

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau Ben Haight, Chair

September 12, 2017
Assembly Chambers
7:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF MINUTES**
 - A. July 25, 2017 Draft Minutes - Regular Planning Commission
- III. **WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE**
 - A. Additional Materials
- IV. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**
- V. **PLANNING COMMISSION LIAISON REPORT**
- VI. **RECONSIDERATION OF THE FOLLOWING ITEMS**
- VII. **CONSENT AGENDA**
 - A. CSP2017 0014: City Project Review of an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island.
 - B. CSP2017 0015: A City Project to grant a portion of CBJ property, located at 3252 Hospital Drive, to the Sleepy Spruce Apartments for the purposes of a drainage easement.
- VIII. **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**
- IX. **UNFINISHED BUSINESS**
- X. **REGULAR AGENDA**
 - A. AME2017 0010: A Rezone Request from Waterfront Industrial to Light Commercial or D18 at 824 Front Street, Douglas.
 - B. AME2017 0003: Proposed revision to CBJ code 49.15.423 regarding Panhandle Lots.
 - C. AME2017 0006: Text amendment to Title 49 to provide for siting essential public facilities.
- XI. **BOARD OF ADJUSTMENT**
- XII. **OTHER BUSINESS**
- XIII. **DIRECTOR'S REPORT**
- XIV. **REPORT OF REGULAR AND SPECIAL COMMITTEES**
- XV. **PLANNING COMMISSION COMMENTS AND QUESTIONS**
- XVI. **ADJOURNMENT**

Minutes
Planning Commission
 Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 July 25, 2017

I. ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:04 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Percy Frisby, Dan Hickok

Commissioners absent: Dan Miller, Kirsten Shelton, Carl Greene

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Allison Eddins, Planner I; Jill Maclean, Senior Planner; Greg Chaney, Lands Manager; Robert Palmer, Assistant Municipal Attorney

Assembly members: Debbie White

II. APPROVAL OF MINUTES - None

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison to the Planning Commission Debbie White reported that the Assembly has decided which one percent items will go on the ballot, with the focus on maintenance of the existing infrastructure. The mining ordinance committee is moving forward and will they will probably ask two Commission members to serve on that committee, with three Assembly members and two members of the public. The Assembly is looking into an area that can be used as a winter campground, but they are running into zoning issues, said Ms. White. There may be direction coming from the City Manager's office to make an exception on zoning due to community needs, said Ms. White.

Commission Comments and Questions

Mr. Hickok said that he would be interested in serving on the mining committee.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Mr. LeVine requested that CSP2017 0011 and CSP2017 0012 be pulled from the Consent Agenda and placed on the Regular Agenda.

Mr. Dye requested that USE 2017 0015 be pulled from the Consent Agenda and placed on the Regular Agenda.

USE2017 0013: Conditional Use Permit to allow the operation of a marijuana cultivation facility on a General Commercial zoned lot.

Applicant: Alaska Pacific Gold, Inc.

Location: 5450 Jenkins Drive, Unit A

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and approve a Conditional Use Permit. The permit would allow the development of a 2,160 square foot marijuana cultivation facility in a General Commercial zoning district.

The approval is subject to the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ Landfill.
2. No offsite glare shall be produced by exterior doorway lights.
3. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
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. Prior to approval of a CBJ marijuana license, a revised surveillance camera plan shall be submitted to ensure the facility has adequate surveillance coverage.

MOTION: *by Mr. LeVine, that the staff's findings, analysis and recommendations be accepted and that USE2017 0013 be approved.*

The motion passed with no objections.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

CSP2017 0011: Consistency review for disposal of CBJ owned property; Lot 4 and Lot 5, Renninger Subdivision, Lemon Creek.

Applicant: City and Borough of Juneau, AK

Location: Jackie Street

Staff Recommendation

Staff recommends that the Planning Commission find CSP2017 0011 and CSP2017 0012 to be consistent with adopted local plans and polices, as required by CBJ 49.10.170(c), CBJ 49.15.580 and CBJ 53.09.260, and forward to the Assembly a recommendation for approval to allow for the sale of Lot 2 Renninger Subdivision by negotiated sale and Lots 4 & 5 Renninger Subdivision by sealed competitive bid. This recommendation is based on the following condition:

1. Consider requiring the development of the maximum practical number of units per lot as a condition of the sale for Lots 2, 4 and 5.

CSP2017 0012: Consistency review for disposal of CBJ owned property; Lot 2, Renninger Subdivision, Lemon Creek.

Applicant: City and Borough of Juneau, AK

Location: Jackie Street

Revised Staff Recommendation

Staff recommends that the Planning Commission find CSP2017 0011 and CSP2017 0012 to be consistent with adopted local plans and polices, as required by CBJ 49.10.170(c), CBJ 49.15.580 and CBJ 53.09.260, and forward to the Assembly a recommendation for approval to allow for the sale of Lot 2 Renninger Subdivision by negotiated sale, and Lots 4 & 5 Renninger Subdivision by sealed competitive bid and over the counter sale (revision). This recommendation is based on the following condition:

1. Consider requiring the development of the maximum practical number of units per lot as a condition of the sale for Lots 2, 4 and 5.

Mr. LeVine said he had a concern with the language in the condition.

MOTION: *by Mr. LeVine, to approve CSP 2017 0011 and CSP2017 0012 subject to changing the condition to read that: "The Planning Commission encourages the development of the maximum practical number of units."*

Ms. McKibben pointed out that there is additional information on this item indicating that the Lands Department also requested that the recommendation be amended to add the language, "and over-the-counter sale".

Mr. Voelckers asked for a little more information regarding the change in the information received this evening by the Commission.

Ms. McKibben said that lot 2 would be for a negotiated sale. They have already begun negotiations with Alaska Housing Development Corporation, she said. Lots 4 and 5 would be available for sale by sealed competitive bid, she explained. They have requested that the option be added, "and/or over the counter sales".

Mr. Chaney explained that a sealed competitive bid sale is a big, complicated process. It usually yields very good results, he added. However, he explained, if they have lots left over after the competitive bid, it could take months to reinstitute the process. If the properties do not sell after a sealed, competitive bid, then they are available as first-come, first-serve, via an over-the-counter sale, explained Mr. Chaney.

Mr. Hickok asked if the property came to the point of an over-the-counter sale, if the price would drop.

Mr. Chaney responded that they are required to sell the lots at fair market value. They would have to go to the Assembly for approval if they were to sell the lots for less than fair market value, he added.

In answer to a question posed by Mr. Voelckers, Mr. Chaney said the minimum price for the lots is fair market value, and that would be the price should the lots be sold via an over-the-counter sale.

Mr. Frisby asked how long the lots would be available for bids.

There is a 45 day advertising period for the sealed competitive bids, said Mr. Chaney. Bids can be submitted during that time, he said, and they set a date for opening the bids. Should the lots go to over-the-counter sale; Mr. Chaney said there is no closing time.

Mr. Voelckers asked what the practical application would be of the condition placed upon the lot sales.

That condition would be largely aspirational, said Mr. Chaney. He added that it is difficult to control property after it is sold. They can certainly encourage that the property be developed to its full capacity, said Mr. Chaney. But forcing someone to do something with their property after it is sold would be difficult, he said.

The motion with the condition amended by Mr. LeVine passed with no objection.

USE2017 0015: A Conditional Use Permit to allow a commercial hydroponic vegetable farm in a D-5 zoning district.

Applicant: Allen and Gerri Butner

Location: 9220 Lee Smith Drive

The lot is located in a D-5 zoning district, said Ms. Eddins. The Comprehensive Plan land use designation is for Urban, Low Density, Residential, she explained. The applicant lives on site and the property is currently used for a single-family residential home, she said.

The applicant plans on using six, large container vans that will be converted to accommodate hydroponic indoor gardening, she said. The containers will have utilities, she said, therefore requiring a building permit. The applicant plans on placing the containers in his backyard stacking them three across and two high, said Ms. Eddins. Each container is 40 feet long, eight feet wide, and 10 feet high, she said.

The applicant did receive a Conditional Use Permit for this operation in November, 2014, noted Ms. Eddins. This type of permit expires after 18 months if no building permit has been pulled or if no significant progress has been made, she said.

The CBJ Lands Division had no objection to this use, said Ms. Eddins. However it does stipulate that the applicant not use the adjacent CBJ property for storage, she said, or for access to the applicant's lot. The trailers stacked two high will total 20 feet, with the allowable height within the zone set at 25 feet, said Ms. Eddins. The maximum lot coverage allowed within this zone is 50 percent, and even with the addition of the trailers the applicant meets those requirements, said Ms. Eddins.

The staff recommends three conditions which have to do with vegetative coverage, said Ms. Eddins:

1. A vegetative cover plan shall be provided indicating how the 20 percent minimum is met, and shown on a site plan reviewed and approved by CDD staff prior to issuance of a building permit for the proposed structures.

2. The applicant shall plant or bond for the installation of a minimum of 1,961 square feet of required vegetation prior to the issuance of a Certificate of Occupancy.
3. The vegetative cover areas shown on the plans submitted shall be maintained with the vegetative cover.

The staff also recommends two other conditions, said Ms. Eddins:

1. An expansion of the business that includes any additional containers beyond the proposed six would require a new Conditional Use Permit to properly evaluate the effect of an additional container to lot coverage and vegetative cover.
2. If there comes a time when the business ceases operation, the containers must be removed from the site.

The applicant does not plan on having any employees, and there will be one delivery truck, said Ms. Eddins. There will be no retail sales on site, she said. Commercial businesses are not allowed to use back-out parking, said Ms. Eddins.

Commission Comments and Questions

Mr. Dye asked if the business is expanded, if a request for a new Conditional Use Permit for the new containers would void the existing Conditional Use Permit.

Ms. Eddins said those would be separate permits.

Mr. Voelckers said judging by the photograph there appears to be encroachment on the adjacent City property. He asked what the nature of that encroachment entailed.

Ms. Eddins said she felt Mr. Chaney could answer that question.

Mr. Voelckers asked if it was stated anywhere in the conditions that a rear-yard survey was required to ascertain if there was encroachment on the City land.

Ms. Eddins said that one of the conditions in the subsequent Conditional Use Permit related to this operation is that the applicant submit an as-built survey.

Mr. Hickok asked what the consequences would be should the applicant sell the land.

Ms. Eddins replied that the permit runs with the property and a new land owner could continue to operate that business.

Mr. Hickok asked how the City could judge if the vans continued to be in operation.

Mr. Steedle responded that the City may not be aware of the business closure, should that occur. The City would respond to complaints made by neighbors, he added. There is a condition that if the containers are no longer in use that they be removed, he said.

Applicant

Mr. Butner told the Commission that the vegetative cover conditions confused him. He said if they already meet that condition, he does not see why it is necessary to place it as a condition. The property has been surveyed and he has measured the vegetative cover on the property, he said.

At some point there will be employees, said Mr. Butner. There may be one or two additional employees, he said. The groundcover spilling over onto CBJ property was once a sandbox for the day care center, he said. They had been told when they purchased the property that it extended 20 feet more than it actually does, as they discovered once the survey was completed, he said. They will remove the sandbox, he said.

Commission Comments and Questions

Mr. Hickok said he was curious how much produce the applicant expected from his business.

They expect to provide all of Juneau with fresh produce, said Mr. Butner, consisting of leafy greens. They can also grow cherry tomatoes, small peppers, and strawberries in addition to the leafy greens, he added.

Mr. Dye asked what the "other plant matter" was that Mr. Butner listed in his application. That was listed in his application so that they are not limited to growing only the items listed specifically in the permit, he said.

Mr. Hickok asked if there would be any regulation by the Department of Environmental Conservation (DEC).

Mr. Butner responded that in his consultation with that agency he was told that if they wanted to do anything other than cut down the plants they would need a license for a commercial kitchen.

Mr. LeVine said he noted the gross floor area of the container vans is 960 square feet, which would amount to only three of the container vans. Since the applicant mentioned one or two employees, Mr. LeVine said he wondered how this would affect the parking for the business.

Ms. Eddins said she had not heard until tonight that there would be additional employees for the business other than the family. She said they should add a condition that the applicant

submit a plan indicating that he is meeting the parking requirement based upon Title 49 which uses gross floor area.

In answer to Mr. LeVine's question, Ms. McKibben responded that the gross floor area should be double what is listed in the staff report.

The parking space requirement is one space per thousand square feet, so the applicant would need two parking spaces, confirmed Ms. McKibben. There is sufficient space on the site to accommodate the two required spaces, she added.

Mr. LeVine asked if the parking requirements would change if the applicant had two employees.

Ms. Eddins said that the parking requirements are based upon square footage. The staff would like to see a parking plan submitted by the applicant, she said, prior to applying for a building permit.

Mr. LeVine asked why the applicant would need to submit a parking plan when he already has parking in excess of the requirement.

Ms. Eddins responded they just wanted to make sure that there was plenty of parking.

If the business closed and the containers needed to be removed, Mr. Dye asked how the City would facilitate that action. He asked why there was a concern about the containers remaining on the property should the business close and why there is a condition that they be removed.

The condition to remove the containers should the business cease operation is related to public health and safety, answered Ms. Eddins. There would be concerns that the electrical system remain to code that the structure remains safe, she added. This is to protect the neighborhood, said Ms. Eddins.

Mr. Dye asked if there was a way to enforce this condition should the business fail to lack of funds. *(see paragraph one, page 7)*

Mr. Dye asked why the containers would not be bonded.

Ms. McKibben answered there are a set of conditions related to vegetative cover, and bonding for the installation is one from the picklist. There is nothing on the picklist which addresses the containers and their removal, she said. The Commission could consider bonding for the containers but the staff did not consider this option, said Ms. McKibben.

Mr. Voelckers asked if there is a precedent set by the City for a definition of "cease operation".

He asked if the business would be considered to cease operation should it not operate for a month, or a year, or several years.

Ms. Eddins said a business is considered to cease operation if it has not been in operation for 365 days.

This is addressed in the nonconforming section of the code, said Ms. McKibben. If the Commission wanted to make sure that this was very clear, they could specify it in this case, she answered.

MOTION: *by Mr. Dye, to approve USE2017 0011 and accept staff's findings, analysis and recommendations and modify the last condition to add bonding for the removal of the containers with the cost to be determined by the building official and that the director can determine the appropriate means for that financial security. Advisory condition number one should be that marijuana may not be grown on the site.*

Mr. LeVine said he was in general favor of the motion. He said he would like to amend the language slightly on the last condition, "to require bonding and that the containers be removed if and when the business ceases operation for 365 continuous days or moves location".

Mr. Dye accepted Mr. LeVine's proposal as a friendly amendment.

Mr. Voelckers said he thought he heard the staff mention during this meeting that a parking plan should be required. Mr. Voelckers suggested that condition one be amended to say, "A site plan be provided illustrating both parking and vegetative cover to be reviewed and approved by CDD staff prior to issuance of a building permit".

Mr. Dye accepted Mr. Voelckers' proposal as a friendly amendment.

Mr. LeVine said that bonding for vegetative cover makes sense to him since it was something that would take place at the beginning of the process. Bonding for removal of something could be years in the future, he noted. He asked if this type of bonding is something that the City typically does.

Ms. McKibben said while this is something that the City does, there is not a strong history of the City enforcing those bonds.

Mr. Steedle added that typically the City is bonding so that improvements such as the construction of roads and sidewalks are guaranteed by that performance bond. He said the bonding currently being discussed by the Commission is extraordinary in his view.

Ms. McKibben said she agreed that bonding as outlined by the Commission on this item is an unusual practice.

Mr. Butner interjected to say that each container van costs \$120,000. He said should he move he would not be leaving them behind.

MOTION: *by Mr. Dye (incorporating friendly amendments), to approve USE2017 0015 and accept staff's findings, analysis and recommendations, and to modify condition one to state that a site plan be provided illustrating both the parking spaces and vegetative cover of at least 20 percent, to be reviewed and approved by CDD staff prior to issuance of a building permit." A condition was added "to require bonding and that the containers be removed if and when the business ceases operation for 365 continuous days or moves location, with the cost to be determined by the building official, and that the Director can determine the appropriate means for that financial security". Additionally, the following advisory condition was moved to mandatory condition list as condition #9: "This conditional use permit does not authorize marijuana to be grown, cultivated, processed, tested or sold within or on this property."*

The motion passed with no objection.

USE2017 0016: A conditional use permit to allow the encroachment into a rear yard setback that is classified as a CBJ recreational area.

Applicant: Allen and Gerri Butner

Location: 9220 Lee Smith Drive

Staff Recommendation

Staff recommends that the Planning Commission adopt the director's analysis and findings and approve a conditional use permit to allow a structural projection of up to 10 feet into the required rear yard setback. The approval is subject to the following conditions:

1. The setback is reduced to 10 feet instead of five feet as the applicant has requested.
2. The applicant is required to have an as-built completed by a licensed surveyor to verify the location of the containers prior to issuance of a temporary certificate of occupancy.

This is for a Conditional Use Permit for an encroachment into a rear yard setback that adjoins CBJ land, said Ms. Eddins. The CBJ land is classified as a recreational area, she noted. The encroachment must be minimized, said Ms. Eddins. It is to prevent excessive hardship to the applicant, she said. The applicant would like to place the container vans within five feet of his rear property line, said Ms. Eddins. This would leave 16 feet between the applicant's residence and the closest container, said Ms. Eddins. The applicant stated he feels he needs the 16 feet in order to have space to adequately clean and maintain the container vans, she noted. The staff

recommends that the encroachment be lessened 10 feet instead of the requested five feet, said Ms. Eddins. This would provide 11 feet between the nearest container and the residence, she said. This would help minimize the encroachment as stipulated in Title 49, while at the same time providing some relief to the applicant, said Ms. Eddins. This location would also minimize view of the container vans from the highway and from neighbors, she said.

The Conditional Use Permit request met all of the necessary findings. Several additional findings were also met, said Ms. Eddins:

1. Is the effective yard adjoining publicly owned land which has been placed in a park, open space, or similar restrictive land management classification? - Yes
2. Are the projections necessary to prevent substantial hardship the applicant? - Yes
3. Are the projections minimized? – Ms. Eddins recommended that the Planning Commission approve a setback encroachment of 10 feet instead of the 15 feet that the applicant was asking for.

Commission Comments and Questions

Mr. LeVine said he did not understand why the applicant's requested five feet setback projection was not granted and instead 10 feet was suggested by staff. He asked for the justification for that particular number.

Ms. Eddins said reviewing the applicant's request and considering that projections should be minimized and yet at the same time they should not be excessive hardship to the applicant, that 10 feet seemed like a good number.

Mr. Frisby asked about the space between the container vans as shown in the illustration.

Ms. Eddins said there is actually no space between the containers.

Mr. Frisby asked what kind of vegetation is on the CBJ adjoining property.

It is a natural area with lots of trees, said Ms. Eddins.

Applicant

The first time he applied for the Conditional Use Permit the staff had said that a five foot rear yard setback would be acceptable, said Mr. Butner. That is why he requested the five foot rear setback this time, he said. When they put the second level of the containers up, they will need stairs to the upper containers, he said. Four foot wide stairs would take the 11 foot difference to seven feet, he said. He needs to be able to access equipment sheds and have room for snow

removal, he said. They need the extra five feet, said Mr. Butner. He said he did not understand why there was a change in the rear yard setback allowance.

Commission Comments and Questions

Mr. Voelckers asked the applicant if he could review testimony from neighbors at his first Conditional Use Permit request in favor of the van location.

Most of the neighbors are open to the idea and excited about the project, said Mr. Butner. Neighbors were not worried about whether he put a fence up or not, said Mr. Butner.

Mr. Voelckers asked what the survey just completed told the applicant about available land on his back lot line.

The back property line is accurate, said Mr. Butner.

Mr. Hickok asked if the containers require exterior maintenance.

They do not require any special maintenance, said Mr. Butner.

Mr. Hickok asked if a five foot rear yard setback would be enough room to perform maintenance on the containers.

Mr. Butner replied that would be enough room for exterior maintenance on the containers.

Mr. Chaney said they did object to a zero rear yard setback. They often find the creep of materials and activity on to adjoining CBJ land, he said. A five foot rear yard setback is very minimal, and they were pleased at the 10 foot rear yard setback suggested by staff, he said. He said he found it difficult to believe that a ladder on only five feet of ground could be put up against a 20 foot building.

In answer to a question by Mr. Voelckers regarding the nature of this City property, Mr. Chaney said this area was dedicated to public use in 1954.

Mr. Voelckers asked if there is right-of-way access to the City land.

Mr. Chaney said there is access to the land.

Ms. Eddins said the applicant did submit a site plan, and that it is available for the Commission in their materials. That is where the applicant shows the distance between his property and his rear lot line, she said.

Mr. LeVine said from reviewing the materials there is approximately 45 feet between the house and the rear yard setback, with 24 feet taken up by the containers.

MOTION: *by Mr. Voelckers, to approve USE2017 0016 and accept staff's findings, analysis and recommendations, modifying staff's finding to reduce the setback to five feet instead of 10 feet. The Commission adds the condition that the site survey is completed and if there are found to be features of the property that are on the City land that those features be removed.*

In support of his motion, Mr. Voelckers said there may not be a full 45 feet between the house and the rear yard setback and that even with the five foot setback there would be less than 16 feet between the house and the container vans, and that given the reality of the existing structure and the relatively benign face of the vans toward the public property, that he felt he could easily live with the five foot rear yard setback.

Speaking in support of Mr. Voelckers' motion, Mr. LeVine said he thought the staff recommendation was to allow a structural projection of up to 10 feet into the required rear yard setback. He said if they changed that staff recommendation for up to 15 feet, striking condition one, the same goal could be achieved.

Mr. Voelckers accepted Mr. LeVine's suggestion as a friendly amendment.

MOTION: *(incorporating the friendly amendment by Mr. LeVine) by Mr. Voelckers, to approve USE2017 0016 and accept staff's findings, analysis and recommendations, eliminating condition one and instead allow a structural projection of up to 15 feet into the required rear yard setback. The Commission adds the condition that the site survey is completed, and if there are found to be features of the property that are on the City land that those features be removed.*

Ms. McKibben suggested that the Commission discuss the minimization of the projections and how they are addressed with the allowance of a 15 foot encroachment instead of the 10 foot encroachment.

Mr. Voelckers responded that based upon the survey that there may not be as much land behind the home as the staff had believed. Mr. Voelckers said he felt the motion was providing a practical minimum to build an access stair and preserve the features that the applicant mentioned were already on site. He said he felt the purpose of the motion was minimizing the impact of the proposed operation.

Mr. LeVine added that he did not see any compelling information that persuaded him that they needed to deviate from what the Commission had decided on this same issue several years ago.

The motion passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

Mr. LeVine said he was referring to the parcel of land the Commission had voted to rezone several weeks ago. He said that he would like to make a motion to change the underlying Comprehensive Plan designation from Medium Density Residential to Traditional Town Center. In support of his proposal, Mr. LeVine said the action the Commission took two weeks ago was correct. He said it is certainly true that the existing zone is in alliance with the Comprehensive Plan. Mr. LeVine said that he has become convinced upon reflection that it is more appropriate that this parcel of land be designated a Traditional Town Center. He said he felt that was more consistent with what the parcel of land is and has been in the past.

Chairman Haight said that both he and Mr. Voelckers would need to recuse themselves from this discussion, leaving only four Commission members. Chairman Haight said he encouraged Mr. LeVine to hold this motion until the next meeting when hopefully a larger quorum would be present.

Mr. Frisby added that he would like to see this motion tabled until there was a larger quorum present.

Chairman Haight and Vice Chairman Voelckers recused themselves from this discussion due to conflicts of interest.

MOTION: *by Mr. LeVine, that the Assembly change the Comprehensive Plan land designation for lots one through eight of block 25, which includes 415 Fifth Street, and 416 and 419 Sixth Street, from Medium Density Residential to Traditional Town Center.*

Speaking in support of his motion, Mr. LeVine stated this is to accommodate the actual structures on that parcel, and to make it more consistent with future uses.

Mr. Frisby requested that this motion be tabled until the next meeting or until an adequate quorum of the Planning Commission was present.

The motion was tabled until the next meeting or until an adequate quorum is present.

XII. DIRECTOR'S REPORT

Mr. Steedle stated that the mining committee met on Friday. They determined that they wanted to add two members of the Planning Commission and two members of the public to that committee. Commission members can apply for this committee through the City Clerk,

said Mr. Steedle. They will first be addressing whether or not the existing ordinance is duplicative of federal and state law.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Title 49 Committee

Mr. Voelckers said that Ms. McKibben discussed with the committee that there are different classes of nonconforming land and that they discussed buildings and sites that are relatively clean. Nonconforming uses was a difficult item, especially how to ease out nonconforming uses that are not wanted. They will be reviewing language on this topic at their next meeting, said Mr. Voelckers.

Juneau Commission on Sustainability

Mr. LeVine said they will be sending a proposed ordinance dealing with livestock including pigs goats and bee's to the Title 49 committee for review.

Lemon Creek Community Plan

Mr. Voelckers reported that the Lemon Creek Community Plan is completed as a draft and circulated to the public for review and that it looks great. The Steering Committee meets again on August 7, (2017) to review those comments, he reported.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Overlay District

Mr. Dye asked if they were still meeting regarding the Overlay District or if that topic was finished for now.

He was informed that committee is no longer currently meeting.

XV. ADJOURNMENT

The meeting was adjourned at 8:34 p.m.

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: September 12, 2017

1. CSP2017 0014:

- a. Public Comment From Bruce Abel
- b. Public Comment From Corey Baxter on behalf of Operating Engineers Local 302 Union
- c. Public Comment From Chuck Collins
- d. Public Comment From Denny DeWitt
- e. Public Comment From Chris Dimond on behalf of Carpenters Local 1281
- f. Public Comment From Dan Fabrello
- g. Public Comment From Roberta Jaeger
- h. Public Comment From Nancy Waterman
- i. Public Comment From Kasen Spickler
- j. Public Comment From Scott Spickler
- k. Public Comment From Merrill Sanford
- l. Public Comment From Lance Stevens
- m. Public Comment From Eric Forst

From: Bruce Abel <bruce@donabel.biz>
Sent: Tuesday, September 12, 2017 7:52 AM
To: PC_Comments
Subject: West Douglas Pioneer Road

Members of the Planning Commission;

Please vote to extend the West Douglas Pioneer Road as far as funds will allow. Access to this area of Juneau is one of the keys to our communities growth, development and prosperity.

Bruce Abel

From: Corey Baxter <cbaxter@iuoe302.org>
Sent: Tuesday, September 12, 2017 8:17 AM
To: PC_Comments
Subject: Support West Douglas Pioneer Road

Dear Planning Commission,

The Operating Engineers Local 302 Union is in full support of the West Douglas Pioneer Road extension. This project is important to the future of Juneau and Douglas by opening up housing developments and hopefully a deep water port in the future.

Thank you in advance for your consideration to move this project forward.

Corey Baxter
District 8 Representative
Operating Engineers Local 302
9309 Glacier Hwy. Bldg A-105
Juneau, AK 99801
cbaxter@iuoe302.org
Office (907)586-3850
Cell (907)321-4271
Fax (907)463-5464



From: Chuck Collins <ccollinsak@gmail.com>
Sent: Monday, September 11, 2017 9:41 PM
To: PC_Comments
Subject: build it

I think it is a great idea to extend the pioneer road on Douglas!

Chuck Collins
Business Consultant and HR Coach
907-321-2130
Juneau, AK 99801

Perfection is not attainable, but if we chase perfection we can catch excellence.
Vince Lombardi

From: Denny DeWitt <ddewitt@gci.net>
Sent: Monday, September 11, 2017 8:07 PM
To: PC_Comments
Subject: West Douglas Pioneer Road

Please support the extension of the West Douglas Pioneer Road. It is a good project for Juneau's future.

Thank you for your consideration.

Denny DeWitt

DeWitt & DeWitt, LLC
Government Relations Consulting
224 4th Street (down stairs)
PO Box 34761
Juneau, Alaska 99803-4761
Email: ddewitt@gci.net
Phone: 907 723 6667

From: Chris Dimond <cdimond@nwcarpenters.org>
Sent: Tuesday, September 12, 2017 9:21 AM
To: PC_Comments
Subject: Pioneer road

Good Morning All,

As a representative of organized labor (Carpenters Local 1281) I am writing to you in support of the West Douglas Pioneer road extension.

Laying the groundwork for future development is paramount to the success of Juneau as a community. The potential for residential, commercial and industrial growth in this region will mean hundreds of jobs for the men and women who reside in our great city; this will also greatly expand housing opportunities for families, business opportunities for entrepreneurs, and better access to the amazing wilderness on the back side of Douglas Island.

I encourage all members of the Planning Commission to approve this expansion.

Sincerely,

Chris Dimond

Business Representative
Pacific Northwest Regional Council Of Carpenters
1751 Anka St.
Juneau, AK 99801
Toll Free:800-478-3675
Mobile :[907-290-9007](tel:907-290-9007)
Fax :907-586-3671
[cdimond@n](mailto:cdimond@nwcarpenters.org)

From: Dan Fabrello <dfabrello@gmail.com>
Sent: Tuesday, September 12, 2017 9:53 AM
To: PC_Comments
Subject: Support - CSP2017 0014: City Project Review of an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island.

Dear Planning Commission,

I am writing in support for agenda item recommendation for Case No. CSP2017 0014. "Staff recommends that the Planning Commission recommend the Assembly **APPROVE** CSP2017 0014, an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island. "

Thank you for your time, attention, and consideration.

Respectfully,
Dan Fabrello
2476 ODay Drive
Juneau, AK 99801

From: Howard & Bobbi Jaeger <bjaeger@gci.net>
Sent: Monday, September 11, 2017 8:25 PM
To: PC_Comments
Subject: extending N. Douglas Road

To the Planning Commission:

I do support the N. Douglas road extension. It would certainly be a money maker for the city. An enjoyable place to build a house. A good reason to put in a second crossing, which the city has needed for years. It would create many jobs for the people looking for a job and perhaps preserve the population numbers for Juneau.

Please vote yes.

Thank you very much for your consideration.

Roberta Jaeger

Subject: FW: PROPOSAL: City Project Review of an extension of the West Douglas Pioneer Road through CBJ lands on

From: wleighty@ptialaska.net [<mailto:wleighty@ptialaska.net>]

Sent: Monday, September 11, 2017 9:18 AM

To: Tim Felstead

Subject: PROPOSAL: City Project Review of an extension of the West Douglas Pioneer Road through CBJ lands on

Tim,

Thanks for the thorough Staff Report, Findings, and Recommendation.

As a result of misunderstandings expressed in two recent opinion pieces in the Empire, we need to be clear about process for planning for and development of areas outside of the Urban Service Boundary, and especially those areas designated as New Growth Areas.

Therefore, I recommend restating the Findings to read:

FINDINGS

The proposed access road across CBJ land on the west side of Douglas Island near the end of Douglas Highway is intended to implement the recommendations of the 1997 West Douglas Concept Plan, **Chapter 6** and to provide for access into CBJ lands for **future New Growth area master planning**. The provision of access to these lands is also consistent with the Juneau Economic Development Plan Initiative that supports development of West Douglas. Staff finds that the proposal is consistent with the 2013 Comprehensive Plan, Title 49, and other associated plans mentioned herein.

Thank you for your attention to this at this late date.

Nancy Waterman

From: Kasen <kasen_spickler@hotmail.com>
Sent: Tuesday, September 12, 2017 5:22 AM
To: PC_Comments
Subject: North Douglas Pioneer road

Planning commissioners,
Please continue to extend this road project. This road will one day help Juneau's future grow and create jobs for our community.
Thank you

-Kasen Spickler
11400 N. Douglas Hwy.
Juneau AK 99801

723-9330

From: Scott Spickler <:sspickler@gmail.com>
Sent: Monday, September 11, 2017 11:27 PM
To: PC_Comments
Subject: North Douglas pioneer road

Dear Commissioners:

Please take action to move this to the Assembly for their approval.

This road building project is one of the best things the CBJ has undertaken in decades for Juneau's future.

Thank you for your work and your consideration to move this forward.

Scott Spickler
10754 Horizon Dr
Juneau, AK 99801

789-3780

(North Douglas resident for 33 plus years)

Sent from my iPhone

From: Merrill Sanford <fish3duck@aol.com>
Sent: Tuesday, September 12, 2017 12:12 PM
To: PC_Comments
Subject: West Douglas Road

Please finish the grant funds that were designated for this project. It is important for our future. Thank you for your hard work. Merrill

Sent from my iPad

From: Lance Stevens <lanceinak@gmail.com>
Sent: Tuesday, September 12, 2017 11:23 AM
To: PC_Comments
Subject: West Douglas road extension

I am requesting that you approve extending the road with the available funds so we can continue to create access for future development of West Douglas. This will be important to long term housing, agriculture, deep water port access and economic vitality.

Thank you,

Lance Stevens

Sent from my iPhone

From: Eric Forst <eric@reddogsaloon.com>
Sent: Tuesday, September 12, 2017 2:48 PM
To: PC_Comments
Subject: road extension

Dear Planning commission,

Please approve the further extension of the Douglas Hwy. The funds are available and the contractor is ready. I strongly support the extension.

Thank you.

Eric Forst

General Manager/Partner
Red Dog Saloon and Mercantile
278 S. Franklin St.
Juneau AK, 99801
(907)463-3658 ext. 1
(907)723-1275 cell
eric@reddogsaloon.com



www.reddogsaloon.com



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

DATE: September 4, 2017

TO: Planning Commission

FROM: Tim Felstead, Planner
Community Development Department

A handwritten signature in black ink, appearing to read 'Tim Felstead', is written over the 'FROM:' line.

FILE NO.: CSP2017 0014

PROPOSAL: A City Project Review of an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island.

GENERAL INFORMATION

Applicant: City and Borough of Juneau

Property Owner: City and Borough of Juneau

Property Address: North Douglas Highway

Legal Description: T41S R66E & T42S R66E, Copper River Meridian

Parcel Code No.: 3D1301000010

Site Size: 2020.2 Acres

Comprehensive Plan Future
Land Use Designation: Resource Development (RD)

Zoning: Rural Reserve (RR)

Utilities: Outside Urban Service Boundary

Access: North Douglas Highway; Phase I of West Douglas Island Pioneer Road

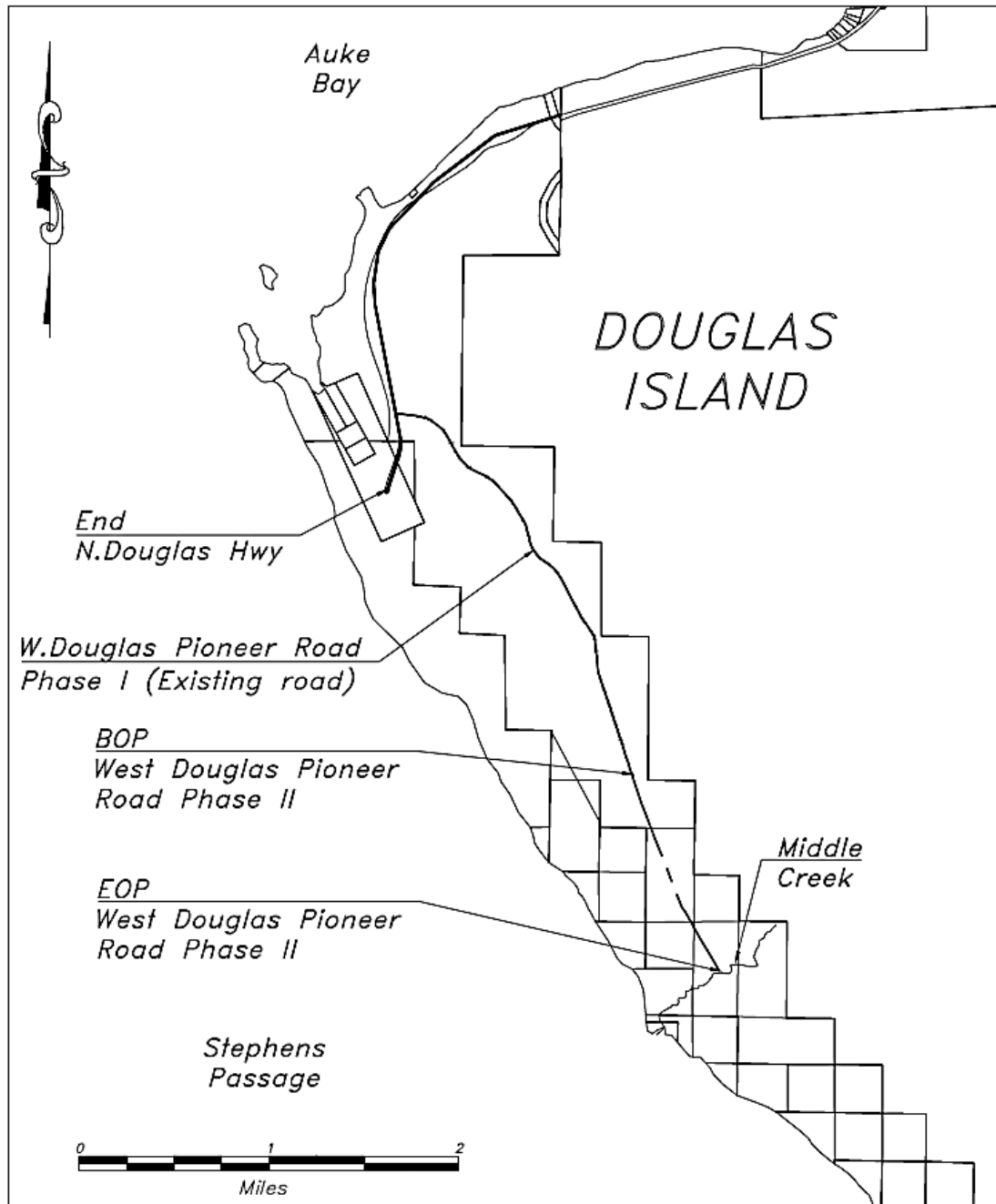
Existing Land Use: Vacant

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Surrounding Land Use:

North	- RR; Vacant CBJ and Tongass National Forest Land
South	- RR; Vacant Goldbelt Inc. Land
East	- RR; Vacant Tongass National Forest Land
West	- RR; Vacant Goldbelt Inc. Land;

VICINITY MAP



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ATTACHMENTS

Attachment A	Application form
Attachment B	Selected materials from Army Corp of Engineers Wetlands Fill Permit Application (<i>submitted with application</i>)
Attachment C	Alaska Department of Fish and Game, Division of Habitat Site Visit Report (<i>submitted with application</i>)
Attachment D	Wetlands Delineation Report for proposed route (<i>submitted with application</i>)
Attachment E	Alaska Department of Fish and Game, Division of Wildlife Conservation letter
Attachment F	Comments from Alaska Department of Transportation and Public Facilities
Attachment G	August 24, 2017, Douglas Indian Association letter to Army Corp of Engineers regarding project
Attachment H	Extract from draft minutes from August 17 th 2017 Wetlands Review Board meeting
Attachment I	Public Notice
Attachment J	Staff memorandum and proposed CBJ Administrative Policy to CBJ Assembly Lands Committee regarding public access to the North Douglas 'Pioneer Road'

LIST OF ABBREVIATIONS AND ACCRONYMS

ACOE	Army Corp of Engineers
ADF&G	Alaska Department of Fish and Game
WRB	Wetland Review Board
CBJ	City and Borough of Juneau
DIA	Douglas Indian Association
JCOS	Juneau Commission on Sustainability
DOT&PF	Alaska Department of Transportation and Public Facilities
USFWS	United States Fish and Wildlife Service
SOP	Standard Operating Practice
DG	Development Guideline

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PROPOSAL

The applicant, City and Borough of Juneau (CBJ) Engineering and Public Works Department, is proposing to extend the 'pioneer road' through CBJ land on the west side of Douglas Island. To prevent confusion about the nature of the proposed project, it will be referred to herein as an 'access road'. The proposal is not a Pioneer Path as defined by the CBJ Land Use Code since it is not providing access to a remote subdivision; no subdivision is associated with the proposed project. This is distinct from a 'driveway' since the CBJ Land Use Code definition for 'driveway' states it is used to access a structure; no structures are proposed to be accessed during this project. The proposal is no different from a private landowner building a private access road on their property to provide a means of vehicular access.

The proposed project will be an extension of Phase I of the access road which is accessed via North Douglas Highway. Phase I (2.25 miles) was reviewed by the Planning Commission in 2016 (CSP2016-0002) and has recently been completed. At the start of the existing access road on North Douglas Highway, a small parking area for recreational users of the road and a gate for the road were installed as part of Phase I. The project subject to this current review will extend the road by an additional 1.15 mile-long, single lane, rock-surfaced access road with turnouts. All rock necessary for Phase II has already been recovered during Phase I.

The proposed extension will have the same width and typical section as used for Phase I. Extracts from the Army Corp of Engineers permit application for fill of wetlands give more specifics of the project and are presented in **Attachment B**.

Local review and concurrence is required for City projects by CBJ 49.15.580:

(a) CBJ project review: The commission shall review all proposed City and Borough capital improvement projects estimated to cost \$500,000 or more for consistency with this title... The commission may recommend conditions on and modifications to any project reviewed by the commission through a notice of recommendation. The notice of recommendation shall be forwarded to the assembly for further action.

BACKGROUND

CBJ and Goldbelt, Inc. are both interested in the future development of their adjoining properties along an eight mile stretch of coastline on the west side of Douglas Island (West Douglas) between Outer Point and Point Hilda. This area is currently undeveloped forestland and until recently was accessible only by foot or by boat (see **Attachment B**). Phase I (2.25 miles) of the access road has recently been completed. Funds still remain from Phase I and are proposed to be used in Phase II which will continue an additional 1.15 miles toward Pt Hilda.

The West Douglas Concept Plan was created in 1997. Chapter 6 and Plate 1 of the plan were adopted as part of the Comprehensive Plan. The 2013 Comprehensive Plan designates West

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Douglas as a “New Growth Area”. The West Douglas Concept Plan and Comprehensive Plan will be discussed further in this report’s analysis.

The purposes of the access road, as outlined in the applicant’s application (**see Attachment B**), are to:

1. Allow direct access to parcels identified as “New Growth Areas” in the land development plans.
2. Allow easier access to the lands for planning, soils investigations, and marketing of the properties.
3. Allow access for detailed site specific study of smaller tracts.
4. Add value to the lands for subsequent sale and/or trade.
5. Allow for cultural use of the lands.
6. Allow for subsistence use of the lands.
7. Allow for recreational access to the lands.

The Assembly has allocated funding for the project through the Capital Improvement Program (CIP # D14-060).

ANALYSIS

Agency and Public Comments

CBJ General Engineering stated that Phase I of the project is properly permitted, and they will be commenting during the permitting of construction, through the Grading and Drainage permit. They previously commented for Phase I that when a Right-Of-Way (ROW) or street is proposed to be dedicated, a subdivision will need to be completed.

The Alaska Department of Fish and Game (ADF&G) Division of Habitat has issued a trip report (see **Attachment C**) after working in and visiting the project site with the CBJ Engineering Department. Three of the twelve streams crossed were observed to support fish, and three Fish Habitat Permits will be required for structures to allow fish passage on those streams.

The ADF&G Division of Wildlife Conservation also provided comments on short term impacts of the access road and the long term impact future development of the West Douglas area may have on hunting and wildlife management. In summary, there are concerns that the future development of the area will diminish important deer over-wintering habitat, reducing the number of deer supported by Douglas Island. The ease of access provided to hunters by the access road will add additional pressure in an area that has been, until recently, relatively difficult to access. Both issues will also likely result in increased competition for deer between people and the small, local wolf population (which was subject to an emergency order to close wolf trapping in 2016). To maintain sustainable deer populations, reductions in deer hunting opportunities on Douglas Island may be required. Currently Douglas Island has higher limits than the mainland area of the Juneau Borough.

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They also note a number of black bears and an occasional brown bear use the vicinity of the access road.

