver of one (1) residential space for accessory apartment
Property Address: 811 4th Street
Legal Description: Tyee Addition to Douglas Townsite Block 31, Lot 2
Parcel Code No.: 2D040T310020

The Community Development Department Director, after departmental review, adopted the analysis and findings listed in the attached memorandum dated May 31, 2018 and approved the waiver of the requirement for one parking space to be conducted as described in the project description and project drawings submitted with the application.

Attachments: May 31, 2018 memorandum from Amy Liu, Planner, Community Development to Rob Steedle, Community Development Department Director regarding PWD2018 0001.

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

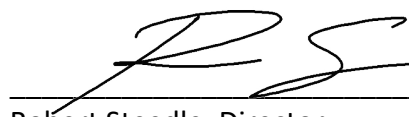
This Notice of Decision constitutes a final decision of the Director of the CBJ Community Development Department. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 PM on the day twenty days from the date the decision is filed.

Effective Date: The waiver is effective upon approval by the Director, May 31, 2018.

Expiration Date: Approved Parking Waivers shall expire upon a change of use.

Jeffrey Martinson
File No.: PWD2018 0001
May 31, 2018
Page 2 of 2

Project Planner: 
Amy Liu, Planner
Community Development Department

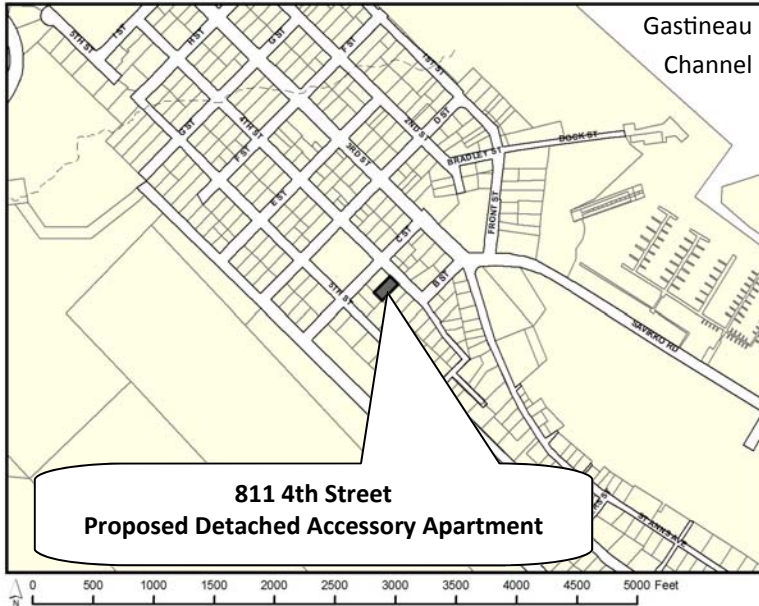

Robert Steedle, Director
Community Development Department

cc: Plan Review

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

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **220 square foot detached accessory apartment** located at **811 4th Street** in Douglas in a **D5 zone**.

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<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
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Now through May 25, 2018

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May 26 through 12 noon, June 12

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HEARING DATE & TIME
7:00 pm, June 12, 2018

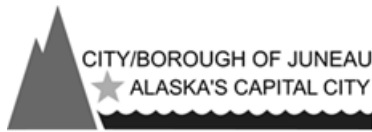
You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

June 13

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

Case No.: USE2018 0008
Parcel No.: 2D040T310020
CBJ Parcel Viewer: <http://epv.juneau.org>



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: CBJ Planning Commission

FROM: Amy Gurton Mead, Municipal Attorney

DATE: May 31, 2018

SUBJECT: Ordinance 2018-28, amending 49.65, Article I, the Exploration and Mining Code

The CBJ Mining Committee directed me to reorganize the current mining code for clarity, without removing any substantive provisions. That draft was used by the Committee as a starting point for its discussion and was vetted by the Assembly, which forwarded the draft to the Commission with one anticipated change. The Assembly authorized me to add language recognizing the state's reclamation plan and financial warranty requirements, and the ability to enter into cooperative management agreements with the state to oversee reclamation efforts.

Given the extensive reorganization, it wasn't possible to provide you with a "striketrough and underline" ordinance that was readable. Instead, the draft is annotated, explaining the changes made. As to the reclamation and financial warrant sections, the following information may be helpful.

State law chapter on reclamation applies to municipal land subject to mining operations. AS 27.19.010(b). The state requires, and will review, reclamation plans for mining to be conducted on municipal land. AS 27.19.030. State law, however, "does not alter or diminish the authority of . . . a municipality under its laws and regulations." AS 27.19.010(d). *See also* 11 AAC 97.100(c) stating:

Nothing in AS 27.19 precludes a federal or state agency (including the Department of Natural Resources), a state corporation, the University of Alaska, a municipality, or a private landowner, acting under its own regulatory or proprietary authority, from establishing and enforcing additional requirements or higher standards for reclamation. Compliance with this chapter does not waive or excuse compliance with those additional requirements or higher standards.

All mining operations, regardless of size, are required to reclaim the land disturbed under state law (AS 27.19.020):

A mining operation shall be conducted in a manner that prevents unnecessary and undue degradation of land and water resources, and the mining operation shall be reclaimed as contemporaneously as practicable with the mining operation to leave the site in a stable condition.

Under AS 27.19.100, "unnecessary and undue degradation":

(A) means surface disturbance greater than would normally result when an activity is

being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and considering site specific conditions;

(B) includes the failure to initiate and complete reasonable reclamation under the reclamation standard of AS 27.19.020 or an approved reclamation plan under AS 27.19.030(a).

Although they are required to reclaim the land after mining operations cease, state law (AS 27.19.050) exempts small mines from needing to file a reclamation plan or from submitting the “reclamation financial assurance” (the “financial warranty” under CBJ code). State statute defines a “small mine” as being one:

(1) where less than five acres are mined at one location in any year and there is a cumulative unreclaimed mined area of less than five acres at one location; or

(2) where less than five acres and less than 50,000 cubic yards of gravel or other materials are disturbed or removed at one location in any year and there is a cumulative disturbed area of less than five acres at one location.

Current code requires all mining operations to file a reclamation plan. For purposes of comparison, a small mine under CBJ code is defined as anything that isn’t a large mine:

(CBJ) Large mine means a mining operation involving more than 20 acres of affected surface disturbance; or having 75 or more personnel employed at the mining operation in the City and Borough, whether direct employees or employees of independent contractors, in any consecutive three-month period; or a mining operation that a federal agency has determined would involve a major federal action significantly affecting the quality of the human environment so that the preparation of an environmental impact statement in accordance with NEPA is required.