The Alaska Department of Environmental Conservation Division of Water, Non-Point Source section responded to say they had no issues with the proposal.

The Alaska Department of Transportation and Public Facilities (DOT&PF) commented on the proposal (see **Attachment E**). DOT&PF concerns are regarding the area immediately adjacent to the North Douglas right-of-way and not the area subject to the extension. DOT&PF's concerns included drainage, any future removal of the existing gated access, and/or improvement of the driveway to a public road standard for use by general traffic. They noted that the existing parking lot appears to be sufficiently sized for those using the access road for recreational purposes. As with CBJ General Engineering, they would require a new plat or road map to be recorded if the driveway is dedicated as a public road.

U.S. Fish and Wildlife Services (USFWS) previously provided comments on Phase I of the project noting that they believed additional phases of the driveway construction should be reviewed by individual Army Corps of Engineers (ACOE) wetlands permits. No comments have been received regarding Phase II. CBJ has applied for a wetlands permit for Phase II.

The CBJ Wetlands Review Board (WRB) at their March 3, 2016 meeting discussed the Phase I access road. The WRB had concerns about the proposed access road's alignment and how runoff might affect water quality in the anadromous streams. At that time, the Board also referred to the comments made by USFWS to the Army Corps. The Board wanted to make sure that construction would strictly adhere to Stormwater Best Management Practices with the goal of water quality and fish passage maintenance.

The WRB reviewed Phase II of the project at their August 17, 2017 meeting (see **Attachment H**). The same concerns previously raised were discussed as well as the use of wetland mitigation areas to preserve wetlands in compensation for the wetlands filled during Phases I and II of the project. The types of users accessing the access road following completion and the potential impacts that could occur to areas surrounding the access road were also a concern. Concern regarding the long term development of the New Growth Areas was also raised. It was suggested that enhanced buffers surrounding the drainages in the area be in place before the New Growth Areas are further developed. The following motion was unanimously approved by the Board:

The Wetlands Review Board recommends that when the project is pursued that Best Management Practices be strongly adhered to with the goal of maintaining water quality and fish passage.

The Wetlands Review Board requests that there be:

- *Mitigation areas identified and the Wetlands Review Board be consulted on their locations.*
- *Protection for sensitive areas by restricting motorized vehicles to the*

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surfaced road area.

- *A study to determine appropriately sized buffers to protect sensitive areas in the Peterson Creek and Middle Creek drainages.*

Recommendations have been made on the mitigation areas and use of motorized vehicles within the vicinity of the access road that should be addressed during this Phase of the access road. However, a study to identify buffers would be more appropriately dealt with during the required development of a master plan for the New Growth Areas.

The Juneau Commission on Sustainability (JCOS) previously commented on Phase I of the project and their comments are relevant to this subsequent Phase. They previously discussed the proposed project at their March 9, 2016 regular meeting. JCOS expressed concern about the trees that are cleared as part of construction of the proposed access road and how the general public might be able to use the cleared trees as fuel. CBJ Engineering has attempted to dispose of logged timber in past projects and incurred significant clear-up costs as a result. During Phase I, the contractors were required to dispose of all logged timber although the means was not specified; this allowed the contractor to choose the most cost-effective means. The cost of trucking the logged timber from the project site could mean that the most cost-effective disposal method is burning the logs in-situ. Following the completion of construction of Phase I, the contractor has removed some logs, but a number still remain.

Previously JCOS also expressed concern about the development in the area at this time and questioned if there is demand for the New Growth Area as outlined in the Comprehensive Plan. At that time JCOS encouraged monitoring of the construction and that it be conducted per the issued agency permits to minimize impacts on the natural resources in the area.

The Douglas Indian Association (DIA) has determined that the access road is in an area that may contain sites of historic, traditional, or cultural importance to DIA. A recommendation has been made that requires the project manager to inform the contractor of the potential to discover historic artifacts in the area and that they should contact the DIA and the State Historic Preservation Officer at the Department of Natural Resources.

The *CBJ Assembly Lands Committee*, at their August 28, 2017 meeting, reviewed a CBJ administrative policy proposed by Lands and Resources Division Staff regarding public access to the access road (see **Attachment J**). During the meeting, they made the following motion regarding allowed access to the entire length of the access road:

The Lands Committee recommends the Assembly adopt the attached CBJ West Douglas Pioneer Road Extension Interim Use Policy as the official policy for managing the West Douglas pioneer road until it is upgraded to safely accommodate public traffic.

Land Use Code

The area which the access road passes through has been designated a New Growth Area in the 2013 CBJ Comprehensive Plan. Before development of a New Growth Area can occur, a master plan of that area must first be prepared by the developer and then subsequently reviewed by the Planning Commission and Assembly, as outlined below in Title 49.70.100.

49.70.110 - Purpose.

The purpose of the new growth area classification is to provide for flexibility in land use controls for a specific new growth area as designated in the comprehensive plan, while protecting the public health, safety and welfare by ensuring that the development will be consistent with the comprehensive plan and the carrying capacity of the land. The new growth areas classification accommodates new communities with a full range of uses and densities. Before development, each area shall be the subject of a master plan prepared by the developer. The plan shall establish use, density and design of development, and when approved by the assembly becomes an amendment to the comprehensive plan and this title. After an area has been designated and a master plan approved, specific phases or projects shall be processed pursuant to this title, with the master plan as the principal criterion for approval. (Emphasis added)

CBJ 49.70.120 Characteristics, identifies specific development characteristics of New Growth Areas, which include mixed type residential communities supported by recreational, public, industrial, and commercial services. The proposed extension is of a minor nature since no uses, buildings, infrastructure, or additional thoroughfares that would be associated with a 'community' are proposed that would meet the threshold of calling this project the development of a New Growth Area.

The development meets the definition of an 'access road' according to the CBJ Land Use Code:

Access road means a public or private road which affords the principal means of vehicular access to a property, structure, or development.

Conformity with Adopted Plans

The following sections of adopted plans relate to the proposal:

WEST DOUGLAS CONCEPT PLAN (1997)

Chapter 6 and Plate 1 of the West Douglas Concept Plan were adopted into the CBJ Comprehensive Plan. The General Goals outlined in the West Douglas Concept Plan are that the development

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would meet the following basic community and land planning goals, as outlined in Section 4.0 – Planning Goals and Objectives:

- *Can the development be accomplished in harmony with the physical and biological environment, and benefit from natural amenities?*
- *Does it achieve the land owners' objectives for the use of their lands?*
- *Does it meet the needs of the public for additional land area for the wide mix of land uses that are essential to a growing population, such as housing, land for development that creates jobs and recreation resources?*
- *Does it result in residential communities that are affordable, aesthetic, vital and pleasing places to live?*
- *Can it be served by cost-efficient roads, utilities and other infrastructure?*

The purpose of the study is to develop a West Douglas Concept Plan that achieves these goals, and can be used to guide subsequent development in this area.

The following major planning goals were also considered:

- A. *The goals of Landowners: CBJ and Goldbelt Corporation have differing goals, but each supports thoughtful development. Goldbelt desires revenue and shareholder opportunity. CBJ goals include new development to provide specific community growth opportunities, and enhanced recreation.*
- B. *Planning requirements: The CBJ intention for land use patterns in the West Douglas area, as expressed in the CBJ Comprehensive Plan and Land Use Ordinance (Title 49).*
- C. *Public Goals: The public's interests in the use, development and protection of the area and its qualities.*
- D. *Environmental Characteristics: Recognizing and planning in response to the environmental and physical characteristics of the area*
- E. *Development and Infrastructure: The feasibility and alternatives for infrastructure for future development.*

The CBJ Engineering Department has evaluated the area for a route for the proposed road in order to meet the above goals. The proposed alignment attempts to minimize the area of wetlands impacted based on the maps in the latest Juneau Wetlands Management Plan.

The West Douglas Conceptual Plan requires a Master Plan to be developed and adopted by the Assembly before anything more than minor development can occur.

West Douglas Conceptual Plan, Chapter 6, Page 6.1:
Before any significant development in the West Douglas study area can occur (of more than a minor nature), a Master Plan must be prepared and approved by the CBJ Assembly, in accordance with the guidelines for New Growth Areas provided in the Comprehensive Plan and Land Use Code. (Emphasis added)

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As stated above, the proposal is of a minor nature since no uses, buildings, infrastructure or additional roads are proposed. This project review is for an access road to the area for further exploration and study of the lands for feasibility of a future New Growth Area.

COMPREHENSIVE PLAN (2013)

POLICY 3.4. TO ENCOURAGE AND FACILITATE THE DEVELOPMENT OF NEW GROWTH AREAS IN SUITABLE LOCATIONS IN THE REMOTE AREAS OF THE BOROUGH IN ORDER TO ACCOMMODATE MASTER PLANNED, SELF-CONTAINED URBAN-LEVEL DEVELOPMENT OPPORTUNITIES OUTSIDE THE URBAN SERVICE AREA.

3.4 Development Guideline 2 - Require that each New Growth Area be developed according to a unified, comprehensive plan or master development plan that ensures the:

- A. Use of energy-efficient siting, design, and construction techniques;*
- B. Efficient provision of sanitary sewer, water, storm water drainage and roads based on a sufficient population to support these services;*
- C. Preservation of natural vegetation, watersheds, public vistas, and other natural amenities;*
- D. Provision of passive and active recreational activities, including water access, open space/natural areas, community recreational facilities, and pedestrian and bicycle paths; and*
- E. Elimination of land use conflicts. This is particularly important in developments that combine residential and resource extraction, processing and transport uses.*

3.4 DG6 - Allow for phasing of the development that permits construction in reasonable increments within an overall master plan or planned unit development design concept.

POLICY 3.3. OUTSIDE OF THE URBAN SERVICE AREA, PERMIT APPROPRIATE LOW-INTENSITY, LOW IMPACT DEVELOPMENT THAT PROVIDES AN OVERALL PUBLIC BENEFIT IN RURAL AREAS, WHILE ASSURING THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT, WATERSHEDS, SCENIC CORRIDORS, PUBLIC ACCESS TO THE SHORELINE AND INLAND WATER BODIES, AND RECREATIONAL OPPORTUNITIES.

3.3 - SOP1 COORDINATE ALL PLANNING AND DEVELOPMENT DECISIONS IN THE RURAL AREA WITH STATE AND FEDERAL AGENCIES WITH THE APPLICABLE JURISDICTION.

3.3 - DG1 When developing roads, infrastructure or development projects within the rural and remote areas, ensure the protection of adequate un-fragmented fish and wildlife corridors along anadromous fish streams extending from the icefield and uplands to the sea.

POLICY 7.3. TO PROTECT RIPARIAN HABITAT, INCLUDING STREAM CORRIDORS AND LAKE SHORELINES, FROM ADVERSE EFFECTS OF DEVELOPMENT AND TO PROVIDE A HIGHER LEVEL OF PROTECTION FOR NON-URBAN SHORELINES IN PUBLIC OWNERSHIP.

POLICY 7.5. TO PROTECT HIGH-VALUE WETLANDS FROM ADVERSE EFFECTS OF DEVELOPMENT THROUGH LAND USE MANAGEMENT AND TO SPONSOR OR PARTICIPATE IN EFFORTS TO ENHANCE OR RESTORE THE ENVIRONMENTAL VALUES OF WETLANDS IN THE BOROUGH.

POLICY 9.3. TO PRESERVE AS PUBLIC NATURAL AREAS THOSE PUBLICLY-OWNED LANDS AND SHORELINE AREAS THAT POSSESS IMPORTANT RECREATIONAL, SCENIC, FISH AND WILDLIFE, AND OTHER ENVIRONMENTAL QUALITIES, OR ARE SUBJECT TO NATURAL HAZARDS.

POLICY 10.4. TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES.

POLICY 16.4. TO PRESERVE AND PROTECT THE UNIQUE CULTURE OF JUNEAU'S NATIVE PEOPLES, INCLUDING BUILDINGS, SITES, ARTIFACTS, TOTEMS, TRADITIONS, LIFESTYLES, LANGUAGES, AND HISTORIES.

The proposed development would provide for easier access to further survey the identified New Growth Area, as outlined in the Comprehensive Plan. The access road may also provide additional recreational opportunities by allowing access to areas that were previously difficult to access. However, this also has implications for important habitat areas, therefore the type of access

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allowed on the access road in the interim, until a Masterplan for the New Growth Areas is developed, should be addressed. A recommendation on access limitations for the total length of the access road are provided based on comments by the ADF&G. This would limit public access to non-motorized users only to ensure increased hunting pressure in the important deer habitat is minimized; allowing use of ATVs etc. could result in the area being more attractive to hunters due to ease of access into and out of the area. Based on recommendations by the WRB, a parallel recommendation limiting public and private motorized access to the surfaced driveway should ensure protection of surrounding sensitive areas including wetlands and fish-supporting drainages.

In terms of direct habitat impacts caused by construction of the driveway, CBJ is in the process of obtaining a Wetlands Fill Permit through the Army Corps of Engineers and will be required to obtain Fish Habitat Permits through Fish and Game. During development of the road, the project will have to adhere to the CBJ Manual of Stormwater Best Management Practices to protect wetlands and fish and wildlife habitat in the area.

Based on the information provided by the DIA, consideration should be given to preserving any native artifacts or sites found during construction of the project. The DIA and other relevant organizations or agencies should be informed if any finds are made.

JUNEAU ECONOMIC DEVELOPMENT PLAN (2015)

The Juneau Economic Development Plan is adopted into the CBJ Comprehensive Plan. One of the eight initiatives in the Juneau Economic Development Plan was to 'Enhance Essential Infrastructure'. Included in this is an objective to pursue development of the West Douglas area.

Proceed with extension of North Douglas Highway, and North Douglas/Gastineau Channel Bridge construction to realize the residential, commercial, transshipment and maritime, industrial, and recreational potential of West Douglas.

The proposed project will assist in providing more direct access to the West Douglas area and so reduce the cost of the more detailed studies necessary development of the New Growth Areas in West Douglas.

HABITAT

Anadromous Streams – The project area contains three anadromous fish streams as identified by Alaska Department of Fish and Game (**see Attachment C**). Development along anadromous streams is subject to habitat buffers in CBJ Title 49.70.310(a) (4) and (b) (1), as well as at CBJ 49.70.950(f).

49.70.310 Habitat.

(a)Development in the following areas is prohibited:

...

(4) Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

(b) In addition to the above requirements there shall be no disturbance in the following areas:

(1) Within 25 feet of stream designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update;

49.70.950 Habitat.

(f) All structures and foundations located adjacent to streams or lakes listed in Table VI-2 of Appendix C of the Juneau Coastal Management Plan, shall have a 50-foot setback from each side of the stream or lake measured from the ordinary high water mark, where feasible and prudent; provided, docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake are not subject to this policy, and provided further, uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses, are exempt from the setback requirement. The setback shall be vegetated or revegetated, where feasible and prudent, and such vegetation or revegetation shall be kept or arranged to maximize shade on the stream. (Emphasis added)

The CBJ proposes to build 3 fish pass culverts and 9 culverts for the remaining streams. The provision above allows for stream crossing bridges and culverts to be within the habitat buffers. CBJ will obtain appropriate permits from ADF&G for installation of the culverts in fish supporting streams.

Wetlands – CBJ has applied for wetlands fill through the Army Corps of Engineers for a Nationwide Permit in order to construct the road, road turnouts, and the building of bridges and culverts. The requested permit proposes to fill 1.14 acres of wetlands with 6,539 cubic yards of shot rock along 1,610 linear feet along the ~6000 feet of road line (**see Attachment B** for site plan and areas of fill). Development within wetlands shall be managed to protect habitats per Title 49.70.950(c)(3).

49.70.950 Habitat.

(c) In addition to the standard contained in subsection (b) of this section, the following standards shall apply to the management of the following habitats:

...

(3) Wetlands and tidelands shall be managed so as to ensure adequate waterflow, nutrients, and oxygen levels, to avoid the adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances;

In addition to the USCOE Nationwide permit, a CBJ grading permit will be required with associated BMPs necessary for that permit and the State of Alaska Storm Water Pollution Prevention Plan (SWPPP).

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September 4, 2017
Page 15 of 16

Eagle nests - No eagle nests have been identified within 330 feet of the project site where development would be restricted by requirements of the CBJ Land Use Code.

FINDINGS

The proposed access road across CBJ land on the west side of Douglas Island near the end of Douglas Highway is intended to implement the recommendations of the 1997 West Douglas Concept Plan and to provide for access into CBJ lands for future development. The provision of access to these lands is also consistent with the Juneau Economic Development Plan Initiative that supports development of West Douglas. Staff finds that the proposal is consistent with the 2013 Comprehensive Plan, Title 49, and other associated plans mentioned herein.

RECOMMENDATION

Staff recommends that the Planning Commission recommend the Assembly **APPROVE** CSP2017 0014, an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island.

The following conditions are recommended:

1. To minimize any increased pressure on the Douglas Island deer population due to the improved hunter access, future public use of the CBJ North Douglas 'pioneer road' shall be restricted to non-motorized vehicles.
2. If public or private motorized vehicles are allowed to use the CBJ North Douglas 'pioneer road', they shall be limited to using the improved access road surface in order to protect surrounding sensitive areas including wetlands and fish habitat.
3. To mitigate for the fill of wetlands for the construction of the CBJ North Douglas 'pioneer road', CBJ shall provide suitable mitigation areas and consult with the Wetlands Review Board on the location of these areas.
4. The CBJ project manager shall ensure the contractors are made aware of the possibility of finding burials, artifacts or other archeological finds during the project construction. If any historic, prehistoric, or archeological sites, locations, remains, or objects are discovered during development activity, all work in the area must cease, and the applicant/permittee/whomever must immediately notify the State Historic Preservation Officer at the Department of Natural Resources and the Douglas Indian Association.

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It is also recommended that following requirements for the project are emphasized:

1. To protect water quality in water drainages crossed by the access road, development of the 'pioneer road' shall strictly adhere to CBJ Manual of Stormwater Best Management Practices and State Stormwater Pollution Prevention Plan requirements.
2. Prior to fill of any wetlands by the proposed project, necessary Army Corp of Engineers wetlands fill permits shall be acquired and the construction approved.
3. Prior to development of culverts and bridges in the proposed project, Fish Habitat Permits shall be acquired and the construction approved.

DEVELOPMENT PERMIT APPLICATION

Project Number CSP20170014	CITY and BOROUGH of JUNEAU	Date Received: 07/10/2017
Project Name (City Staff to Assign Name) NORTH DOUGLAS ROAD EXTENSION		

INFORMATION PROJECT / APPLICANT	Project Description Extend construction of West Douglas Pioneer Road through CBJ lands on the west side of Douglas Island		
	PROPERTY LOCATION		
	Street Address Near the end of North Douglas Hwy		City/Zip Juneau 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) n/a		
	Assessor's Parcel Number(s) 3D1301000010		
	LANDOWNER/ LESSEE		
	Property Owner's Name CBJ		Contact Person: Alan Steffert
	Mailing Address 155 South Seward St. Juneau 99801		Work Phone: 586-0481
	E-mail Address alan.steffert@juneau.org		Home Phone: Fax Number:
	Other Contact Phone Number(s): 321-4934		
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  7-10-17 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 Alan Steffert		Contact Person: Alan Steffert	
Mailing Address CBJ 155 South Seward St Juneau 99801		Work Phone: 586-0481	
E-mail Address alan.steffert@juneau.org		Home Phone: Fax Number:	
Other Contact Phone Number(s): 321-4934			
X  Applicant's Signature		07/10/2017 Date of Application	

STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)	
		Building/Grading Permit				
	X	City/State Project Review and City Land Action		7/10/17	CSP 20170014	
		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 ANE

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number CSP 20170014	Project Name (15 characters)	Case Number CSP 20170014	Date Received 07/10/2017																				
TYPE OF PROJECT REVIEW: ☒ City Project Review ☐ City Land Acquisition /Disposal ☐ State Project Review																							
DESCRIPTION OF PROJECT Extend existing West Douglas Pioneer Road an additional 6,000 ft, ending north of Middle Creek. The road will be similar construction to existing pioneer road (i.e. single lane with turnouts, rock-surfaced pioneer road), built on CBJ lands.																							
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): Undeveloped land, zoned RR																							
PROPOSED USE OF LAND OR BUILDING(S): The pioneer road, once constructed, will enable land owners vehicular access to their lands and increased recreational access to the public.																							
PROJECT NUMBERS ASSOCIATED WITH PROPOSAL: Is this project associated with any other Land Use Permits? ☐ No ☒ Yes Case No.: CSP2016 0002 Capital Improvement Program # (CIP) D14-060 Local Improvement District # (LID) _____ State Project # _____																							
ESTIMATED PROJECT COST: \$ 500,000																							
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 border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5" style="text-align: left; padding: 5px;">CITY/STATE PROJECT FEES</th> </tr> <tr> <th style="width: 40%;"></th> <th style="width: 10%;">Fees</th> <th style="width: 15%;">Check No.</th> <th style="width: 15%;">Receipt</th> <th style="width: 20%;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table> No fee required. Project is < \$2.5m			CITY/STATE PROJECT FEES						Fees	Check No.	Receipt	Date	Application Fees	\$ _____	_____	_____	_____	Total Fee	\$ _____	_____	_____	_____
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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**

he recently completed West Douglas Pioneer Road project (Phase I) constructed a .4 mile long single-lane-with-turnouts, rock-surfaced road beginning near the end of North Douglas Highway and heading southwards down the west coast of Douglas Island. Phase I ended in heavily forested terrain, at 0 ft elevation, approximately ¾ miles inland from the coast. A parking area to accommodate recreational road users was constructed at the start of the road, of North Douglas Hwy, with a gate installed to prevent unauthorized vehicular access to the road proper. Two on-site quarry borrow areas were developed alongside the new road to supply rock for the road construction.

The West Douglas Pioneer Road Phase II project intends to construct an additional 6,000 feet of road beginning from the end of Phase I construction, continuing southwards and ending at a turnaround just north of Middle Creek.

The Phase II road route traverses heavy forest on flat benches and gently sloping side hill between 220 ft and 270 ft elevation. Wetland delineation was performed to identify wetlands within 0' either side of the field located road centerline, and at major stream crossings, as shown on the wetland report maps. The Phase II route was specifically located to avoid and minimize impacts to wetlands to the maximum extent practicable, while allowing for a pioneer road that would in 10- 0 years be the basis for a 0 mph highway through this area. Considerations for the final highway design include vertical and horizontal curve limitations. All the stream crossings encountered are considered buildable with the least amount of impact.

The Phase II road's design section will similar to the Phase I road, i.e. 14' wide travel way with a 2:1 embankment and 1:1 cut slope. Drainage will be collected on the uphill side of the road in a roadside ditch. Runoff will drain through the road rock prism or flow through culverts under the road. The road base will consist of shot rock placed at a typical depth of 4'. Much of the construction of this section of road will be overlay construction by end dump methods, given the gentle side hill slopes to be traversed.

8' wide turnouts will be inter-visibly located along the length of the road. Most turnouts will be located on upland areas. J-hook turnouts for construction vehicles will be located on upland areas as required to build the road, or on final turnouts design locations in wetland areas, and will be converted to roadside turnouts upon completion of hauling.

Corrugated plastic pipe culverts 18" to 48" diameter will be installed at stream crossings. Additional ditch relief and cross culverts, typically 18" diameter, will be installed as conditions dictate. The Phase II road will cross three fish streams. These will require the installation of 48" diameter culverts with watertight baffles backfilled with stream material to ensure continued fish passage.

The construction plan is to clear vegetation approximately 10' either side of the road slope stake limits, grub stumps, excavate or grade a level bench as needed for the base of the road prism, place geotextile separation fabric and end dump shotrock to form the road. Logs from the felled trees will be removed and slash and stumps disposed of by burning. Stripped organics will be windrowed and placed at the toe of fill slopes in upland areas. This will serve as a filter strip for stormwater runoff and to minimize impacts to habitat. Excess excavation will be placed in upland areas or allow for wider fills in upland areas only. The rock will be placed as shown in the permit drawings and compacted. Rock for the road will be obtained from existing stockpiles located in the Phase I borrow areas. No additional borrow sites are required for this phase of construction.

Purpose Statement

The City and Borough of Juneau (CBJ) and Goldbelt, Incorporated are jointly interested in future development of their adjoining properties along an eight mile stretch of coastline on the west side of Douglas Island (West Douglas) between Outer Point and Point Hilda. This area is currently undeveloped forestland and is accessible only by foot or by boat.

The State has supported the CBJ's long term development plans by transferring three million dollars in transportation funds to the CBJ for the purpose of beginning the construction of a road to access West Douglas land for development. Since that time, CBJ and Goldbelt have agreed upon an alignment, the land has been surveyed, the road alignment has been staked, and wetland, wildlife and habitat inventories have been completed.

Early discussions between the CBJ and Goldbelt resulted in the creation of the West Douglas Concept Plan, Minch Ritter Voelkers, May 1997, which established goals, began analysis of environmental issues and developed site layout concepts for development of the area. (See Executive Summary of the West Douglas Concept Plan). This plan was adopted as part of the Comprehensive Plan by the Assembly.

The current City and Borough of Juneau Comprehensive Plan, adopted by the Assembly in 2013, specifies CBJ and Goldbelt lands on West Douglas as a "New Growth Area". These lands are identified in the West Douglas Conceptual Plan that was adopted as an addition to the Comprehensive Plan. The following policy was established in the Comprehensive Plan regarding this area:

LICY 3.4. To encourage and facilitate the development of new growth areas in suitable locations in the remote areas of the borough in order to accommodate master planned, self-contained urban development opportunities outside the urban service area.

The purpose of the West Douglas road extension is to open up CBJ and Goldbelt lands for development and recreational access. In accordance with adopted community plans, the development is needed to allow for and facilitate community growth.

Specifically, the purposes of the pioneer roadway include:

1. Allow direct access to parcels identified as "New Growth Areas" in the land development plans.
 - . Allow easier access to the lands for planning, soils investigations, and marketing of the properties.
 - . Allow access for detailed site specific study of smaller tracts.
 - . Add value to the lands for subsequent sale and/or trade.

- . Allow for cultural use of the lands.
- . Allow for subsistence use of the lands.
- 7. Allow for recreational access to the lands.

The road extension and land development improvements will be constructed in phases, likely over many years. Phase I of construction, completed in July, 2017, extends approximately 2. miles to access development the northern portion of areas 1A and 1B as shown on the West Douglas Overall Conceptual Plan. The second phase of construction will utilize all the remaining Phase I construction funds to extend the pioneer road an additional ,000 ft southward through potential development areas, ending at Middle Creek. Construction could begin immediately upon the receipt of AC E permits, but is anticipated to begin late fall, 2017 or into winter, and be completed by spring 2018. Future road construction beyond the end of Phase II will first require the design, permitting, and funding of a major structure to cross Middle Creek. However, there is no funding available at this time beyond the remaining unspent Phase I funds. It is unknown when funding will be available for future phases.

Description of Avoidance, Minimization and Compensation

The proposed road project attempts to avoid and minimize impacts to wetlands and streams in the following ways. Regarding the avoidance of impacts, route selection was evaluated based on wetland and stream location and the presence of fish in the streams. The earliest route that was evaluated is the 1989 Alaska Department of Transportation and Public Facilities (ADOT) middle alignment. This alignment runs uphill and parallel to the main branch of Peterson Creek and through the middle of the largest contiguous area of wetlands in the Peterson Creek watershed. It is the most direct route to access the developable properties and it runs through flat areas. However, it is not a preferable route based on significant impacts to wetlands, streams and fish habitat. In 2004, Goldbelt, Inc. proposed a lower alignment closer to the shoreline, below the Peterson Creek watershed. This alignment has the least impacts to wetlands, the Peterson Creek watershed and fish habitat, but it is entirely on Goldbelt, Inc. property. Goldbelt has indicated to the City and Borough of Juneau (CBJ) that it will not allow development of a public road on their property at this time. In 2011, the CBJ hired a consultant to evaluate an upper alignment above the major Peterson Creek wetlands area that avoids steep slopes and valuable wetlands and streams to the maximum extent practicable while still allowing for a buildable road to access future development areas. The Route Alternatives Evaluation Matrix compared the lower, middle, upper alignments for a variety of environmental, design, and cost factors (see attached). Based on this evaluation, the upper alignment was selected for additional study and design.

To minimize impacts on the watershed, this upper alignment route was modified between 2011 and 2015 through field work, wetland delineation, and discussions with the United States Fish and Wildlife Service and the Alaska Department of Fish and Game. The road was moved out of wetland areas as much as possible and crossings of fish streams were moved upstream and above anadromous fish reaches to minimize impacts on fish. The constructed phase I alignment is referred to as the Modified Upper Alignment (2015). The attached map, Existing Wetlands and Proposed Preservation Area Map and Route Alternatives Evaluation Matrix show the analysis and evaluation of the alternatives presented above.

In 2016, subsequent to the evaluation, permitting and design of the West Douglas Road Phase I, the City and Borough of Juneau completed the Juneau Wetlands Management Plan (JWMP). The JWMP process involved the broad scale mapping of wetlands throughout selected areas of the Borough, including the area of West Douglas north of Middle Creek to be traversed by the Phase II of the road.

The new JWMP maps highlighted a previously unknown relatively wetland-free road corridor between the end of the Phase I road construction through to Middle Creek. Field reconnaissance confirmed the feasibility of constructing a road through this area and a new Phase II road centerline was located on the ground. The new road route takes a slightly lower path across the hillside (offset up to 350 ft) than the Modified Upper Alignment, the previously preferred route for Phase II.

The relocated Phase II road corridor crosses 1,610 linear feet of wetlands on centerline which is significantly less than the estimated 3,060 linear feet of wetlands crossed by the Modified Upper Alignment. By relocating the downhill road to avoid the mapped wetlands as much as possible, impacts were almost halved.

Additional efforts at minimization of impacts include construction Best Management Practices that will be employed during construction including:

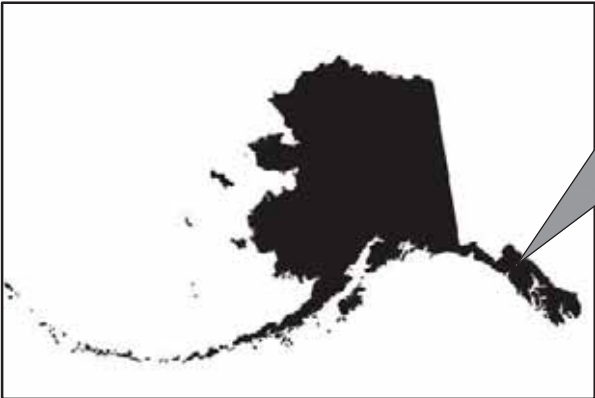
- Consult with ADF&G to plan construction of in water work to minimize impacts on fish
- Utilize sediment control methods to contain any sediment in wetland and stream areas during filling operations

- Prepare a spill control plan, keep spill cleanup equipment on site during construction and perform daily inspections of equipment for fuel and fluid leakages
- Locate staging areas and construction access points away from wetland and stream areas
- Stockpile organic soils and ground cover species during construction and place along road cut and fill slopes after construction for regeneration of native species to provide erosion control and a filter strip along road edges.

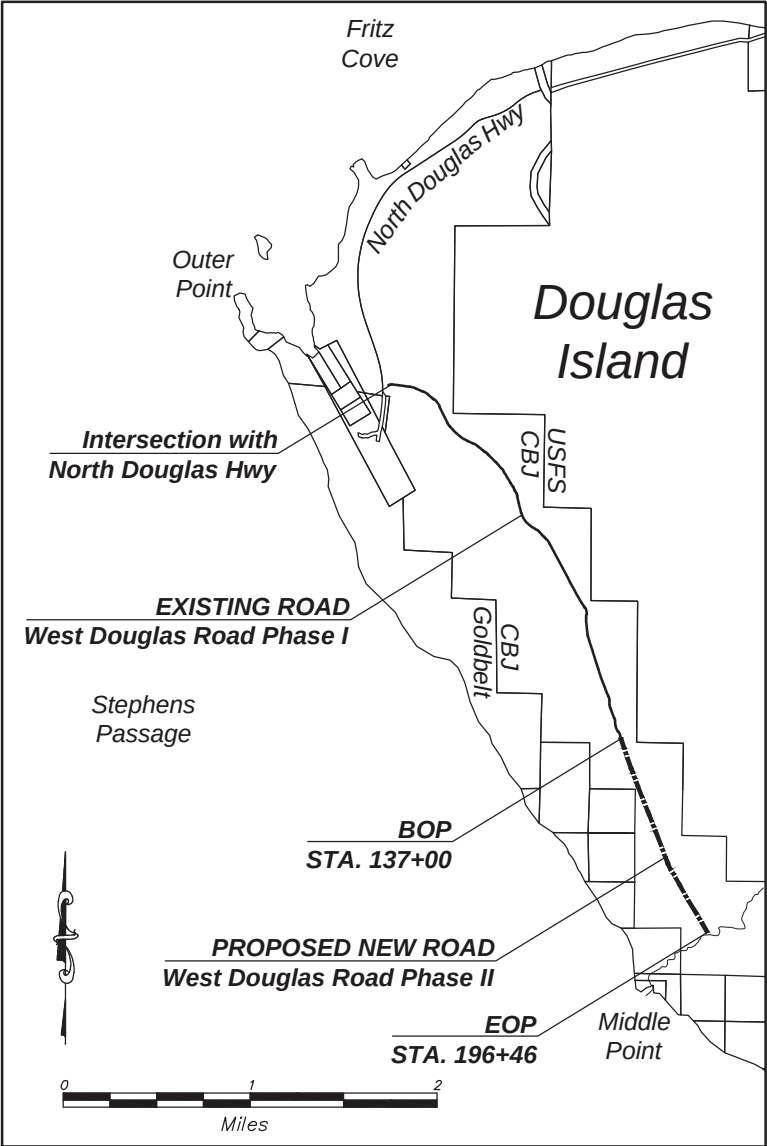
To compensate for unavoidable losses, the CBJ proposes compensatory mitigation as permittee responsible mitigation in the form of preservation. The phase I West Douglas Pioneer road impacted the Petersen Creek watershed. Peterson Creek is largely undisturbed and the long term goal of the proposed road project is to open areas for development. The high quality wetlands in the area proposed for preservation could be under threat of impacts from future development. At one time, a private developer pursued the construction of a golf course in this area. For this reason, preservation as mitigation is the most appropriate tool for this project. The CBJ contacted the Southeast Alaska Land Trust to discuss In Lieu Fee as a mitigation strategy. Unfortunately, they only mitigate for wetland impacts and not stream impacts. Also, they do not guarantee that the mitigation will occur in the Peterson Creek watershed. They look at the entire Lynn Canal Hydrologic Unit Code as the potential mitigation area. So the actual mitigation could have no relation to the impacts to the Peterson Creek Watershed. The CBJ, through permittee responsible mitigation, could mitigate for impacts within the same watershed through preservation.

A total of 4.97 acres of wetlands will be preserved for phase I mitigation and an additional 3.42 acres for Phase II for a cumulative total of 8.36 acres. The proposed area of wetlands to be preserved is based on a 3:1 ratio for impacts to Category I or II aquatic resources. The stream preservation will be determined by the type of stream impacted as shown in the Surface Area in Acres of Wetlands or Other Waters Filled table. For example, there is 184 linear feet of fish pass pipe to be installed, so 184 LF of resident and/or anadromous fish stream will be preserved. At this time, the CBJ is proposing to preserve wetlands and streams in the Peterson Creek watershed within the blue area on the Existing Wetlands and Proposed Preservation Area Map. This area is where the golf course was proposed for development in the high value Peterson Creek watershed wetlands. After discussion with the Army Corps of Engineers, other interested agencies and CBJ departments, a specific area shall be identified, surveyed and marked in the field.

The designated lands for preservation will be protected from future development and disturbance through the recording of a Restrictive Covenant. Development and disturbance shall be prohibited in this area unless it relates to the maintenance and management of this area to support the existing wetland and habitat functions.



PROJECT LOCATION
DOUGLAS ISLAND

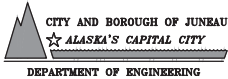


Wetlands area impacted = 1.14 acres
Resident fish streams crossed = 3

LEGEND

- Proposed Alignment
- Road Slope Stakes
- Proposed Culvert
- Stream
- Wetlands
- Permanently Disturbed Wetlands
- Temporarily Disturbed Wetlands

VICINITY MAP



**WEST DOUGLAS
ROAD PHASE II**

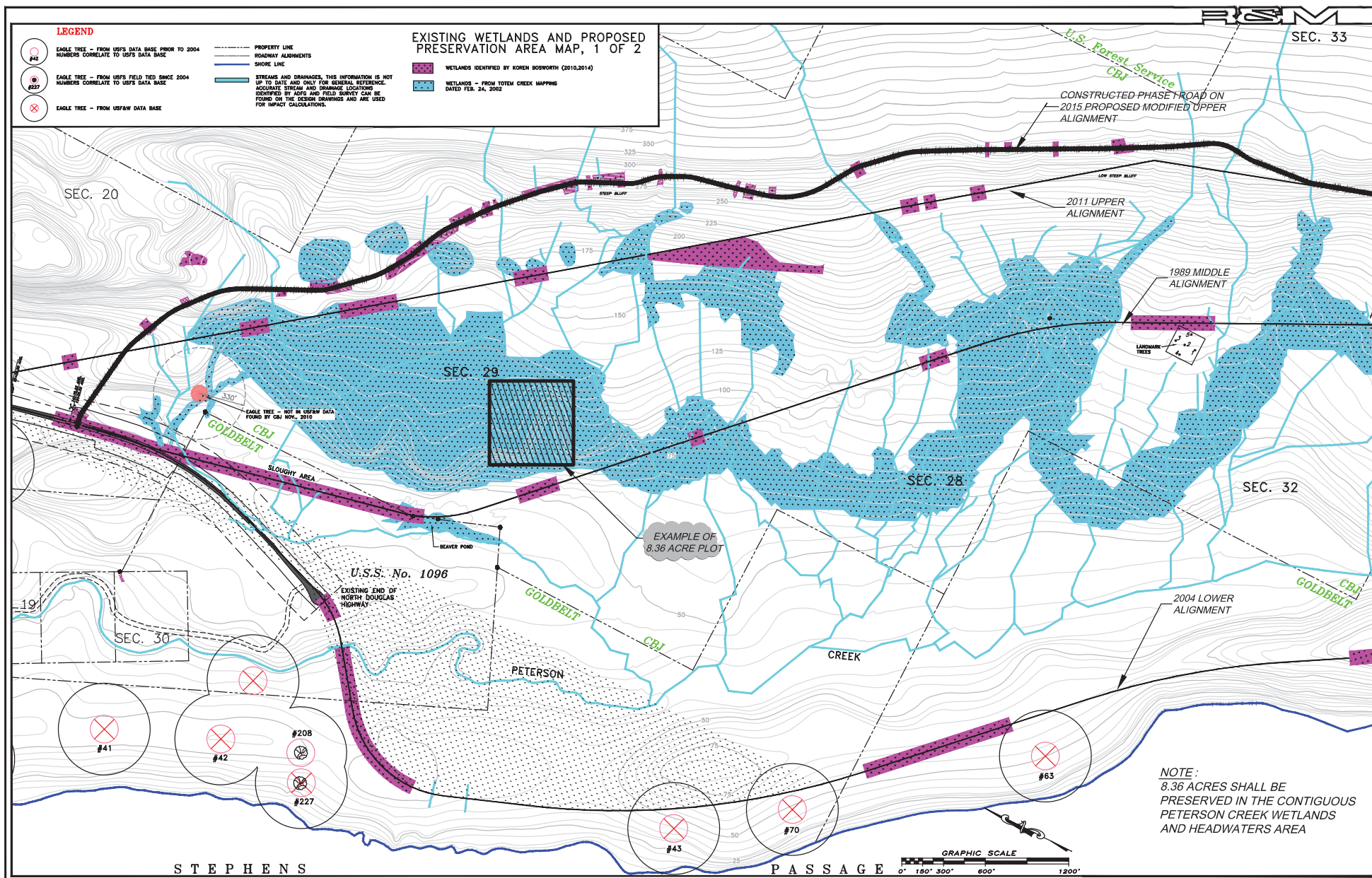
Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Unnamed small streams
Proposed Activity: New road construction
Sec.33 T.41S R.66E and Sec.4 T.42S R.66E Copper River Meridian
Lat.:N 58° 15' 39.27" Long.:W 134° 37' 35.82 "
Sheet 1
Date: 07/28/2017

EXISTING WETLANDS AND PROPOSED PRESERVATION AREA MAP, 1 OF 2

- LEGEND**
- EAGLE TREE - FROM USFS DATA BASE PRIOR TO 2004
NUMBERS CORRELATE TO USFS DATA BASE
 - EAGLE TREE - FROM USFS FIELD TRIED SINCE 2004
NUMBERS CORRELATE TO USFS DATA BASE
 - EAGLE TREE - FROM USFWS DATA BASE
 - PROPERTY LINE
 - ROADWAY ALIGNMENTS
 - SHORE LINE
 - STREAMS AND DRAINAGES, THIS INFORMATION IS NOT
UP TO DATE AND ONLY FOR GENERAL REFERENCE.
ACCURATE STREAM AND DRAINAGE LOCATIONS
IDENTIFIED BY AERIAL AND FIELD SURVEY CAN BE
FOUND ON THE DESIGN DRAWINGS AND ARE USED
FOR IMPACT CALCULATIONS.
 - WETLANDS IDENTIFIED BY KOREN BODWORTH (2010,2014)
 - WETLANDS - FROM TOTEM CREEK HAPPPING
DATED FEB. 24, 2002

WETLANDS IDENTIFIED BY KOREN BODWORTH (2010,2014)