As noted above, under state law, municipalities may provide their own rules and requirements for reclamation and financial warranties (or financial assurances) to the extent not preempted by state (or federal) law. There are provisions in our code that we would arguably be preempted from enforcing. For example, the requirement that the CBJ reclamation plan require rehabilitation of fisheries or wildlife habitat. (See, *Jacko v. State of Alaska, Pebble Lt. Partnership, and Pebble Mines Corp.*, 353 P.3d 337 (Alaska 2015), where the Supreme Court invalidated a Lake and Peninsula Borough initiative prohibiting mining activities that would have a significant adverse impact on anadromous waters within the borough, finding that the initiative impermissibly gave the borough “veto power” over mining projects on state land within borough borders.) Without removing any of the potential overreach, I qualified both the reclamation and financial warranty sections¹ to make clear that the CBJ could exercise its authority only to the extent not preempted by state or federal law.

Lastly, if the state finds it’s in the state’s best interest, it can enter into a cooperative management agreement with a municipality with respect to reclamation oversight. 11 AAC 97.700. A reference to this process was also included.

¹ Tied to the reclamation plan is the financial warranty (or, as the state refers to it, the financial assurance). The CBJ’s financial warranty section is much broader, tied to more than just reclamation efforts. The draft ordinance includes a reference to the state and any cooperative management agreement, but otherwise is unchanged.

Presented by: The Manager
 Introduced:
 Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-28 (P.C. v. 1)

An Ordinance Amending the Land Use Code Related to Mining.

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 Article. CBJ 49.65 Article I Exploration and Mining, is repealed in its entirety and reenacted to read:

ARTICLE I EXPLORATION AND MINING

49.65.110 Purpose.

No changes to the original purpose section (49.65.110) except reorganizing for clarity, and adding the language at subsection (d), as requested by the committee.

(a) The purpose of this article is to foster the development of a safe, healthy, and environmentally sound mining industry while protecting the overall interests of public health, safety, and the general welfare and minimizing the environmental and surface effects of mining projects for which an exploration notice or mining permit is required. To the extent not the City and Borough is not preempted from doing under state or federal law, this article:

- (1) Establishes the review and permit procedures necessary to conduct exploration, to gain approval to open a mine, to conduct mining operations, and to provide for final

reclamation and financial warranty release at the conclusion of exploration and mining operations and reclamation of affected surface;

(2) Reasonably regulates areas of local concern, reserving to the City and Borough all regulatory powers not preempted by state or federal law;

(3) Authorizes the commission to condition a mining permit to the extent necessary to mitigate external adverse impacts and for the protection of the environment and public health, safety, and general welfare.

(b) This article does not regulate surface or subsurface water; geothermal resources; sand or gravel; common varieties of construction aggregate; or natural oil, gas, coal, or peat or their associated byproducts, except to the extent that such substances are developed or extracted as a mining byproduct in a mining operation of a large or small mine.

(c) The director may require a permit to be obtained or notice given for federally approved activities on federal lands, including unpatented mining claims, to allow for the director's review, so long as the purpose of the review process is not to deny use or expressly prohibit mining.

(d) To minimize the burden on the applicant to provide duplicative information required by this article, at the applicant's request, the director may rely on information provided in permit applications submitted to state or federal agencies for the proposed mining operation.

49.65.115 General applicability.

Edited for clarity; nothing substantively removed from original 49.65.115. At the request of the committee, a definition section was added at subsection (e) for convenience. All four definitions are currently found in CBJ 49.80.120 Definitions.

- 1
- 2 (a) For the purpose of identifying those areas within the City and Borough within which
- 3 surface disturbance or subsidence in support of exploration or mining activities is prohibited,
- 4 the Mining and Exploration Surface Activities Exclusion District Maps A—F, dated June 5,
- 5 2006, as may be amended by the assembly by ordinance, is adopted. Except as otherwise
- 6 provided, mining and related activities may be conducted elsewhere within the City and
- 7 Borough subject to the provisions of this article.
- 8
- 9 (b) This article does not regulate subsurface mining within or without the district except
- 10 that subsidence within the district is prohibited. It is not the intent of this article to
- 11 unreasonably limit or nullify private property rights.
- 12
- 13 (c) For the purpose of regulating exploration and mining activities within the City and
- 14 Borough, the Urban/Rural Mining District Map, dated June 5, 2006, as may be amended by the
- 15 assembly by ordinance, is adopted.
- 16
- 17 (d) Mines located in the Rural Mining District that will undergo environmental review by
- 18 state agencies, federal agencies, or both, as determined by the director, shall not be subject to
- 19 Article 49.65, and shall be permitted as allowable uses pursuant to CBJ 49.15.320. In
- 20 permitting such mines in the Rural Mining District, the commission may impose conditions
- 21 under CBJ 49.15.320(f)(1)—(8) and any additional conditions relating to traffic, lighting, safety,
- 22 noise, dust, visual screening, surface subsidence, avalanches, landslides, and erosion deemed
- 23 necessary by the commission.
- 24
- 25 (e) For the purposes of this article:
- (1) *Exploration* means the process of advanced mineral commodity investigation subsequent to prospecting and prior to development.

(2) *Large mine* means a mining operation involving more than 20 acres of affected surface disturbance; or having 75 or more personnel employed at the mining operation in the City and Borough, whether direct employees or employees of independent contractors, in any consecutive three-month period; or a mining operation that a federal agency has determined would involve a major federal action significantly affecting the quality of the human environment so that the preparation of an environmental impact statement in accordance with NEPA is required.

(3) *Mining operation* means the development, construction or reclamation of a mine, including associated infrastructure, or the exploitation or extraction of a mineral commodity from its occurrence on or in the earth, or the operation of a mine. The term "mining operation" includes open pit mining, placer mining and underground mining, and the disposal of refuse, tailings or waste rock from any such operation. The term "mining operation" also includes transporting, concentrating, milling, evaporating and other on-site processing. The term "mining operation" does not include off-site smelting, refining, cleaning, preparing, transportation or other surface operations not conducted on the affected surface.

(4) *Small mine* means a mining operation other than a large mine.

49.65.120 Exploration notices and procedures.

Clarified original 49.65.120 in the following ways:

- 1. Reorganized section.*
- 2. Added statement in subsection (a) making clear that compliance with this section is required in order to conduct exploration.*
- 3. Added requirement that form specified by director be used, which is consistent with current CDD practice (form is already posted on CDD website).*

4. Added language to this section requiring operator to supplement information as necessary (this is a condition in existing code; added here for clarity purposes).

- (a) In order to ensure that mining exploration is conducted in accordance with the environmental, health, safety, and general welfare concerns of the City and Borough, mining exploration activities are prohibited except as provided in this section.
- (b) Any applicant intending to conduct exploration operations must submit to the director a notice of mining exploration application, on a form specified by the director, and the processing fee specified in CBJ 49.85.100.
- (c) A notice of mining exploration application must include the following information:
- (1) A map identifying the area of the intended exploration activities on a scale of at least 1:63,360;
 - (2) The proposed exploration schedule;
 - (3) The plan for reclamation of the area to be disturbed by the exploration activities, including information about the methodology and cost of such reclamation sufficient to enable the director to determine an appropriate financial warranty; and
 - (4) Copies of any prospecting permits, notice of intent to conduct exploration, or operating plans filed with any federal or state agency. An applicant shall supplement this information as needed with all modifications, revisions, and amendments to any permit application or plan submitted to any federal or state agency by the applicant, or with copies of any amended permits or plan approvals received by the applicant from any state or federal agency.