WETLANDS - FROM TOTEM CREEK HAPPPING
DATED FEB. 24, 2002

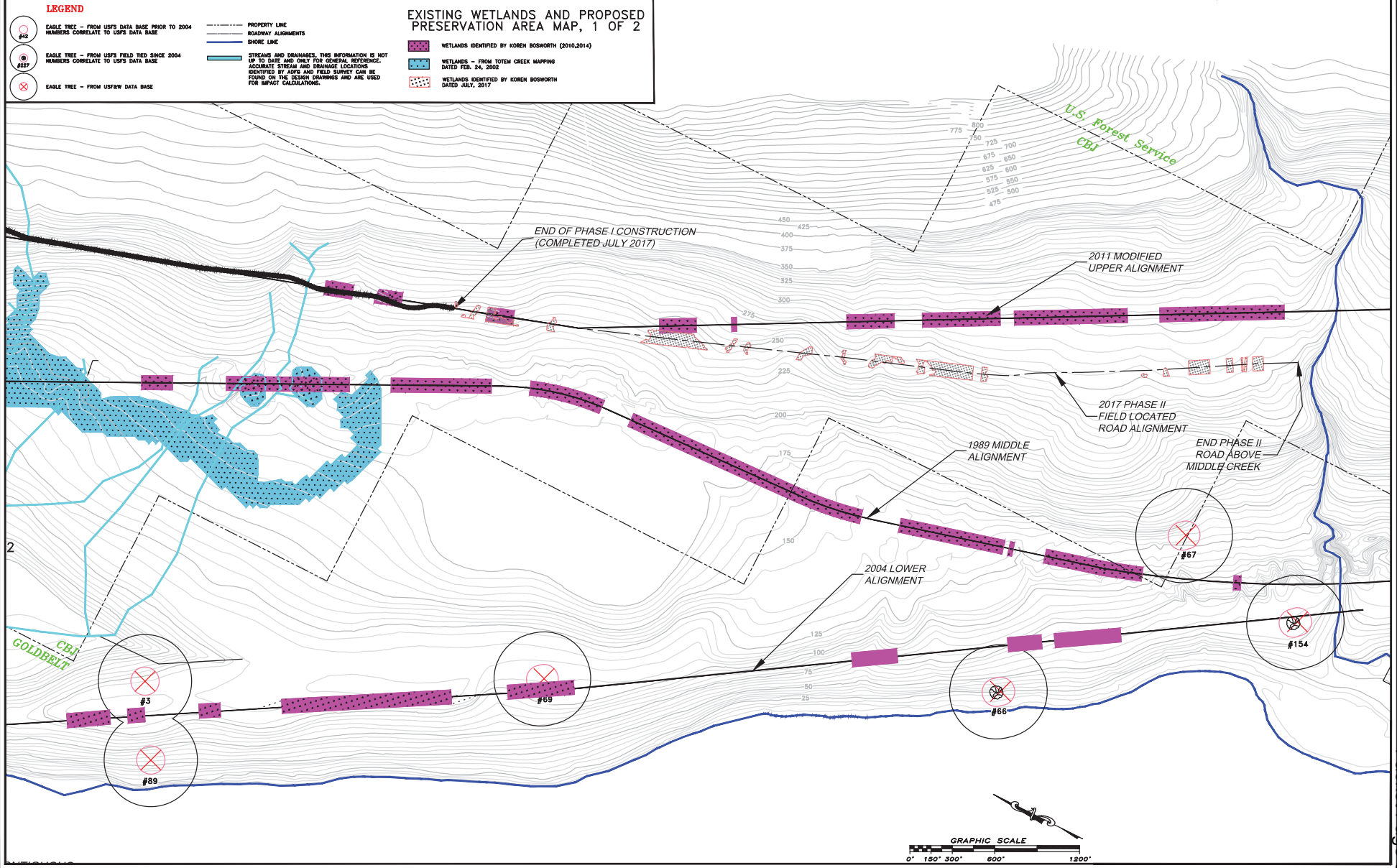


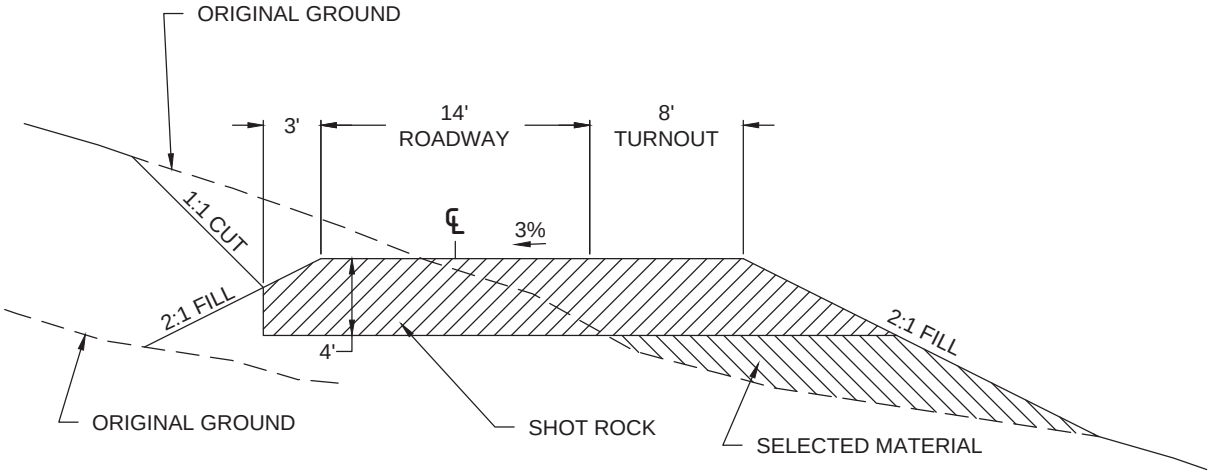
NOTE:
8.36 ACRES SHALL BE
PRESERVED IN THE CONTIGUOUS
PETERSON CREEK WETLANDS
AND HEADWATERS AREA

STEPHENS

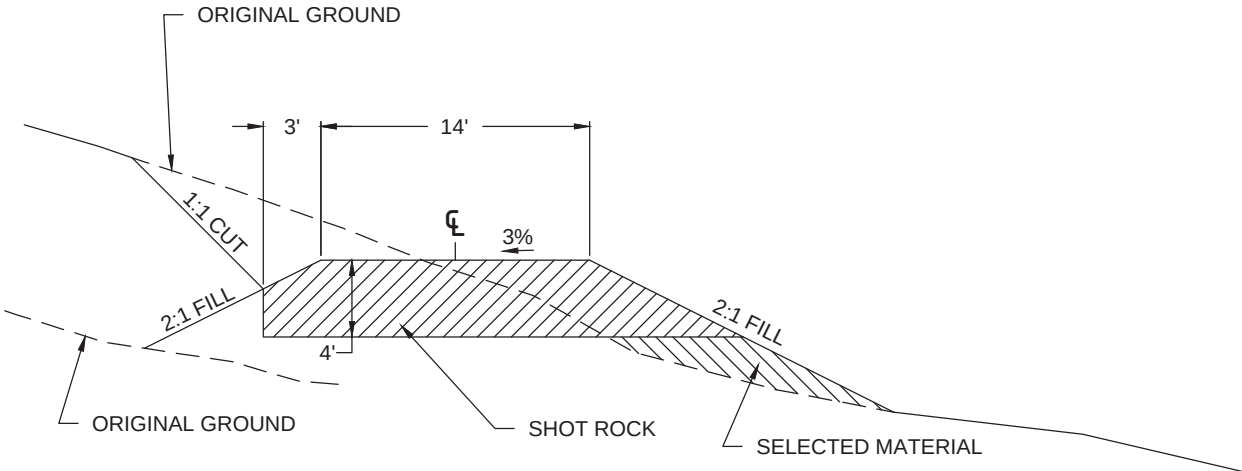
PASSAGE

GRAPHIC SCALE
0' 150' 300' 600' 1200'



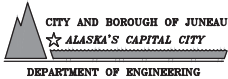


TYPICAL ROAD SECTION
14' SINGLE LANE WITH 8' TURNOUT



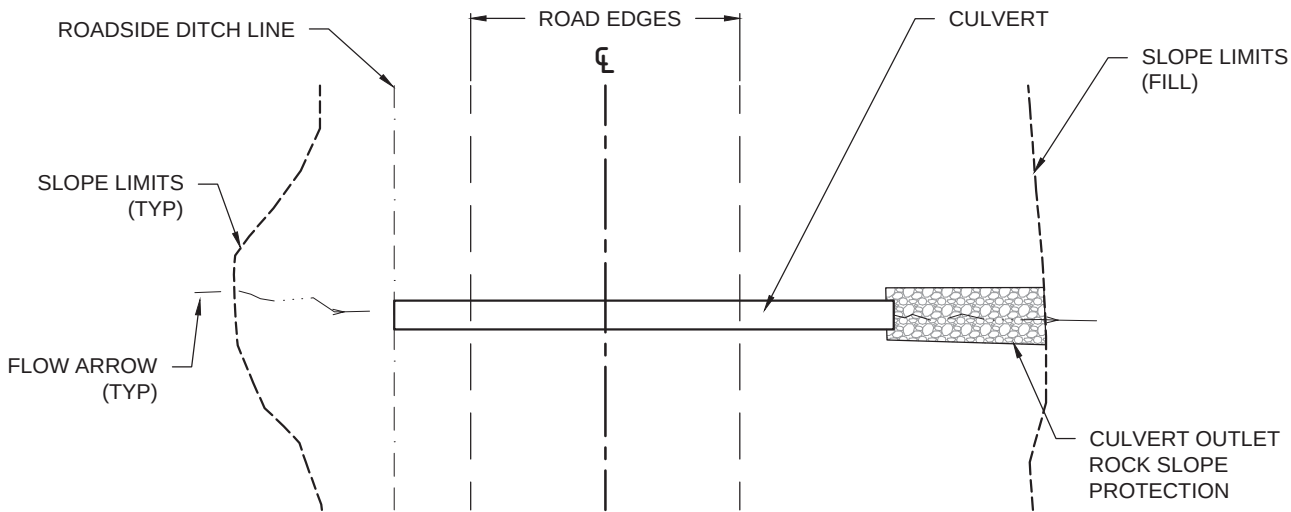
TYPICAL ROAD SECTION
14' SINGLE LANE

Typical Sections

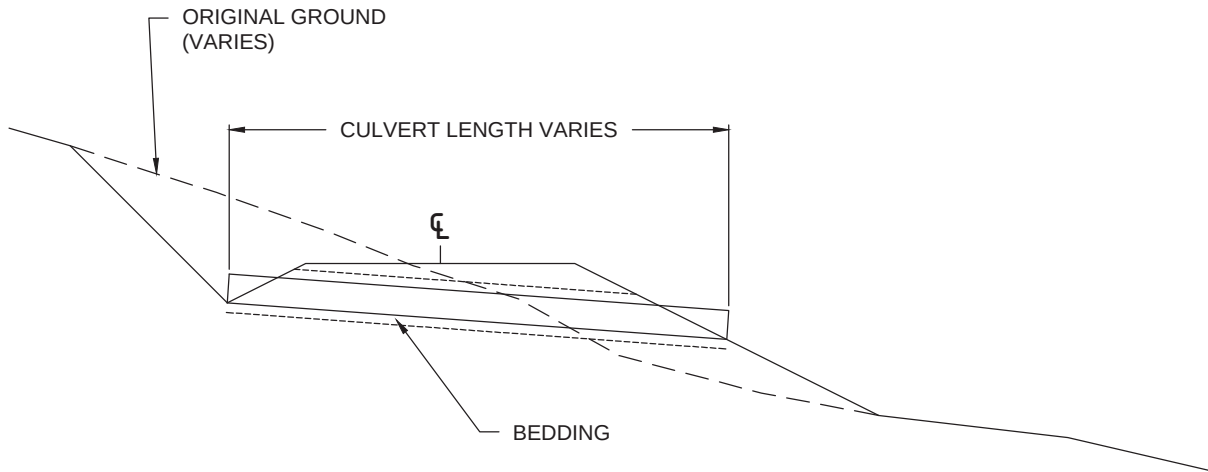


**WEST DOUGLAS
ROAD PHASE II**

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Unnamed small streams
Proposed Activity: New road construction
Sec.33 T.41S R.66E and Sec.4 T.42S R.66E Copper River Meridian
Lat.:N 58° 15' 39.27" Long.:W 134° 37' 35.82 "
Sheet 2
Date: 07/28/2017



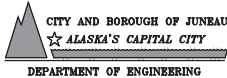
PLAN VIEW



TYPICAL CULVERT SECTION

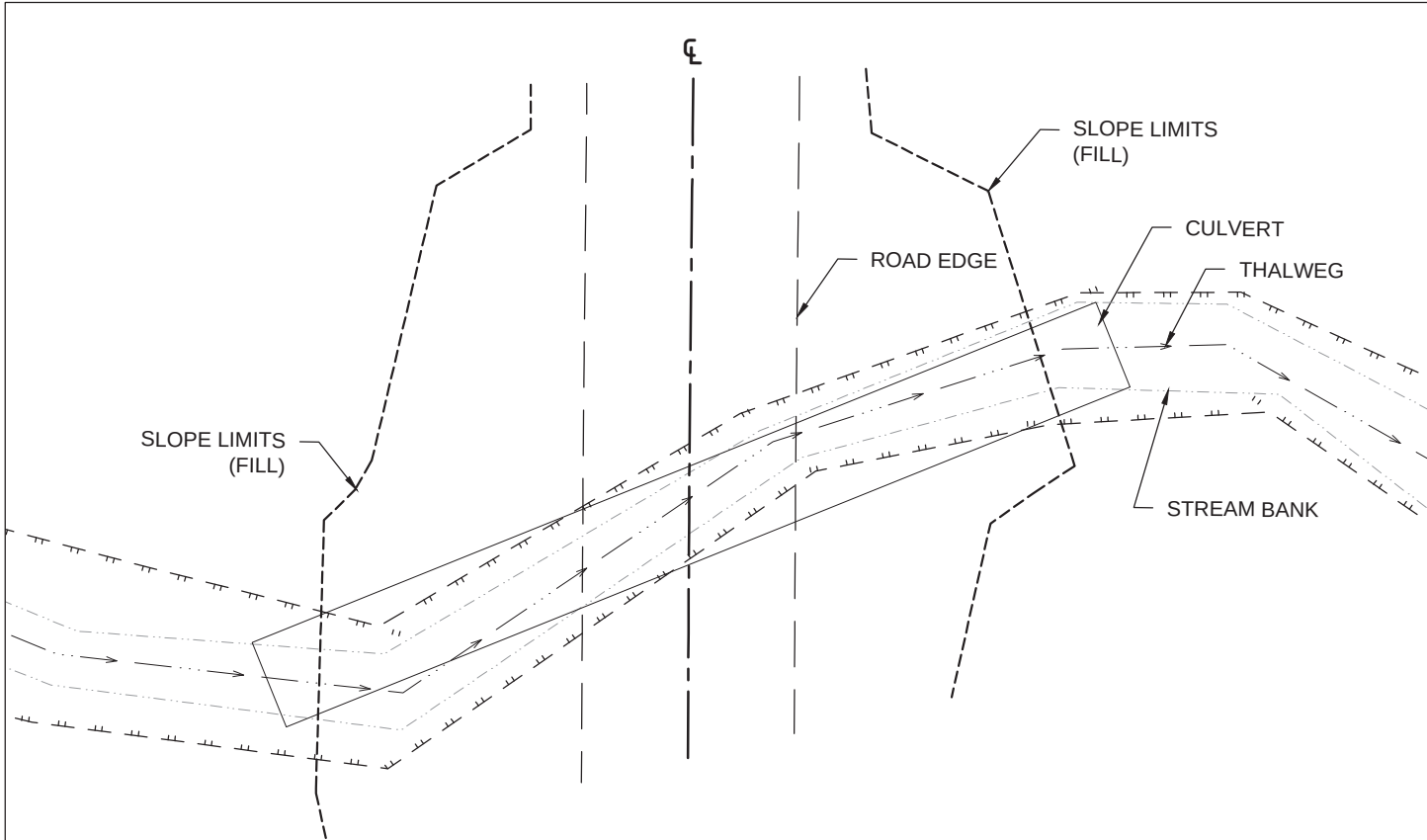
Culvert Stream Crossing Typical

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Unnamed small streams
Proposed Activity: New road construction
Sec.33 T.41S R.66E and Sec.4 T.42S R.66E Copper River Meridian
Lat.:N 58° 15' 39.27" Long.:W 134° 37' 35.82 "
Sheet 3 Date: 07/28/2017



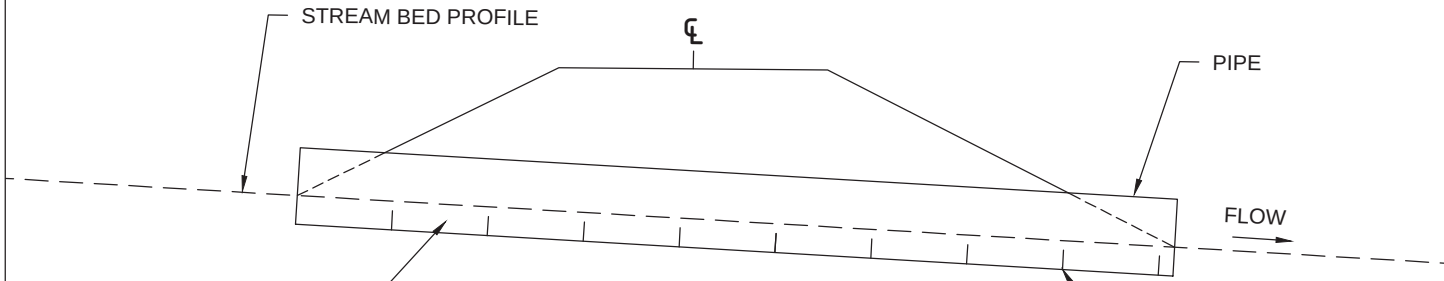
WEST DOUGLAS
ROAD PHASE II

Attachment B: Wetlands Fill Permit Application



PLAN VIEW

NTS

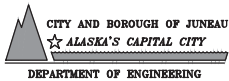


**TYPICAL FISH PASSAGE
BAFFLED CULVERT
SECTION**

FILL CULVERT WITH
STREAMBED MIX TO
EMBEDMENT DEPTH

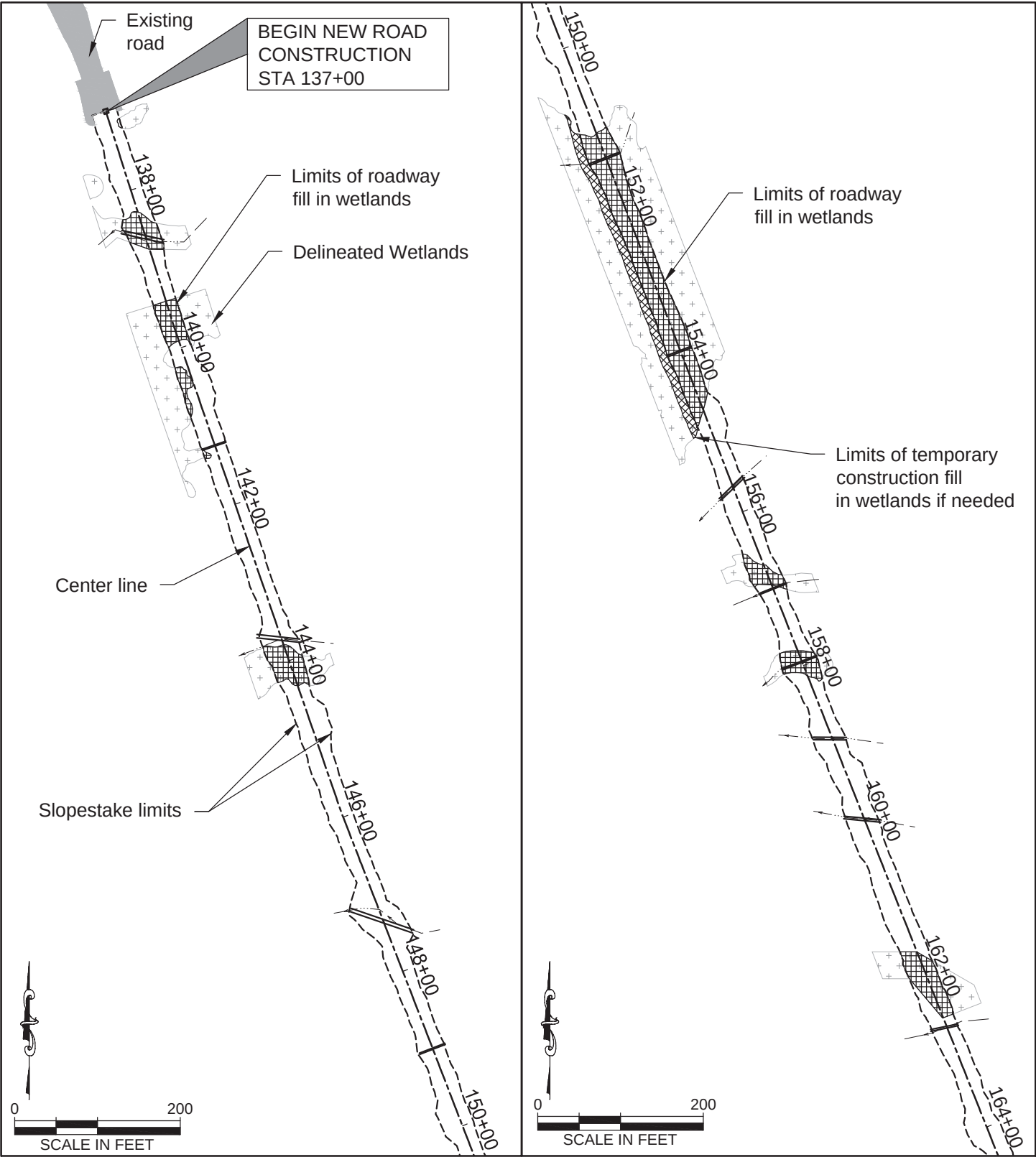
WATER TIGHT SUBSTRATE
RETENTION BAFFLES

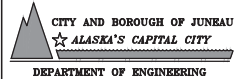
Culvert Stream Crossing Typical

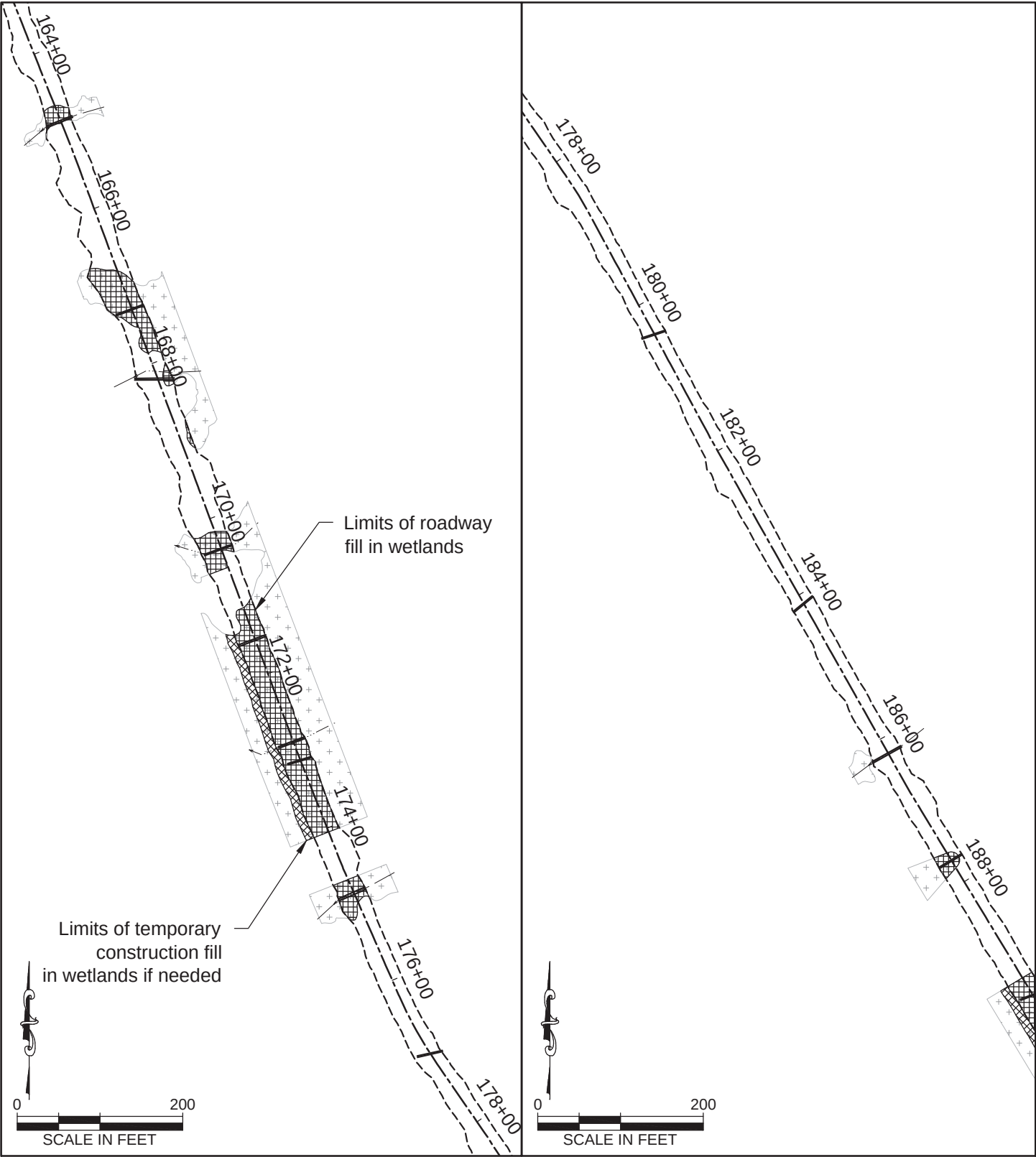


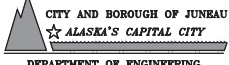
**WEST DOUGLAS
ROAD PHASE II**

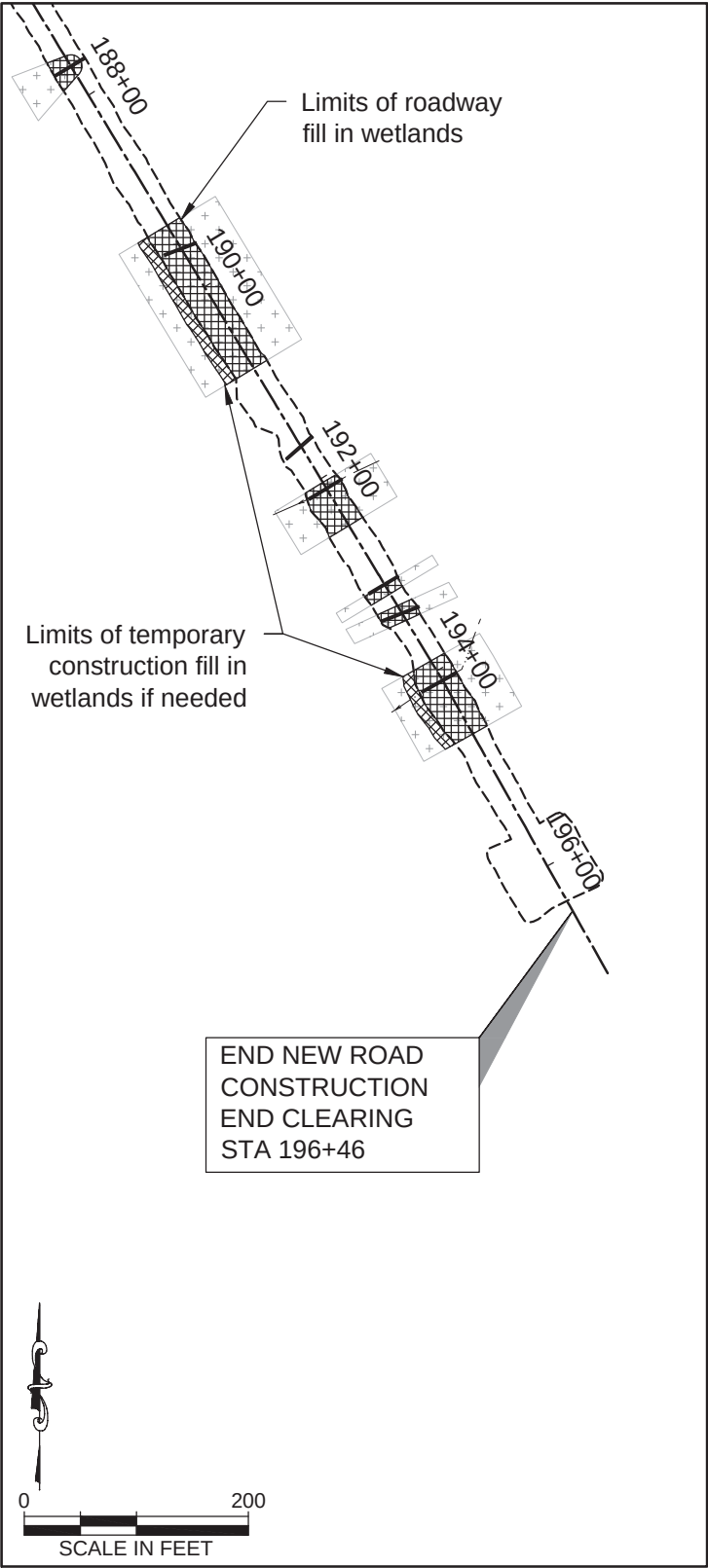
Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Unnamed small streams
Proposed Activity: New road construction
Sec.33 T.41S R.66E and Sec.4 T.42S R.66E Copper River Meridian
Lat.:N 58° 15' 39.27" Long.:W 134° 37' 35.82 "
Sheet 4 Date: 07/28/2017



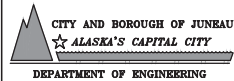
Plan View Stations 137+00 (BOP) to 164+00  CITY AND BOROUGH OF JUNEAU ALASKA'S CAPITAL CITY DEPARTMENT OF ENGINEERING WEST DOUGLAS ROAD PHASE II	Applicant: City & Borough of Juneau File No.: POA- Waterway: Unnamed small streams Proposed Activity: New road construction Sec.33 T.41S R.66E and Sec.4 T.42S R.66E Copper River Meridian Lat.:N 58° 15' 39.27" Long.:W 134° 37' 35.82 " Sheet 5 Date: 07/28/2017
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Plan View Stations 164+00 to 188+00	Applicant: City & Borough of Juneau File No.: POA- Waterway: Unnamed small streams Proposed Activity: New road construction Sec.33 T.41S R.66E and Sec.4 T.42S R.66E Copper River Meridian Lat.:N 58° 15' 39.27" Long.:W 134° 37' 35.82 " Sheet 6 Date: 07/28/2017
 CITY AND BOROUGH OF JUNEAU ALASKA'S CAPITAL CITY DEPARTMENT OF ENGINEERING WEST DOUGLAS ROAD PHASE II	



Plan View
Stations 188+00 to 197+00 (EOP)



**WEST DOUGLAS
ROAD PHASE II**

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Unnamed small streams
Proposed Activity: New road construction
Sec.33 T.41S R.66E and Sec.4 T.42S R.66E Copper River Meridian
Lat.:N 58° 15' 39.27" Long.:W 134° 37' 35.82 "
Sheet 7
Date: 07/28/2017

MEMORANDUM

State of Alaska Department of Fish and Game Division of Habitat

TO: Jackie Timothy
Southeast Regional Supervisor

DATE: 6/29/2017

FILE NO: 58.2935° N, 134.6661° W

SUBJECT: North Douglas Highway
Extension Phase II Trip Report

FROM: Greg Albrecht 
Habitat Biologist

PHONE NO: (907) 465-6384

On June 13, 15, 20, and 21 I surveyed stream crossings on the City and Borough of Juneau's (CBJ) proposed North Douglas Highway Road Extension Phase II alignment with Division of Sport Fish Interns Zoey Kriegmont and Trace Strahle, and Habitat Biologist Nicole Legere. Phase I construction to station 136+00 is nearly complete and the CBJ intends to continue 6,000 feet of additional construction to Middle Creek this summer and fall (Figure 1). We evaluated streams by electrofishing up and downstream of crossings, measuring stream gradients, and characterizing fish habitat visually. Conditions on our first two survey days were dry, following a two week period with little rain. Heavy rain fell prior to our last two days of surveying.

We documented resident fish presence and fish habitat upstream of the road alignment at stations 138+65, 143+72, and 147+20 and a fish habitat permit for a structure designed to pass fish will be required at these locations. We captured no fish upstream of all other crossings and structures providing upstream passage will not be required. Survey notes, waypoints, and station maps are presented in Appendix A with survey stations based on pink flagging found in the field.

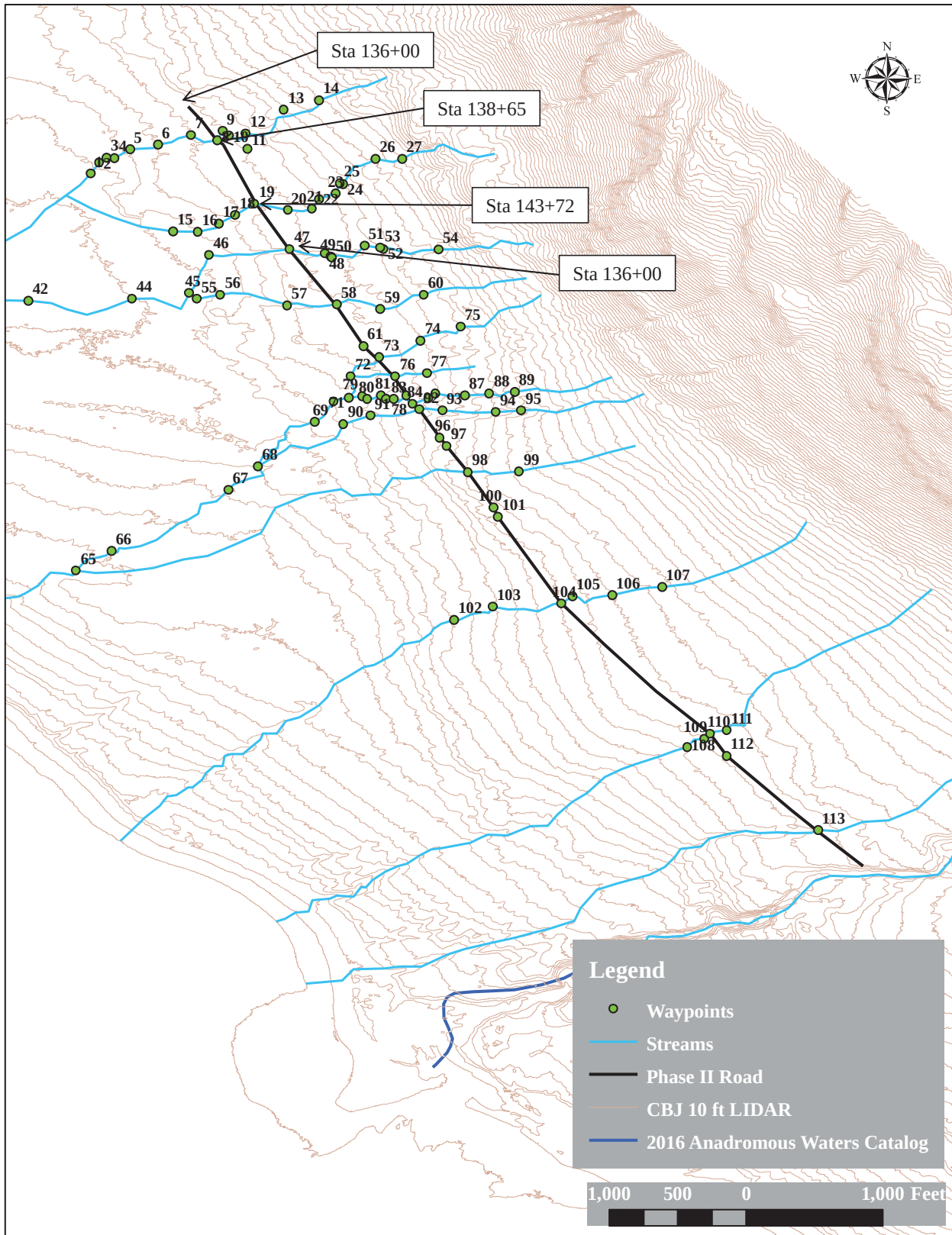


Figure 1.—Phase II area map.

APPENDIX A

Station 138+65 – Fish Habitat Permit required.

Surveyed 6/15 (Figure 1, Table 1.)

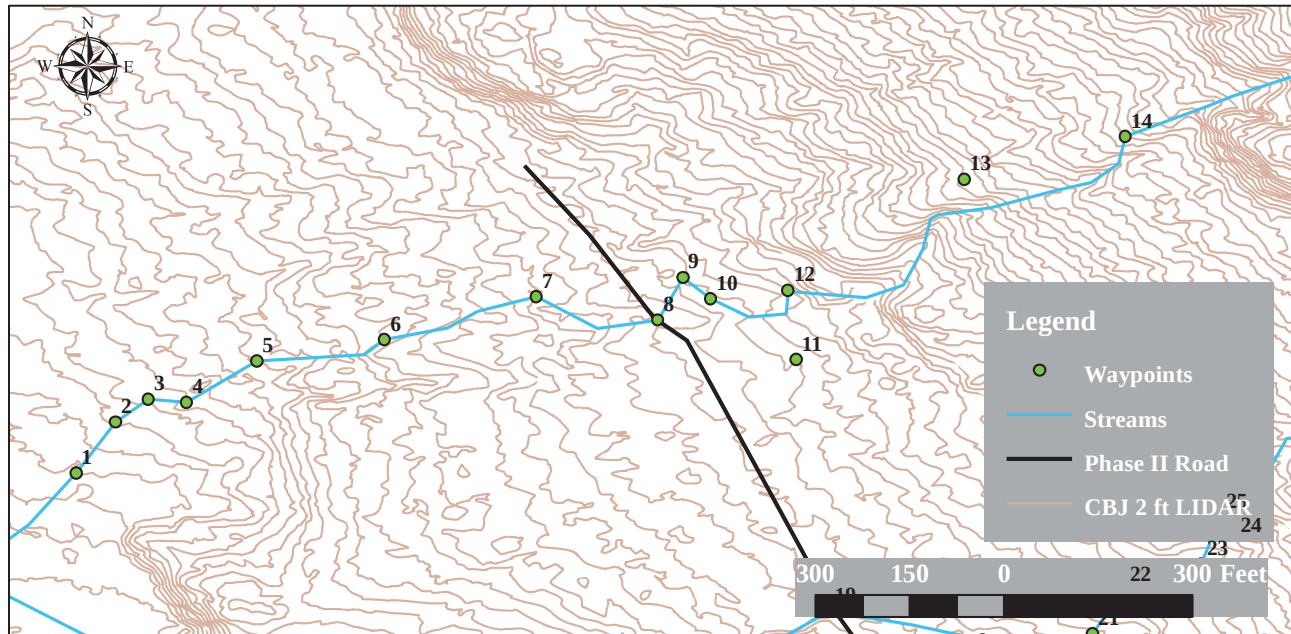


Figure 1.–Station 138+65 map.

Table 1.–Station 138+65 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
1	58.2669	-134.6341	Start survey at confluence with drainage on river right. Wetland area on river left.	EF	1 CT
2	58.2671	-134.6339	Intermittent flow.	EF	1 CT
3	58.2672	-134.6338	5-7 ft bedwidth.	EF	2 CT
4	58.2672	-134.6336		EF	1 CT
5	58.2674	-134.6333	5% gradient.	EF	
6	58.2675	-134.6328	Stream goes subsurface upstream of here for 80 ft.	EF	1 CT
7	58.2677	-134.6321	Stream reappears.	EF	
8	58.2676	-134.6316	Crossing location, 6% gradient.	EF	
9	58.2678	-134.6315	6% for 80 ft upstream to wpt 10.		
10	58.2677	-134.6314	6% for 44 ft upstream to wpt 11		
11	58.2674	-134.6310	8% upstream for 51 ft to wpt 12		
12	58.2677	-134.6310	Stream intermittent to here. 14% looking upstream.	EF	1 CT
13	58.2682	-134.6302	21% looking upstream here.	EF	
14	58.2684	-134.6295	15% looking upstream, end survey due to gradient increase >25% visible upstream.	EF	

Station 143+72 – Fish Habitat Permit required.
Surveyed 6/13 (Figure 2, Table 2).

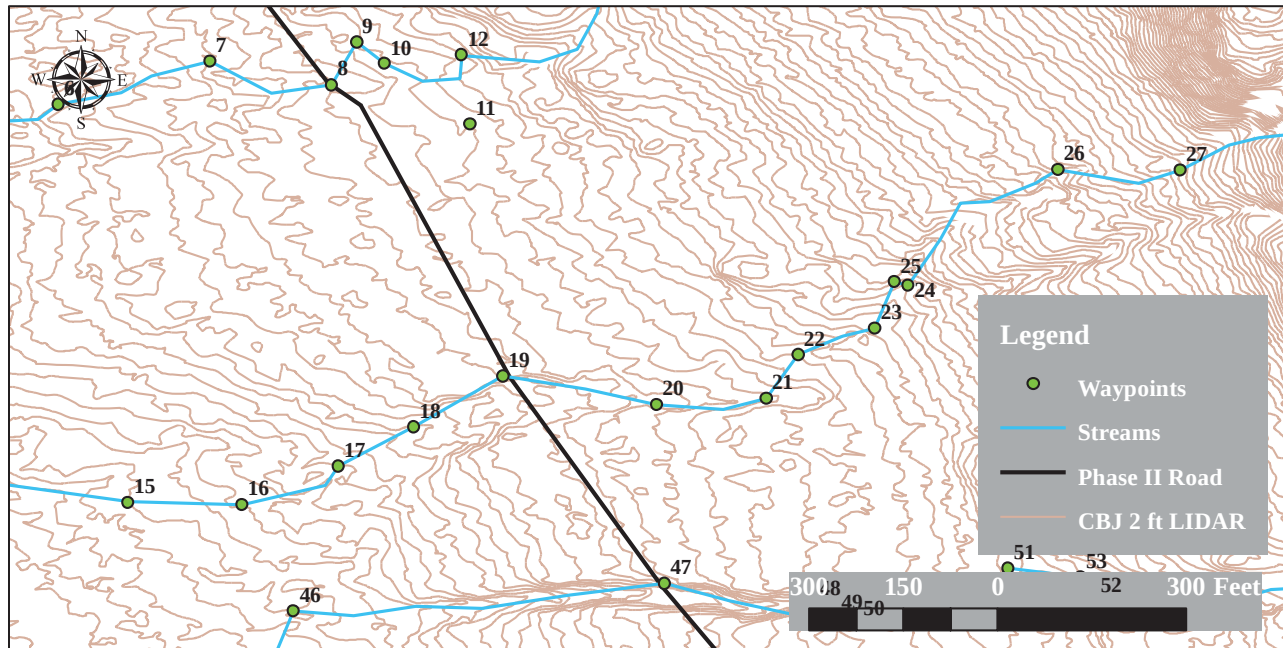


Figure 2.–Station 143+72 map.

Table 2.–Station 143+72 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
15	58.2658	-134.6325	Channel enters wetland and joins with others 300 ft downstream.	EF	
16	58.2657	-134.6320	Intermittent flow.	EF	2 CT
17	58.2659	-134.6316		EF	1 CT
18	58.2661	-134.6312	Channel goes sub surface here for 25 ft	EF	
19	58.2663	-134.6308	Gradient through crossing is 4%	EF	
20	58.2662	-134.6302	Gradient to here 4%, bed load spread out 6–8 ft wide, intermittent flow.	EF	
21	58.2662	-134.6297	Stream dry from here to 20.		
22	58.2664	-134.6295		EF	1 CT
23	58.2665	-134.6292	Gradient has increased to 8%, flow intermittent.	EF	
24	58.2667	-134.6291	Flow present at a trickle, step pool habitat.		
25	58.2667	-134.6291	13% gradient looking upstream.	EF	
26	58.2672	-134.6284	Gradient has increased to 18% up to this point, no flow.		
27	58.2672	-134.6279	Steepens to >25% upstream of here.		

Station 147+20 – Fish Habitat Permit required.

Surveyed 6/13 and 6/21 (Figure 3, Table 3).

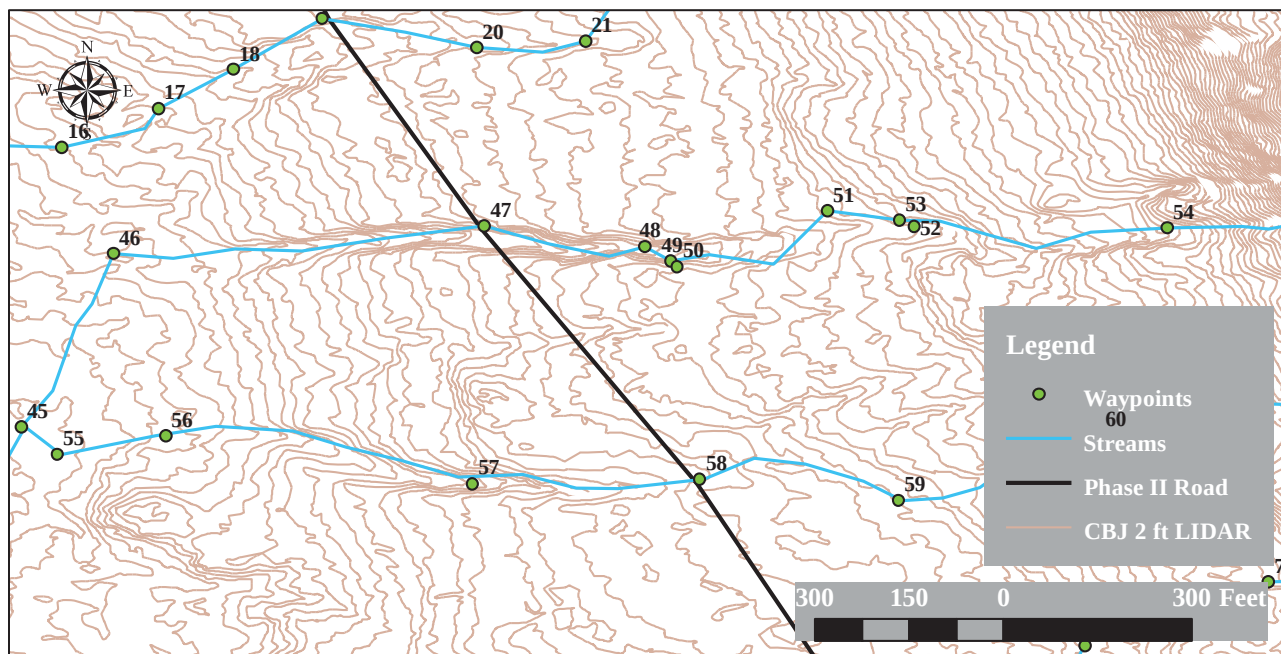


Figure 3.–Station 147+20 map.

Table 3.–Station 147+20 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
45	58.2645	-134.6322		EF	1 CT
46	58.2653	-134.6317	Tannic muskeg trib enters on river right, not investigating.		
47	58.2654	-134.6301	Crossing location, 8% gradient, average bankfull width is 4 ft based on 12 upstream measurements.		
48	58.2653	-134.6294		EF	1 CT
49	58.2653	-134.6293		EF	2 CT
50	58.2652	-134.6293	Channel goes subsurface for 30 ft.	EF	1 CT
51	58.2655	-134.6286		EF	1 CT
52	58.2654	-134.6283		EF	1 CT
53	58.2654	-134.6283	Transitions from 5-7% gradient to 12% here.	EF	2 CT
54	58.2654	-134.6271	Gradient is now 19%, flow is subsurface for >200 ft upstream, no channel or fish habitat present.		

Station 151+42

Surveyed 6/15 (Figure 4, Table 4).

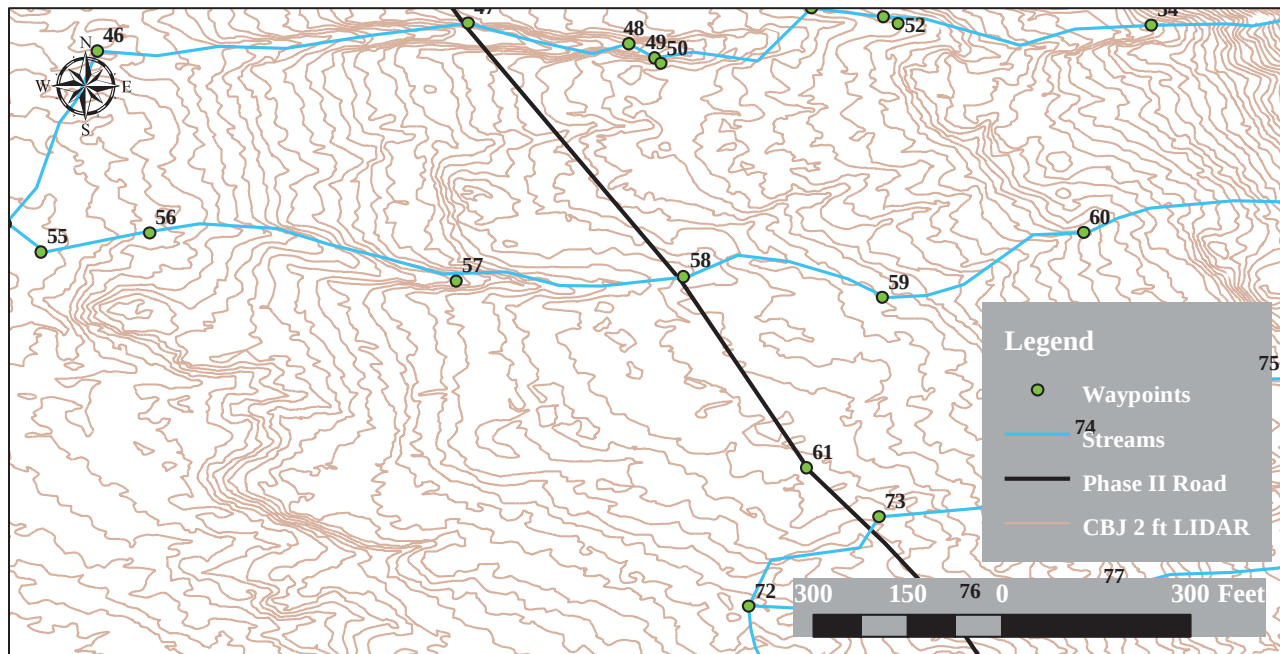


Figure 4.–Station 151+42 map.

Table 4.–Station 151+42 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
55	58.2644	-134.6320	50 ft from confluence with channel on river left.	EF	1 CT
56	58.2645	-134.6315	Fished pools every 10-50 ft. only a trickle of flow, though.	EF	
57	58.2643	-134.6302	8% gradient looking downstream, 10% for 35 ft looking upstream.	EF	
58	58.2643	-134.6292	7% gradient at crossing through step pools, no defined channel upstream.		
59	58.2642	-134.6283	Isolated 40 ft patch of stream channel here.		
60	58.2645	-134.6274	Iron rich wetland ponds up to this point with organic substrate, no channel. Gradient 12% here and steepens upstream.	EF	

Station 153+92

Surveyed 6/15 (Figure 4, Table 5).

Table 5.–Station 138+65 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
61	58.2635	-134.6287	No channel of any kind upstream of crossing.		

Station 155+68

Surveyed 6/15 (Figure 5, Table 6).

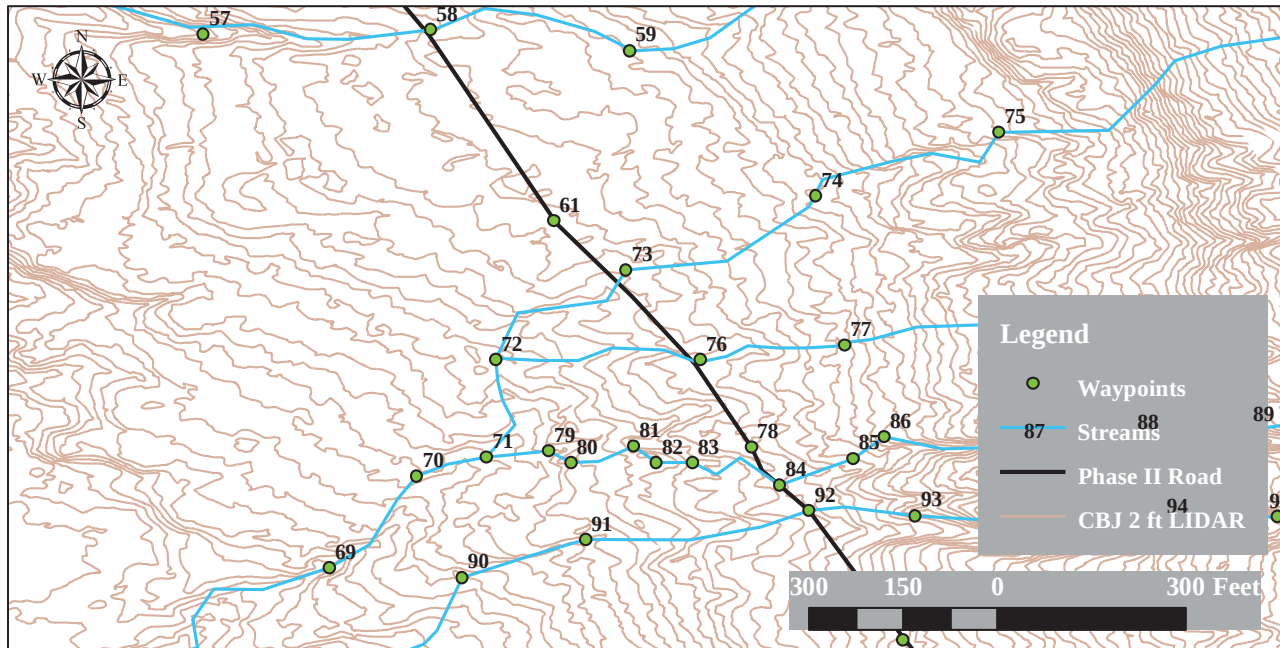


Figure 5.–Station 155+68 map.

Table 6.–Station 155+68 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
69	58.2619	-134.6296	DV or CT sighted, but not captured.	EF	
70	58.2623	-134.6292	Subsurface flow for 20 ft, then dry for 15 more ft.		
71	58.2624	-134.6289	Trib enters river left, proceeding river right.		
72	58.2629	-134.6289	Intermittent, fork on river left dry, proceeding river right. 3% gradient here.	EF	1 DV
73	58.2632	-134.6283	Crossing location, 2% gradient.	EF	
74	58.2636	-134.6275	Stream intermittent and subsurface. Gradient 5-6%, then jumps to 9% over 56 ft.		
75	58.2638	-134.6267	Dry trib enters river right, proceeding river left at 14% gradient for 30 ft then increases to 20% for 45 ft upstream and steepens from there. No flow, channel reduced to organics.		

Station 157+02

Surveyed 6/15 (Figure 5, Table 7).

Table 7.—Station 157+02 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
76	58.2629	-134.6280	No flow or channel, wetland depression, proceeding upstream.	EF	
77	58.2629	-134.6274	No fish habitat, just wetland with periodic organic bottom ponds and channel. Gradient 8% downstream and 12% upstream of here.	EF	

Station 157+95,

Surveyed 6/15 (Figure 5, Table 8).

Table 8.—Station 157+95 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
78	58.2625	-134.6278	Wetland with periodic organic channel. Dry, no fish habitat here or upstream.		

Station 158+95

Surveyed 6/15 and 6/20 (Figure 6, Table 9).

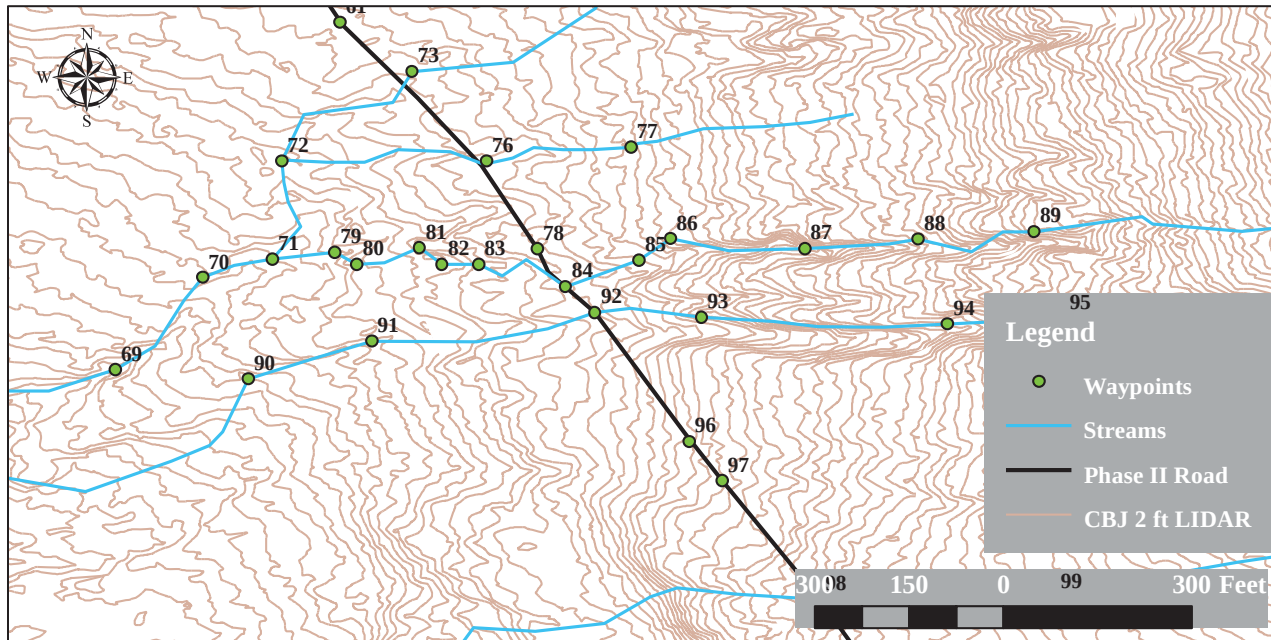


Figure 6.—Station 158+95 map.

Table 9.—Station 158+95 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
79	58.2625	-134.6287	Starting survey 30 ft upstream of confluence. Channel goes subsurface.		
80	58.2624	-134.6286	Channel reappears, then goes subsurface for 40 ft.		
81	58.2625	-134.6283	Channel reappears, then goes subsurface for 56 ft.		
82	58.2624	-134.6282		EF	1 DV
83	58.2624	-134.6280	14% gradient average up to here with only one fishable pool.	EF	
84	58.2623	-134.6277	6% gradient through crossing here. 2-3 ft average bedwidth.	EF	
85	58.2624	-134.6273	Three 6 in deep pools from crossing to here, no fish, 12% gradient looking 25 ft downstream, no flow, some gravel and step pools.	EF	
86	58.2625	-134.6272	No fish and 11% gradient to here.		
87	58.2625	-134.6266	No fish, trickle of water, 13% gradient to here, 24% upstream.		
88	58.2625	-134.6261	18% over 230 ft upstream of here.		
89	58.2625	-134.6256	Channel forks and gradient is >25%, end survey.		

Station 160+00

Surveyed 6/15 and 6/20 (Figure 7, Table 10).

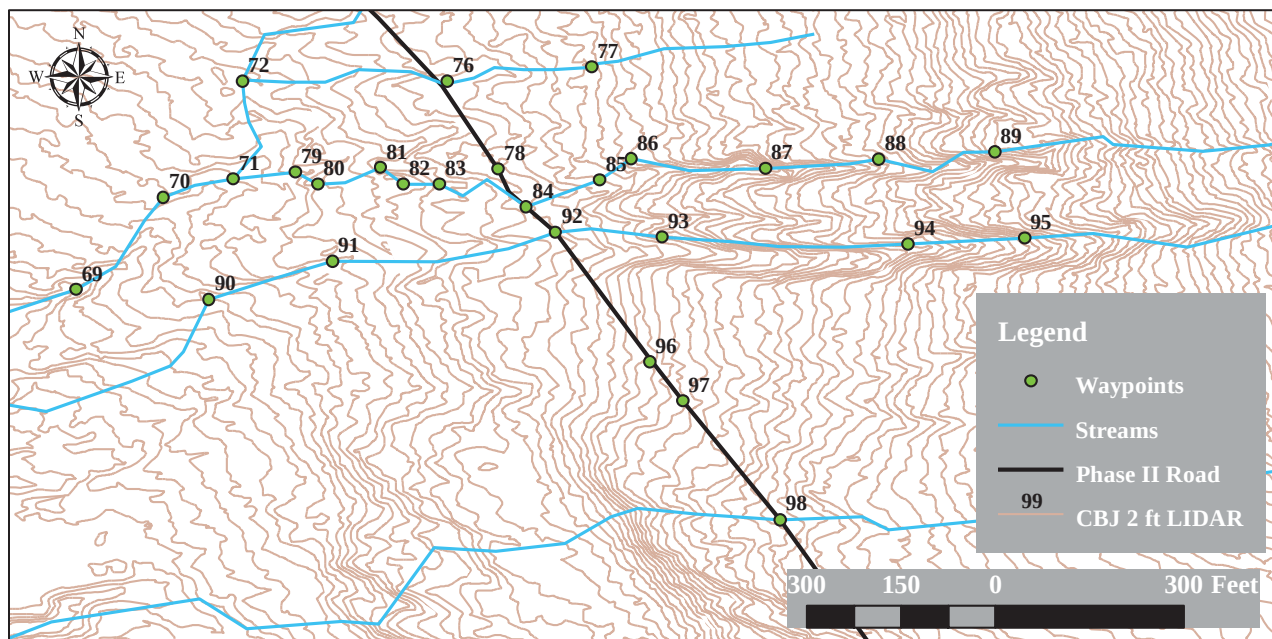


Figure 7.–Station 160+00 map.

Table 10.–Station 160+00 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
90	58.2619	-134.6291	Starting 300 ft upstream of confluence at waypoint 68.	EF	1 DV
91	58.2621	-134.6285	8-11% gradient through here, sufficient flow.	EF	
92	58.2622	-134.6275	10% gradient through crossing with a couple large step pools. 2-4 ft bedwidth.	EF	
93	58.2622	-134.6271	9% gradient to here, no fish, trickle of flow, but consistent and sufficient for fish habitat.	EF	
94	58.2621	-134.6260	10-13% gradient to here through step pools. Sufficient flow, no fish.	EF	
95	58.2622	-134.6255	25% gradient upstream, end survey.	EF	

Station 161+98

Surveyed 6/15 (Figure 7, Table 11).

Table 11.–Station 161+98 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
96	58.2616	-134.6271	Sloping wetland, no fish habitat.		

Station 162+58

Surveyed 6/15 (Figure 7, Table 12).

Table 12.—Station 162+58 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
97	58.2615	-134.6270	15% gradient through crossing, 16% looking downstream, stream 1-2 ft wide. No flow, no fish habitat. Steeper upstream of here.	EF	

Station 164+83

Surveyed 6/15 (Figure 8, Table 13).

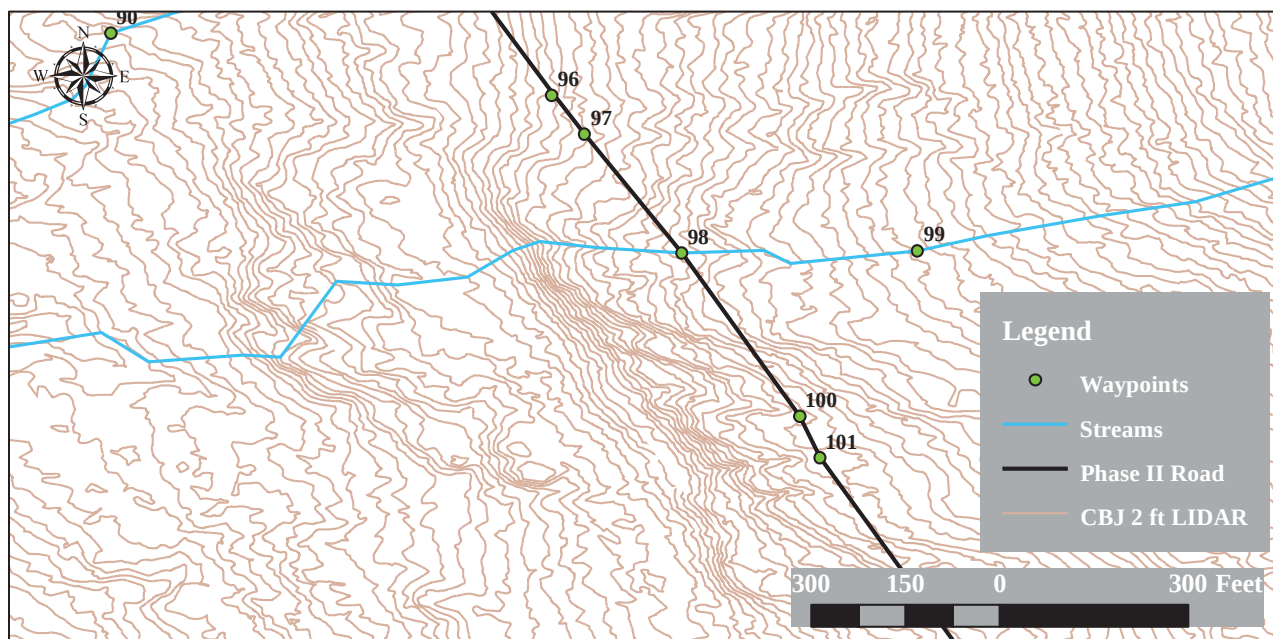


Figure 8.—Station 164+83 map.

Table 13.—Station 164+83 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
98	58.2609	-134.6266	12% through crossing, 1-2 ft bedwidth. Proceeding upstream.	EF	
99	58.2610	-134.6255	No defined channel or fish habitat up to here, end survey.	EF	

Station 167+52

Surveyed 6/15 (Figure 8, Table 14).

Table 14.—Station 167+52 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
100	58.2602	-134.6260	No stream channel, just skunk cabbage and standing water.		

Station 168+10

Surveyed 6/15 (Figure 8, Table 15).

Table 15.–Station 168+10 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
101	58.2600	-134.6260	30% gradient downstream, no channel or fish habitat.		

Station 174+71

Surveyed 6/21 (Figure 9, Table 16).

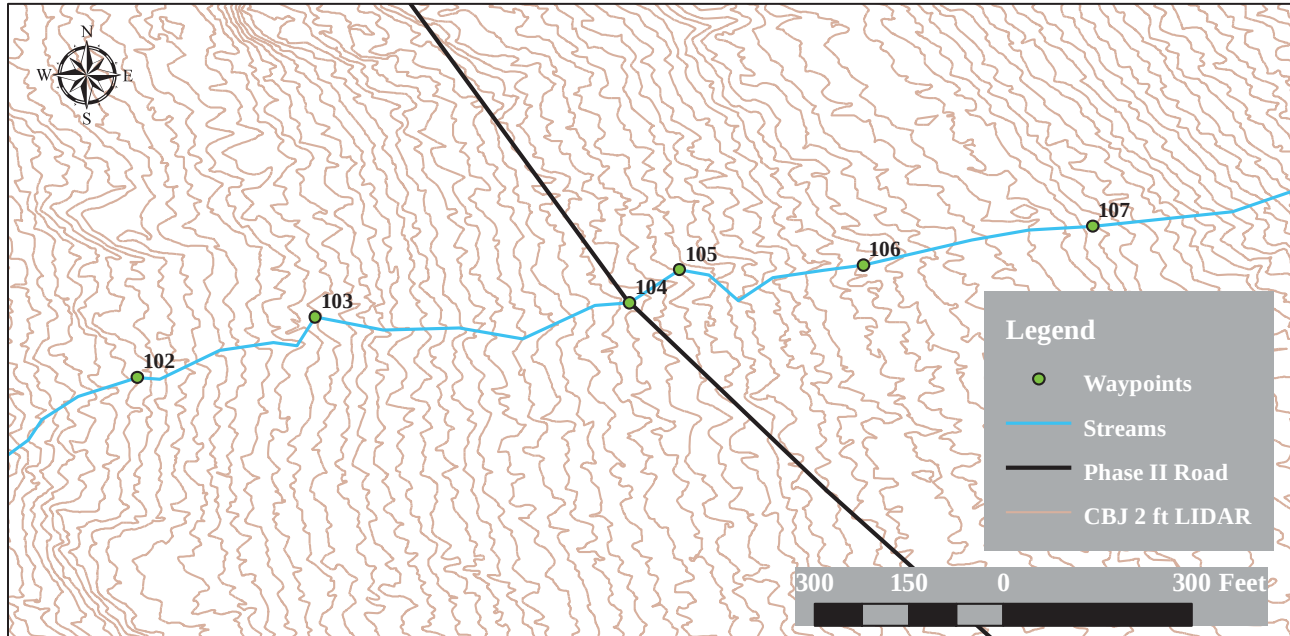


Figure 9.–Station 174+71 map.

Table 16.–Station 174+71 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
102	58.2580	-134.6268	Start survey, 2-3 ft bankfull average, 14% gradient looking upstream.	EF	
103	58.2582	-134.6261	Fished pools every 10-30 ft to here, no fish, subsurface for 20 ft, 15% gradient looking upstream.	EF	
104	58.2583	-134.6247	Creek was dry prior to rain, flowing at OHW now. 3.1 ft ave bankfull width. 8% through crossing.	EF	
105	58.2585	-134.6245	Subsurface for 10 ft upstream of here, gradient is 10% looking upstream, no fish.	EF	
106	58.2585	-134.6237	No fish to here, 7% looking upstream, fish habitat present, but expect the stream is dry much of the year.	EF	
107	58.2586	-134.6227	Flow reduced to a trickle from many wetland sources, no fish habitat, end survey.	EF	

Station 186+10

Surveyed 6/21 (Figure 10, Table 17).

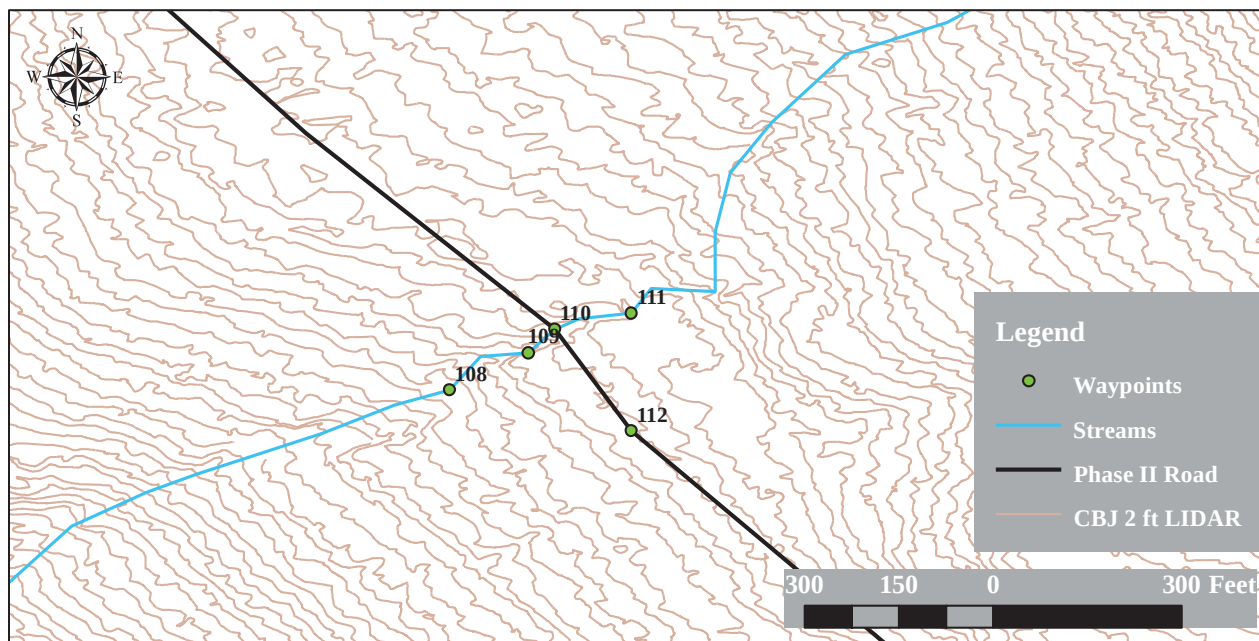


Figure 10.–Station 186+10 map.

Table 17.–Station 186+10 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
108	58.2554	-134.6222	Start survey downstream of 186 ft of braided wetland channels where flow is minimal and depth less than 3 in, gradient 8% looking downstream.	EF	
109	58.2556	-134.6218	No fish to here, 5% gradient, some pools, but flow during ordinary conditions would be a seep and would not expect fish presence.	EF	
110	58.2557	-134.6217	5% through crossing, 2-3 ft bankful, minimal flow.	EF	
111	58.2558	-134.6214	Stream splits and runs through ponded wetlands, no fish habitat.	EF	

Station 187+60

Surveyed 6/21 (Figure 10, Table 18).

Table 18.–Station 187+60 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
112	58.2553	-134.6214	Seep, no fish habitat.		

Station 194+00

Surveyed 6/21 (Figure 11, Table 19).

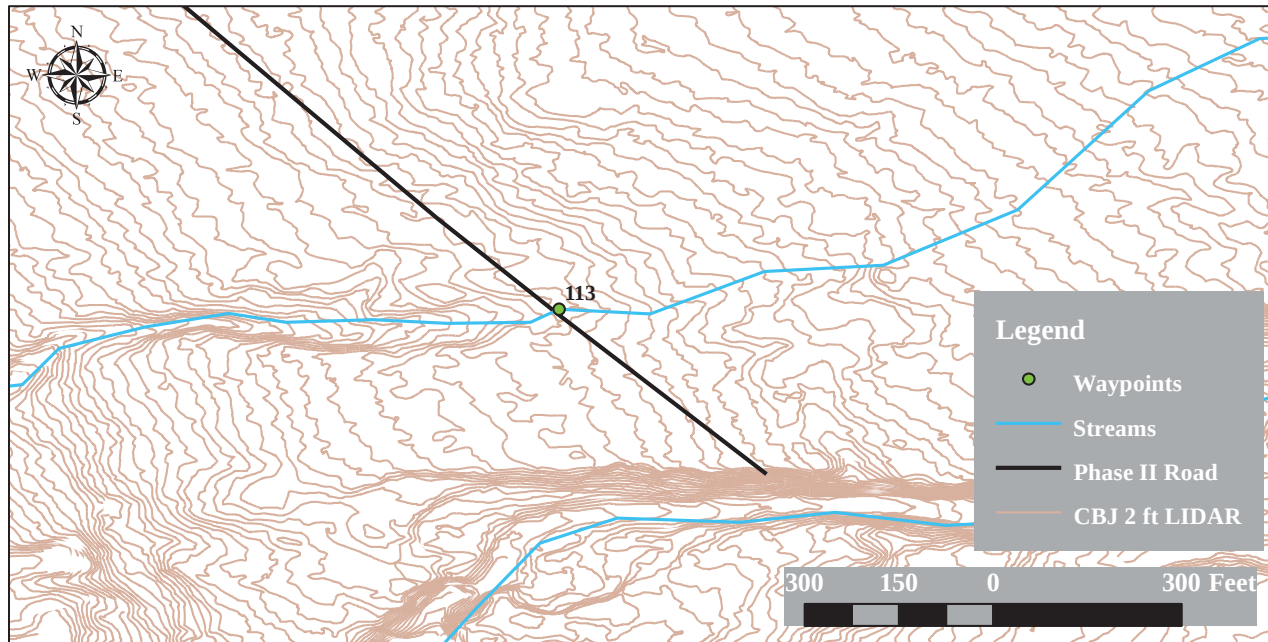


Figure 11.–Station 194+00 map.

Table 19.–Station 194+00 survey data.

Waypoint	Latitude	Longitude	Notes	Effort	Results
113	58.2538	-134.6195	Ponded step pools at 11% gradient. No defined channel, just water flowing over mossy ponds and through skunk cabbage. No fish habitat upstream.	EF	

Email cc:

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 Cindy Hartmann Moore, NMFS, Juneau

North Douglas Road Extension Wetland Delineation

July 2017



Bosworth Botanical Consulting
Koren Bosworth

**North Douglas Island Road Extension - 3rd mile - Wetland
Delineation Report
for
the City and Borough of Juneau
Douglas Island, Southeast Alaska**

Koren Bosworth
Bosworth Botanical Consulting
Juneau, Alaska

July 2017

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Introduction

The City and Borough of Juneau (CBJ) has received permits for and built approximately two miles of a pioneer road that is an extension of the North Douglas Highway along the northwest side of Douglas Island. They are now proposing to get permits for and build the approximately one mile remaining to Middle Creek. The North Douglas Road extension is to provide recreational access for the general public to West Douglas Island land. This report and associated maps are in support of that permitting.

Methods

The proposed road alignment extension was walked and delineated on June 12, 2017 with CBJ engineer Alan Steffert.

The Routine Determination delineation methodology was used, as outlined in the 1987 *Corps of Engineers Wetland Delineation Manual* and supplemented by the, *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Alaska Region* – November 2007.

A general reconnaissance of the site was accomplished from the CBJ 2013 aerial photography, two and ten foot contour interval lidar and reports and wetland maps from previous wetland work done in the area, including the Juneau Wetland Management Plan Update mapping, done in 2014. Preliminary road alignment stationing was used for locating wetland boundaries and streams. A 50 foot buffer on both sides of the alignment was assumed and used in the delineation. Representative sample points were done along the road alignment at any significant change in vegetation, soils or hydrology. At each sampling point, the wetland status of that point was determined by observing indicators of hydrophytic vegetation, hydric soil, and wetland hydrology. Wetland and upland areas were delineated by Bosworth Botanical Consulting and then field data was transferred to CAD and the final maps made by CBJ Engineering.

Vegetation was divided into three strata; tree, shrub, and forb, and each layer was classified using the prevalence index (a weighted-average wetland indicator status of all plant species in the sample plot) and the dominance test (more than 50% of the dominant plant species across all strata are rated obligate, facultative wet, or facultative). The 2014 U.S. Army Corps of Engineers *National Wetland Plant List –Alaska Region* was used to classify plants.

Hydrology was determined using two methods: (1) visually, if the water table is at or above the surface, or (2) with a soil pit. The presence of standing water, depth to free water in the soil pit, and depth to saturated soils was recorded. Other primary and secondary hydrology indicators were recorded, such as presence of watermarks, sediment deposits, drift deposits, iron deposits, hydrogen sulfide odor, geomorphic position, and drainage patterns in wetlands.

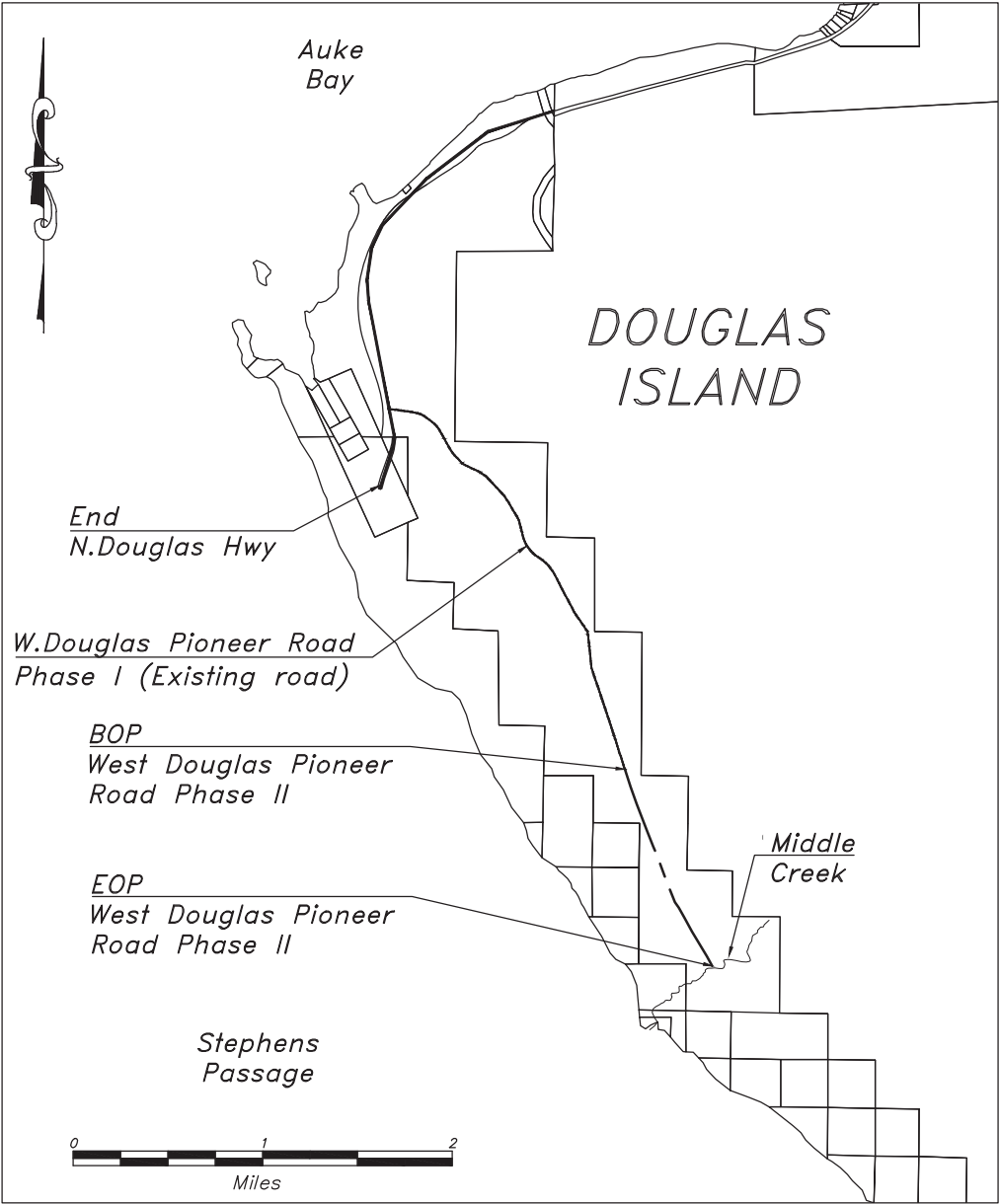
Soil pits were dug to a depth of 12-16 inches, or to bedrock or impermeable layer refusal, to determine if indicators of hydric soils were present. Soil colors were determined from a moist sample with the Munsell Soil Color Chart.

Streams and stream channels crossing the alignment were inventoried and classified in the field:

- ephemeral - flows only after rain or snow-melt and has no base-flow component or distinct channel.
- seasonal or intermittent - flows during certain times of the year when smaller upstream waters are flowing and when groundwater provides enough water for stream flow.

- perennial streams - a stream that has continuous flow in parts of its *stream* bed all year round during years of normal rainfall

The stream lengths across the alignment and its buffers were assumed to be 100 feet.



Project Area

Geology and Geomorphology

The road alignment lies almost entirely on a combination of raised bedrock marine terrace and the upper part of large alluvial fans (Miller 1978). The glaciomarine sediments is composed of a mixture of clay, silt, sand, gravel-sized particles and remains of marine shells. This glaciomarine layer extends up to almost 500ft. above sea level. Over the glaciomarine layer are superimposed four large and several smaller, active, alluvial fans. These fans occur where each of the principal tributaries of Peterson Creek (and the more southern streams that flow directly into the ocean) descends from upland slopes to meet the broad gently-sloping marine terrace. These fans show up on aerial photography as areas with large course tree crowns and deep canopy holes indicating large trees on relatively well-drained productive areas. Between the fans with their relatively course, well-drained alluvial sediments are the relatively impermeable glaciomarine sediments whose slow percolation results in forested wetlands dominated by western hemlock, skunk cabbage and blueberry. Though the proposed road alignment has been designed to avoid going through them there are several large bedrock outcrops just above and below the alignment. The following maps show the general geology and geomorphology of the area but do not go down as far as Middle Creek.

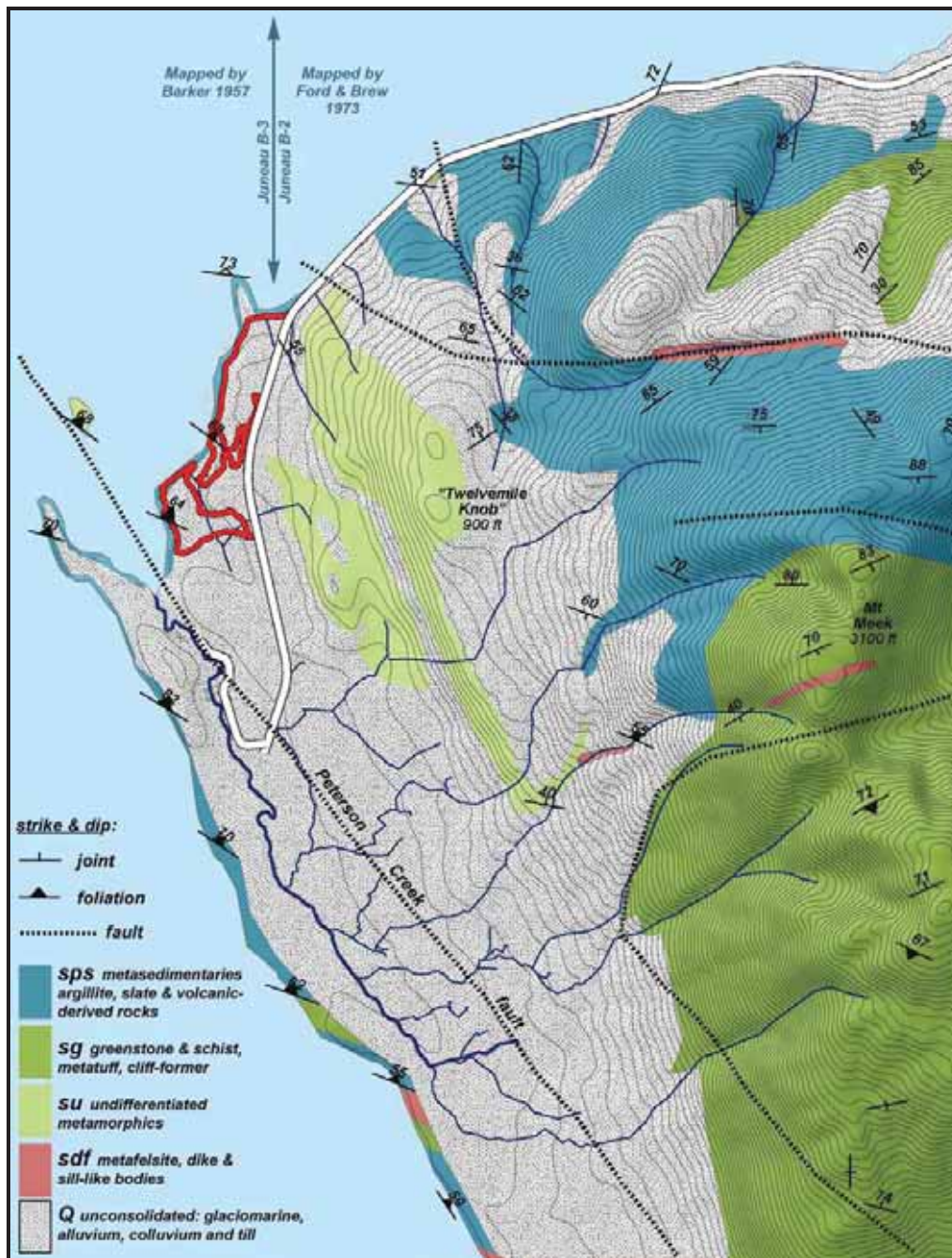


Figure 1 - Geology Map (Carestensen)



Figure 2 - Geomorphology map (Carestensen)

Hydrology

This section of the road extension is just past the large Peterson Creek watershed but crosses many small and intermediate sized streams that flow directly into the ocean at Stephens Passage. Approaching the mountain slopes to the east, there are four large and two or three smaller fan deposits where steep, sediment-laden streams make their transition onto the beach terraces. The proposed road alignment crosses the middle to upper sections of these fans. Characteristically, flood waters passing through these fans will find, make and abandon old and new flood routes. The form and drainage pattern associated with fans is suggested in Figure 3. This fan pattern is believed to be the principal cause of most of the multiple channel areas identified along the proposed alignment. For this reason, flow lines in such multiple channel areas are likely to be dynamic in volume and in location, particularly as a result of heavy fall storms.

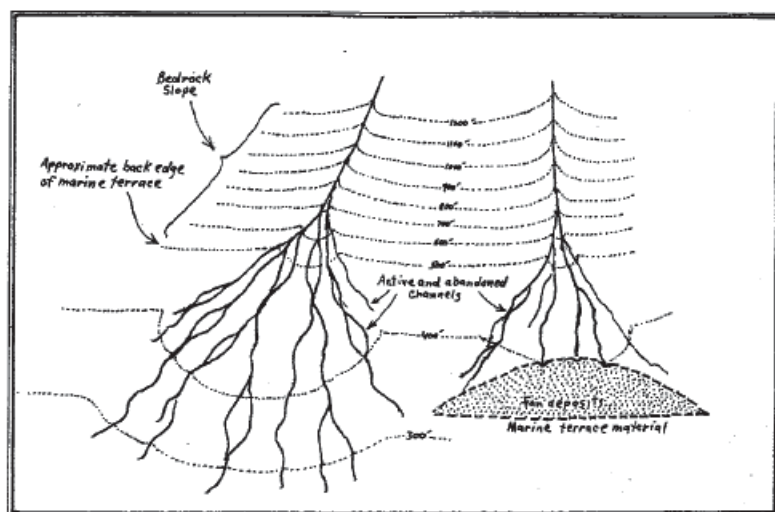


Figure 3 - Alluvial fan structure as in the area of the alignment.(Environaid)

Bedload sediment carried by the active, higher gradient, streams crossing the alignment, in many places has been deposited at the confluence of the high gradient stream with a lower gradient branch. The consequence has been ponding and backwatering of the low gradient branches.