1
2 (d) Upon determining the exploration application is complete and that the required
3 processing fee has been paid, the director shall determine whether a financial warranty will be
4 required in accordance with CBJ 49.65.140, unless preempted by state or federal law. The
5 director shall notify the applicant within 20 days after receiving the applicant's notice of intent
6 whether a financial warranty will be required or if it is waived. The requirement of a financial
7 warranty may be waived if the director determines that a financial warranty is not necessary
8 to ensure compliance with the requirements of this article. The waiver shall be in writing and
9 shall set for the reasons for the waiver.
10

11 (e) When the applicant has either submitted the required financial warranty or the director
12 has notified the applicant that the financial warranty requirement is waived or the CBJ
13 preempted from requiring a warranty, the applicant shall be authorized to conduct exploration
14 activities in accordance with the notice. In conducting exploration operations, the applicant
15 shall comply with all applicable federal, state and City and Borough laws, rules, and
16 regulations.
17

18 (f) Upon completion of exploration activities and all necessary reclamation, the applicant
19 shall notify the director that exploration and reclamation are complete and shall submit a map
20 on a scale of at least 1:63,360, showing the location of the exploration and reclamation
21 activities.

22 (g) *Procedure for release of financial warranty.* The director may inspect the area of
23 exploration to determine whether reclamation has been completed in accordance with CBJ
24 49.65.145 within 60 days of receiving notification of completion, or as soon as weather
25 conditions permit. If the director finds that the reclamation satisfies the standards of CBJ

49.65.145(b), either by the director's own review or in reliance upon a state or federal reclamation inspection or both, the financial warranty shall be promptly released. If the director finds that the standards have not been satisfied, the director shall notify the applicant within 30 days of the additional steps necessary to achieve compliance with CBJ 49.65.145. The director shall give the applicant a reasonable time to complete reclamation and request another inspection. If the director, after re-inspection or review, is not satisfied that the standards of CBJ 49.65.145(b) have been met, the director may declare so much of the financial warranty as necessary forfeited and, after notice and an opportunity for the applicant to appeal pursuant to CBJ 49.65.165, apply the financial warranty to complete reclamation.

While no substantive changes were made to the following sections, I did do some major reorganization of current code. Current code has one ordinance addressing the process (application, review, commission procedure) for small mines, and a separate code section addressing the process for large mines that, in large part, repeats the same information (application, review, commission procedure). I revised these sections using the same organizational structure used in the article addressing cell towers. First, I organized the current requirements into three new code sections that apply to both large and small mines: a general application section; a general review section; and a general section on commission process. I then added new code sections to cover those specific additional requirements imposed under current code for large mines.

Other changes:

- 1. I specified that the application should be on a CBJ form – which already exists and is consistent with CDD practice for all other permits.*
- 2. I adding language specifying how the CBJ uses permit or application information from other agencies (see 49.65.125(d)).*
- 3. The following paragraph is from current code – 49.65.130(b), middle of paragraph – and requires large mine applicants to provide information normally provided as part of a mining plan or “feasibility” study. My notations in red explain where these requirements are now found:*

The application shall also contain additional information normally prepared by the operator for its feasibility studies and mining plans, including information establishing the right to use the affected surface *(this was information that was actually required of both small and large mines so is now in the general application subsection (b)),*

labor force characteristics and timing, payroll projections *(see subsection (c) identifying additional information required of large mines)*, anticipated duration of the mining operation, construction schedules, infrastructure description, and other information reasonably requested by the department in the pre-application conference held pursuant to subsection 49.15.330(b). *(This was information that was actually required of both small and large mines so is now in the general application subsection (b).)*

49.65.125 Permit application requirements for all mines.

(a) Except as provided in CBJ 49.65.115(c), no new mine shall commence mining operations unless the applicant has obtained a conditional use permit pursuant to Chapter 49.15, Article III, as modified by this article.

(b) Applications, on a form specified by the director, shall be submitted to the director along with the fee required by CBJ 49.85.100, unless modified as provided in this section, and the following information:

- (1) Information establishing the right to use the affected surface;
- (2) A map showing the location of the mine site and the affected surface for that mine on a scale of at least 1:63,360;
- (3) A description and timetable of the proposed mining operation, including:
 - (i) The anticipated duration of the mining operation;
 - (ii) A description of all roads, buildings, processing, and related facilities or proposed infrastructure;
 - (iii) The mining plan;
 - (iv) The plan for reclamation;
 - (v) The potential environmental, health, safety, and general welfare impacts of the proposed operation, including neighboring property impacts, and a

description of the measures to be taken to mitigate the adverse effects of such impacts; and

(vi) A description of the methods to be used to control, treat, transport, and dispose of any hazardous substances, sewage, and solid waste;

(4) Certification that there will be no affected surface or significant subsidence within the boundaries of the Mining and Exploration Surface Activities Exclusion District;

(5) Any additional information determined by the director to be necessary to allow the director, after reviewing the application, to evaluate the proposed mining operation's compliance with CBJ 49.15.330 and 49.65.145;

(6) Any other information requested by the director in relation to the pre-application conference held under CBJ 49.15.330(b); and

(7) Copies of any state or federal permits issued in relation to the proposed mining operation, including the reclamation plan approved by the state under AS 27.19.030 and information related to any financial assurance required by the state under AS 27.19.040.

Current code recognizes reclamation plans from the state; this citation to the state code section was added for clarity.

(c) In addition to the materials required by subsection (b), permit applications for large mines must include the following additional information:

(1) A description of the proposal for the sealing of open shafts, adits, and tunnels upon the completion or temporary cessation of mining operations;

(2) The mining operations labor force characteristics and timing;

(3) Payroll projections; and

1
2 (4) Unless waived by the director, the socioeconomic impact assessment required by
3 CBJ 49.65.130, and any additional information determined by the director to be necessary
4 to complete the assessment.

5 (d) To the extent that the information required by this section has been provided by the
6 applicant as part of any application submitted by the applicant to a state or federal agency, the
7 applicant may rely on that application. The applicant shall provide the director with a copy of
8 each state or federal application being relied upon, a cross-reference to the relevant portions of
9 those applications, and a report on the current status of the applications. *(Note: this section*
10 *clarifies that operators can rely on permits or applications submitted to other*
11 *agencies.)*

12
13 (e) The requirement to provide information under this section is continuing throughout the
14 duration of the application process, and supplemental information regarding any changes in
15 the information reasonably requested must be provided to the director.