Soils

The soils of the project area are directly related to the geomorphology and hydrology. The areas underlain by the relatively impermeable glaciomarine sediments have wetland soils of the Maybeso and Wadleigh Series. The steeper upland and bedrock slopes of the project area are primarily shallow to bedrock Tolstoy Series soils. The well-drained, gravely, alluvial soils along the larger streams and alluvial fans of the project area are mostly of the Kuprenoff Series

Project Area Wetland Soils Descriptions

MAYBESO SERIES

The Maybeso Series consists of very deep, very poorly drained soils formed from decomposing organic matter which overlies glacial till. These soils occur on broad ridgetops, mountainsides, and valley sideslopes. Slopes range from 5 to 60 percent. The mean annual temperature is about 45 degrees F., and the average annual precipitation is about 100 inches.

Taxonomic Class: Loamy-skeletal, mixed, euic Terric Cryosaprists

Typical Pedon: Maybeso mucky peat -- under forest vegetation. (All colors are for moist soil).

Oi--0 to 1/2 inch; living mosses and partially decomposed forest litter; abrupt wavy boundary. (1/2 to 1 inch thick)

Oe--1/2 to 4 inches; black (5YR 2.5/1, broken face and pressed) mucky peat; 80 percent fiber content unrubbed, 50 percent rubbed; common fine and medium roots and few coarse roots; extremely acid (pH 4.3); clear wavy boundary. (3 to 6 inches thick)

Oa1--4 to 13 inches; dark reddish brown (5YR 2.5/2, broken face and pressed) muck; 15 percent fiber content unrubbed, trace when rubbed; nonsticky, slightly plastic; few skunk cabbage roots; very strongly acid (pH 4.5); clear wavy boundary. (7 to 15 inches thick)

Oa2--13 to 23 inches; black (5YR 2.5/1, broken face and pressed) muck; 40 percent fiber content unrubbed, 5 percent rubbed; about 10 percent wood fragments by volume; few skunk cabbage roots; very strongly acid (pH 4.5); clear wavy boundary. (7 to 15 inches thick)

C1--23 to 26 inches; very dark brown (10YR 2/2) gravelly sandy loam with pockets of sedge peat; massive; nonsticky, slightly plastic; very strongly acid (pH 5.0); clear wavy boundary. (0 to 5 inches thick)

C2--26 to 60 inches; olive gray (5Y 4/2) very gravelly sandy loam; massive; weakly cemented; 60 percent gravel; very strongly acid (pH 5.0).

Hue of the organic horizons ranges from 5YR to 10YR; value moist of 1 to 3.

Geographic Setting: Maybeso soils occur on broad ridgetops, hillslopes, gentle to steep benches, backslopes and summits of mountains, and footslopes and toeslopes of valleys. The substratum is glacial till of mixed mineralogy. The climate is humid maritime with a mean annual precipitation of about 100 inches. The mean annual air temperature is about 45 degrees F, and the mean summer air temperature is about 55 degrees F. The mean annual soil temperature is about 42 degrees F, and the mean summer soil temperature is about 47 degrees F. The slope gradient commonly is less than 35 percent, but the range is 5 to 60 percent. Elevation ranges from sea level to 1100 feet.

Drainage And Permeability: Very poorly drained. Very slow permeability in the glacial till substratum. Runoff is very slow.

Use and Vegetation: Maybeso soils are used for watershed protection, wildlife habitat, recreation, and timber production. The overstory vegetation is dominantly western red cedar, mountain hemlock, and Alaska-cedar, with lesser amounts of western hemlock and Sitka spruce in the Ketchikan area of Southeast Alaska. Western red cedar is replaced by western hemlock as the dominant overstory species North of Petersburg, Alaska. The understory vegetation is dominantly blueberry and red huckleberry, with lesser amounts of skunk cabbage and marsh marigold.

Distribution And Extent: Southeast Alaska. The series is extensive..



Figure 4 - Mucky peats of the Maybeso series - uplifted marine terraces along the road alignment.



Figure 5 - High water table in soil pit at sample pt. 2.



Figure 6 - Redox features in the marine silts at sample pt. 2.

WADLEIGH SERIES

The Wadleigh series consists of shallow soils over paralithic compact till. These poorly drained soils formed in glacial till on moraines, drumlins, and hillslopes. Slopes range from 5 to 75 percent. Mean annual temperature is 45 degrees F., and the average annual precipitation is about 120 inches.

Taxonomic Class: Loamy-skeletal, mixed, superactive, shallow Typic Cryaquods

Typical Pedon: Wadleigh gravelly silt loam - on a south facing, single, slope of 34 percent at 200 feet elevation on a drumlin under conifer vegetation. (All colors are for moist soil unless otherwise stated.)

Oi--5 to 4 inches; undecomposed forest litter peat; many fine and few medium and coarse roots; abrupt smooth boundary. (1 to 6 inches thick)

Oe--4 to 0 inches; black (5YR 2.5/1) mucky peat; friable, nonsticky, nonplastic, many fine and few medium and coarse roots; common pockets of very dusky red (2.5YR 2/2) mucky peat; extremely acid (pH 4.0); abrupt smooth boundary. (2 to 10 inches thick)

E--0 to 3 inches; light brownish gray (10YR 6/2) gravelly silt loam; weak fine subangular blocky structure; slightly sticky, slightly plastic; many fine, few medium and coarse roots; common pockets of dark reddish gray (5YR 4/2); many fine and medium, interstitial pores; 30 percent gravel; extremely acid (pH 4.2); abrupt smooth boundary. (0 to 4 inches thick)

Bhs--3 to 6 inches; dark reddish brown (5YR 2.5/2) very gravelly silt loam; weak moderate granular structure parting to weak fine granular; very friable, slightly sticky, slightly plastic; many fine and medium

interstitial pores; common pockets of dark brown (7.5YR 4/2); 50 percent gravel; very strongly acid (pH 4.8); clear wavy boundary. (3 to 12 inches thick)

Bs--6 to 10 inches; olive gray (5YR 5/2) extremely gravelly silt loam; few, large, prominent red (2.5YR 4/6) mottles; weak fine subangular blocky structure; brittle when moist and wet; very weakly cemented and discontinuous; 60 percent gravel; strongly acid (pH 5.5); clear wavy boundary. (0 to 4 inches thick)

Cd--10 to 60 inches; olive gray (5Y 5/2) extremely gravelly silt loam; massive; brittle when moist and wet; very weakly cemented and discontinuous; 70 percent gravel; strongly acid (pH 5.5).

Geographic Setting: The Wadleigh soils occur on moraines, drumlins, and hillslopes. The parent material is glacial till of mixed mineralogy. The climate is humid maritime with mean annual precipitation of 120 inches. The mean annual air temperature is 45 degrees F and the average summer air temperature is 55 degrees F. The mean annual soil temperature above the compact till is about 42 degrees F. The average summer soil temperature above the compact till is 46 degrees F. The slope gradient is commonly less than 35 percent, but may range from 5 to 75 percent. Elevation ranges from sea level to 2000 feet.

Drainage And Permeability: Poorly drained. Moderate permeability above the compact glacial till layer, very slowly permeable in the compact glacial till layer. Runoff is slow under native vegetation, however, if the surface organic horizon is disturbed the runoff is medium to rapid.

Use and Vegetation: The Wadleigh soils are used for wildlife habitat, recreation, watershed protection, and timber production. The overstory vegetation is mainly western redcedar and western hemlock with some Sitka spruce. The understory vegetation is dominantly blueberry, rusty menziesia, skunk cabbage, and marsh marigold.

Distribution and Extent: Southeast Alaska. The series is extensive.

Project Area Upland Soils Descriptions

TOLSTOI SERIES

The Tolstoi series consists of shallow to bedrock, well and moderately well drained soils that formed in colluvium and residuum on gently sloping to extremely steep shoulders and backslopes of mountains and valleysides. Slopes range from 5 to 120 percent. Mean annual precipitation is about 100 inches, and the mean annual temperature is 45 degrees F.

TAXONOMIC CLASS: Loamy-skeletal, mixed, superactive Lithic Humicryods

TYPICAL PEDON: Tolstoi very fine sandy loam - on a SE facing broken slope of 10 percent at 300 feet elevation under conifer forest vegetation. (All colors are for moist soil).

Oi--4 to 2 inches; undecomposed forest litter.

Oe--2 to 0 inches; dark reddish brown (5YR 2.5/2) mucky peat; friable, nonsticky, nonplastic; common coarse, many medium, fine, and very fine roots; extremely acid (pH 4.2); clear smooth boundary. (1 to 8 inches thick)

E--0 to 1 inch; dark reddish gray (5YR 4/2) very fine sandy loam; weak medium subangular blocky structure; friable, nonsticky, nonplastic; common coarse, many medium, fine, and very fine roots; very strongly acid (pH 4.5); clear wavy boundary. (1/2 to 3 inches thick)

Bhs--1 to 3 inches; dark reddish brown (5YR 3/2) very fine sandy loam; moderate medium subangular blocky structure; friable, nonsticky, nonplastic; common fine and very fine roots; very strongly acid (pH 4.5); clear irregular boundary. (2 to 19 inches thick)

Bs1--3 to 6 inches; dark reddish brown (5YR 3/4) gravelly fine sandy loam; moderate medium subangular blocky structure; friable, nonsticky, nonplastic; common fine and very fine roots; 15 percent gravel; very strongly acid (pH 4.5); clear broken boundary. (0 to 4 inches thick)

Bs2--6 to 15 inches; yellowish red (5YR 4/6) very gravelly fine sandy loam; massive; 55 percent gravel; very strongly acid (pH 4.8); abrupt wavy boundary.

R--15 inches; sandstone.

GEOGRAPHIC SETTING: The Tolstoi soils occur on mountainslopes and valleysides. These soils formed in colluvium and residuum. The climate is humid maritime with annual precipitation ranging from 65 to 200 inches. The annual temperature ranges from 40 to 45 degrees F. Slopes range from 5 to 120 percent. Elevation ranges from sea-level to 3000 feet.

DRAINAGE AND PERMEABILITY: Moderately well or well drained. Moderate over moderately rapid permeability. Medium to rapid runoff.

USE AND VEGETATION: The Tolstoi soils are used for timber production, watershed protection, wildlife habitat, and recreation. The overstory vegetation is dominantly western hemlock and Sitka spruce with lesser amounts of western redcedar and Alaska-cedar. The understory vegetation is blueberry, red huckleberry, rusty menziesia, ferns, and mosses.



Figure 7 - Well-drained soil with a lot of decomposed wood on one of the alluvial fans.

Vegetation

The project area vegetation patterns correspond to the hydrologic and soils patterns of the overall area. The well-drained slopes of the alluvial fans and the few outcrops of bedrock along the alignment are mostly forested upland vegetation. The poorly drained marine terraces between the alluvial fans have large patches of forested wetlands.

- **Upland**

The upland vegetation is a Sitka spruce (*Picea sitchensis*) and western hemlock (*Tsuga heterophylla*) forest with an understory of early blueberry (*Vaccinium ovalifolium*), false azalea (*Menziesia feruginnea*) spiny wood fern (*Dryopteris expansa*), oak fern (*Gymnocarpium dryopteris*) and dwarf dogwood (*Cornus canadensis*) (Figure 8).

Particularly large-treed upland forest patches are found on the large alluvial fans spaced across the project area.



Figure 8 - Upland understory of *Gymnocarpium dryopteris* and non-hydric soil at sample pt. 1.

- **Forested Wetlands (PFO4)**

Most of the forested wetland in the project area is a western hemlock forest with an understory of early and Alaska blueberry and skunk cabbage (*Lysichiton americanum*) (Figures 9 & 10). They are usually found on shallowly sloping lowland areas with poorly-draining glaciomarine sediments underlying shallow (1.5-3 feet) mucky peats. This is actually the only wetland type found within the proposed road alignment.



Figure 9 - Typical forested wetland on the poorly-draining glaciomarine sediments between alluvial fans along the road alignment.



Figure 10 - Forested wetland at sample pt. 2 with skunk cabbage dominant in the understory.

Project Area Plant List

Scientific name/ common name/ indicator status

Picea sitchensis/Sitka spruce/FACU
Tsuga heterophylla /Western hemlock/FAC
Vaccinium ovalifolium/ early blueberry/FAC
Vaccinium alaskanum/ Alaska blueberry/FAC
Menziesia ferruginea/false azalea/FACU
Alnus sinuata/Sitka alder/FAC
Rubus spectabilis/ salmonberry/FACU
Oplopanax horridum / devils club/FACU
Dryopteris expansa (dilatata) /shield fern/FACU
Gymnocarpium dryopteris/ oak fern/ FACU
Lysichiton americanum/ skunk cabbage/OBL
Coptis asplenifolius/ goldthread/FAC
Cornus canadensis/ dwarf dogwood/FACU
Rubus pedatus/ trailing raspberry/FAC

Athyrium felix-femina/lady fern/FAC
Streptopus amplexifolius/ twisted stalk/FACU
Heracleum lanatum/cow parsnip/FACU
Circium alpinum/enchanters nightshade/FACW
Equisetum arvense/ horsetail/ FAC
Athyrium felix-femina/lady fern /FAC
Tiarella trifoliata/foamflower/FAC

Table 1 - Definitions for Wetland Indicator Codes (Lichvar, 2014)

Indicator Code	Type	Comment
OBL	Obligate Wetland	Almost always occur in wetlands. With few exceptions, these plants (herbaceous or woody) are found in standing water or seasonally saturated soils (14 or more consecutive days) near the surface.
FACW	Facultative Wetland	Usually occur in wetlands, but may occur in non-wetlands. These plants predominately occur with hydric soils, often in geomorphic settings where water saturates the soils or floods the soil surface at least seasonally.
FAC	Facultative	Occur in wetlands and non-wetlands. These plants can grow in hydric, mesic, or xeric habitats. The occurrence of these plants in different habitats represents responses to a variety of environmental variables other than just hydrology, such as shade tolerance, soil pH, and elevation, and they have a wide tolerance of soil moisture conditions.
FACU	Facultative Upland	Usually occur in non-wetlands, but may occur in wetlands. These plants predominately occur on drier or more mesic sites in geomorphic settings where water rarely saturates the soils or floods the soil surface seasonally.
UPL	Obligate Upland	Almost never occur in wetlands. These plants occupy mesic to xeric non-wetland habitats. They almost never occur in standing water or saturated soils. Typical growth forms include herbaceous, shrubs, woody vines, and trees.
NI	No indicator	Insufficient information was available to determine an indicator status.

Results**Table 2 - Wetland data for the road alignment.**

notes	stationing	length at p-line	width	approx. sq. ft.	approx. acreage	*acreage calc. in CAD
wetland	137+50 uphill		50			602
wetland	138+29 - 138+75	46	100	4600	0.106	3360
wetland	139+41 - 139+91	50	100	5000	0.114	10450
wetland downhill side	140+23 - 140+72 downhill	49	50	2450	0.056	3941
wetland	143+80 - 144+32	52	100	5200	0.119	4985
wetland	151+10 - 154+69	359	100	35900	0.824	37024
wetland	156+70 - 156+95	25	100	2500	0.057	2574
wetland	157+81 - 158+13	32	100	3200	0.073	2123
SP #2 (sample pt.)	164+69					
wetland	164+67 - 164+89	22	100	2200	0.05	1874
wetland uphill only	167+02 - 168+38 uphill	136	100	13600	0.312	10541
wetland downhill	170+17 - 171+63 downhill	146	50	14600	0.335	4188
wetland	171+15 - 174+05	290	100	29000	0.666	29749
wetland	174+67 - 174+98	31	100	3100	0.071	3715
SP#1 (sample point)	184+82					
wetland	186+10					819
wetland	187+50 - 187+70	20	100	2000	0.046	1815
wetland	189+26 - 190+75	149	100	14900	0.342	14900
wetland	191+94 - 192+39	45	100	4500	0.103	4500
wetland swale 5'	192+95 - 193+00	5	100	500	0.011	1000
wetland swale 15'	193+15 - 193+30	15	100	1500	0.034	1510
wetland	193+80 - 194+55	75	100	7500	0.172	7500
				152250	3.491	147170
						*3.37 acres

Table 3- Stream data for the road alignment.

stream type	stationing	Cowardin stream class	perennial stream length /R3SB3 in linear ft.	intermittent stream length / R4SB3/R4UB4 in linear ft.	ephemeral stream length / R4UB4 in linear ft.
medium perennial stream/fish stream	138+65	R3SB3	100		
medium perennial stream/fish stream	143+72	R3SB3	100		
medium perennial stream/fish stream	147+20	R3SB3	100		
small intermittent stream	151+55	R4UB4			
ephemeral stream	153+90	R4UB4			100
small intermittent stream	155+68	R4SB3		100	
small intermittent stream	157+02	R4UB4		100	
small intermittent stream	157+95	R4UB4		100	
small intermittent stream	158+95	R4SB3		100	
small intermittent stream	160+00	R4SB3		100	
small intermittent stream	162+67	R4UB4		100	
small intermittent stream	164+95	R4UB4		100	
small intermittent stream	168+10	R4UB4		100	

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stream						
ephemeral stream	170+40	R4UB4			100	
ephemeral stream	171+56	R4UB4			100	
small intermittent stream	172+88	R4SB3			100	
small intermittent stream	174+85	R4SB3			100	
small intermittent stream	186+10	R4SB3			100	
ephemeral stream	187+60	R4UB4				100
ephemeral stream	191+60	R4UB4				100
ephemeral stream	192+00	R4UB4				100
ephemeral stream	194+00	R4UB4				100
			300		1300	500
					Total	2,100 linear feet

Conclusions

There are 3.37 acres of PFO4 wetlands in 19 different units along the proposed road corridor. They tend to be clumped in the sections of the road located on the marine terrace, between the well-drained alluvial fans. There are 22 streams with 2,100 linear feet of length that cross the road alignment. 300 feet of ephemeral stream, 1,300 feet of intermittent stream and 500 feet of perennial stream.

Wetland delineation maps are attached as Appendix A.

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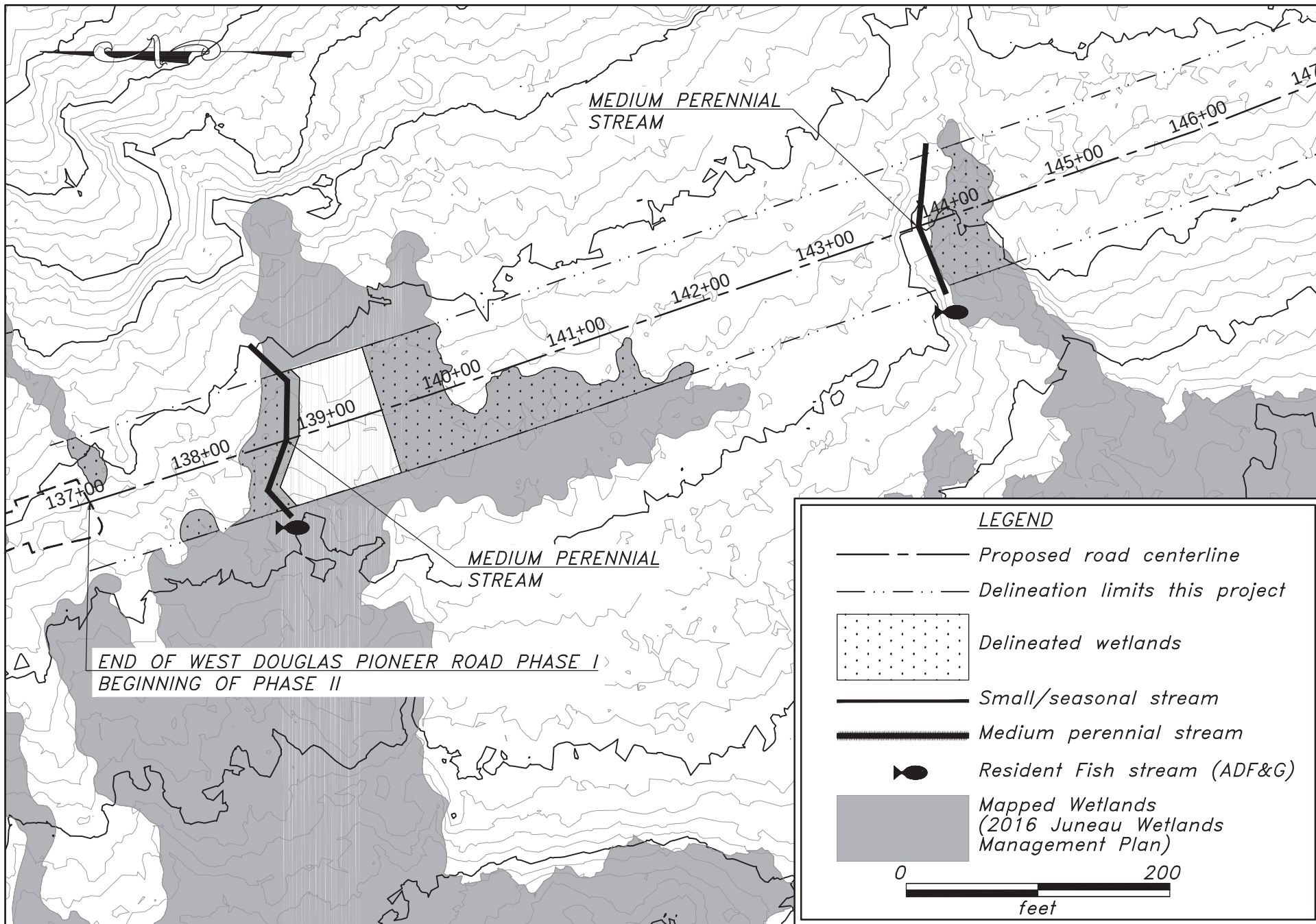
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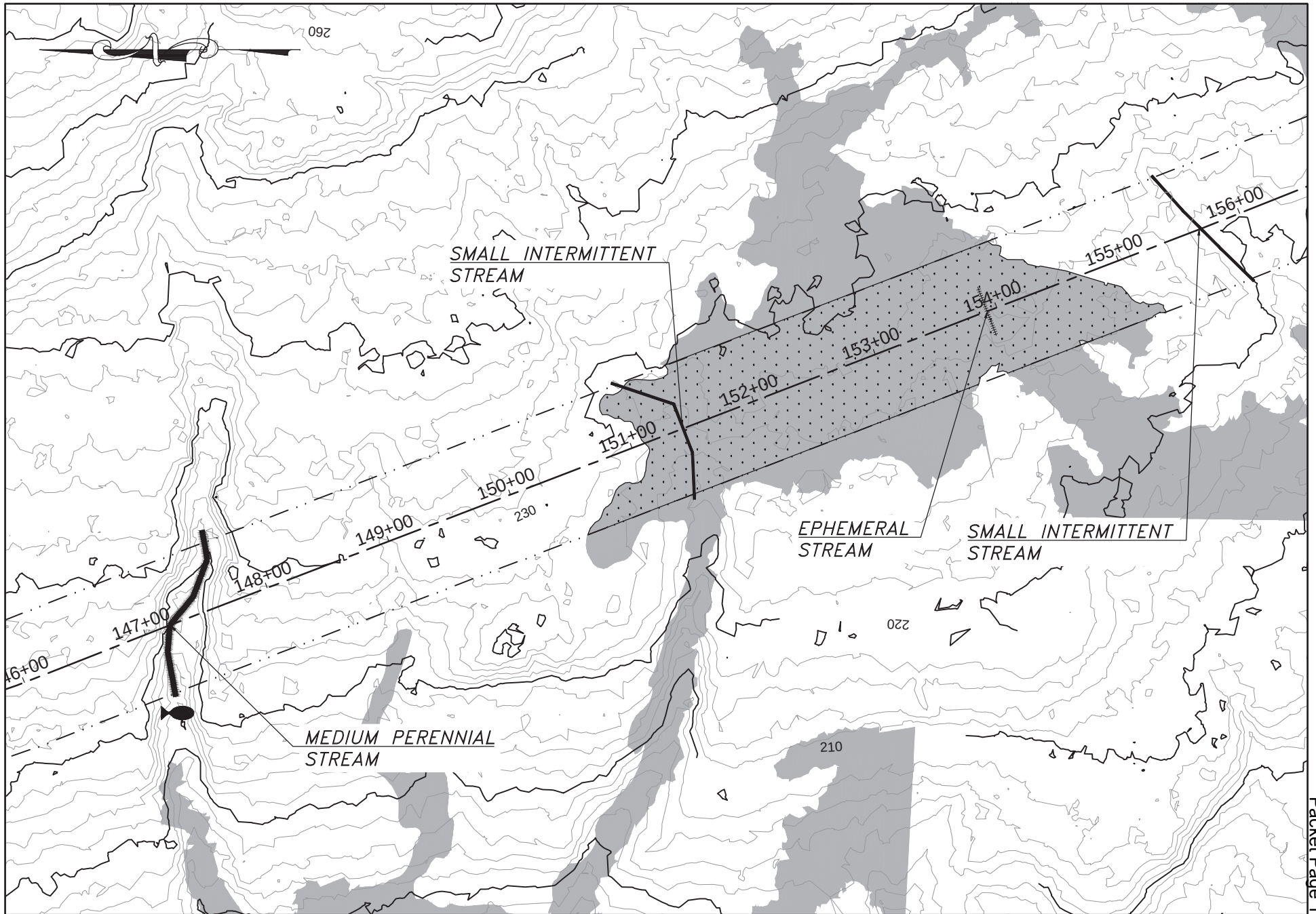
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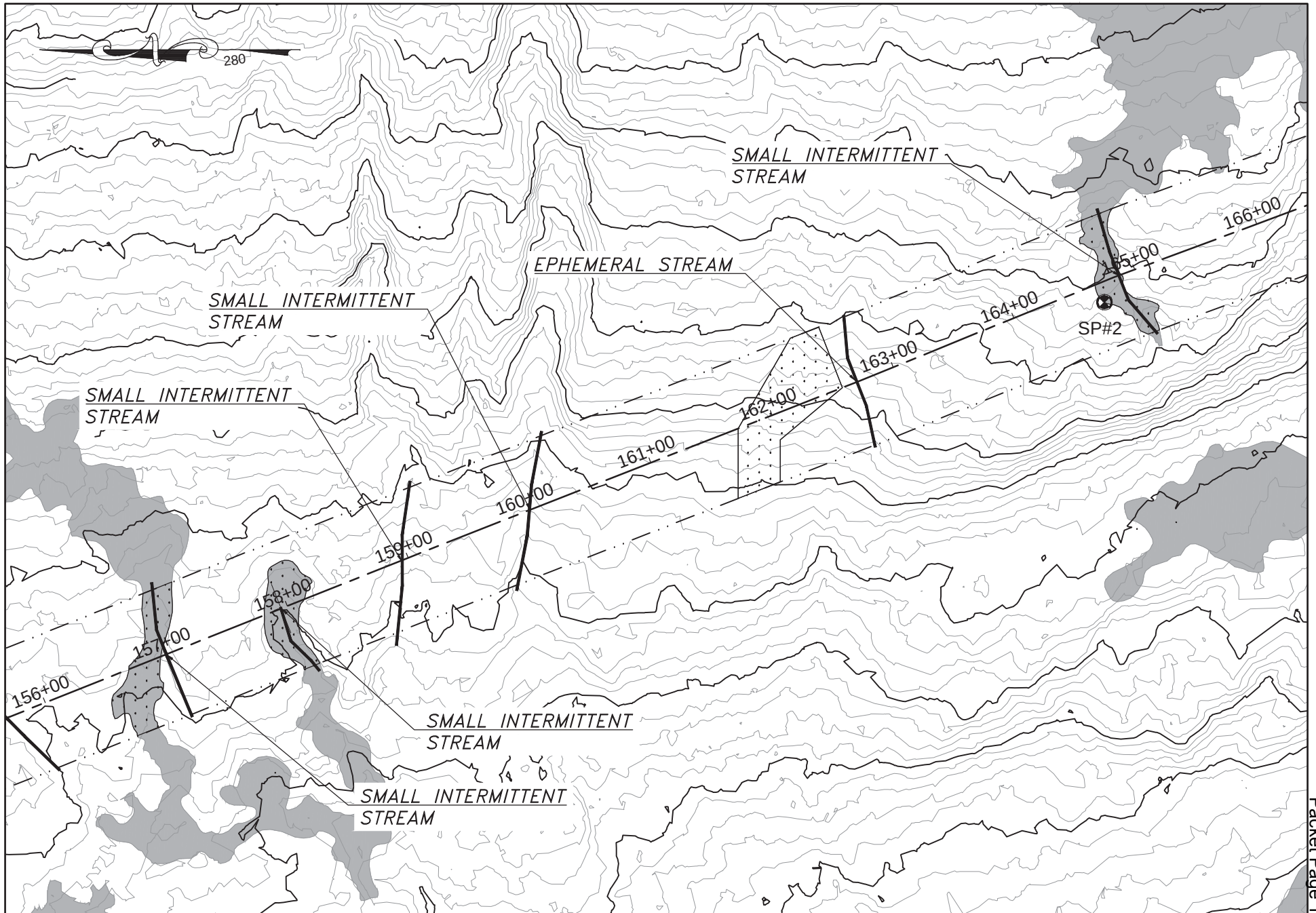
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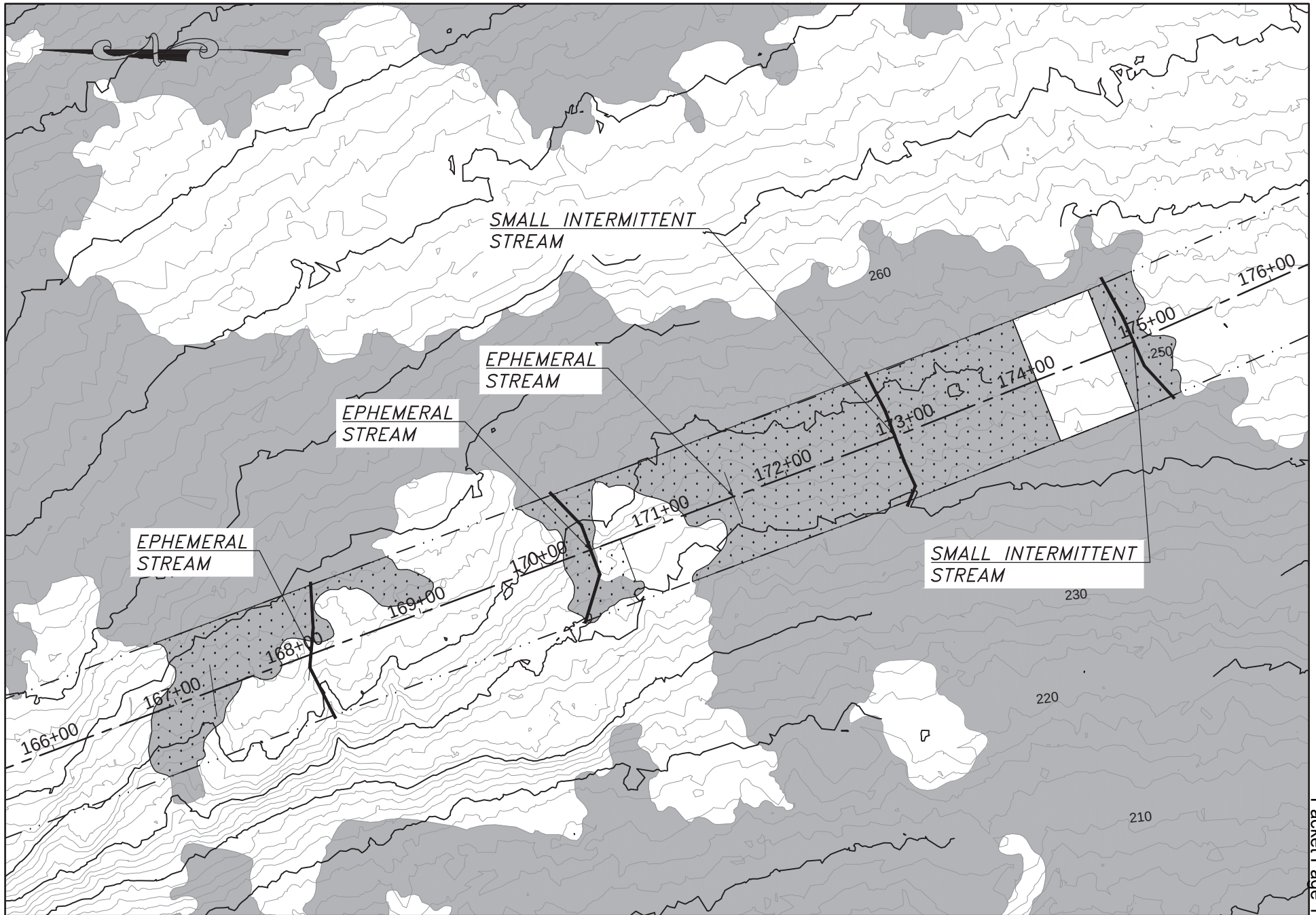
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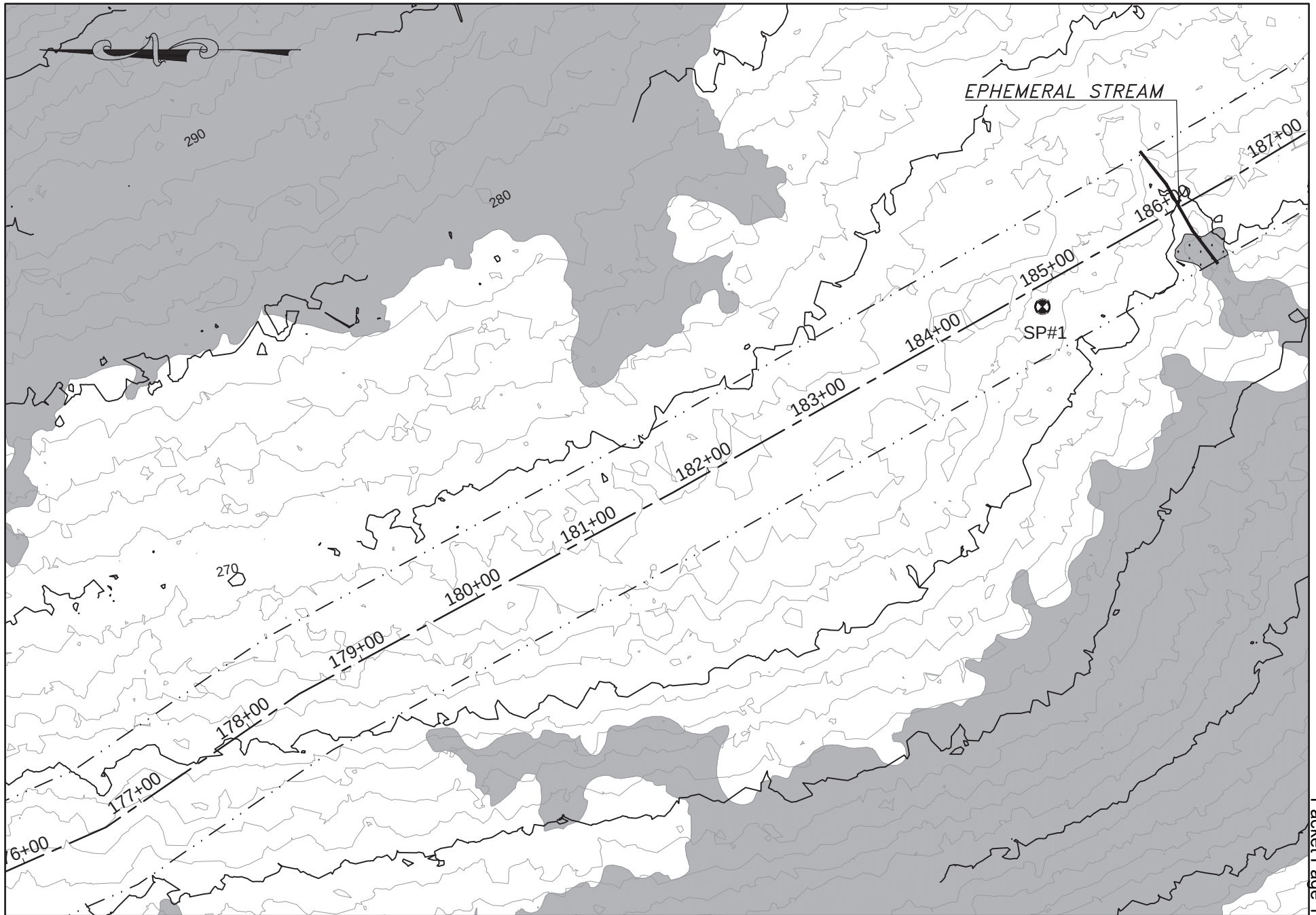
Appendix A - wetland delineation maps - sheets 1-6

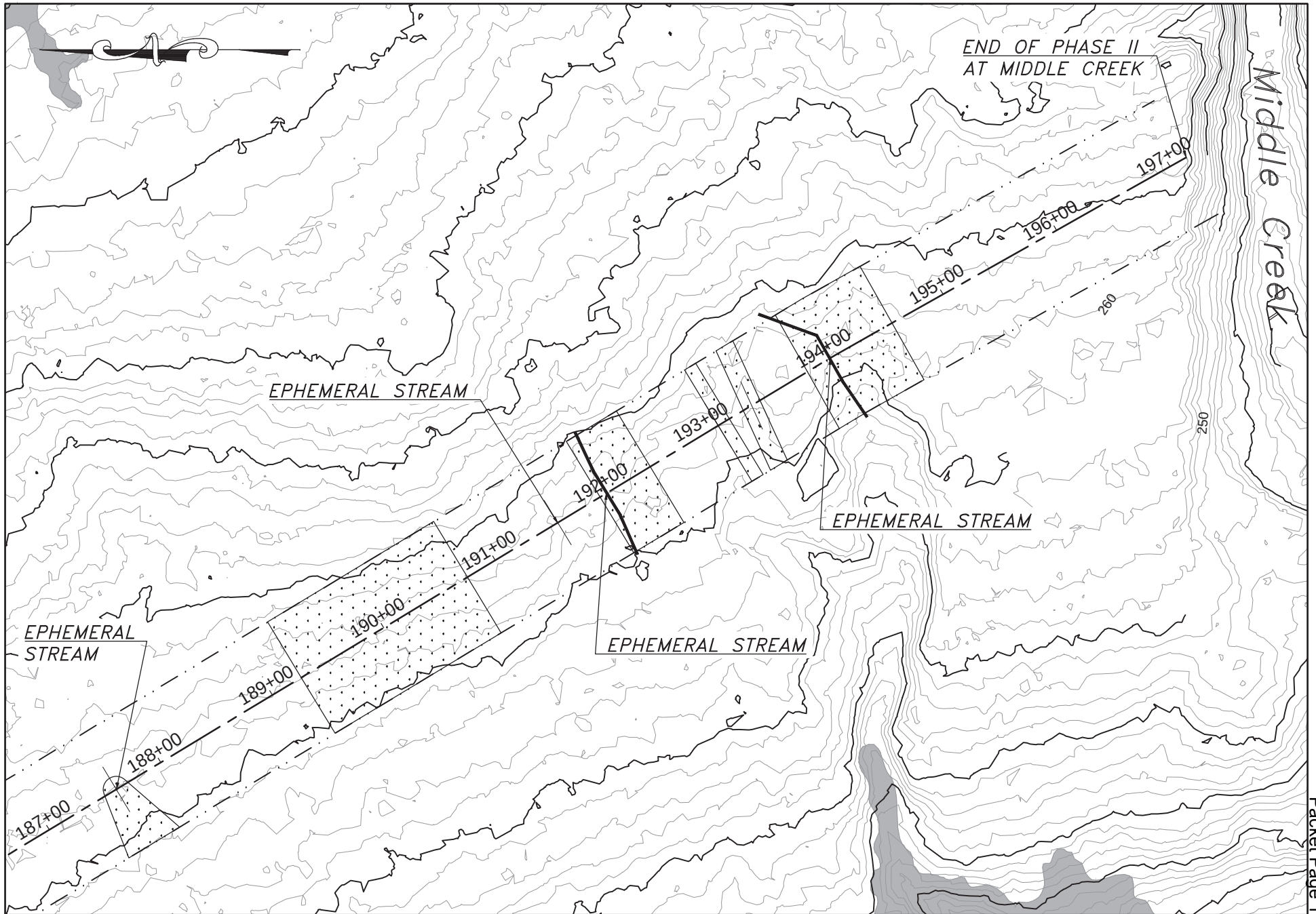












Appendix B - US Army COE Data Sheets

WETLAND DETERMINATION DATA FORM – Alaska Region

Project/Site: West Douglas Pioneer Rd - extension Borough/City: City and Borough of Juneau Sampling Date: 6/12/2017
 Applicant/Owner: Alan Steffert - CBJ Engineering Sampling Point: 1
 Investigator(s): Koren Bosworth Landform (hillside, terrace, hummocks, etc.): hillside
 Local relief (concave, convex, none): convex Slope (%): 8%
 Subregion: SE Alaska Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: -

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks:	

VEGETATION – Use scientific names of plants. List all species in the plot.