16 (f) *Processing fee.* The fee for processing the application shall be as specified in CBJ
17 49.85.100, and is in addition to any fee required by CBJ 49.65.130 for the socioeconomic impact
18 assessment, or any fee for a professional consultant as provided by CBJ 49.65.135. While this
19 fee is intended to cover the City and Borough's reasonable costs of review, it may be after
20 receipt of the application that the director determines that the cost of review is likely to
21 substantially exceed the fee specified in CBJ 49.85.100. In that case, the director may, after
22 consultation and discussion with the applicant, recommend an additional fee to the assembly.
23 Such additional fee shall be approved by the assembly by motion and shall be set in an amount
24 that will, as far as can be determined, cover the cost of reviewing the application, including
25

reasonable administrative and overhead expenses. In recommending the additional fee, the director may consider any factors deemed relevant, including: the amount of staff effort required to adequately review the application; the involvement in the review process of other governmental agencies, either through a federal environmental review process or other procedure; the necessity for extraordinary travel and transportation costs that may be incurred by the director during review; the potential benefit of information generated by the application review to other mining operations or to the City and Borough; and the necessity for extraordinary communication, duplication, or publication costs arising from the review.

This next section is from the current code section on large mines (49.65.130(c)). No substantive deletions made, primarily just amended for readability and reorganized. Although the proposed code already specifies that documents provided to another federal or state agency can be resubmitted in lieu of duplication, a new subsection (c) specifies that if information contained in an EIS would cover any of the material needed for a socioeconomic impact statement, the CDD director will rely on the EIS. Conceptually, this report is tied to the mitigation agreement (see 49.65.155, below).

49.65.130 Socioeconomic impact assessment for large mines.

(a) A socioeconomic impact assessment evaluating the reasonable and foreseeable beneficial and adverse impacts, both direct and indirect, of the proposed mining operation on existing and future local conditions, facilities, and services shall be prepared by the director, or a consultant retained by the director for that purpose, unless waived. The director may waive all or part of the socioeconomic impact assessment when the director determines either that the information is not essential to evaluate what impact the mining operation will have on the City and Borough, or that the proposed mining operation will present no meaningful or significant impacts. The waiver shall be in writing and shall set forth the reasons for the waiver.

(b) The impact assessment should include an evaluation of all reasonable, foreseeable, and demonstrable impacts of the proposed mining operation on transportation and traffic; sewer and water; solid waste; public safety and fire protection; education, native history and culture; health; recreation; housing; employment; local businesses; the rate, distribution, and demographic characteristics of any population changes induced by the mining operation; and the fiscal impacts of the mining operation on public facilities and services, including general government functions. Highly speculative impacts need not be studied.

(c) If information necessary to conduct the assessment is contained in a final Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act, the director shall rely on the EIS, but may require the applicant to provide such supplemental information deemed necessary by the director to complete the assessment.

(d) All reasonable costs and expenses required to prepare the assessment shall be paid to the director by the applicant prior to the initiation of the assessment.

(e) The purpose of the impact assessment is to provide information to the director concerning possible beneficial and adverse impacts of the proposed mining operation for use in the preparation of the mitigation agreement required by CBJ 49.65.155.

49.65.135 Director's review procedures.

Current code uses "director" and "department" interchangeably. I use director exclusively in this rewrite. Current code defines "director" at 49.80.100 to mean either the director or the director's designee, which includes staff or the "department."

(a) The director shall review the application in accordance with CBJ 49.15.330(d), as modified by this article.

(b) The director's recommendation for approval or denial, with or without conditions, as required by CBJ 49.15.330(d)(3) or 49.65.145, shall be forwarded to the commission within the timelines specified below:

(1) *Small mines.* In the case of small mine applications, within thirty-five days after the application has been accepted as complete by the director.

(2) *Large mines.*

(A) The director shall conduct a preliminary review of an application for a large mine within 20 days of its submission to determine whether the application is complete. The director shall then promptly schedule a meeting with the applicant for the following purposes:

(i) To notify the applicant if the application is complete, and if not, to notify the applicant what additional information is needed to make the application complete.

(ii) The director and the applicant shall establish the procedures for coordinating the review of the application with any review being undertaken by other agencies as part of a state or federal permit process.

(B) Unless an Environmental Impact Statement (EIS) is required by the National Environmental Policy Act (NEPA), or unless the applicant agrees to an extension, the director shall complete the review of the application within 90 days after the director has determined that the application is complete. If an EIS is required, then the timing of the review of the application shall be in accordance with the provisions of subsection (C), below.

(C) If an EIS of the proposed mining operation is required under NEPA, then the application will not be considered complete until the draft environment impact statement (DEIS), the final environment impact statement (EIS) and all comments and testimony have been submitted to the director. The director may begin review of the application at any time after the filing of the DEIS with the director, however, the recommendation shall not be presented to the commission until the department has considered the final environment impact statement. The applicant shall advise the department immediately at any time during the application process or thereafter if NEPA is involved so that the City and Borough may participate in the NEPA process.

(c) The director's recommendation must consider whether the proposed mining operation will mitigate adverse environmental, health, safety, and general welfare impacts. The director's recommendation must include consideration of the following:

- (1) Whether air and water quality standards will be maintained in accordance with federal, state, and local laws, rules, and regulations;
- (2) Whether sewage, solid waste, hazardous and toxic materials will be properly contained and disposed of in accordance with federal, state, and local laws, rules, and regulations;
- (3) Whether the mining operation will be conducted in such a way as to minimize safety hazards to the extent reasonably practicable and to mitigate adverse impacts on the public and on neighboring properties such as those from traffic, noise, dust, unsightly visual aspects, surface subsidence, avalanches, landslides, and erosion; and

(4) Whether historic sites designated by the City and Borough as significant will be protected; and

(5) The sufficiency of the proposed reclamation plan.

The following subsection was added to clarify that if a state or federal permit has been granted to the applicant, the CBJ will accept the permit as a statement of the state/federal law requirements the mining operator must comply with for purposes of state/federal law. I read current code language to say the same thing, but this says it more directly. (See for example, current code section 49.65.130(b), specifically the last third of paragraph.)

(d) In making the determinations under subsection (c), the director shall find that the proposed mining operation will comply with state and federal law as to any standard or subject addressed by an applicable state or federal permit issued to the applicant for the proposed mining operation. However, the issuance of a state or federal permit shall not prohibit the director from recommending more stringent conditions on the proposed operation to the extent the City and Borough is not preempted by state or federal law, or from making a recommendation for denial if the director deems warranted in accordance with this article.

(e) The director's recommendation for approval may include any conditions or stipulations the director deems to be reasonably necessary to mitigate adverse environmental, health, safety, or general welfare impacts that may result from the proposed mining operation. If the director makes a recommendation for approval, the director shall also make a recommendation on the amount of any financial warranty required by CBJ 49.65.150.

(f) If the director determines that the proposed mining operation does not meet the standards required by CBJ 49.65.145 and 49.15.330, the director shall notify the applicant. The applicant may then withdraw the application, amend and resubmit the application, or allow

the director's recommendation to be forwarded to the commission as written. If the application is resubmitted within 180 days of the initial submission, no new application fee will be required but the applicant shall pay any additional processing fee determined by the director to be reasonably necessary to defray the cost of reviewing the revised application to the extent that it is different from the original submittal.

The following concept is already in current code but with one change. Because the group proposing changes to the code have stated they agree that obtaining outside consultants at the cost of the applicant should be available to the CBJ, I removed the requirement that approval for that process go through a code process. (See current code section 49.65.130(e).)

(g) If the director determines that proper review of the application will require the department to retain outside professional assistance, the director may, in the director's discretion, obtain an outside professional consultant. The fee for the consultant shall be borne by the applicant.

One small addition in subsection (c) to specify that the commission approves the reclamation plan or cooperative management agreement (to implement a reclamation plan jointly with the state). It isn't clearly stated in current code that the reclamation plan must be approved prior to mining.

49.65.140 Commission review.

(a) Once complete, the director's recommendations shall be provided to the applicant and placed on the agenda for the next regularly scheduled meeting after public notice has been given as required by CBJ 49.15.230.

(b) The commission shall hear the application as a conditional use permit application as provided in chapter 49.15, article III, as modified by this article.

(c) If the commission determines that the application, with stipulations or conditions as appropriate, satisfies the standards of CBJ 49.65.145 and 49.15.330, it shall approve the application, including the reclamation plan or any cooperative management agreement with the state under 11 AAC 97.700, and set the amount of the financial warranty under CBJ 49.65.150. When the applicant has submitted a financial warranty in the amount set by the commission in a form satisfactory to the municipal attorney, and executed any mitigation agreement required by CBJ 49.65.155, the permit shall be promptly issued by the director.

The next section addresses permit requirements. Current code section addressing permit requirements is at 49.65.135. I amended the language to clarify that these are required permit conditions, and then in the sections above on director and commission review, clarified that in evaluating applications, these concepts have to be considered.

49.65.145 Required conditions for all conditional use mining permits.

(a) The commission shall impose as a condition of any permit issued by the commission the following requirements:

- (1) The mining operation must be conducted in accordance with this article, CBJ 49.15.330, and any other applicable provisions of the City and Borough Code in such a way as to mitigate adverse environmental, health, safety, and general welfare impacts;
- (2) Air and water quality must be maintained in accordance with any applicable federal, state, and local laws, rules and regulations, or permits;
- (3) Hazardous and toxic materials, sewage, and solid waste shall be properly contained and disposed of in accordance with applicable federal, state, and local laws, rules and regulations;

- 1
- 2 (4) All mining operations shall be conducted according to the standards of the City
- 3 and Borough as contained in this article, CBJ 49.15.330, the conditional use mining
- 4 permit, and any other applicable provisions of the City and Borough Code, so as to
- 5 minimize to the extent reasonably practicable safety hazards, and to control and mitigate
- 6 adverse impacts on the public and neighboring properties, such as from traffic overloading,
- 7 noise, dust, unsightly visual aspects, surface subsidence, avalanches, landslides and
- 8 erosion;
- 9
- 10 (5) Appropriate historic sites designated as significant by the City and Borough shall
- 11 be protected;
- 12
- 13 (6) Reclamation of all affected surfaces, imposed as part of a conditional use permit
- 14 in accordance with CBJ 49.65.149 or as set by the state under AS 27.19.030, be completed
- 15 as soon as is reasonable after affected surface areas are no longer being used in exploration
- 16 and mining operations; and
- 17
- 18 (7) In the case of large mines, that the applicant comply with the mitigation
- 19 agreement required by CBJ 49.65.155;
- 20
- 21 (8) The applicant will maintain the financial warranty in the amount approved by
- 22 the director or the commission, including any amendments to the required financial
- 23 warranty amount under CBJ 49.65.145(f) and (g); and
- 24
- 25 (9) The loss of any applicable state or federal permit result in the revocation of the
- conditional use permit.

The following language is now clearly incorporated as a condition to be specified in the permit. It currently resides in 49.65.135(c).

(10) In the event mining operations violate or threaten to violate this article, CBJ 49.15.330, or a permit issued under this article, the applicant shall notify the director of such fact and of the steps to be taken to return to compliance, or to resolve the potential noncompliance.

Reclamation is now its own code section. It's currently found in 49.65.135, which combines permit requirements and staff review requirements. I've separated those issues for clarity in this draft. It's been amended to recognize the reclamation provisions under AS 27.19, as well as the possibility of entering into cooperative agreements with the state.

49.65.149 Reclamation.

(a) As required by CBJ 49.65.145, and to the extent not preempted by state or federal law, it shall be a condition of all permits issued under this article that reclamation of all affected surfaces, imposed as part of a conditional use permit issued under this article or as set by the state under AS 27.19.030, be completed as soon as is practicable after affected surface areas are no long being used in exploration and mining operations.

(b) If not addressed in a reclamation plan approved by the state under AS 27.19.030, or to the extent not preempted by state or federal law, reclamation required under this article shall include the following requirements:

- (1) Cleanup and disposal of dangerous, hazardous or toxic materials;
- (2) Regrading of steep slopes of unconsolidated material to create a stable slope;
- (3) Backfilling underground shafts and tunnels to the extent appropriate;
- (4) Adequate pillaring or other support to prevent subsidence or sloughing;
- (5) Plugging or sealing of abandoned shafts, tunnels, adits or other openings;
- (6) Adequate steps to control or avoid soil erosion or wind erosion;

(7) Control of water runoff;

(8) Revegetation of tailings and affected surface areas with plant materials that are capable of self-regeneration without continued dependence of irrigation and equipment where appropriate;

(9) Rehabilitation of fisheries and wildlife habitat; and

(10) Any other conditions imposed by the commission determined by the commission to be necessary to prevent unnecessary or undue degradation of land and water resources.

For the purposes of this subsection, “unnecessary and undue degradation” has the same meaning as defined by AS 27.19.100. ***This catchall was amended to incorporate the same standard identified in state statute (27.19.020).***

(c) Subsequent to the issuance of a permit or the grant of authority under an exploration notice, the applicant's compliance shall be measured against the requirements contained in that permit or the conditions of the exploration notice and the applicant's plans submitted with the permit application or the notice.

(d) If a reclamation plan has been required by the state under AS 27.19.030, and upon approval by the state, the City and Borough may enter into a cooperative management agreement as provided by 11 AAC 97.700 so as to coordinate oversight and implementation of reclamation activities required of the applicant with other agencies to the extent possible.

This section allows the CBJ to enter into a cooperative agreement with the state (if approved by the state) so as to reduce duplication of efforts.

Amended to add reference to the state's reclamation plans and cooperative management agreements.