Tree Stratum 1. <u>Tsuga heterophylla</u> Absolute % Cover: <u>45</u> Dominant Species? <u>Yes</u> Indicator Status: <u>FAC</u> 2. _____ 3. _____ 4. _____ Total Cover: _____ 50% of total cover: _____ 20% of total cover: _____	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50%</u> (A/B)
Sapling/Shrub Stratum 1. <u>Menziesia feruginea</u> <u>8</u> <u>Yes</u> <u>FACU</u> 2. <u>Vaccinium ovalifolium</u> <u>4</u> <u>Yes</u> <u>FAC</u> 3. <u>Oplopanax horridum</u> <u>2</u> _____ <u>FACU</u> 4. _____ 5. _____ 6. _____ Total Cover: <u>14</u> 50% of total cover: <u>7</u> 20% of total cover: <u>2.8</u>	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species <u>5</u> x 2 = <u>10</u> FAC species <u>64</u> x 3 = <u>192</u> FACU species <u>45</u> x 4 = <u>180</u> UPL species _____ x 5 = _____ Column Totals: <u>114</u> (A) <u>382</u> (B) Prevalence Index = B/A = <u>3.35</u>
Herb Stratum 1. <u>Gymnocarpium dryopteris</u> <u>30</u> <u>Yes</u> <u>FACU</u> 2. <u>Athyrium filix-femina</u> <u>10</u> _____ <u>FAC</u> 3. <u>Circium alpina</u> <u>5</u> _____ <u>FACW</u> 4. <u>Dryopteris</u> <u>5</u> _____ <u>FACU</u> 5. <u>Coptis asplenifolia</u> <u>3</u> _____ <u>FAC</u> 6. <u>Streptopus amplexifolius</u> <u>2</u> _____ <u>FAC</u> 7. _____ 8. _____ 9. _____ 10. _____ Total Cover: <u>55</u> 50% of total cover: <u>27.5</u> 20% of total cover: <u>11</u> Plot size (radius, or length x width) <u>10 ft. diameter</u> % Bare Ground _____ % Cover of Wetland Bryophytes _____ Total Cover of Bryophytes _____ (Where applicable)	Hydrophytic Vegetation Indicators: ___ Dominance Test is >50% ___ Prevalence Index is ≤3.0 ___ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present unless disturbed or problematic.
Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	
Remarks:	

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4	10YR2.5/1	100					organic	unsaturated
5-10	5YR3/2	100					organic w/ loam	unsaturated
10+	5YR3/2						organic w/ loam and rock	unsaturated

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: ☐ Histosol or Histel (A1) ☐ Histic Epipedon (A2) ☐ Hydrogen Sulfide (A4) ☐ Thick Dark Surface (A12) ☐ Alaska Gleyed (A13) ☐ Alaska Redox (A14) ☐ Alaska Gleyed Pores (A15)	Indicators for Problematic Hydric Soils³: ☐ Alaska Color Change (TA4) ⁴ ☐ Alaska Alpine Swales (TA5) ☐ Alaska Redox With 2.5Y Hue ³ One indicator of hydrophytic vegetation, one primary indicator of wetland hydrology, and an appropriate landscape position must be present unless disturbed or problematic. ⁴ Give details of color change in Remarks.	☐ Alaska Gleyed Without Hue 5Y or Redder Underlying Layer ☐ Other (Explain in Remarks)
---	---	---

Restrictive Layer (if present): Type: _____ Depth (inches): _____	Hydric Soil Present? Yes _____ No <u>X</u>
Remarks:	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (any one indicator is sufficient)</u> ☐ Surface Water (A1) ☐ High Water Table (A2) ☐ Saturation (A3) ☐ Water Marks (B1) ☐ Sediment Deposits (B2) ☐ Drift Deposits (B3) ☐ Algal Mat or Crust (B4) ☐ Iron Deposits (B5) ☐ Surface Soil Cracks (B6)	☐ Inundation Visible on Aerial Imagery (B7) ☐ Sparsely Vegetated Concave Surface (B8) ☐ Marl Deposits (B15) ☐ Hydrogen Sulfide Odor (C1) ☐ Dry-Season Water Table (C2) ☐ Other (Explain in Remarks)	<u>Secondary Indicators (2 or more required)</u> ☐ Water-stained Leaves (B9) ☐ Drainage Patterns (B10) ☐ Oxidized Rhizospheres along Living Roots (C3) ☐ Presence of Reduced Iron (C4) ☐ Salt Deposits (C5) ☐ Stunted or Stressed Plants (D1) ☐ Geomorphic Position (D2) ☐ Shallow Aquitard (D3) ☐ Microtopographic Relief (D4) ☐ FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes _____ No <u>X</u> Depth (inches): _____ Water Table Present? Yes _____ No <u>X</u> Depth (inches): <u><?</u> Saturation Present? Yes _____ No <u>X</u> Depth (inches): <u><?</u> (includes capillary fringe)		Wetland Hydrology Present? Yes _____ No <u>X</u>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

WETLAND DETERMINATION DATA FORM – Alaska Region

Project/Site: West Douglas Pioneer Rd - extension Borough/City: City and Borough of Juneau Sampling Date: 6/12/2017
 Applicant/Owner: Alan Steffert - CBJ Engineering Sampling Point: 2
 Investigator(s): Koren Bosworth Landform (hillside, terrace, hummocks, etc.): hillside
 Local relief (concave, convex, none): concave Slope (%): 5%
 Subregion: SE Alaska Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: - PFO4

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____
Hydric Soil Present? Yes <u>X</u> No _____	
Wetland Hydrology Present? Yes <u>X</u> No _____	
Remarks:	

VEGETATION – Use scientific names of plants. List all species in the plot.

Tree Stratum 1. <u>Tsuga heterophylla</u> Absolute % Cover <u>60</u> Dominant Species? <u>Yes</u> Indicator Status <u>FAC</u> 2. _____ 3. _____ 4. _____ Total Cover: _____ 50% of total cover: _____ 20% of total cover: _____	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>66.6%</u> (A/B)
Sapling/Shrub Stratum 1. <u>Menziesia feruginea</u> Absolute % Cover <u>5</u> Dominant Species? <u>Yes</u> Indicator Status <u>FACU</u> 2. _____ 3. _____ 4. _____ 5. _____ 6. _____ Total Cover: _____ 50% of total cover: _____ 20% of total cover: _____	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Herb Stratum 1. <u>Gymnocarpium dryopteris</u> Absolute % Cover <u>8</u> Dominant Species? <u>Yes</u> Indicator Status <u>FACU</u> 2. <u>Lysichiton americanum</u> <u>35</u> <u>OBL</u> 3. <u>Circaea alpina</u> <u>4</u> <u>FACW</u> 4. <u>Dryopteris expansa</u> <u>8</u> <u>FACU</u> 5. _____ 6. _____ 7. _____ 8. _____ 9. _____ 10. _____ Total Cover: <u>55</u> 50% of total cover: <u>27.5</u> 20% of total cover: <u>11</u> Plot size (radius, or length x width) <u>10 ft. diameter</u> % Bare Ground _____ % Cover of Wetland Bryophytes _____ Total Cover of Bryophytes _____ (Where applicable)	Hydrophytic Vegetation Indicators: <u>X</u> Dominance Test is >50% _____ Prevalence Index is ≤3.0 _____ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present unless disturbed or problematic.
Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
Remarks:	

SOIL

Sampling Point: 2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-11	10 YR 2/2	100					organic	saturated
11-16+	2.5Y5/1	92	10YR4/6	8	C	PL	organic/loam/coarse sand/gravel	saturated

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: ☒ Histosol or Histel (A1) ☐ Histic Epipedon (A2) ☐ Hydrogen Sulfide (A4) ☐ Thick Dark Surface (A12) ☐ Alaska Gleyed (A13) ☒ Alaska Redox (A14) ☐ Alaska Gleyed Pores (A15)	Indicators for Problematic Hydric Soils³: ☐ Alaska Color Change (TA4) ⁴ ☐ Alaska Alpine Swales (TA5) ☐ Alaska Redox With 2.5Y Hue ³ One indicator of hydrophytic vegetation, one primary indicator of wetland hydrology, and an appropriate landscape position must be present unless disturbed or problematic. ⁴ Give details of color change in Remarks.	☐ Alaska Gleyed Without Hue 5Y or Redder Underlying Layer ☐ Other (Explain in Remarks)
---	---	---

Restrictive Layer (if present): Type: _____ Depth (inches): _____	Hydric Soil Present? Yes ☒ No _____
Remarks:	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (any one indicator is sufficient)</u> ☐ Surface Water (A1) ☐ High Water Table (A2) ☒ Saturation (A3) ☐ Water Marks (B1) ☐ Sediment Deposits (B2) ☐ Drift Deposits (B3) ☐ Algal Mat or Crust (B4) ☐ Iron Deposits (B5) ☐ Surface Soil Cracks (B6)	☐ Inundation Visible on Aerial Imagery (B7) ☐ Sparsely Vegetated Concave Surface (B8) ☐ Marl Deposits (B15) ☐ Hydrogen Sulfide Odor (C1) ☐ Dry-Season Water Table (C2) ☐ Other (Explain in Remarks)	<u>Secondary Indicators (2 or more required)</u> ☐ Water-stained Leaves (B9) ☐ Drainage Patterns (B10) ☐ Oxidized Rhizospheres along Living Roots (C3) ☐ Presence of Reduced Iron (C4) ☐ Salt Deposits (C5) ☐ Stunted or Stressed Plants (D1) ☐ Geomorphic Position (D2) ☐ Shallow Aquitard (D3) ☐ Microtopographic Relief (D4) ☐ FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes _____ No ☒ Depth (inches): _____ Water Table Present? Yes ☒ No _____ Depth (inches): <u>16</u> Saturation Present? Yes ☒ No _____ Depth (inches): <u>0</u> (includes capillary fringe)		Wetland Hydrology Present? Yes ☒ No _____
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Fish and Game
Packet Page 110 of 270
DIVISION OF WILDLIFE CONSERVATION
Statewide Programs

333 Raspberry Road
Anchorage, Alaska 99518-1565
Main: 907.267.2257
Fax: 907.267.2532

August 18, 2017

Mr. Tim Felstead
Community Planner
City and Borough of Juneau
155 S. Seward
Juneau, AK 99801

RE: CSP2017-0017: City Project Review of an Extension of the West Douglas Pioneer Road

Dear Mr. Felstead,

The Alaska Department of Fish and Game (ADF&G) reviewed the proposed Phase II extension of the West Douglas Pioneer Access Road. Phase II of this development project would extend the West Douglas Pioneer Road an additional 1.1 miles to an end point north of Middle Creek on the southwest side of Douglas Island and would be located within T. 41 S., R. 66 E. and T. 42 S., R. 66 E., C.R.M., Alaska.

ADF&G- Division of Wildlife Conservation (DWC) would like to provide the City and Borough of Juneau Planning Commission with the following information about hunting activities and wildlife management in the vicinity of this development project. The DWC believes that the much greater human access to wildlife habitat and alteration of the existing habitat to housing and other uses along the proposed road has the potential to require changes in management of Sitka black-tailed deer, wolves, black bears, and furbearers.

Douglas Island accounts for approximately 70% of deer harvested in all of Game Management Unit 1C (Unit 1C) and is by far the most common destination for Juneau area deer hunters. The existing road system provides relatively easy access to multiple trails, muskegs, and alpine habitats, which provide opportunity for local hunters without the need for alternate modes of transportation (i.e. boats). Currently hunters may harvest up to four deer from August 1 – December 31. Only bucks may be taken from August 1 – September 14. From September 15 – December 31 deer of either sex may be taken. Over 600 hunters report hunting on Douglas annually with harvest ranging between 200-350 deer per year.

Winter severity, primarily deep and persistent snow, appears to limit deer populations in Unit 1C. Old-growth forests, particularly on slopes with southerly and westerly aspects like the project area, are considered primary deer winter range. Forest canopy cover intercepts snow, making it easier for deer to move and forage, and direct exposure to afternoon sun on south and west facing slopes limits

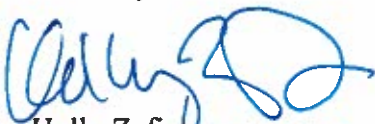
accumulation of snow and results in earlier melting. The project accesses and will eventually result in conversion of a large area of important deer winter range to other uses, reducing the number of deer Douglas Island can support. The project will also enable deer hunters to access areas that previously received little hunting pressure due to difficult access.

DWC is mandated to manage for sustainably harvestable populations. The combined effects of eliminating winter range while improving hunter access could affect sustainability of the population under current hunting regulations and will likely result in a need for more conservative management of the Douglas Island deer population. Conservation measures could include reducing the bag limit and season length for deer.

Douglas Island is the only island in Unit 1C documented to support substantial numbers of black bears. Black bears and on occasion brown bears utilize the habitat in the area proposed for road extension. Wolves also occur on Douglas Island, and in 2016 a trapper harvested 3 wolves near the project area. Following that harvest the wolf trapping season on Douglas Island was closed by emergency order per the Douglas Island Wolf Management Plan (5 AAC 92.530 (23)). The intent of that Plan is for DWC to manage for a small, but sustainable wolf population. Deer are the primary prey of wolves on Douglas Island. Because this project will likely result in lower deer abundance due to habitat change and increased access for human hunters, it will also result in increased competition for deer between people and wolves.

The greatest effect of this project on wildlife users in the Juneau area is likely to be reduced deer hunting and harvest opportunity on Douglas Island. For more information or for questions regarding wildlife management, please contact Area Management Biologist Stephanie Sell at (907)465-4266 or stephanie.sell@alaska.gov. Thank you for the opportunity to review and comment on this proposal.

Sincerely,



Holly Zafian
Habitat Biologist, Access Defense Program

cc: Marla Carter, ADF&G-DWC
Tom Schumacher, ADF&G-DWC
Stephanie Sell, ADF&G-DWC
Daniel Teske, ADF&G-DSF
Jackie Timothy, ADF&G-Hab

From: [Haynes, Emily R \(DOT\)](#)
To: [Tim Felstead](#)
Cc: [Heidemann, Marie E \(DOT\)](#); [Davis, Randal V \(DOT\)](#); [Epstein, David B \(DOT\)](#); [Stevens, Mike A \(DOT\)](#)
Subject: RE: CSP2017-0017: City Project Review of an Extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island
Date: Tuesday, August 22, 2017 2:57:05 PM
Attachments: [image001.png](#)

Tim,

We reviewed the parking area (outside the ROW) and access to it which is permitted. I haven't observed, or been told of, any problems with what is there currently. I suppose if the use drastically increased, we might want to revisit it but I believe the parking area to be substantial enough for those using the road for recreational purposes until it becomes a public road.

Emily Haynes

Right of Way Agent | Permitting
 Department of Transportation & Public Facilities
 907.465.2838 | fax: 907.465.8485

From: Tim Felstead [mailto:Tim.Felstead@juneau.org]
Sent: Tuesday, August 22, 2017 2:51 PM
To: Haynes, Emily R (DOT)
Cc: Heidemann, Marie E (DOT); Davis, Randal V (DOT); Epstein, David B (DOT); Stevens, Mike A (DOT)
Subject: RE: CSP2017-0017: City Project Review of an Extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island

Thanks Emily,

I will add DOT's comments to the review. I think it will be a long time before this is ever a public road but it is great to get the concerns noted now.

Let me know if there is an issue with the current parking area off the ROW. This extension will not modify what currently exists adjacent to the ROW.

Tim

From: Haynes, Emily R (DOT) [mailto:emily.haynes@alaska.gov]
Sent: Tuesday, August 22, 2017 2:47 PM
To: Tim Felstead
Cc: Heidemann, Marie E (DOT); Davis, Randal V (DOT); Epstein, David B (DOT); Stevens, Mike A (DOT)
Subject: RE: CSP2017-0017: City Project Review of an Extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island

Tim,

I found this email in my drafts and realized I never sent a response before the 15th. Sorry about the error.

ADOT&PF does not have any objections to the road extension. We do have some advisory comments, though.

- Road may not drain to the right of way
- Gate shall remain in place until road is expanded to accommodate two-way traffic
 - Once this gate is removed and road is improved, DOT&PF will require a re-review of the intersection and may require modifications
- Once the road is available to public traffic, the corridor will need to be mapped and monumented with monuments placed at each side of the road's intersection with N Douglas Hwy

Let me know if I need to do anything else. Thank you for the opportunity to comment.

Emily Haynes

Right of Way Agent | Permitting
 Department of Transportation & Public Facilities
 907.465.2838 | fax: 907.465.8485

From: Tim Felstead [<mailto:Tim.Felstead@juneau.org>]
Sent: Tuesday, August 01, 2017 12:29 PM
To: Ron King; Charlie Ford; Dan Bleidorn; Teri Camery; Timothy, Jackie L (DFG); Pikul, Gretchen M (DEC); 'Jberger@fs.fed.us'; 'neil_stichert@fws.gov'; 'steve_brockmann@fws.gov'; 'john_hudson@fws.gov'; Randal Vigil (Randal.p.vigil@usace.army.mil); Matthew Brody (matthew.t.brody@usace.army.mil); Greg Chaney; Dan Jager; Haynes, Emily R (DOT); Guy Gleason
Cc: Alan Steffert
Subject: CSP2017-0017: City Project Review of an Extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island

Dear all,

CBJ plans to extend the recently completed access road on West Douglas. This next Phase of the access road (Phase II) will extend the existing 2.4 mile road by approximately 1.2 miles , stopping short of Middle Creek.

This project requires review by the Planning Commission.

The access road is intended to provide access to new growth areas identified in the CBJ Comprehensive Plan and the adopted West Douglas Masterplan.

Please find attached application materials including:

- Application for Army Corp of Engineers fill permit (including narrative of activity, purpose statement, description of mitigation and access road alignment)
- State Department of Fish and Game report on existing stream habitat
- Wetland delineation report by Bosworth Botanical Consulting

It is unknown when funding for Phase III, which will involve crossing Middle Creek, will be available.

Please provide any comments to me by August 15, 2017.

Best regards

Tim

Tim Felstead
Community Planner
Community Development Department
City and Borough of Juneau
155 S. Seward
Juneau, AK 99801

Tel: (907) 586 0466

<http://www.juneau.org/cddftp/>





Douglas Indian Association Tribal Government

811 West 12th Street Juneau, Alaska 99801-1529
Phone: (907) 364-2916 Fax: (907) 364-2917

Anax Yaa Andagan Ye- Sayeik
Where the Sun Rays Touch First- Spirit Helper



August 24, 2017

Department of the Army
Alaska District, U.S. Army Corps of Engineers
Regulatory Division
44669B Sterling Highway
Soldotna, AK 9966

Jamie Hyslop,

The Douglas Indian Association (DIA) is a federally-recognized tribe with about 700 Tribal members, many of who live within the Tribe's traditional and historic territory. DIA's Base Roll Tribal members originate from the T'aaku Kwáan and A'akw Kwáan clans which have inhabited the Anax Yaa Andagan Yé (Douglas) and Dzantik'i Héeni (Juneau) region since time immemorial. Our traditional and historical territory consists of areas constituting the City and Borough of Juneau, as well as some areas to the east and north on Admiralty Island and the Chilkat Peninsula, to the south encompassing Endicott Arm, and to the east into Canada in the region of the Taku River and Atlin, B.C.

After reviewing the project information included with your invitation on the comment process for the West Douglas Pioneer Road extension project, DIA has determined that this project is located on or near known sites of historic, traditional or cultural importance to DIA. Should anything of possible significance to the Tribe come to light or be disturbed during this project, please notify us immediately.

Please keep us informed of any developments regarding this project as it progresses in our traditional territory. We look forward to continued communication and cooperation with your agency.

Sincerely,

Andrea Cadiente-Laiti
Tribal Administrator

DRAFT MINUTES
WETLANDS REVIEW BOARD

August 17, 2017, 5:15 p.m. Valley Library Large Conference Room

Meeting Summary

I. Roll Call

Board Members Present: Irene Gallion, Amy Sumner, Lisa Hoferkamp, Hal Geiger, Nina Horne

Board Members Absent: Andrew Campbell, Percy Frisby, Dan Miller, Brenda Wright,

A quorum was present.

Staff Members Present: Tim Felstead, Planner; Alan Steffert, Engineer

Public Present: Scott Rinkenberger, Airport Maintenance Supervisor; John Mikesell, Airport Wildlife Specialist; Gretchen Pikul, Division of Water, State DEC.

Meeting called to order at 5:20 p.m.

...

VI. AGENDA ITEMS.

1) CSP2017 0013 City Project Review of an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island.

A. Staff Presentation

Dr. Felstead outlined the proposal and requested that the Wetlands Review Board review not consider if the access road should be constructed but comment on the alignment and whether impacts were being effectively mitigated for. Dr. Felstead noted that there were additional materials in response to questions posed by Ms. Gallion.

B. Board/Staff Discussion

Ms. Gallion had three questions she presented to staff prior to the meeting:

- On the second page of the Mitigation Statement – Phase II staff references the “Existing Wetlands and Proposed Preservation Area Map.” What page of the pdf is that on? I was looking for the blue color referenced as a clue, but can’t find it.

- The delineation does not mention Kina soils. The Concept Plan (1997) does in the 1A development area. I didn't see any mapping of where the Kina soils were? Just wanted to double check given the downhill migration of the originally proposed route. (Granted, soils change over, oh, 20 years)
- Has CBJ considered ending road development at about Sta 177+00? It seems. that would provide access to Development Areas 1-A and 1-B, without taking us to a dead end next to a creek. It looks like the lowest 1,300 or so has been mapped anadromous, is it worth protecting the upstream a bit? Also, might reduce project development costs while still giving the city what they need to get the first stages of development going.

Ms. Gallion asked why this extension was being built. Mr. Steffert responded that budget was available now, it was a priority of the Assembly and will help with access for future surveys related to planning the development of the West Douglas area.

Ms. Gallion noted that Kina soils were mentioned in the West Douglas Concept Plan. Mr. Steffert said he could only speculate that it may have poor mapping but the revised route that they had followed to date and were proposing for the extension had not identified Kina soils. Dr. Felstead distributed maps that showed the revised route.

Ms. Gallion also asked about the termination of the road and if there had been consideration to end further from Middle Creek. Mr. Steffert referred back to the earlier answer. ADFG had reviewed the stream crossings. The funding for the extension was State funding that was required to be spent within a certain time period. This deadline was approaching. This extension is just another phase in the final objective of accessing to Point Hilda. Dr. Felstead repeated that the extension is an Assembly priority and the purpose of construction is not the question.

Ms. Gallion commented that the fish passages on Phase 1 had been designed by DOWL. Mr. Steffert said the fish passages had been inspected by ADFG and the next Phase would be subject to the same scrutiny.

Dr. Geiger proposed that the previous motion for Phase I, which did not pass during the WRB review of that project, be proposed again for the purpose of discussion.

The Wetlands Review Board recommends that if the project is pursued that Best Management Practices be strongly adhered to with the goal of maintaining water quality and fish passage.

Ms. Gallion amended the motion to reflect that the access road should be terminated a further distance from Middle Creek.

Further discussion followed regarding the fish passage design. Ms. Sumner asked if there were bridges considered for the next phase. Mr. Steffert said there would be no bridge crossings, only culverts since the streams. were so small in size. Ms. Sumner asked about the areas of alluvial fan and that culverts and alluvial fans do not work well together. Mr. Steffert said a

Forest Service soils scientist has examined the site and the alluvial fans were stable and appeared to have not moved for some time. Mr. Steffert also noted that the streams being crossed in Phase II were very different from Phase I.

Ms. Horne said the decision to build the extension had already been made and at some point Middle Creek will also be crossed. Mr. Steffert said that crossing Middle Creek will be relatively expensive. Mr. Steffert also said that the required 50ft buffers are being observed during Phase II. Ms. Horne suggested the board consider how to get most benefit from the project and that this may include an education opportunity along the route with interpretative signs. Mr. Steffert said that suggestions from the WRB on how to minimize the impact of future development on the surrounding drainages and wetlands be a more productive issue for the WRB to consider. Ms. Pikul suggested that mitigation areas could be considered as part of the ACOE wetlands permit. Mr. Steffert had suggested a mitigation area in the application to the Army Corp.

Considerable discussion amongst all board members followed on the exact wording of a revised motion. Eventually, the following motion was proposed:

The Wetlands Review Board recommends that when the project is pursued that Best Management Practices be strongly adhered to with the goal of maintaining water quality and fish passage.

The Wetlands Review Board requests that there be:

- *Mitigation areas identified and the Wetlands Review Board be consulted on their locations.*
- *Protection for sensitive areas by restricting motorized vehicles to the surfaced road area.*
- *A study to determine appropriately sized buffers to protect sensitive areas in the Peterson Creek and Middle Creek drainages.*

Ms. Gallion proposed the motion and asked for unanimous consent. Seeing no objections the motion was passed.

...

X. ADJOURNMENT

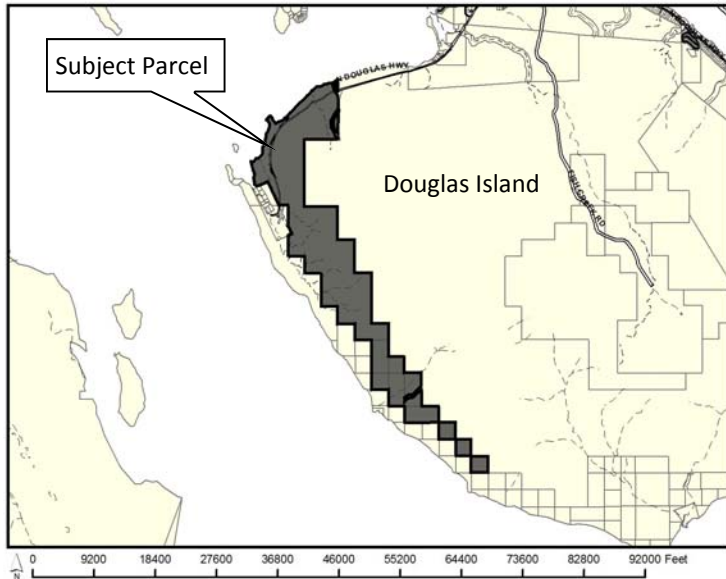
Meeting was adjourned at 6:50pm

NOTICE OF PUBLIC HEARING

NEW HEARING DATE: September 12, 2017

City & Borough of Juneau
Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: City Project Review of an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island.

File No:	CSP2017 0014	Applicant:	City & Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	3D1301000010
Hearing Date:	September 12, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	2,020.17 Acres
Place:	Assembly Chambers	Zoned:	RR (Rural Reserve)
	Municipal Building	Accessed Via:	N. Douglas Highway
	155 South Seward Street		
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



*If you have questions, please contact planner at
Tim.Felstead@juneau.org or (907) 586-0466.*

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at
<http://www.juneau.org/assembly/novus.php>

Attachment I: Public Notice

Date notice was printed: August 10, 2017

MEMORANDUM

CITY/BOROUGH OF JUNEAU
Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Greg_Chaney@ci.juneau.ak.us
Voice (907) 586-0205
Fax (907) 586-5385

TO: Debbie White, Chair
Lands Committee

FROM: Greg Chaney, Lands and Resources Manager

DATE: August 22, 2017

SUBJECT: Management Strategy for New West Douglas Pioneer Road

Two miles of new pioneer road have been completed on the west side of Douglas. It was designed primarily to provide new access to the region. The road was built as a single lane driveway surfaced with crushed rock. This road has been designed for low speed construction vehicles and is not built to public safety standards. Therefore, until it is upgraded, it is not suitable for public traffic.

Since the winning bid for the project was so competitive there is enough unexpended money in the CIP to extend the road another mile. At this time the CBJ Engineering Department is applying for additional permits to extend the road to Middle Creek. If these permits are granted, construction to extend the road should begin this fall. The funding source for the project is a grant from the State of Alaska which expires at the end of the fiscal year. Therefore the project will need to be completed by early summer 2018.

Once the area is no longer a construction zone, the Assembly will have to decide how to utilize this new asset. Since the road was not designed for public vehicular use there would be significant liability to opening it for public traffic. Therefore, for the near term it appears that the most prudent course of action would be to limit public access to this driveway to non-motorized uses.

A draft policy is attached to this memo. If the Lands Committee considers the approach appropriate, it will be used as the basis for a temporary policy until the driveway is upgraded to accommodate vehicular use by the general public.

RECOMMENDATIONED MOTION

The Lands Committee recommends the Assembly adopt the attached *CBJ West Douglas Pioneer Road Extension Interim Use Policy* as the official policy for managing the West Douglas pioneer road until it is upgraded to safely accommodate public traffic.

ADMINISTRATIVE POLICY NO. XX-XX

CBJ WEST DOUGLAS PIONEER ROAD EXTENSION INTERIM USE POLICY

INTERIM PUBLIC USE OF WEST DOUGLAS PIONEER ROAD**I. HISTORICAL OVERVIEW**

The City and Borough of Juneau owns approximately 3,434 acres of land located between Outer Point and the Point Hilda area on Douglas Island. This undeveloped land on the western side of Douglas has long been classified as a new growth area for Juneau. The extension of the North Douglas Highway to Point Hilda through the construction of the West Douglas pioneer road will provide access to this remote City land and enable future community expansion and development in West Douglas.

II. CONSTRUCTION OF WEST DOUGLAS PIONEER ROAD

The purpose of this policy is to clarify the intent for interim use of the West Douglas pioneer road.

III. INTENT OF WEST DOUGLAS PIONEER ROAD

The West Douglas pioneer road was constructed as the first step towards accessing and developing City land in West Douglas. The road extension will continue as permits allow and in conjunction with funding allocated for development in the area. Currently, the pioneer road has not been built to public vehicular standards and as such is reserved for non-motorized uses. The pioneer road is not intended to be a permanent trail and will be developed to accommodate motorized vehicles in the future.

IV. MOTORIZED USE OF PIONEER ROAD AND ASSOCIATED FEES

Motorized vehicles such as off road vehicles, ATVs, or motorcycles are not permitted on the West Douglas pioneer road. Any unauthorized motorized use of the pioneer road is an infraction and violators will be prosecuted and fined. The fee schedule for fines will be determined by the City Manager.

V. EXCEPTIONS

Exceptions for vehicles to use the West Douglas road for planning, surveying, construction and related uses may be granted in writing by the City Manager.

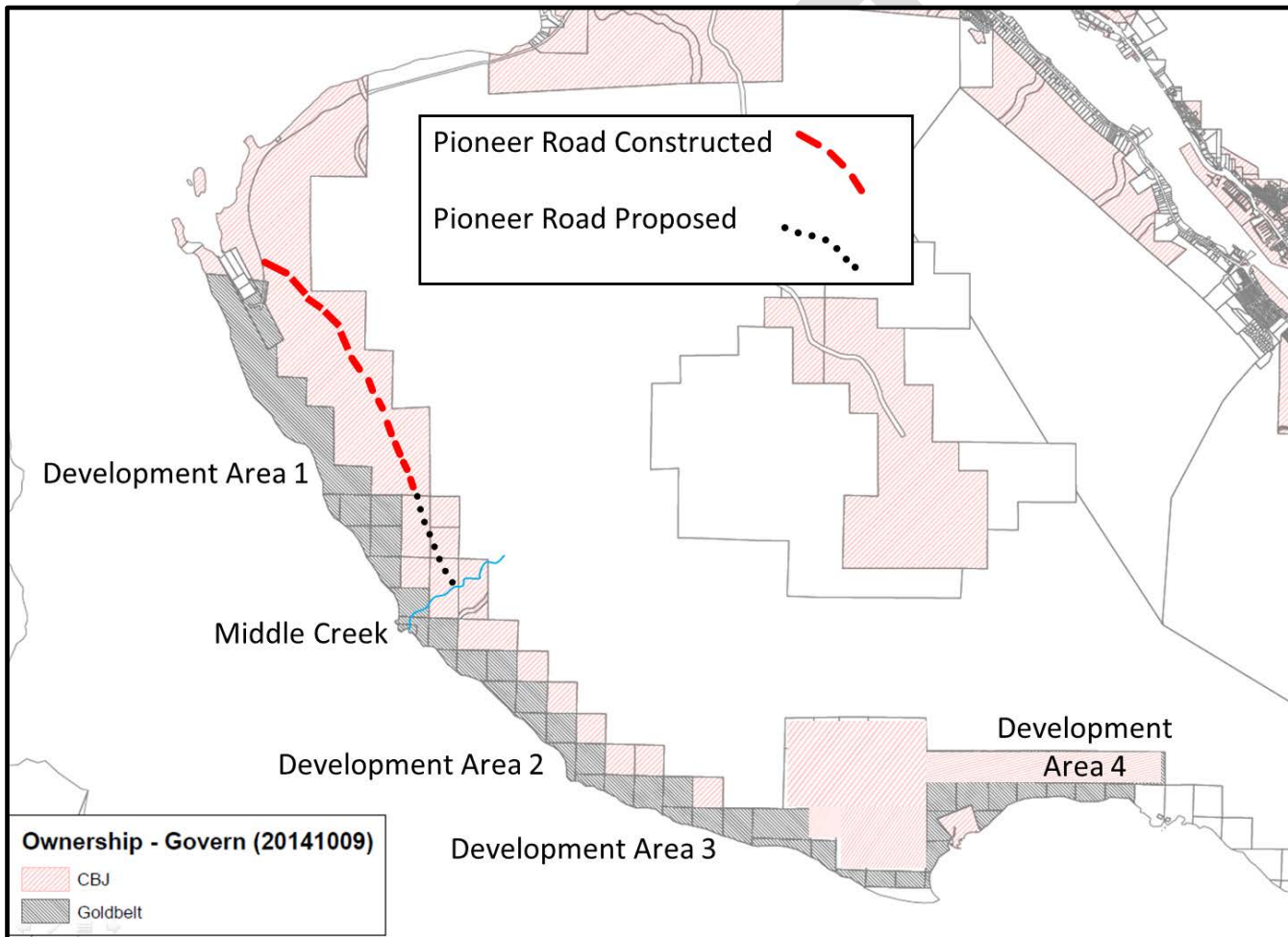
VI. GENERAL PROVISIONS

Scope: This policy applies to all individuals.

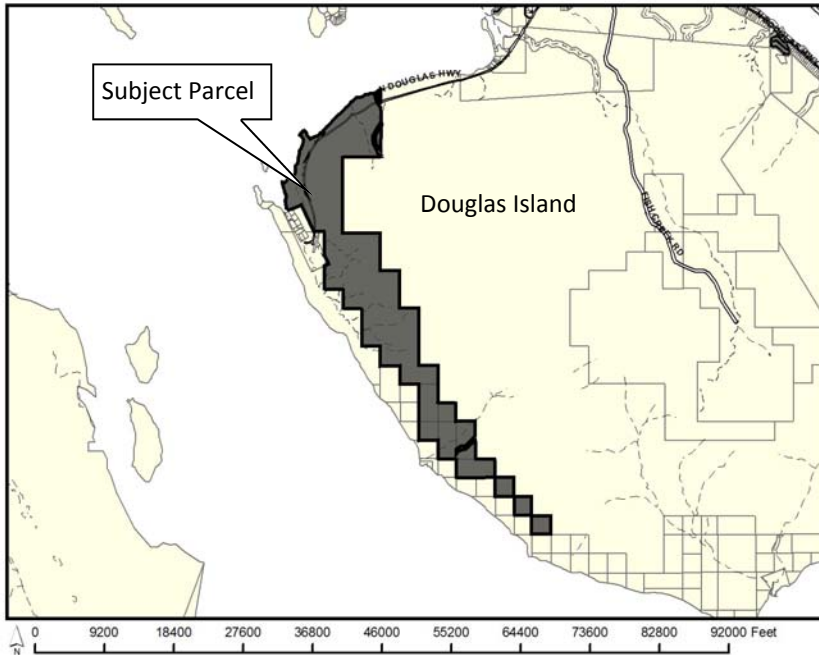
- A. Authority to promulgate policy: The City Manager of the City and Borough of Juneau, Alaska, maintains the authority granted by the CBJ Charter to order policy and the guidelines for implementation.
- B. Effective Date: This policy will take effect on date policy is signed.

Dated at Juneau, Alaska, this _____ day of _____, 20__.

Duncan R. Watt
City and Borough Manager



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO: ANGELA J SANDLEBEN
5539 SPINE RD UNIT 105
BOULDER, CO 80301-3563



PROPOSAL: City Project Review of an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island.

File No:	CSP2017 0014	Applicant:	City & Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	3D1301000010
Hearing Date:	August 22, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	2,020.17 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	RR (Rural Reserve)
		Accessed Via:	N. Douglas Highway

PROPERTY OWNERS PLEASE NOTE:

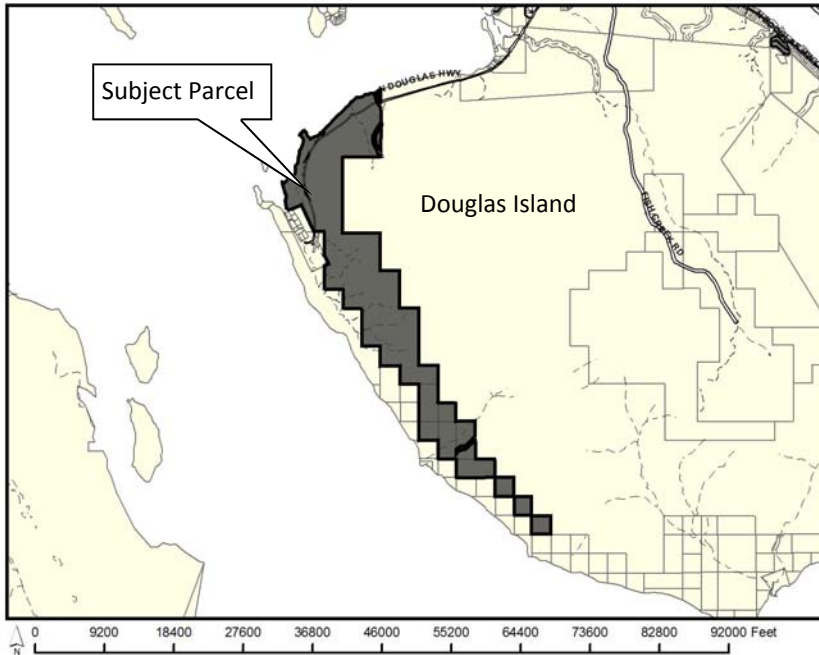
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Tim.Felstead@juneau.org or (907) 586-0466.*

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NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO: CITY AND BOROUGH OF JUNEAU

LANDS AND RESOURCES &
LANDS AND RESOURCES

155 S SEWARD ST

JUNEAU, AK 99801



PROPOSAL: City Project Review of an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island.

File No:	CSP2017 0014	Applicant:	City & Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	3D1301000010
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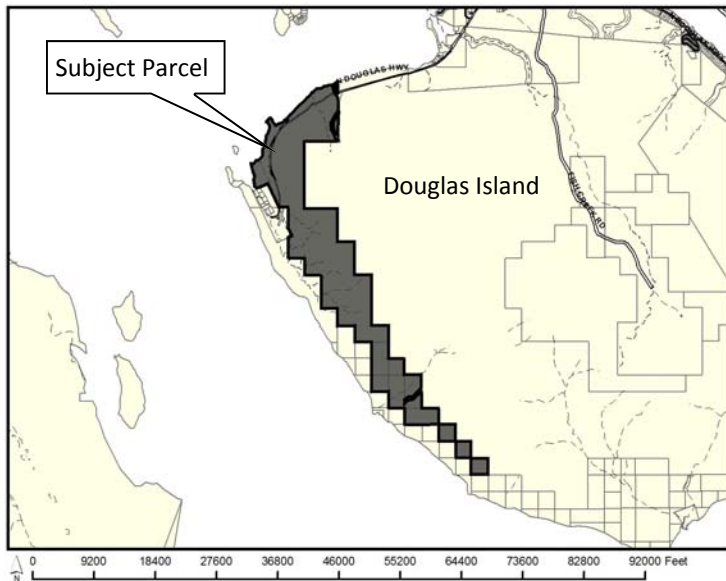
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<http://www.juneau.org/assembly/novus.php>

NOTICE OF PUBLIC HEARING

NEW HEARING DATE: September 12, 2017

City & Borough of Juneau
Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: City Project Review of an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island.

File No:	CSP2017 0014	Applicant:	City & Borough of Juneau
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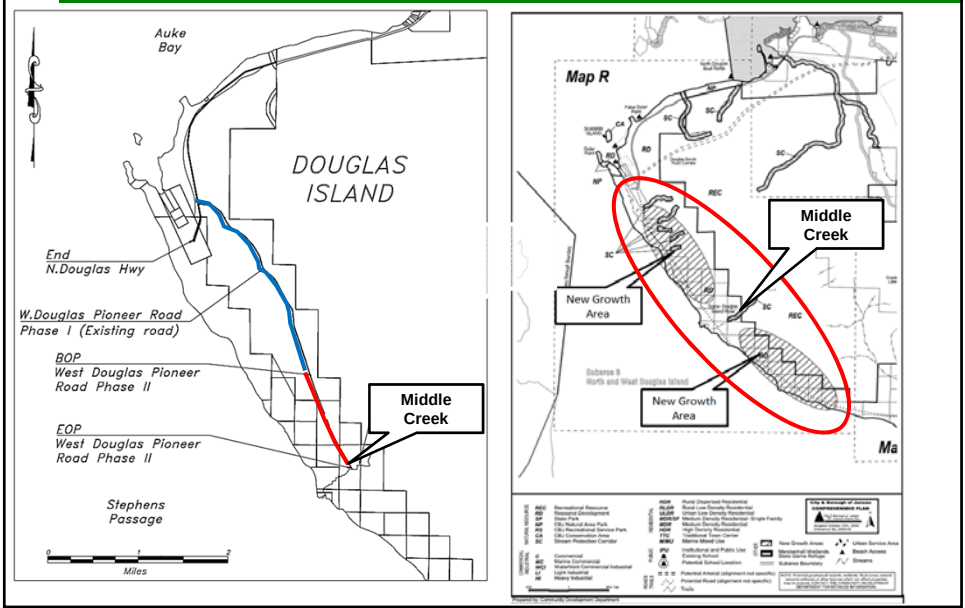
Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at
<http://www.juneau.org/assembly/novus.php>

A City Project Review of an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island. CSP2017 0014



CSP2017 0014

Vicinity Map



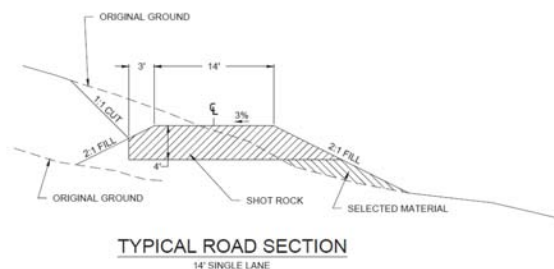
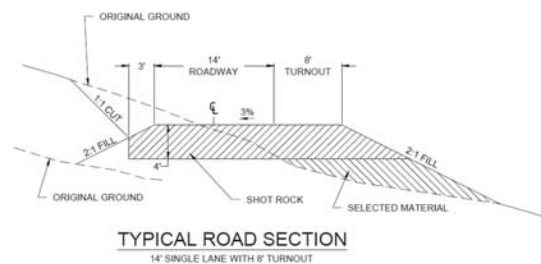
CSP2017 0014

Proposal (1)

- Extension by ~1.15 miles of existing 2.25 mile access road on CBJ land. Phase 1 (2.25 mile) of access road was reviewed in CSP2016-0002.
- Fill of 1.14 acres of delineated wetlands
- 12 culverts, 3 of which will be designed to allow fish passage.
- Rock required for additional fill has already be sourced from quarries in Phase 1
- Funding for project provided from the State. Funds remain from Phase 1 for use in this additional extension.

CSP2017 0014

Typical section



CSP2017 0014	Commission action required
Local review and concurrence is required for City projects by CBJ 49.15.580:	
(a) CBJ project review: <i>The commission shall review all proposed City and Borough capital improvement projects estimated to cost \$500,000 or more for consistency with this title. The commission may recommend conditions on and modifications to any project reviewed by the commission through a notice of recommendation. The notice of recommendation shall be forwarded to the assembly for further action.</i>	

CSP2017 0014	Considered in review of project
<i>CBJ Land Use Code (Title 49) – Habitat standards, and requirements for development of New Growth Areas</i> <i>2013 Comprehensive Plan</i> <i>1997 West Douglas Conceptual Plan, Chapter 6 and Plate 1</i>	

CSP2017 0014

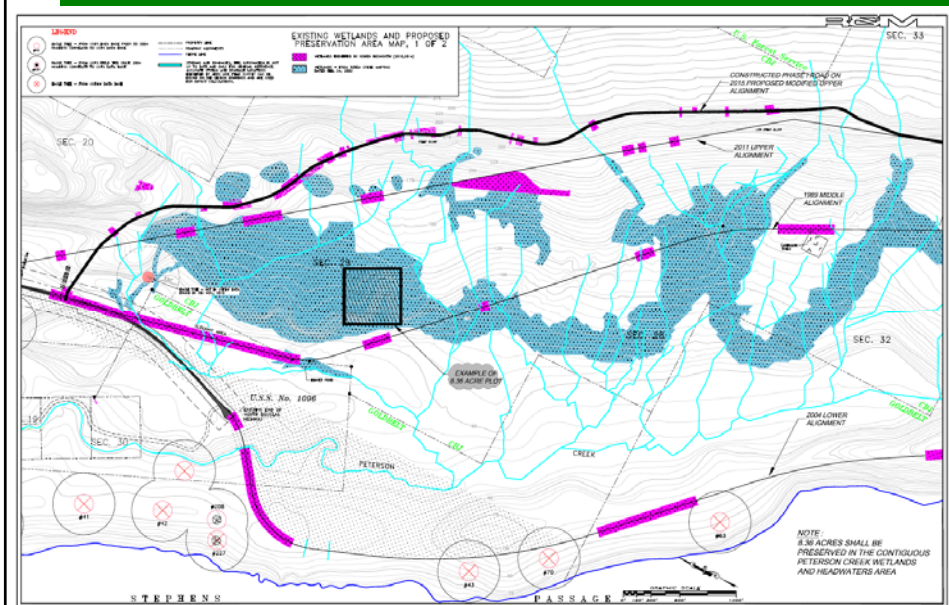
Title 49 – Land Use Code

- 49.70.110 - Purpose.