49.65.150 Financial warranty.

(a) The purpose of the financial warranty is to ensure that if the applicant fails to comply with any obligation, requirement, or condition imposed by any permit or exploration notice issued under this article, there will be sufficient funds available to the City and Borough to enable it to complete the required work.

(b) To the extent not preempted by state or federal law, no permit shall be issued or exploration authorized pursuant to this article until any required financial warranty has been submitted by the applicant, approved by the municipal attorney, and accepted by the director.

(c) The director reserves the right to seek forfeiture of the financial warranty, in whole or in part, in the interest of protecting the environmental, health, safety and general welfare requirements of the City and Borough if the director determines that the applicant has violated the obligations, requirements, or conditions imposed by any permit or exploration notice issued under this article. The forfeiture shall be limited to the extent necessary to satisfy the obligations, requirements, or conditions that the applicant has violated.

(d) The amount of the financial warranty for an exploration notice shall be set by the director. The amount of the financial warranty for small mines and large mines shall be determined by the commission. The financial warranty shall be set in the amount necessary to ensure the completion of all work required by any permit or exploration notice issued under this chapter that the City and Borough may require to the extent not preempted by state or federal law. In recommending and setting the amount of the financial warranty, the director

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2 and the commission, respectively, shall take into consideration the amount and scope of any
3 financial warranties that have been submitted to other agencies. When the performance of such
4 obligations is guaranteed by financial warranties that have been submitted to other agencies,
5 the applicant may be required to post a separate financial warranty with the City and Borough
6 if the municipal attorney determines that the financial warranty submitted to another agency
7 does not create a lien or interest sufficient to protect the interests of the City and Borough.
8 Examples of obligations to be covered by the financial warranty required under this section
9 may include but are not limited to:
10

11 (1) Construction of berms, dikes, spillways, channels or other facilities to control,
12 detain, retain or reduce runoff, soil erosion and siltation, or to divert water around waste,
13 tailings, stockpiles or other facilities or disturbed areas;

14 (2) Installation and maintenance of landscaping, including berming, tree planting
15 and other required grading or planting to provide visual and sound barriers and to
16 eliminate or reduce the appearance of scarring;

17 (3) Installation and maintenance of road or highway improvements to mitigate the
18 impact of increased traffic or heavy trucking that is measurable and directly attributable
19 to the mining operation; such facilities may include speed access ramps or lanes, turn
20 lanes, intersection improvements, traffic-control devices or private haulage ways where
21 necessary to avoid the use of public roads or highways. The cost of installation or
22 maintenance described in this subsection shall be shared by the applicant and the City and
23 Borough in relation to the proportion of the directly attributable and measurable impact on
24 traffic of the applicant's activities or the facilities being maintained, installed or improved;
25

- (4) Reclamation of affected surfaces during and following exploration and mining operations;
- (5) Regrading of steep slopes of unconsolidated materials to create a stable slope;
- (6) Installation of facilities required to prevent or reduce degradation of air or water quality or to contain or control toxic or hazardous wastes;
- (7) Removal of buildings, structures or equipment where appropriate;
- (8) Any other obligations as necessary to conform with the commission's determinations under CBJ 49.15.330 and 49.65.145.

(d) The financial warranty required under this article for a large or small mine permit or an exploration notice may be in any one or a combination of the following forms at the option of the applicant; provided, that the cumulative amount is equal to the amount provided in subsection (b) of this section:

- (1) Cash;
- (2) Certificate of deposit;
- (3) An irrevocable standby letter of credit from a United States bank; or
- (4) A surety bond from a bonding company licensed to do business in the state that is satisfactory to the director for credit worthiness. Interest on cash deposits or certificates of deposit will accrue to the credit of the applicant.

(e) In addition to the forms of financial warranty set forth in this section, with respect to a small mine permit or an exploration notice, the applicant may elect to use a property bond as a form of financial warranty; provided, that at least ten percent of the total amount of the financial warrant shall be cash or a certificate of deposit; and provided further, that the

1
2 commission determines that the value of the property is equivalent to the amount required to
3 be generated for satisfaction of the obligation and the municipal attorney determines that the
4 bond creates a lien with sufficient priority to permit its collection should such become
5 necessary.

6 (f) The form of financial warranty shall provide that the funds may be used by the City and
7 Borough to satisfy the obligations described in this section when there has been a
8 determination by the director that the applicant has not completed its obligations in a timely
9 manner or has otherwise violated the terms of its permit or conditions of its exploration notice,
10 and after notice and opportunity to perform the obligation has been given to the applicant.

11 (g) The amount of the financial warranty shall be reviewed annually by the director, and a
12 determination shall be made whether the amount should be increased or decreased, taking into
13 account changes in the obligations of the applicant to be undertaken during the ensuing year,
14 cost of current obligations of final reclamation, and changes due to inflation or deflation.

15 (h) If the amount of financial warranty is to be increased or decreased by the determination
16 made in subsection (g) of this section, then the actual increase or decrease shall be made
17 according to the procedure in subsection (c) of this section.
18
19

20 *This next section is in current code at 49.65.130, the section on large mines. In*
21 *subsection (d), language was added to make clear that the mitigation agreement*
22 *addresses issues not covered by the reclamation plan. The mitigation agreement is*
conceptually tied to the socioeconomic report.

23 **49.65.155 Mitigation agreements for large mines.**

24 (a) With respect to a large mine permit application, the applicant shall negotiate and enter
25 into a mitigation agreement with the City and Borough.

(b) The mitigation agreement shall establish responsibility for the mitigation of reasonably foreseeable and demonstrable adverse impacts of the mining operation not addressed by the reclamation plan, including direct impacts and indirect impacts. The applicant shall be responsible for mitigating the direct impacts. The City and Borough shall be responsible for mitigating indirect impacts except where the costs of mitigating specific indirect impacts are found by the manager to:

(1) Exceed the amount of any City and Borough nonproprietary revenue increase attributable to the mining operation; and

(2) Require a direct and significant increase in local taxes or fees to adequately mitigate the impact.

(c) Highly speculative impacts shall not be included in the mitigation agreement. Taxes and nonproprietary revenues generated as a result of the proposed mining operation shall be a factor considered in negotiating the mitigation agreement. This agreement shall be incorporated as part of the permit, as required by CBJ 49.65.145.

(d) This subsection does not limit or otherwise affect the authority of the director or the commission to condition or place stipulations on a permit pursuant to this article or the conditional use process as provided in chapter 49.15, article III.

No substantive changes.

49.65.160 Term of notices and permits; temporary cessation.

(a) Exploration notices and permits for mining operations shall remain in effect for the duration of the operation identified in the notice or in the application, subject to the conditions

of this section and providing that the following conditions are met:

- (1) The financial warranty must remain in full force and effect;
- (2) The operator must not be found to be in substantial violation of this article; and
- (3) With respect to a large or small mine permit, mining operations must be continued in accordance with the plan contained in the application for at least 90 days in each year as to a large mine, and for at least 30 days in each year as to a small mine.