The purpose of the new growth area classification is to provide for flexibility in land use controls for a specific new growth area as designated in the comprehensive plan, while protecting the public health, safety and welfare by ensuring that the development will be consistent with the comprehensive plan and the carrying capacity of the land. The new growth areas classification accommodates new communities with a full range of uses and densities. Before development, each area shall be the subject of a master plan prepared by the developer. The plan shall establish use, density and design of development, and when approved by the assembly becomes an amendment to the comprehensive plan and this title. After an area has been designated and a master plan approved, specific phases or projects shall be processed pursuant to this title, with the master plan as the principal criterion for approval. (Emphasis added)

CSP2017 0014

Wetlands (1)



CSP2017 0014	Other review comments
• <u>CBJ General Engineering</u> • <u>CBJ Land Committee</u> • <u>ADFG Habitat Division, and Wildlife Conservation Division</u> • <u>ADEC, Division of Water Quality</u> • <u>ADOT&PF</u> • <u>USFWS</u> • <u>JCOS</u> • <u>DIA</u> • <u>Public comment</u>	

CSP2017 0014	Other plans
• <u>1997 West Douglas Conceptual Plan.</u> • <u>2013 Comprehensive Plan</u> • <u>2015 Juneau Economic Development Plan</u>	

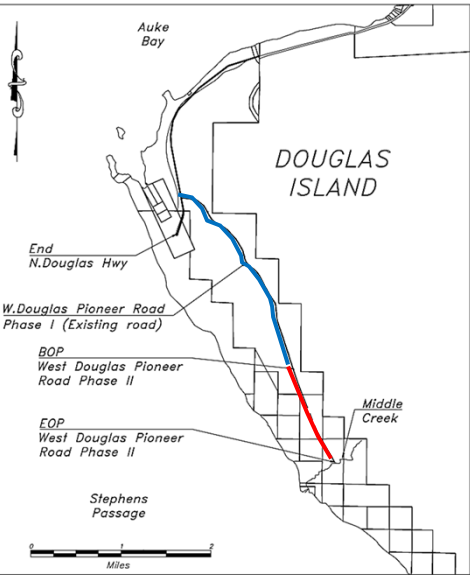
CSP2017 0014	Findings - Reconstruction
The proposed access road across CBJ land on the west side of Douglas Island near the end of Douglas Highway is intended to implement the recommendations of the 1997 West Douglas Concept Plan and to provide for access into CBJ lands for future development. The provision of access to these lands is also consistent with the Juneau Economic Development Plan Initiative that supports development of West Douglas. Staff finds that the proposal is consistent with the 2013 Comprehensive Plan, Title 49, and other associated plans mentioned herein.	

CSP2017 0014	Recommendation (1)
Staff recommends that the Planning Commission recommend the Assembly APPROVE CSP2017 0014, an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island.	
• The following conditions are recommended to be incorporated into the project design and management:	

CSP2017 0014	Recommendation (2)
1. To minimize any increased pressure on the Douglas Island deer population due to the improved hunter access, future public use of the CBJ North Douglas 'pioneer road' shall be restricted to non-motorized vehicles. 2. If public or private motorized vehicles are allowed to use the CBJ North Douglas 'pioneer road', they shall be limited to using the improved access road surface, <u>except to facilitate further studies</u>, in order to protect surrounding sensitive areas including wetlands and fish habitat.	

CSP2017 0014	Recommendation (2)
3. To mitigate for the fill of wetlands for the construction of the CBJ North Douglas 'pioneer road', CBJ shall provide suitable mitigation areas and consult with the Wetlands Review Board on the location of these areas. 4. The CBJ project manager shall ensure the contractors are made aware of the possibility of finding burials, artifacts or other archeological finds during the project construction. If any historic, prehistoric, or archeological sites, locations, remains, or objects are discovered during development activity, all work in the area must cease, and the applicant/permittee/whomever must immediately notify the State Historic Preservation Officer at the Department of Natural Resources and the Douglas Indian Association.	

CSP2017 0014	Requirements to be emphasized in recommendation
• It is also recommended that following requirements for the project are emphasized: 1. To protect water quality in water drainages crossed by the access road, development of the 'pioneer road' shall strictly adhere to CBJ Manual of Stormwater Best Management Practices and State Stormwater Pollution Prevention Plan requirements. 2. Prior to fill of any wetlands by the proposed project, necessary Army Corp of Engineers wetlands fill permits shall be acquired and the construction approved. 3. Prior to development of culverts and bridges in the proposed project, Fish Habitat Permits shall be acquired and the construction approved.	

CSP2017 0014	END
	



Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION

NOTICE OF RECOMMENDATION

Date: September 18, 2017

File No.: CSP2017 0014

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 an extension of the West Douglas Pioneer Road through CBJ lands on west side of Douglas Island.

Property Address: North Douglas Highway

Legal Description: T41S R66E & T42S R66E, Copper River Meridian

Parcel Code No.: 3D1301000010

Hearing Date: September 12, 2017

The Planning Commission, at a regular public meeting, adopted the analysis in the attached memorandum dated September 4, 2017 and amended the findings as follows:

*The proposed access road across CBJ land on the west side of Douglas Island near the end of Douglas Highway is intended to implement the recommendations of the 1997 West Douglas Concept Plan, **Chapter 6** and to provide for access into CBJ lands for future development. **Such development would follow CBJ New Growth Area provisions.** The provision of access to these lands is also consistent with the Juneau Economic Development Plan Initiative that supports development of West Douglas. Staff finds that the proposal is consistent with the 2013 Comprehensive Plan, Title 49, and other associated plans mentioned herein. [Emphasis added on Planning Commission additions to recommended findings in the attached memorandum].*

Based on the adopted analysis and findings, it was recommended that the City Manager direct CBJ staff to design and build the project in accordance with the following recommendations:

City and Borough of Juneau
 CBJ Assembly
 File No.: CSP2017 0014
 September 18, 2017
 Page 2 of 3

1. Public use of the CBJ North Douglas 'pioneer road' shall be restricted to non-motorized vehicles except to facilitate further studies and construction.
2. To mitigate for the fill of wetlands for the construction of the CBJ North Douglas 'pioneer road', CBJ shall provide suitable mitigation areas and consult with the Wetlands Review Board on the location of these areas.
3. The CBJ project manager shall ensure the contractors are made aware of the possibility of finding burials, artifacts or other archeological finds during the project construction. If any historic, prehistoric, or archeological sites, locations, remains, or objects are discovered during development activity, all work in the area must cease, and the applicant/permittee/whomever must immediately notify the State Historic Preservation Officer at the Department of Natural Resources and the Douglas Indian Association.

It is also recommended that the following requirements for the project are emphasized in the project design and implementation:

1. To protect water quality in water drainages crossed by the access road, development of the 'pioneer road' shall strictly adhere to CBJ Manual of Stormwater Best Management Practices and State Stormwater Pollution Prevention Plan requirements.
2. Prior to fill of any wetlands by the proposed project, necessary Army Corp of Engineers wetlands fill permits shall be acquired and the construction be approved.
3. Prior to development of culverts and bridges in the proposed project, Fish Habitat Permits shall be acquired and the construction be approved.

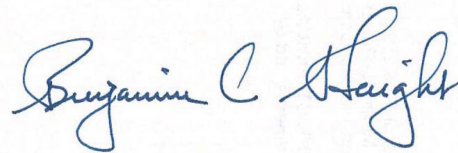
Attachments: September 4, 2017 memorandum from Tim Felstead, Community Development Department, to the CBJ Planning Commission regarding CSP2017 0014.

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

Project Planner:



Tim Felstead, Planner
 Community Development Department



Benjamin Haight, Chair
 Planning Commission

City and Borough of Juneau
CBJ Assembly
File No.: CSP2017 0014
September 18, 2017
Page 3 of 3



Filed With City Clerk

September 20, 2017

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: August 31, 2017

TO: Planning Commission

FROM: Allison Eddins, Planner
Community Development Department

A handwritten signature in black ink, appearing to read 'A. Eddins', is positioned to the right of the 'FROM:' field.

FILE NO.: CSP2017 0015

PROPOSAL: Consistency review for a city project to grant a portion of CBJ property located at 3252 Hospital Drive to the Sleepy Spruce Apartments for the purposes of a drainage easement.

GENERAL INFORMATION

Applicant: CBJ Lands Department

Property Owner: City and Borough of Juneau

Property Address: 3252 Hospital Drive

Legal Description: USS 1075

Parcel Code No.: 7B0901020070

Site Size: 4.14 acres (180,338 sq. ft.)

**Comprehensive Plan Future
Land Use Designation:** Institutional and Public Use (IPU)

Zoning: General Commercial (GC)

Utilities: City water and wastewater

Access: Hospital Drive

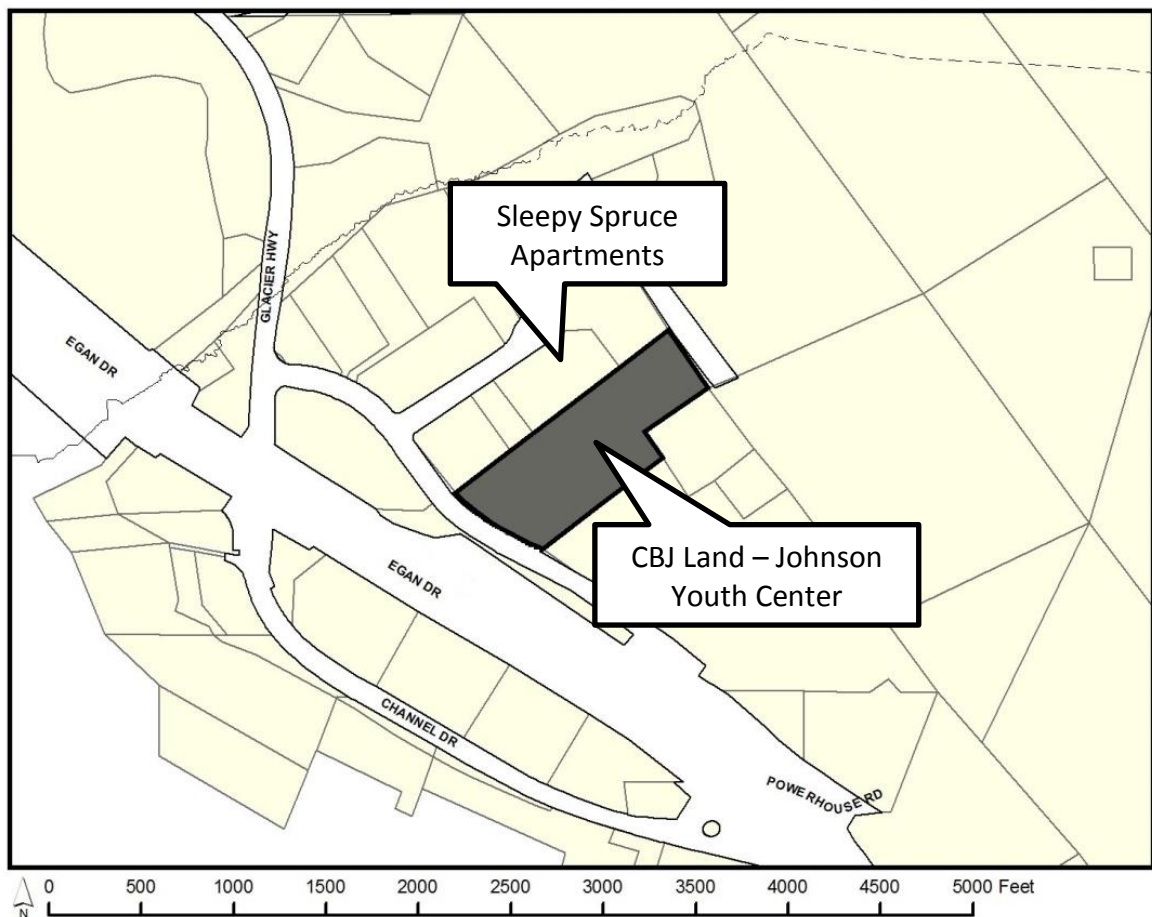
Existing Land Use: Johnson Youth Center

Planning Commission
File No.: CSP2017 0015
August 31, 2017
Page 2 of 5

Surrounding Land Use:

- North: Southeast Alaska Regional Health Consortium (SEARHC); General Commercial (GC)
- South: Egan Drive; General Commercial (GC)
- East: Bartlett Regional Hospital; General Commercial (GC)
- West: Sleepy Spruce Apartments; General Commercial (GC)

VICINITY MAP



ATTACHMENTS

- Attachment A – Development Permit and CSP Application
- Attachment B – DOWL Memo and Survey
- Attachment C – CBJ Lands and Resources Memo to Assembly Lands Committee
- Attachment D – Minutes from the February 27, 2017 Assembly Lands Committee Meeting

Planning Commission
File No.: CSP2017 0015
August 31, 2017
Page 3 of 5

PROPOSAL

The applicant, CBJ Lands and Resources Division, requests a Planning Commission recommendation to the Assembly regarding a proposed drainage easement located on a fraction of U.S.S. 1075 at 3252 Hospital Drive.

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 of the commission shall be based upon the provisions of this title, the Comprehensive Plan and the capital improvement plan.*

CBJ 53.09.300 states that easement applications will receive department and Planning Commission review. Fair market value will be determined by appraisal and the City Manager will convey the easement upon Assembly approval by resolution.

CBJ 53.09.300 (d) Easements. *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.*

BACKGROUND & PROJECT DESCRIPTION

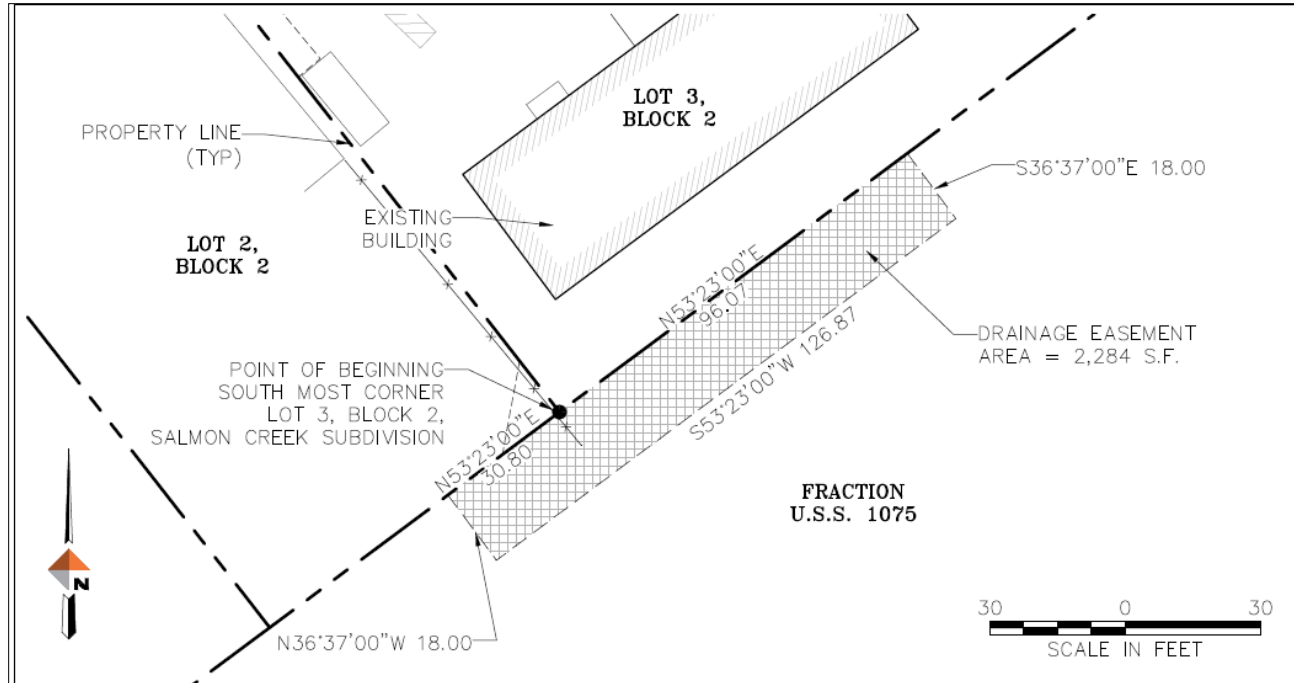
The owners of the Sleepy Spruce Apartments are requesting a 2,284 square foot drainage easement along the southwest portion of a CBJ lot located at 3252 Hospital Drive. The CBJ lot is currently leased to the State for the Johnson Youth Center and is located on a fraction of U.S.S 1075.

The Sleepy Spruce Apartments are located on Lot 3, Block 2 of the Salmon Creek Subdivision, platted in 1982. There is an existing drainage ditch on CBJ land that runs parallel to Lot 3. Without proper maintenance, the ditch fills with debris, and the groundwater outlet becomes clogged causing flooding in the crawlspace of the apartments. The requested easement would allow apartment maintenance staff to access CBJ property and maintain the drainage ditch. The CBJ Lands and Resources Office conducted a staff review of the easement request and determined that it is in the best interest of both parties to have properly maintained drainage.

The Lands and Resources Committee discussed the proposed easement at the February 27, 2017 meeting. The committee members voted unanimously to support the request. The

Planning Commission
File No.: CSP2017 0015
August 31, 2017
Page 4 of 5

Johnson Youth Center also has no issues with this request. Staff solicited comments from CBJ departments and received none.



ANALYSIS

Conformity with Adopted Plans

The policies in the *Comprehensive Plan* which most directly relate to this project proposal are found within Chapter 17: Community Development.

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 - SOP1 Evaluate the use and development potential of all CBJ-owned lands and incorporate appropriate plans for those lands into the CBJ Land Management Plan and Land Disposal Program, which is to be consistent with the Comprehensive Plan. The Land Management Plan serves as the major means of implementing policies and guiding management, development and disposition of selected CBJ-owned lands.

17.2 - SOP5 Evaluate land not scheduled for immediate disposal for possible interim uses prior to private development.

Planning Commission
File No.: CSP2017 0015
August 31, 2017
Page 5 of 5

FINDINGS

CDD staff finds that the proposed drainage easement to be granted by CBJ Lands and Resources Division to Lot 3, Block 2 of the Salmon Creek Subdivision meets all applicable Land Use Codes and is consistent with adopted plans and studies.

RECOMMENDATION

Staff recommends that the Planning Commission finds CSP2017 0015, review for the provision of a drainage easement to Lot 2, Block 3 Salmon Creek Subdivision, consistent with the 2013 Comprehensive Plan and Title 49 and forward to the Assembly a recommendation for approval.

DEVELOPMENT PERMIT APPLICATION

Project Number CSP17 0015	CITY and BOROUGH of JUNEAU	Date Received: 7/18/17
Project Name (City Staff to Assign Name)		

INFORMATION PROJECT / APPLICANT	Project Description Sleepy Spruce Apartments (SSA) are requesting a drainage easement across CBJ Property LND-0850. SSA's existing drainage ditch, which is located near the south property line, has been in use for decades. It is necessary for SSA to access CBJ property in order to keep this ditch free and clear of debris to prevent flooding in the crawlspace of the apartments.		
	PROPERTY LOCATION		
	Street Address 3252 Hospital Drive	City/Zip Juneau/99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 1075		
	Assessor's Parcel Number(s) 7B0901020070		
	LANDOWNER/ LESSEE		
	Property Owner's Name City and Borough of Juneau	Contact Person: Dan Bleidorn	Work Phone: 586-0224
	Mailing Address 155 S. Seward St.	Home Phone:	Fax Number:
	E-mail Address Dan.Bleidorn@juneau.org	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 <u><i>Daniel Bleidorn</i></u> 07/08/2017 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 <u><i>Daniel Bleidorn</i></u> 7/18/17 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			CSP20170015	
		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: <u>- Rachel will send over color version</u>					Permit Intake Initials <u>TRK</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 <u>20170015</u>	Date Received <u>7/18/17</u>
----------------	------------------------------	------------------------------------	---------------------------------

TYPE OF PROJECT REVIEW:

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

DESCRIPTION OF PROJECT

Sleepy Spruce Apartments (SSA) are requesting a drainage easement across CBJ Property located at 3252 Hospital Drive (LND-0850). SSA's existing drainage ditch, which is located near the south property line, has been in use for decades. It is necessary for SSA to access CBJ property in order to keep this ditch free and clear of debris to prevent flooding in the crawlspace of the apartments. Initial staff review of this easement request indicated that there is no conflict with this proposal and that it is in both SSA and the CBJ's interests to have properly maintained drainage.

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): _____

The State of Alaska currently leases CBJ property LND-0850 to run the Johnson Youth Center (JYC). JYC management also find no problems with this easement request.

PROPOSED USE OF LAND OR BUILDING(S): _____

Grant a drainage easement across CBJ Property LND-0850 to SSA so that the entity may properly maintain their drainage ditch and prevent crawlspace flooding. JYC's use of the CBJ property will not be impacted by this drainage easement.

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☐ No ☒ Yes Case No.: CU-28-86

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: \$ 10,000.00

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	\$ <u>NA</u>	_____	_____	_____
Total Fee	\$ <u>NA</u>	_____	_____	_____	

TO BE COMPLETED BY THE APPLICANT

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**



Office Locations

ALASKA

Anchorage
Juneau
Fairbanks
Ketchikan
Kodiak
Palmer

ARIZONA

Tempe
Phoenix

COLORADO

Golden
Morrison

MONTANA

Billings
Bozeman
Butte
Great Falls
Helena
Missoula

NORTH DAKOTA

Grand Forks

OREGON

Bend
Portland

WASHINGTON

Redmond
Seattle

WYOMING

Casper
Lander
Laramie
Shoshone

MEMORANDUM

TO: James Bibb, A.I.A., Northwind Architects

FROM: Naomi Hobbs, P.E., DOWL

DATE: December 5, 2016 Revised July 17, 2017

SUBJECT: Drainage Ditch Near South Property Line of Sleepy Spruce Apartments

In response to concerns about the existing ditch flooding and water entering the crawl space of the Sleepy Spruce Apartments, Naomi Hobbs, P.E. and Ryan Stephens, P.E. (DOWL) visited the site on December 3, 2016 at about 3:00 pm. Rainfall levels for December 3, 2016 were around 0.59 inches. Water in the ditch was flowing unimpeded and no flooding observed.

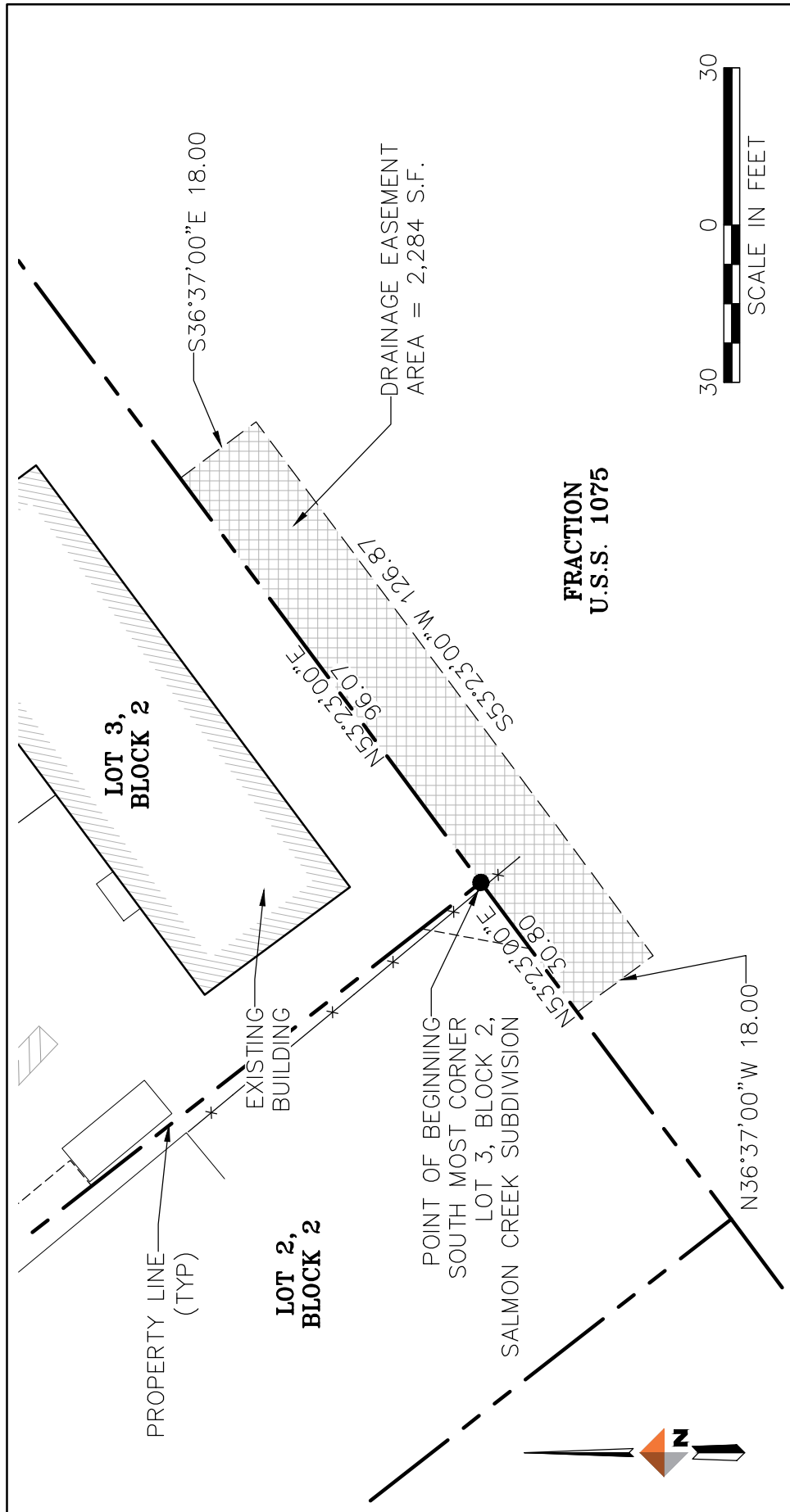
Naomi and Ryan spoke with George, head of maintenance for the Sleepy Spruce Apartments, about the history of flooding in the crawl space. George reported there is constant groundwater flow into the existing ditch near the southwest corner of the property. When the ditch fills with debris (leaves, grass, sticks, etc.) throughout the year, the groundwater outlet plugs causing groundwater to flow into the building's crawl space. If the ditch is maintained and the groundwater outlet kept clear, the flooding does not occur. Figure 1 shows where the ground water enters the existing ditch.

The existing ditch in this area is on ~~State of Alaska~~ City and Borough of Juneau property. Any work in the ditch or at the outlet for the groundwater in this area would require written permission from the property owner. If permission were granted to improve the drainage, the groundwater outlet could be dug wider and gravel and/or larger rock added to the outlet. Regular maintenance of the outlet would continue to be required with or without permission from the state to modify the ditch.



Figure 1: Existing Ditch (Right) and Location Where Groundwater Enters the Ditch (Left).

Without permission from the ~~State of Alaska~~ City and Borough of Juneau to modify the drainage in this area, maintaining the ditch and groundwater outlet is the recommended option moving forward. Regular ditch and outlet maintenance will likely reduce the risk of flooding the crawl space of the building. If water does enter the crawl space, new sump pumps (to be installed as part of the rehabilitation project) will send the water into the new drainage system (also part of the rehabilitation project) on the north side of the property.

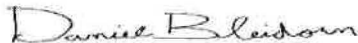


MEMORANDUM

CITY/BOROUGH OF JUNEAU

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

TO: The Assembly Lands Committee

FROM: Dan Bleidorn, Deputy Lands Manager 

SUBJECT: Drainage Easement Request by Sleepy Spruce Apartments

DATE: February 22, 2017

The Lands Office received a request for a drainage easement across the City property located at 3252 Hospital Drive where the State currently operates the Johnson Youth Center. The existing drainage ditch, which is located near the south property line of Sleepy Spruce Apartments, has been in use for decades. It is necessary for the owners of Sleepy Spruce Apartments to access City property in order to keep this ditch free and clear of debris to prevent flooding in the crawlspace of the apartments. Initial staff review of this easement request indicated that there is no conflict with this proposal and that it is in both parties best interest to have properly maintained drainage.

Section 53.09.300 entitled Easements, states that after receiving an application for an easement there will be Planning Commission and department review. Fair market value will be determined by appraisal, and the Manager will convey the easement upon Assembly approval by resolution.

53.09.300 - Easements

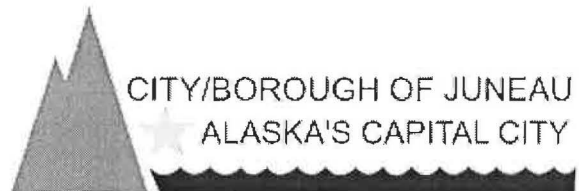
(d) *Assembly action.* Upon receipt of the planning commission recommendation, the assembly may, by resolution, authorize the manager to execute the easement under such terms and conditions as are authorized by the assembly.

If the Lands Committee provides a motion of support, Lands staff will work to schedule this item for a Planning Commission hearing and will request departmental review. Once the review process is complete, staff will provide the Assembly with this information and depending on review may request the Assembly authorize the Manager to execute this easement.

Staff recommends that the Lands Committee pass a motion of support for staff to begin the review process for an easement across City property in order to allow Sleepy Spruce Apartment to continue to maintain proper drainage.

Attachments:

Land Title Survey
Dowl Memo dated December 5, 2016



**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

February 27, 2017 5:00 PM
City Hall, Assembly Chambers

I. ROLL CALL

Debbie White, Chair, called the meeting to order at 5:00 pm.

Members Present: Chair Debbie White; Assembly members: Norton Gregory (telephonic participation); Jesse Kiehl; Mary Becker;

Liaison Present: Paul Voelckers, Planning Commission; Chris Mertl, Parks & Recreation

Liaison Absent: Weston Eiler, Docks and Harbors

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager

II. APPROVAL OF AGENDA

The agenda was approved.

III. APPROVAL OF MINUTES

A. January 30, 2017 Minutes

The minutes were approved.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

There was no public participation on non-agenda items.

V. AGENDA TOPICS

A. Drainage Easement Request by Sleepy Spruce Apartments

Mr. Chaney discussed the application and Deputy Land Manager Dan Bleidorn's February 22nd, 2017 memo, which summarized Sleepy Spruce Apartments' drainage easement request near the City's Johnson Youth Center. Sleepy Spruce Apartments would like to access the ditch to keep it free of debris to prevent flooding.

Mr. Kiehl: Does JYC have any concerns about this?

Chair White: I have spent time on this property, and this is outside the secure area.

Mr. Bleidorn: The applicant has been in communication with JYC concerning this easement, and currently there are no concerns.

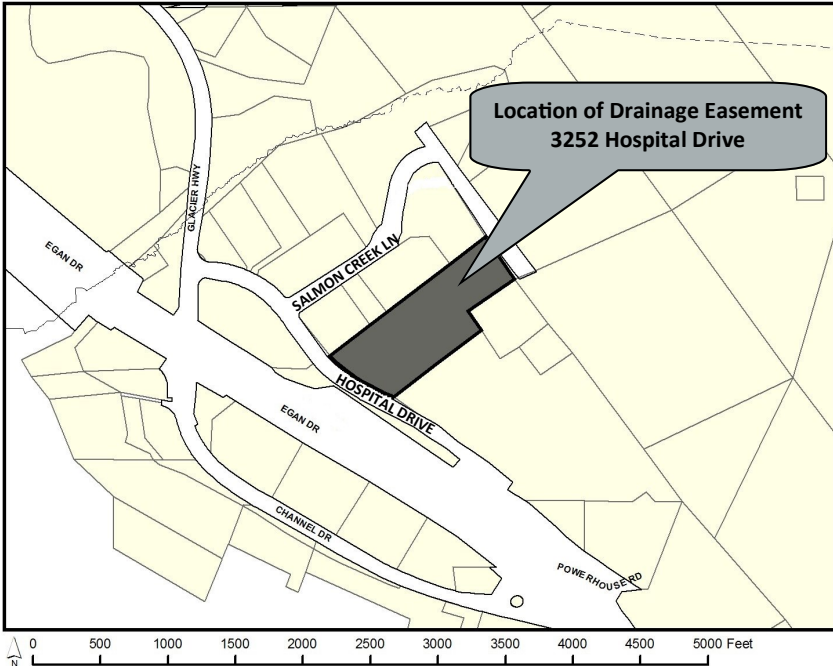
The Lands Committee unanimously forwarded a motion of support to the Assembly for staff to begin the review process for an easement across City property in order to allow Sleepy Spruce Apartment to continue to maintain proper drainage.

PUBLIC PARTICIPATION ON AGENDA ITEM A

There was no public participation on Agenda Item A.

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:

A proposal has been submitted for consideration and public hearing by the Planning Commission for a **city project to grant a portion of CBJ property, located at 3252 Hospital Drive, to the Sleepy Spruce Apartments for the purposes of a drainage easement.** If recommended for approval, the request will be sent to the CBJ Assembly for final consideration.

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at <http://www.juneau.org/assembly/novus.php>

Now through August 28, 2017

Your comments to the Planner, **Allison Eddins**, will be included in the staff report.

August 29 through 3 pm, September 12

Your comments will be sent to Commissioners to read along with the staff report in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, September 12, 2017

You may testify at the hearing in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

After the PC Hearing

Results will be posted online and if recommended for approval, the case will be sent to the CBJ Assembly.

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

Date notice was printed: August 14, 2017

Case No.: CSP2017 0015
Parcel No.: 7B0901020070
CBJ Parcel Viewer: <http://epv.juneau.org>

CSP2017-0015 – City project to grant a portion of CBJ land to the Sleepy Spruce Apartments for the purposes of a drainage easement

**September 12, 2017
Regular Planning Commission Meeting**



CSP17-15

General Information

- | | |
|------------------------------------|------------------------------|
| • Applicant: | CBJ Lands Department |
| • Property Owner: | City and Borough of Juneau |
| • Property Address: | 3252 Hospital Drive |
| • Legal Description: | USS 1075 |
| • Site Size: | 4.14 acres |
| • Comp. Plan Land Use Designation: | Institutional and Public Use |
| • Zoning: | General Commercial (GC) |
| • Utilities: | Public water and sewer |
| • Access: | Hospital Drive |
| • Existing Land Use: | Johnson Youth Center |



CSP17-15

Title 49 and 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 projects by and 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 improvement plan.

CBJ 53.09.300 (d) Easements.

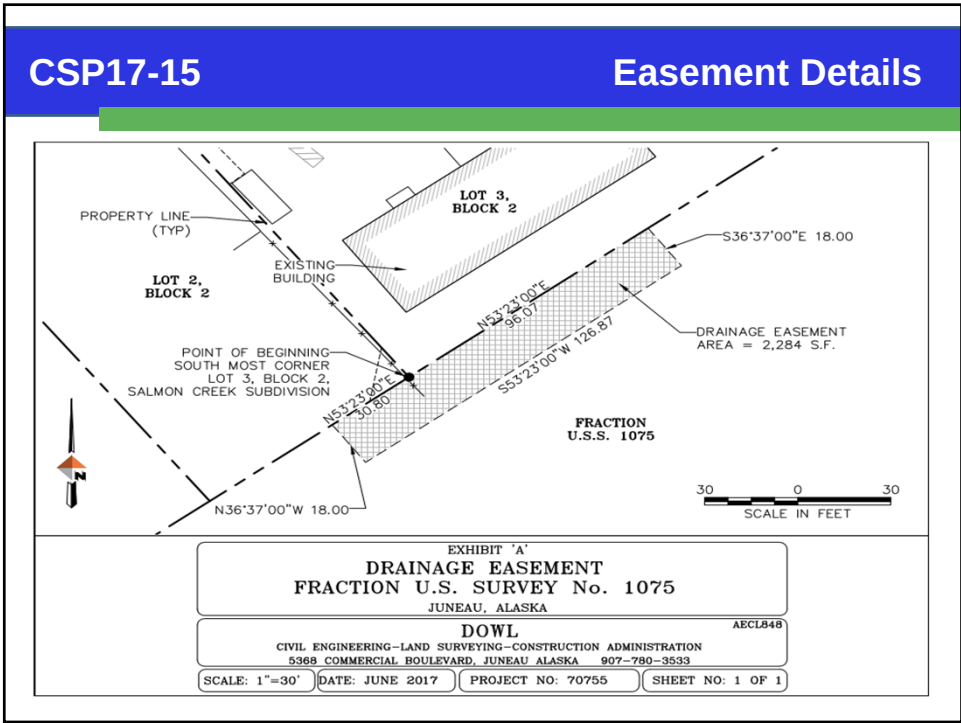
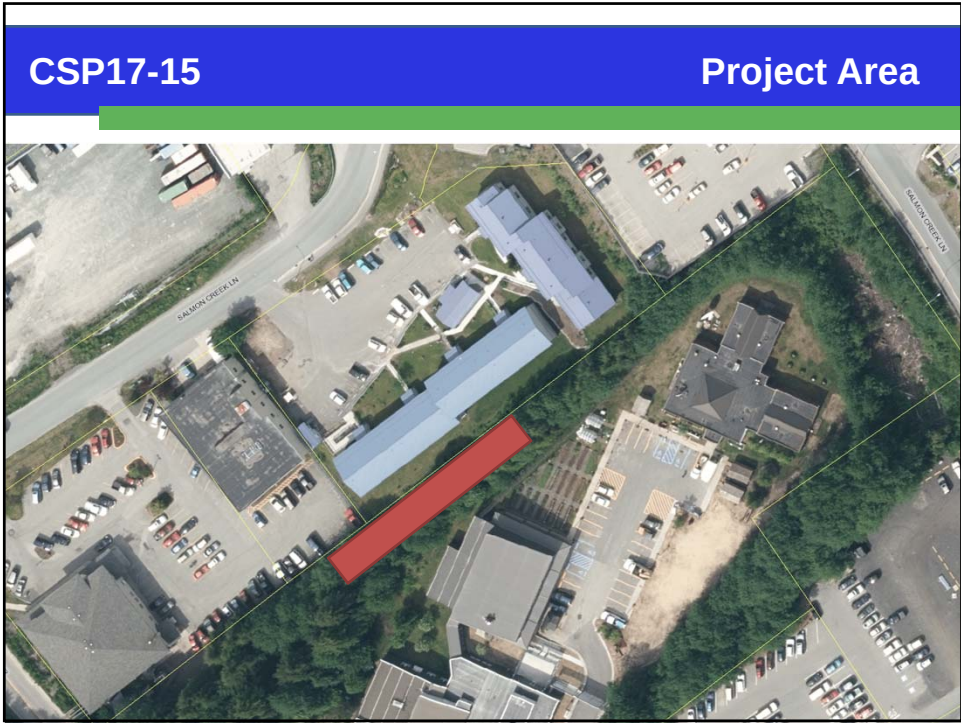
Upon receipt of the Planning Commission recommendation, the assembly may, by resolution, authorize the manager to execute the easement under such terms and conditions as are authorized by the assembly.



CSP17-15

Project Area





CSP17-15

Conformity with Plans

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 - SOP1 Evaluate the use and development potential of all CBJ-owned lands and incorporate appropriate plans for those lands into the CBJ Land Management Plan and Land Disposal Program, which is to be consistent with the Comprehensive Plan. The Land Management Plan serves as the major means of implementing policies and guiding management, development and disposition of selected CBJ-owned lands.

17.2 - SOP5 Evaluate land not scheduled for immediate disposal for possible interim uses prior to private development.



CSP17-15

Findings & Recommendation

FINDINGS

CDD staff finds that the proposed drainage easement to be granted by CBJ Lands and Resources Division to Lot 3, Block 2 of the Salmon Creek Subdivision meets all applicable Land Use Codes and is consistent with adopted plans and studies.

RECOMMENDATION

Staff recommends that the Planning Commission finds CSP2017 0015, review for the provision of a drainage easement to Lot 2, Block 3 Salmon Creek Subdivision, consistent with the 2013 Comprehensive Plan and Title 49 and forward to the Assembly a **recommendation for approval**.





Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION

NOTICE OF RECOMMENDATION

Date: September 18, 2017

File No.: CSP2017 0015

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 consistency review for a city project to grant a portion of CBJ property located at 3252 Hospital Drive to the Sleepy Spruce Apartments for the purposes of a drainage easement.

Property Address: 3252 Hospital Drive

**Legal Description
or ROW name:** USS 1075

Parcel Code No.: 7B0901020070

Hearing Date: September 15, 2017

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 31, 2017 and is forwarding to the Assembly a recommendation of approval.

Attachments: August 31, 2017 memorandum from Allison Eddins, Community Development Department, to the CBJ Planning Commission regarding CSP2017 0015.

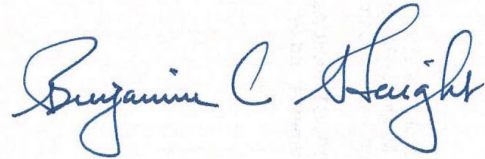
This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of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

City and Borough of Juneau
CBJ Assembly
File No.: CSP2017 0015
September 18, 2017
Page 2 of 2

Project Planner:



Allison Eddins, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

September 20, 2017

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: August 30, 2017

TO: Planning Commission

FROM: Jill Maclean, AICP, Senior Planner
Community Development Department

A handwritten signature in cursive script, reading "Jill Maclean".

FILE NO.: AME2017 0010

PROPOSAL: A Rezone Request from Waterfront Industrial to Light Commercial or D18
at 824 Front Street, Douglas.

Applicant: Kent & Deborah Hart

Property Owner: Kent & Deborah Hart

Property Address: 824 Front Street

Legal Description: Millsite Addition to Douglas Townsite, Block 32, Tract A

Parcel Code No.: 2D040T320091

Site Size: 15,828 sq. ft.