(b) During the term of any exploration notice or permit, the director may, pursuant to CBJ 49.65.150(f), revise the amount of the financial warranty. If the amount of financial warrant is increased, the operator shall submit the appropriate amount of additional financial warranty within 60 days of the director's determination.

(c) The operator shall advise the director within ten days of the date upon which the applicant receives notice that a financial warranty that has been submitted to any other agency is reduced or released.

(d) If at any time during the term of a permit the operator determines that it will not conduct mining operations for the applicable time minimums established in CBJ 49.65.160(a)(3), the operator shall notify the director and request that the mining operation be placed in an inactive status. In conjunction with this notification, and as a condition to granting a request for inactive status, the operator shall advise the director of the measures it will employ to prevent hazardous or dangerous conditions, erosion, or other environmental damage that may result from the operator's activities, and the security measures it will employ at the mining operation during the inactive period. An applicant may continue in inactive status for a five-year period and may, with the permission of the director, obtain successive

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2 five-year extensions of that status. At the conclusion of inactive status, the operator shall
3 either resume operations or commence final reclamation in accordance with the approved
4 reclamation plans. If an operator ceases operations for more than one year but does not request
5 inactive status, the director may require the operator to commence final reclamation in
6 accordance with its plans.

7
8 (e) Throughout the duration of a large mine permit, the operator of a large mine shall also
9 notify the director not less than 60 days prior to requesting placement on inactive status. The
10 operator and the City and Borough shall maintain a process to exchange information regarding
11 the impact on the City and Borough that may result from a change in mining operations. In
12 addition, the operator shall provide the director with copies of any notification it may be
13 required to provide to federal agencies under federal law concerning proposed personnel layoffs
14 at its mining operation. The director may waive any of these notification requirements in the
15 event of an unforeseen act of God or disaster.

16
17 *No substantive changes.*

18 **49.65.165 Annual reports; monitoring; monitoring fee.**

19
20 (a) During the term of each exploration notice, the operator shall submit annual progress
21 reports to the director on or before March 31 of each year. The progress report must describe
22 the areas in which exploration was conducted during the preceding year, the amount of acreage
23 that was disturbed by such exploration, and the nature and extent of associated reclamation
24 activities.

(b) During the term of each small mine permit or large mine permit, including any inactive period, the operator shall submit an annual progress report to the director on or before March 31 of each year describing the status of the mining operation in relation to the approved mining plan and timetable, and describing reclamation activities during the year.

(c) The director shall have ongoing authority to monitor any mining operation for which a permit has been issued in order to ascertain whether the mining operation is in compliance with the requirements, terms, conditions and mitigation measures in the permit. The operator shall, upon reasonable notice, provide the director with access, at reasonable times, to the premises and to the records of the mining operation to the extent such access is necessary to ascertain whether the mining operation is in compliance.

(d) Throughout the duration of the term of a small mine permit or a large mine permit, the operator shall pay to the director an annual monitoring fee to defray the costs of inspecting and reviewing the affected surface and compliance with the permit. The annual monitoring fee shall be such amount as may be established by the commission as necessary to cover the reasonable costs of inspection and review.

No substantive changes.

49.65.170 Technical revisions, summary approval, and amendments.

(a) During the term of a permit, the operator shall notify the director of all technical revisions to its operations. As used in this section a "technical revision" is a change in operations that does not, in the judgment of the director, have more than a minor effect on reclamation and that does not change the total amount of disturbance or the overall

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2 environmental or socioeconomic impact of the mining operation. After the technical revision is
3 submitted to the director, the director shall within 30 days determine and notify the operator
4 whether a permit amendment or summary approval of the change is necessary or whether the
5 technical revisions may be accomplished under the operator's existing permit.

6 (b) If the operator or the director determines that the change to the mining operations will
7 require preparation of a new or supplemental environmental impact statement, or will increase
8 the acreage of affected surface or otherwise have a significant effect on reclamation or the
9 environmental or socioeconomic impact of the mining operation, the permit shall be amended,
10 unless summary approval of the change is granted pursuant to (b)(2) of this section.

11
12 (1) Except as provided in subsection (2) of this section, the operator shall file with
13 the director an application for amendment to its original permit, together with an
14 application with the same content as required for an original application, except that no
15 operator will be required to resubmit any information that duplicates applicable previous
16 submittals. The permit amendment application shall be processed in accordance with the
17 same procedure as established for processing permits under CBJ 49.65.125, 49.65.135 and
18 49.65.140. The operator shall not commence changes requested in its amendment
19 application until the permit amendment has been approved and, if appropriate, additional
20 financial warranties submitted.

21
22 (2) Summary approval.

23 (A) Upon request of the operator, the director may summarily approve a
24 proposed change in mining operations not constituting a new land use or separate
25 development upon a written determination that:

- (i) The mine is located entirely outside the roaded service area established in CBJ 01.30.320;
- (ii) The application is complete, providing all of the information necessary for the director to make the summary approval determinations set forth in subsections (i)—(iv);
- (iii) The proposed change in mining operations will have no significant impact within the roaded service area on habitat, sound, screening, drainage, traffic, lighting, safety, dust, surface subsidence, avalanches, landslides, or erosion; and
- (iv) The proposed change in mining operations has undergone or is undergoing environmental review and approval by one or more federal agencies, state agencies, or both.

(B) The director shall make the determination required by this subsection (2) within 45 days unless additional information is required. If the director requires additional information to make the determination, upon written notification to the operator, the time for determination may be extended for up to 20 additional days after submittal by the operator of the additional information. If an environmental impact statement is required by one or more federal agencies, completion of the draft environmental impact statement is necessary for summary approval.

(C) Planning commission review.

(i) The director shall promptly forward the proposed summary approval to the planning commission after the determination is completed. The planning commission may ratify or reject the proposed summary approval.

(ii) If the commission rejects the proposed summary approval, it may:

(a) Return the matter to the director for further consideration of whether the director, in consultation with the operator, can address issues identified by the commission through imposition of conditions or changes in the proposed mining operation; or

(b) Direct that the proposed change be processed by the director as an application for an allowable use permit for which the commission may impose conditions under CBJ 49.15.320(f)(1)—(8) and such additional conditions as are necessary to reduce to non-significant any impacts in the roaded service area on habitat, sound, screening, drainage, traffic, lighting, safety, dust, surface subsidence, avalanches, landslides, or erosion.

No substantive changes.

49.65.175 Enforcement.

This article shall be enforced in accordance with chapter 49.10, article VI and CBJ 49.65.195.

No substantive changes.