Comprehensive Plan
Land Use Designation: Marine Mix Use (M/MU)

Zoning: Waterfront Industrial (WI)

Utilities: City Water / Sewer

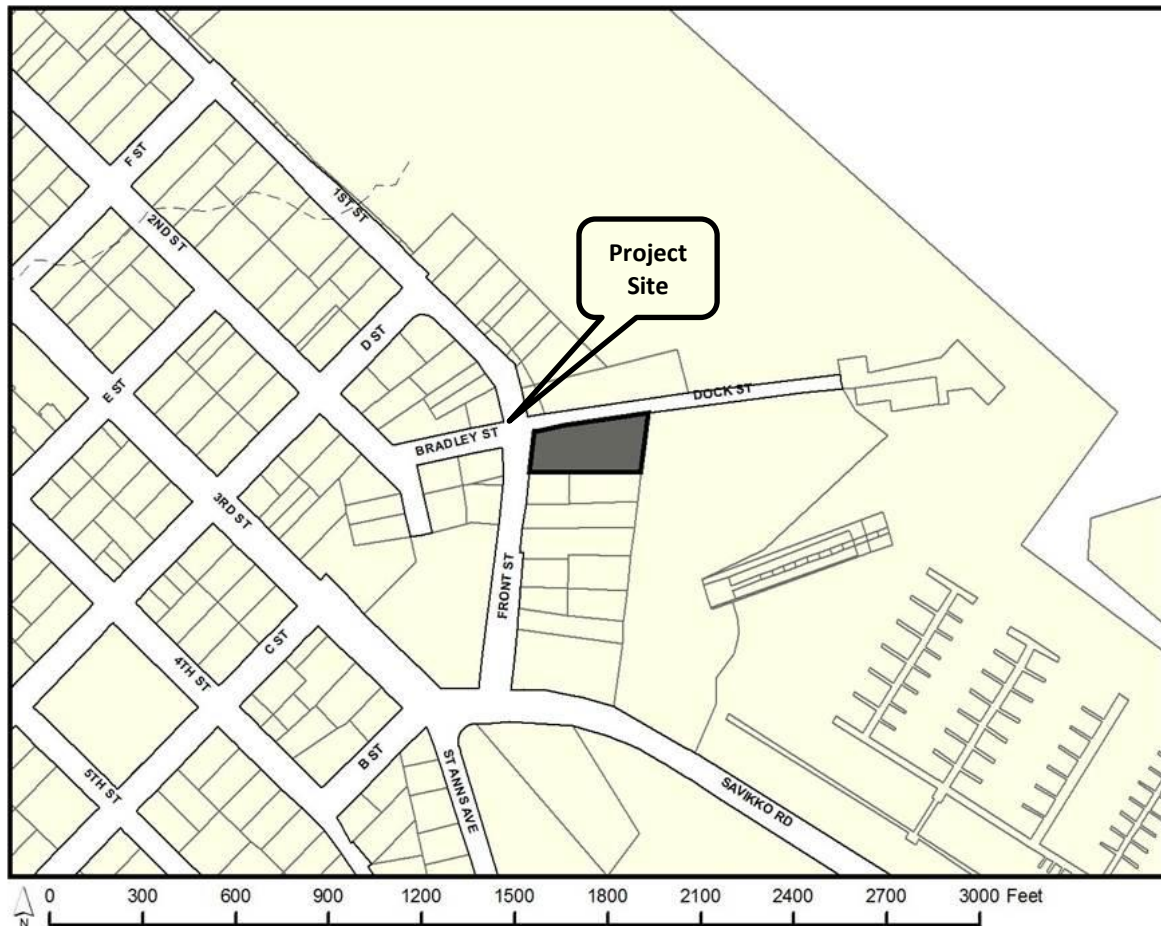
Access: Front Street / Dock Street

Existing Land Use: Boat storage (no buildings)

Surrounding Land Use: North – (D18) Single-family Dwelling / 15-unit Condominium
Northwest – (D18) Single-family Dwelling w/Accessory Apartment
South – (WI) Single-family Dwelling / Storage
East – (WI) CBJ Parking / Dock
West – (LC) Single-family Dwellings

Planning Commission
 File No.: AME2017 0010
 August 30, 2017
 Page 2 of 12

VICINITY MAP



ATTACHMENTS

- Attachment A – Application and Public Notification
- Attachment B – Table of Permissible Uses (49.25.300)
- Attachment C – Table of Dimensional Standards (49.25.400)
- Attachment D – Public Comments
- Attachment E – Downtown Douglas ADOD Map

INTRODUCTION

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

Planning Commission
File No.: AME2017 0010
August 30, 2017
Page 3 of 12

PROPOSAL

The proposed rezone is for a 15,828 square foot parcel from Waterfront Industrial (WI) to Light Commercial (LC) or D18. The existing lot meets the dimensional requirements of Title 49 (49.25.400) for D18, LC, and WI and is conforming in lot size. The applicant initially sought a rezone from WI to LC. Upon further discussion with staff, the applicant amended the application for a rezone from WI to either LC or D18 (see Attachment A).

The applicant states that they are requesting a rezone of the property in order to construct six boat condos (see Attachment A). As there is no authority to condition a rezone based upon allowed uses, the stated project may not be considered when reviewing the appropriateness of the rezone. The rezone request must be reviewed and analyzed exclusively on the merits of the proposed zoning and permissible uses, its' relation to the abutting properties, adjacent zoning districts, Title 49, and the Comprehensive Plan.

BACKGROUND

The property is located at the corner of Front Street and Dock Street, Douglas and is within the Urban Service Area. The subject parcel is currently zoned Waterfront Industrial (WI). This zoning district is *intended for industrial and port use which need or substantially benefit from a shoreline location* (emphasis added). The subject parcel is not a shoreline property. It is completely landlocked with no access to the waterfront.

The subject parcel, Block 32, Tract A of the Millsite Addition to Douglas Townsite, originally consisted of four lots, which were consolidated in 1996 into one larger lot. A re-subdivision of the entire block 32 was platted in 2003, documenting the consolidation of the site as it exists today. Previously, the site contained a washateria, which has been demolished. An Allowable Use Permit (USE2010-10) was approved for a 19,500 sq. ft. storage facility with a 3,500 sq. ft. caretaker unit. The same project was denied a variance to parking (VAR2010-22) for one parking space to be allowed for back-out parking onto Dock Street. A variance request to reduce the required number of parking spaces was also denied (VAR2010-16). The project was not constructed, and the site is currently used for boat storage. The approved Allowable Use Permit has expired.

ZONE CHANGE INITIATION

The Land Use Code outlines the procedure and requirements regarding rezone requests at CBJ 49.75 Article I, Rezoning.

CBJ 49.75.110. Initiation. *A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for*

Planning Commission
File No.: AME2017 0010
August 30, 2017
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rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

1. Was the proposed zone change initiated by the property owner during the appropriate time frame OR was the zone change initiated by the commission, assembly or director?

Yes. The application for the subject zone change was initiated by the property owner in July, 2017.

2. Has the director provided adequate public notice through newspaper advertising, property owner mailings, and by requiring a public notice sign be posted on-site?

Yes. A Notice of a Neighborhood Meeting regarding the rezone request was mailed to all property owners within 500 feet of the subject parcel advising them of a neighborhood meeting on August 9, 2017. A Notice of Public Hearing was mailed to the same owners advising them of the September 12, 2017 hearing date. Public notice of this project was provided in the September 1, 2017 and September 11, 2017 issues of the Juneau Empire in the "Your Municipality" section. A public notification sign was posted on the site, visible from the right-of-way, at least two weeks prior to the scheduled Planning Commission hearing.

RESTRICTIONS AND PROCEDURE

The CBJ Land Use Code provides restrictions for zone district change requests.

CBJ 49.75.120. Restrictions on Rezoning. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezone requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zone district and the used allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

This proposal conforms to these restrictions:

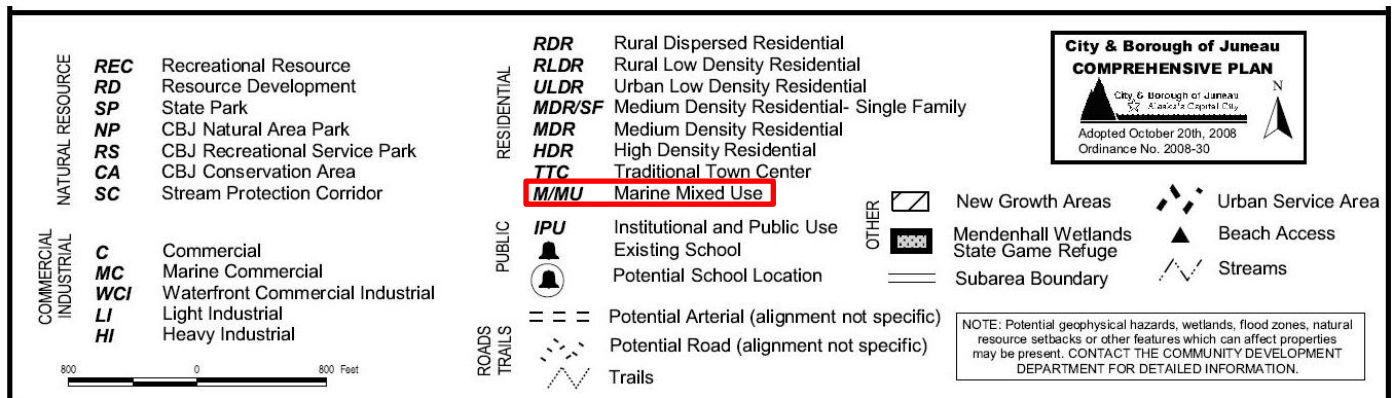
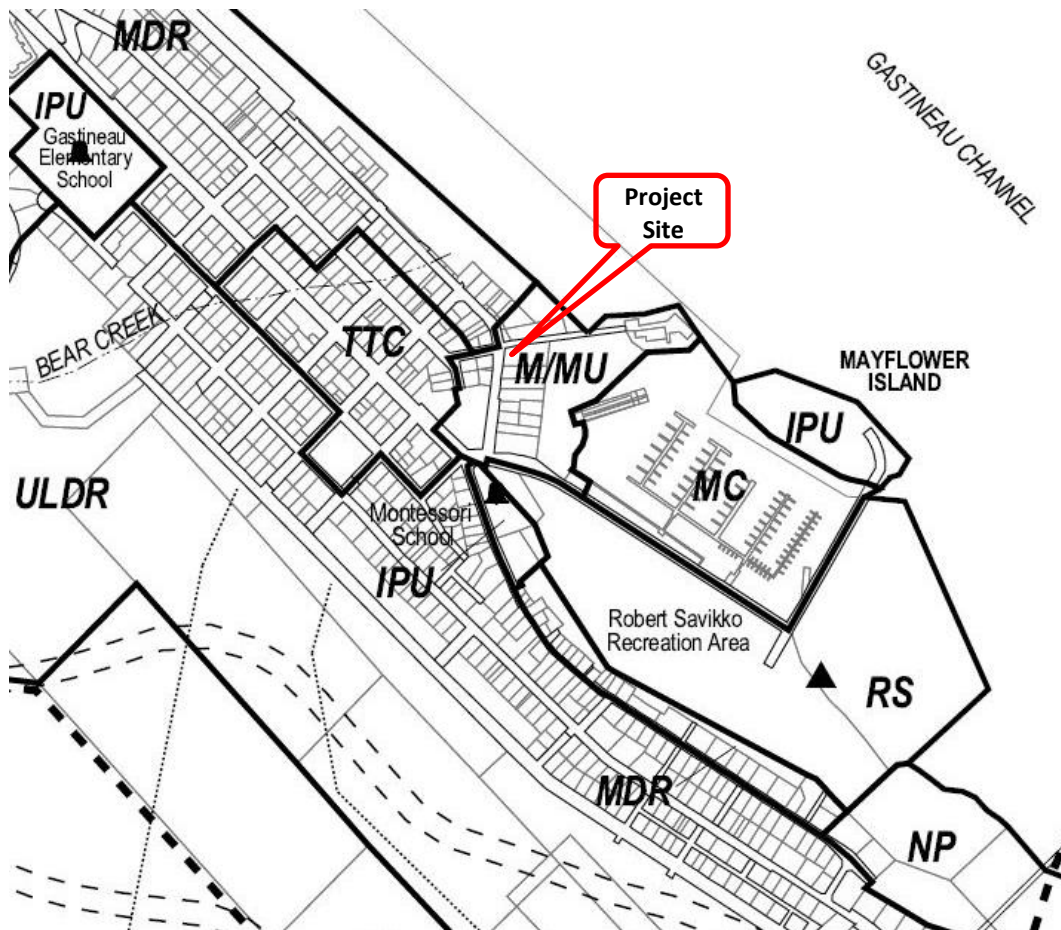
1. **MET.** The property is less than two acres and is an expansion of an existing Light Commercial or D18 zoning district.
2. **MET.** There has not been a similar request made for the property within the past year.

Planning Commission
File No.: AME2017 0010
August 30, 2017
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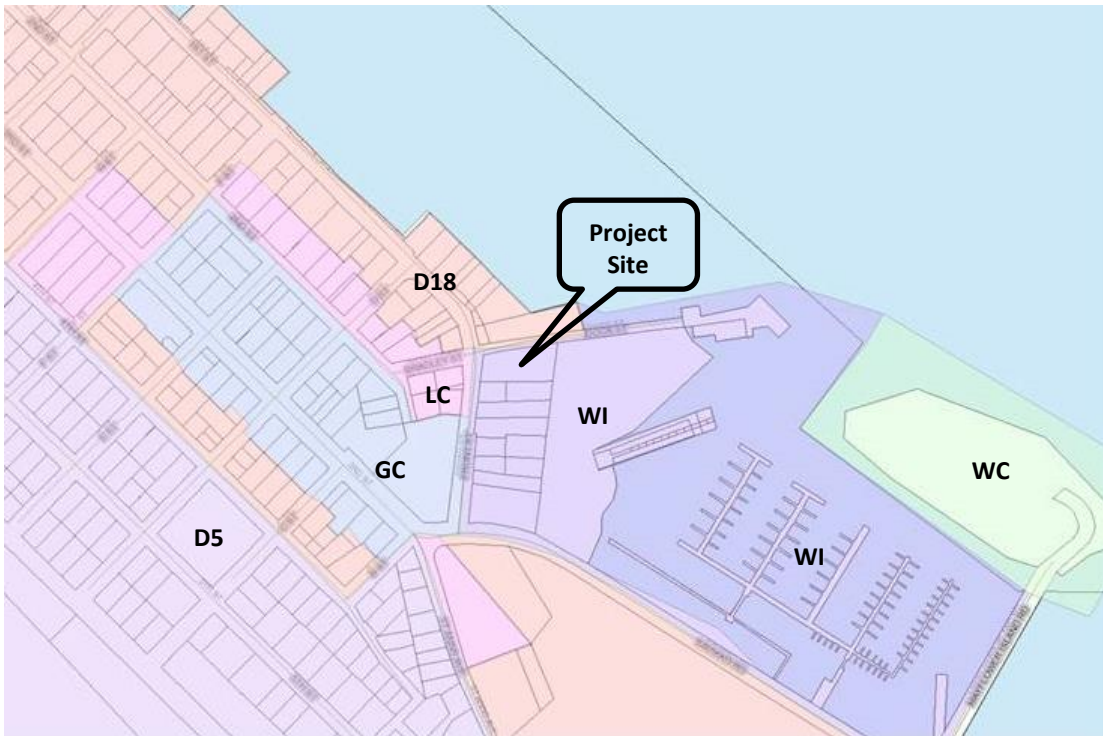
COMPLIANCE WITH THE COMPREHENSIVE PLAN & ZONING

Comprehensive Plan Land Use Designations

The Comprehensive Plan land use designations and current zoning districts are shown on the maps below:



The zoning map is shown below:



The Comprehensive Plan land use designation for the property is Marine Mixed Use (M/MU):

These lands are characterized by high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. Typically, neighborhoods serving marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as medium - and high density residential uses at densities ranging from 10 to 60 residential units per acre (emphasis added). Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. Float homes, live-a-boards, and house boats, if necessary services (such as sewer) are provided to berthing locations, are appropriate for these areas.

The Comprehensive Plan land use designations are “umbrella” designations through which multiple zoning designations may be implemented to accomplish the land uses that are aspired to in the Comprehensive Plan. For example, Waterfront Industrial (WI), Waterfront Commercial (WC), Light Commercial (LC), and D18 each may accomplish the objectives set out in the paragraph above describing the M/MU designation.

Planning Commission
 File No.: AME2017 0010
 August 30, 2017
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The proposed rezone request is found to comply with the Comprehensive Plan Land Use Maps as LC and D18 allow for commercial development, mixed and single-use developments, and single and multi-family residential developments.

COMPLIANCE WITH CBJ LAND USE CODE

The following sections of Title 49 have been examined to determine whether or not the proposed ordinance is in compliance with the Code:

49.25 Article II. Zoning Districts

49.25 Article IV. Density Determination

49.75 Article I. Rezoning (see Restrictions and Procedures on page 4 of this report)

Properties located within this particular M/MU Comprehensive Plan land use designation area are zoned WI, LC, and D18. The subject property is currently zoned WI. The properties to the west (across Front Street from the subject property) are zoned LC, and it is recommended that this rezone be an expansion of that zoning district. The properties to the north, across Dock Street and northwest across Front Street, are zoned D18. Per CBJ 49.25.230, LC districts are primarily located adjacent to existing residential development.

CBJ 49.25.250 Waterfront districts. WC and WI districts are established to accommodate those uses that are dependent on or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands.

WI zoning is intended for:

Industrial and port uses which need or substantially benefit from a shoreline location (emphasis added). In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the WI, waterfront industrial district. Residential uses are limited to caretaker residences in the waterfront industrial district.

CBJ 49.25.230 Commercial districts. LC and GC districts are established to accommodate commercial activities.

Light Commercial zoning is intended to:

Accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas (emphasis added). Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review

Planning Commission
 File No.: AME2017 0010
 August 30, 2017
 Page 8 of 12

to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments (emphasis added) in the light commercial district.

CBJ 49.25.210 Residential Districts. Residential districts are established to provide a healthy, safe and pleasant environment for residential living protected from incompatible and disruptive activities:

D18 zoning is intended to:

Accommodate primarily multi-family development at a density of 18 dwelling units per acre. This is a high density multi-family (emphasis added) zoning district intended to accommodate midrise-type development.

Per **CBJ 49.25.300 Table of Permissible Uses** (see Attachment B for complete listing), generally the main distinctions between WI, LC, and D18 are as follows:

Zoning Districts & Uses			
USE (Minor – minor development; Major is major development)	D18	LC	WI
Dwelling Units	18 dwelling units/acre	30 dwelling units/acre	Allows one caretaker unit only
Child Day Care	Yes - CUP	Yes - CUP	No
Adult Day Care	Yes - CUP	Yes - CUP	No
Misc. Room for Rent Situations	Yes (Minor; Major w/CUP)	Yes (Minor; Major w/CUP)	No
Commonwalls	Yes	No	No
Accessory Apartments	Yes	Yes	No
Sales / Rentals	No	Yes - (some w/CUP)	Yes - (only water-related w/CUP)
Manufacturing	Light manufacturing w/CUP	Light manufacturing (Minor; Major w/CUP)	Allows for light, medium, and heavy manufacturing (Minor; Major w/CUP)
Boat / Motor Vehicle Sales and Services	No	Yes – (some w/CUP; No boat services / repairs)	Yes – (only water-related)
Services Related to Animals	No	Yes	Some – (veterinary)
Agricultural Operations	No	Yes	No
Marijuana	No	Yes - CUP for Marijuana testing facilities and marijuana cultivation 500 sq. ft. or under and marijuana cultivation over 500 sq. ft. – all with a CUP	No

Per **CBJ 49.25.400 Table of Dimensional Standards**, the requirements for WI, LC, and D18 may be found in Attachment C. Also included below are the vegetative cover requirements per CBJ 49.50.300. Generally, the main distinctions are:

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 August 30, 2017
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Regulations	D18	LC	WI
49.25.400 Table of Dimensional Standards			
Minimum Lot Size	5,000	4,000	2,000
Minimum Lot Width	50	20	20
Minimum Lot Depth	80	80	60
Minimum Lot Coverage	50%	None	None
Maximum Height	35	45	45
Minimum Front Yard Setback	20	25	10
Minimum Street Side Yard Setback	13	17	10
Minimum Rear Yard Setback	10	10	10
Minimum Side Yard Setback	5	10	0
49.50.300 Minimum vegetative cover			
Vegetative Coverage	30%	15%	5%

Per CBJ 49.25.500 Density, the density determinations are 18 dwelling units per acre in D18, 30 dwelling units per acre for LC, and one (1) caretaker accessory unit allowed per parcel in the WI zone. If zoned D18 and built out for residential use only, the subject property with 15,282 sq. ft. may have a maximum density of 6 dwelling units, exclusive of other requirements such as parking, setbacks, and vegetative cover. If zoned LC and built out for residential use only, the subject property with 15,282 sq. ft. may have a maximum density of 11 dwelling units, exclusive of other requirements such as parking, setbacks, and vegetative cover.

Per CBJ 49.70.1200 Alternative Development Overlay Districts (ADOD), the subject parcel is within the Downtown Douglas ADOD (see Attachment E for map). If the rezone request is granted and adopted as either D18 or LC, the subject parcel may apply under the ADOD for reduced setbacks, lot coverage (in D18 as LC has no minimum lot coverage), and/or vegetative coverage for development of new residential buildings and the expansion, restoration, or repair of existing residential buildings, including accessory structures.

AGENCY REVIEW

- Capital City Fire/Rescue – No fire code issues at this time.

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- CBJ Assessor – Assessor’s finds LC compatible with WI, and does not find D18 compatible with the adjacent WI zone. The parcel is larger than most of the D18 parcels and has more potential in use whether the owners build boat condo buildings or other development.
- CBJ Building – No comments at this time.
- CBJ Docks and Harbors (abutter) – No objection to the proposed rezoning application.
- CBJ General Engineering – Tract A, Block 32, Douglas Townsite is a trapezoid shaped lot 188ft long ranging in width from 68ft to 100ft. The lot is bordered by CBJ Streets on two sides. Utilities exist in the ROW that would accommodate maximum development allowed in a LC zoning district. However, it should be noted that the size and shape of the lot will limit access as no back-out parking would be allowed. General Engineering has no adverse comments relating to a zone change.
- CBJ Lands and Resources (abutter) – Adjacent CBJ property will continue to be managed for Waterfront Industrial uses. It frequently creates conflicts to have residential zoning adjacent to Industrial zones. With that in mind, Lands would be more supportive of LC than D18.
- CBJ Parks and Recreation (abutter) – No concerns at this time.
- AKDOT&PF – No comments at this time.

PUBLIC COMMENT (Attachment D)

A neighborhood meeting was held August 9, 2017 at the Douglas Public Library. The residents that attended were generally in support of the redevelopment of the site, which has been vacant for a number of years and viewed as a blight on the neighborhood. There was not a strong preference for either D18 or LC; abutters identified benefits of both of the proposed zoning districts for the site and the applicants’ proposal. One abutter noted concerns of traffic impacts on Dock Street from future development and the current maintenance of Dock Street, which is not paved; another abutter stated that traffic is not a concern. There was also a comment on the potential retail uses, however most retail is allowed in both D18 and LC, and though they stated concern, they still supported a zone change.

Public comment was also received from the abutter at 918 First Street, Douglas. The abutter is in full support of the zone change to either D18 or LC. The abutter states concern with on-street parking in the neighborhood.

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SUMMARY

Many policies in the Comprehensive Plan support changing zoning to more dense zones within the Urban Service Area. The subject parcel is located on the Subarea 9 West Juneau Douglas Map P of the Comprehensive Plan land use maps and identifies this portion of Douglas as Urban. The Comprehensive Plan Guidelines and Considerations for Subarea 9 that are relevant to this request include:

1. Provide for additional medium- to high- density residential development in areas with access to arterials and served by municipal sewer and water and adequate road and intersection capacity (to Level of Service D or better).

6. A Marine Mixed Use District designation is shown for a portion of downtown Douglas. This designation reflects the current pattern of commercial development and will allow higher density residential development. The zoning for this area should reflect this land use designation. The commercial core of downtown Douglas includes an auto repair shop, gas/convenience store, bars, restaurants and personal service shops. Major public buildings include the Post Office, Douglas Fire Station/Library, Gastineau Elementary School, Mt. Jumbo Gym/service center, and the historic Mayflower School. The Perseverance Theater is a significant and unique cultural facility.

The existing WI zoning is consistent with the Comprehensive Plan land use designations but does not allow for residential uses. WI is intended for industrial and port use, which need or substantially benefit from a shoreline location, and the subject parcel is not a shoreline property.

Minor Development in D18 districts [per CBJ 49.25.300(c)(3)(C)] allows for residential development containing eight or fewer dwelling units, eight or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building totaling less than 5,000 square feet or using less than 10,000 square feet of land in total. Any project not falling under these limits would require a Conditional Use Permit (see Attachment B, Table of Permissible Uses, for more detail).

Minor development in LC districts [per CBJ 49.25.300(c)(3)(D)] allows for residential development containing 12 or fewer dwelling units, 12 or fewer bedrooms leased on a daily basis or weekly basis, or a nonresidential building totaling less than 10,000 sq. ft. or using less than one-half acre of land in total. Any project not falling under these limits would require a Conditional Use Permit (see Attachment B, Table of Permissible Uses, for more detail).

A rezone from WI to D18 or LC would both be expansions of existing zoning districts to the north and west. Staff finds that the request for either D18 or LC is in substantial conformance with the maps of the Comprehensive Plan and the CBJ Land Use Code. Given the

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Comprehensive Plan designation of M/MU, the existing residential uses to the north and northwest, and the more industrial uses to the east and south of the subject parcel and the potential future reuse of the CBJ land managed by Docks and Harbors to the south, a rezone to LC may serve as a better transition zone between existing uses. It will provide greater density, allow for better site design due to decreased lot coverage and vegetative coverage requirements, and potentially promote opportunity for commercial-related activity. Conversely, D18 may signify primarily residential development opportunities to the private sector.

FINDINGS

After review of the application materials, the CBJ Land Use Code, and the 2013 Comprehensive Plan, the Director makes the following findings:

1. The request meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code. The application was timely filed in July, is expansion of an existing zoning district, and is not similar to a request made in the previous two years.
2. As discussed in the previous analysis, the request substantially complies with the Land Use maps of the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission concur with the Director's analysis and findings and recommend approval to the Assembly for the rezone of 824 Front Street, Millsite Addition to Douglas Townsite, Block 32, Tract A, from Waterfront Industrial to Light Commercial.

From: Debbie Hart
To: [Jill Maclean](#)
Subject: Re: table of permissible uses
Date: Thursday, July 20, 2017 4:04:08 PM

Hello Jill,

After considering the various permissible uses for various zoning districts we would like to amend our rezone request (note: the address is 824 Front Street in Douglas or assessor's parcel number: 2D040T320091) to include both Light Commercial and D18. Both of those zoning options meet our needs for developing the property.

Can you please revise our original request to reflect this change?

Thank you for your assistance.

Debbie

On Thu, Jul 20, 2017 at 3:48 PM, Jill Maclean <Jill.Maclean@juneau.org> wrote:

Hi Debbie,

Attached is the Table of Permissible Uses with the zoning districts highlighted. Please review and confirm as soon as possible if you are still wanting to move ahead with both D18 and Light Commercial (LC).

Thank you,

Jill Maclean, AICP

Senior Planner

Community Development Department

City & Borough of Juneau

[907.586.0756](tel:907.586.0756)

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Debbie Hart, Coordinator

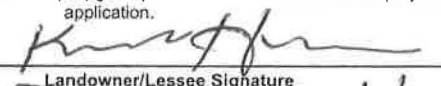
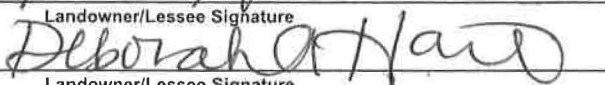
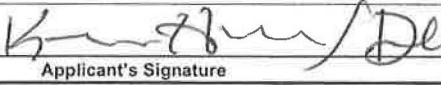
Southeast Alaska Fish Habitat Partnership

hartdebbi@gmail.com

(907) 723

DEVELOPMENT PERMIT APPLICATION

Project Number AME 20170010	CITY and BOROUGH of JUNEAU	Date Received: 07/07/2017
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Request to rezone parcel (20040T320091) on Dock Street, Douglas from WF to LC, one of the surrounding zoning districts to enable us to build 6 units above boat garages on the parcel.		
	PROPERTY LOCATION		
	Street Address 824 Front St.	City/Zip Douglas, AK 99824	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Tract A, of a subdivision of Fractions of AK Tideland Survey (AKTS) Block 32, Douglas		
	Assessor's Parcel Number(s) Townsite, according to plat 2004-17, Juneau Recording Dist.		
	APN: 20040T320091		
	LANDOWNER/ LESSEE		
	Property Owner's Name Kent & Deborah Hart	Contact Person: Deborah	Work Phone:
	Mailing Address 220 St. Ann's Ave. Douglas, AK 99821	Home Phone: 723-0258	Fax Number:
	E-mail Address hartdebbi@gmail.com	Other Contact Phone Number(s): Good 723-4944 (After July 20th)	
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	 Landowner/Lessee Signature	7/7/17 Date
	X	 Landowner/Lessee Signature	7/7/17 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: Deborah
	Mailing Address		Home Phone: 723-0258
E-mail Address		Fax Number:	
Other Contact Phone Number(s):			
X	 Applicant's Signature	7/7/17 Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type Building/Grading Permit	***SIGN	Date Received
		City/State Project Review and City Land Action		Application Number(s)
		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		07/07/2017	
	Other (Describe)		AME 20170010	
Comments:				
***Public Notice Sign Form filled out and in the file.				
Attachment A - Application				
Permit Intake Initials TJR				

→ Millsite Addition to Douglas Townsite, Block 32, Tract A

ZONE CHANGE APPLICATION

Project Number AME20170010	Project Name (15 characters)	Case Number AME20170010	Date Received 07/07/2017		
LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED: <u>Tract A, of a subdivision of Fractions of Alaska tidelands survey (ATS) and Block 32, Douglas Townsite, according to Plat 2004-17, Juneau Recording District APN: 200401320091</u>					
IS THIS AN EXPANSION OF AN EXISTING ZONE?		☒ Yes ☐ No			
Total Land Area of Proposed Change <u>0.36</u> acres		Comp Plan Designation <u>M/MU</u>			
Current Zone(s) <u>WI</u>		Comp Plan Map <u>P</u>			
New Zone Requested <u>LC</u>					
TYPE OF ZONE CHANGE REQUESTED: ☒ Regular ☐ Transition					
HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS? ☐ Yes ☒ No					
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site					
PURPOSE OF THE REQUESTED ZONE CHANGE: <u>Rezone from WI to LC to allow for building 6 units above boat garages on parcel.</u>					
IS THERE A PROPOSED USE OF THE LAND? ☒ Yes ☐ No					
PROPOSED BUFFERS TO ADJACENT ZONES? ☐ Yes ☒ No					
DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT): <u>Boat garages with residential units above, not to exceed 6 units.</u>					
DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:					
STREETS: <u>drive way access will be required</u>					
WATER: <u>up to 6 separate units to be linked with</u>					
SEWER: <u>existing water & sewer lines.</u>					
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	ZONE CHANGE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>600</u>			<u>07/07/2017</u>
	Admin. of Guarantee	\$ _____			
	Adjustment	\$ _____			
	Pub. Not. Sign Fee	\$ <u>50</u>			<u>07/07/2017</u>
	Pub. Not. Sign Deposit	\$ <u>100</u>			<u>07/07/2017</u>
Total Fee	\$ <u>750</u>			<u>07/07/2017</u>	

Attachment A - Application

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Kent and Deborah Hart
220 St. Ann's Ave.
Douglas, AK 99824
907-723-0258
hartdebbi@gmail.com

City and Borough of Juneau
Community Development Department
155 S. Seward Street
Juneau, Alaska 99801

July 7, 2017

Dear CBJ Community Development Department Staff and other interested parties,

Please find enclosed our permit application and rezone request regarding 824 Front Street in Douglas. Our request is to rezone this parcel from its existing status of Waterfront Industrial (WI) to the adjacent zoning status of Light Commercial (LC). We are submitting this request, and required attachments and fee payment, as we would like to build boat garages with residential units above, not to exceed six in total, on the parcel.

Thank you for considering this request and please let me know if you have any questions,

Sincerely,



Deborah Hart



{907} 586-0715
 CDD Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

Rezone of parcel from WI to D18 or LC

Case Number: PAC2017-0026

Project Description: Request to rezone parcel on Dock Street, Douglas from WI to one of the surrounding zoning districts of D18 or LC. Applicant wishes to build 6 units about boat garage on the lot. WI is limited to one caretaker unit.

Applicant: Kent Hart

Property Owner: Kent Hart

Property Address: 824 Front Street

Parcel Code Number: 2D040T320091

Site Size: 15,828 square feet (0.36 acre)

Zoning: WI

Existing Land Use: Vacant (Derelict buildings)

Conference Date:	05/17/17
Report Issued:	6/6/17

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
Kent Hart	Applicant	alaskakenthart@gmail.com
Tim Felstead	Planner	Tim.felstead@hotmail.com
Eddie Quinto	Permit Specialist	Edward.quinto@juneau.org
Ron King	Regulatory surveyor	Ron.king@juneau.org

Neighborhood Association/Contact: (Neighborhood association name and contact info.)

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 – Currently zoned WI. It is too small to be given its own zoning designation and so can only be rezoned as part of an extension of an adjacent zoning district.** this lot is too small to be eligible for a rezone in its own right. For the property to be rezoned it would have to be based on the expansion of an abutting zoning district. The lot is currently zoned Waterfront Industrial (WI) which would limit your lot to one residential caretaker unit that is deemed necessary for the primary use of the lot.

Rezoning to either of the two neighboring uses of D18 or Light Commercial (LC) would allow the additional dwelling units you are interested in building. However, the new zone designation has to be in 'substantial conformity' with the future land use maps of the 2013 Comprehensive Plan. The Land Use maps designate the area as Marine Mixed Use – I have provided the description of the intended uses of Marine Mixed Use lands below. Extension of the Light Commercial zoning may help achieve this over the existing Industrial Use.

Marine Mixed Use (M/MU).

These lands are characterized by high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. Typically, neighborhood serving and marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as medium- and high density residential uses at densities ranging from 10 to 60 residential units per acre. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. Float homes, live-a-boards, and house boats, if necessary services (such as sewer) are provided to berthing locations, are appropriate for these areas.

It is worth noting that the property on the opposite side of Dock St was recently rezoned in 2014 from Waterfront Industrial to D18 as an expansion of the neighboring D18 zoning district. This lot was also designated as Marine Mixed Use in the 2013 future Land Use maps.

A rezone request for an extension of LC would be most appropriate although there is no guarantee that it could be supported by CBJ Staff. The Planning Commission would make a recommendation to the Assembly and the Assembly would have the final say.

A very rough timeline would be:

- Submit application in July
- Public meeting held on proposal (probably early July)
Staff report written
- Planning Commission hearing on rezone – sometime in August or early Sept. Recommendation made – if denied you could still Protest the decision to the Assembly.
- Assembly would hear some time in Sept or early Oct.

Pre-Application Conference Final Report

2. Setbacks – Future setbacks for LC are:

- Front yard (Dock Street or Front Street) – 20ft
- Street side yard (which ever street is not designated as a Front Yard) – 17ft
- Side yard (remaining lot lines) – 10 ft

Based on our discussions, it seems these setback areas would also help provide the necessary parking and reversing aisles necessary for parking requirements. Side yard setbacks can help achieve the vegetative cover requirement.

3. Height – Maximum building height for LC is 45ft for Permissible Uses and 35 ft for Accessory uses. This is measured from the lowest grade to the mid point of the roof.
4. Parking – You have indicated that your proposed development would have 6 dwelling units each with 2 bedrooms. This would put your parking requirement for the whole development at 1.5 spaces per unit not 9 spaces in total. Garage space can count towards parking. Back out parking is not allowed in multi-family developments and so sufficient space for access aisles etc would be required.

One driveway could be located on Front St and two driveways on Dock St. Ideally the Dock St would allow entry only at one driveway and exit only at the other. Some form of barrier (fence/berm/vegetative strip etc.) The berm should define the entrances of the driveway.

5. Landscaping – The lot is required to have 15% vegetative coverage. The area
6. Lighting – Lighting should be full cut off (i.e. illuminate down and not beyond property line).
7. Building – NA
8. Fire District – NA
9. Traffic – Will not require Traffic Impact Analysis.
10. Engineering –
11. Noise – Proposed development would be in keeping with proposed zone change.
12. Drainage – Drainage plan would be needed as part of future development. Water should be directed to streets.
13. Utilities – (water, power, sewer, etc.) Water and sewer is available. Single metered water line would be required for proposed development.
14. Wetlands – N/A
15. Habitat – (Eagle, Riparian, etc.) – NA
16. Hazard/Mass Wasting/Avalanche/Hillside Endorsement – NA
17. Flood – NA
18. Plat or covenant restrictions – Docks and Harbors have an agreement to support variances and improve drainage.
19. Other Agency Reviews – (DOT&PF, Alcohol Beverage Control Board, Corps of Engineers, DEC waste-water, DNR, USF&WL, FAA, US Coast Guard, Corrections etc.) – NA.

List of required applications

Attachment A - Application

Pre-Application Conference Final Report

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. Rezone application

Additional submittal requirements:

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

1. A copy of this pre-application conference report.
2. Plat or as-built survey of lot
1. Preliminary site plan for future development

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. \$600 for rezone application
2. \$150 for public notice sign (\$100 refundable if returned within a week)

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

CERTIFICATE OF PLAY APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION DATED AT RESOLUTION NO. 20-03 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

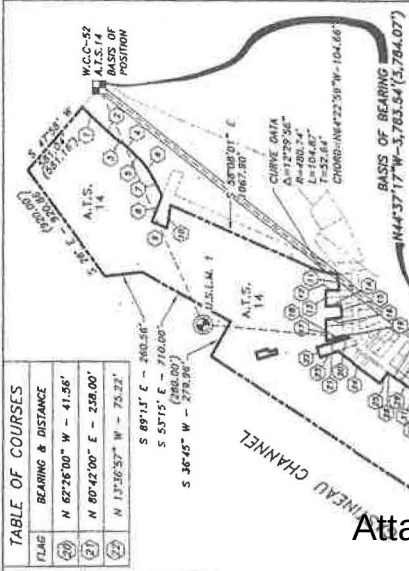
DATE: 10/21/2003
 CHAIRMAN
 CITY AND BOROUGH OF JUNEAU
 PLANNING COMMISSION

ATTEST:
 CLERK CITY AND BOROUGH OF JUNEAU
 PLANNING COMMISSION

U.S.L.M. NO. 1 (1914-24)
 (1915-25) W-100.00'
 (1916-26) E-100.00'
 (1917-27) S-100.00'
 (1918-28) W-100.00'
 (1919-29) E-100.00'
 (1920-30) S-100.00'
 (1921-31) W-100.00'
 (1922-32) E-100.00'
 (1923-33) S-100.00'
 (1924-34) W-100.00'
 (1925-35) E-100.00'
 (1926-36) S-100.00'
 (1927-37) W-100.00'
 (1928-38) E-100.00'
 (1929-39) S-100.00'
 (1930-40) W-100.00'

REMAINDER
 A.T.S. 14
 AREA=22.84 AC.
 80.58 AC.

CBJ FILE COPY
 The official recording copy of this instrument is on file at the Alaska Department of Natural Resources, Division of Geological and Geophysical Surveys, 1400 West 10th Avenue, Anchorage, Alaska 99501.
 File No. 2004-17
 Payment \$ 5,082,003-000,29



FLAG	BEARING & DISTANCE
1	N 76°33'00" W - 125.11'
2	N 45°32'00" W - 371.07'
3	S 44°28'00" W - 93.01'
4	N 43°21'00" W - 28.32'
5	N 46°43'00" W - 48.11'
6	N 49°55'00" W - 52.35'
7	N 51°15'00" W - 50.25'
8	N 45°11'00" W - 48.74'
9	N 47°25'00" W - 22.39'
10	N 47°19'00" W - 27.72'
11	N 44°25'00" W - 51.31'
12	N 45°32'00" W - 50.01'
13	N 45°32'00" W - 50.00'
14	N 46°41'00" W - 47.90'
15	N 44°28'00" E - 101.34'
16	S 44°28'00" W - 104.00'
17	N 45°32'00" W - 52.00'
18	N 46°41'00" W - 50.01'
19	N 46°48'00" W - 50.09'
20	N 53°00'00" W - 49.52'

REMAINDER
 A.T.S. 14

CERTIFICATE OF OWNERSHIP LOT 24, BLOCK 32

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

DATE 10/21/2003
 WITNESS: Richard W. B. [Signature]
 WITNESS: [Signature]

CERTIFICATE OF OWNERSHIP TRACT A

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

DATE 10/21/2003
 WITNESS: Richard W. B. [Signature]
 WITNESS: [Signature]

NOTARY'S ACKNOWLEDGEMENT

UNITED STATES OF AMERICA } ss.
 STATE OF ALASKA

THIS IS TO CERTIFY THAT ON THIS 21st DAY OF OCTOBER, 2003, BEFORE THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, APPEARED TO ME [Name], KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.
 [Signature]
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: 12-7-2004

CERTIFICATE OF OWNERSHIP LOT 19, BLOCK 32

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

DATE 10/21/2003
 WITNESS: Richard W. B. [Signature]
 WITNESS: [Signature]

NOTARY'S ACKNOWLEDGEMENT

UNITED STATES OF AMERICA } ss.
 STATE OF ALASKA

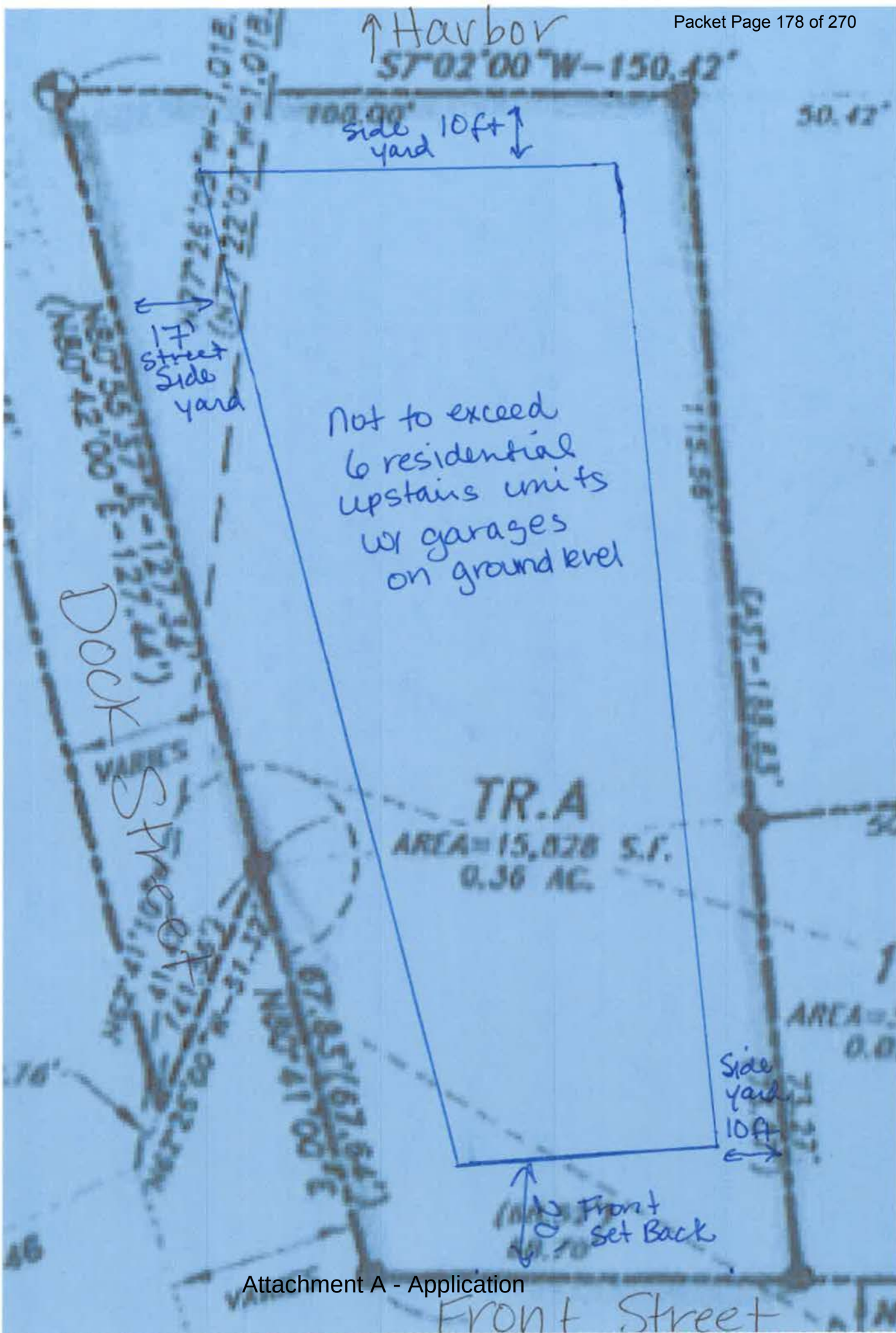
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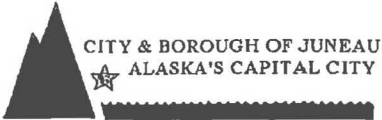
WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.
 [Signature]
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: 12-7-2004





Track A, of a subdivision of
 fractions of Alaska tidelands Survey (ATS)
 4 Block 32, Douglas Township





Public Notice Sign Lease Agreement

Community Development Department

Case # AME20170010 Sign # _____ Hearing Date: _____
 Assessor's Parcel # 20040T320091 Check # 2285 Receipt # _____