49.65.176 Appeal.

Any person who is aggrieved by a decision of the director or the commission with respect to this

1
2 article, other than one under CBJ 49.65.175, may appeal that decision to the commission or the
3 assembly, as applicable, as provided in chapter 49.20, article I.
4

5 *No substantive changes.*

6 **49.65.180 Release of warranties for mining operations.**

7
8 (a) Upon completion of mining operations, the operator shall file a written notice of
9 completion with the director when it believes it has completed any or all requirements of this
10 article, CBJ 49.15.330 and its permit with respect to any or all of its affect surfaces. The
11 director shall, within 90 days after receiving the notice, or as soon thereafter as weather
12 conditions permit, inspect the lands and reclamation described in the notice to determine
13 whether the operator has complied with all applicable requirements.

14 (b) If the director determines that the operator has successfully complied with all the
15 requirements of this article, CBJ 49.15.330 and the permit, it shall release all financial
16 warranties applicable to said requirements. Release shall be in writing and shall be delivered
17 to the operator promptly after the date of such filing.
18

19 (c) If the director finds that the operator has not complied with the requirements of this
20 article, CBJ 49.15.330 or the permit, it shall so advise the operator not more than 90 days after
21 the date of the inspection. The operator shall be given a reasonable time to comply with
22 requirements before a second inspection. If the operator does not complete the requirements, or
23 if after reinspection the director is not satisfied that the operator has complied with all the
24 requirements of this article, CBJ 49.15.330 or the permit, the financial warranty shall be
25 subject to forfeiture to the extent necessary to satisfy any outstanding requirements.

No substantive changes. Formatting changes, and required the request for transfer be on a form specified by the director (for consistency). Changed title to “operators” from “applicants” since this would be post-application process/permit issuance.

49.65.185 Successor operators.

(a) Any operator desiring to transfer its rights under an exploration notice or a conditional use mining permit shall submit a request for transfer to the director, on a form specified by the director.

(b) The director may approve the request for transfer if the director finds:

(1) The proposed operator will conduct the operations covered by the notice or permit in accordance with the requirements of this article and any additional requirements set by the director;

(2) The proposed operator has submitted a financial warranty at least equivalent to the financial warranty of the original operator and such other amount as may be determined using the procedures in CBJ 49.65.140;

(3) The proposed operator will continue to conduct the operations involved in full compliance with the terms and conditions of the original notice or permit; and all obligations and responsibilities undertaken by the original operator shall be accepted and assumed by the proposed operator.

(c) The director may deny approval of the request for transfer if the original operator has any existing notice or permit violations at the time of the request until such time as the violations have been remedied. If the director approves the transfer, the financial warranty submitted by the original operator shall be released.

(d) Director decisions on transfer requests must be in writing.

No substantive changes.

49.65.190 Confidentiality.

Upon request of any applicant or operator, information in any application or report relating to the location, size, grade, geology or geochemistry of any ore deposit, proprietary process information, or information as to cost of mine construction or operation shall be kept confidential by the director to the extent permitted by law. Information to be maintained as confidential must be separately presented to the director and must be marked "Confidential."

No substantive changes.

49.65.195 Suspension or revocation of notices and permits.

(a) Subject to the procedures of this section, the commission may suspend or revoke a permit issued under this article, or the authority to operate under an exploration notice pursuant to CBJ 49.65.120, upon a determination by the commission that:

- (1) The exploration of mining operations are not in material and substantial compliance with the requirements of the exploration notice or permit issued under this chapter or by any state or federal agency, and such material and substantial noncompliance remains unremedied after issuance of a compliance order issued pursuant to CBJ 49.10.620; or (2) The exploration of mining operations under the notice or permit have a history or pattern of intentional or grossly negligent noncompliance and compliance orders have previously been issued for such past events of noncompliance. Good faith

1
2 efforts to remedy events of noncompliance shall create an inference that such
3 noncompliance is not a cause for suspension or revocation.

4 (b) The director shall provide the operator with written notification that the director is
5 recommending that the commission consider the entry of a suspension or revocation order
6 under subsection (a) of this section. The written notification shall set forth the reasons for the
7 director's recommendation and the operator's right to a hearing before the commission. The
8 commission shall schedule a hearing within 30 days after the operator has received the written
9 notification. At the hearing, the director shall have the burden of establishing that the operator
10 is not in material and substantial compliance with the permit or authority to operate under an
11 exploration notice, or that there is a past history or pattern on noncompliance sufficient to
12 justify suspension or revocation.
13

14 (c) Upon written notification of the entry of a suspension or revocation order to the operator
15 or to any person operating under the authority of the permit or exploration notice, all
16 exploration or mining operations shall cease except those specifically authorized by the
17 commission in the order or if the assembly stays the order pending appeal.
18

19 (d) A suspended notice or permit may be reinstated by the commission upon a
20 determination that the exploration or mining operations have been brought into compliance
21 with the conditions of the notice or permit. A notice or permit that has been revoked may not be
22 reissued by the commission until the commission determines that the exploration or mining
23 operation has been brought into compliance with the terms and conditions of the notice or
24 permit, and the operator has clearly and convincingly demonstrated that preventative
25

measures have been taken to ensure that those conditions giving rise to the revocation will not reoccur.

(e) A suspension or revocation order may be appealed to the assembly in accordance with chapter 49.20, article I. Pending appeal, the assembly may in its discretion stay an order of suspension or revocation.

(f) The rights of suspension or revocation provided for in this section are in addition to any rights or powers vested in the City and Borough in CBJ 49.65.175 or chapter 49.10, article VI.

No substantive changes.

49.65.196 Effect of article on operations in annexed territory.

Large mine, small mine, and exploration operations occurring in territory annexed by the City and Borough that have been issued the federal and state permits or approvals necessary for the operation, including, if applicable, permits or approvals necessary to operate in accordance with the National Environmental Policy Act (NEPA) process, shall be deemed to have been issued a large mine permit, a small mine permit, or an exploration notice, as applicable, under this article and to otherwise be eligible to operate pursuant to this article upon the effective date of annexation; provided, that all such federal and state permits or approvals are currently valid.

With the exception of the initial permit application and exploration notice filing requirements, the operator shall be subject to all of the requirements of this article in effect upon the effective date of annexation, including the technical revisions and permit amendment requirements, and the monitoring fee enforcement and revocation or suspension provisions, in the same manner as any other operator. The terms of the City and Borough permit or notice shall be deemed to

be the terms of the state and federal permits or approvals, unless and until a permit amendment is required. The operator shall be required to execute documentation acknowledging that the permit or notice deemed to be issued under this article shall have the same terms as the federal and state permits or approvals unless and until a permit amendment is required, and that the operator, and the permit or notice deemed issued, shall be subject to all of the requirements of this article in effect upon the effective date of annexation with the exception of the initial permit application and exploration notice filing requirements.

No substantive changes.

49.65.197 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this article is for any reason held unlawful or otherwise invalid, such holding shall not affect the remaining portions of the article. The City and Borough declares that it would have enacted this article and each and every part thereof, irrespective of the fact that any one or more parts might be held unlawful or otherwise invalid.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk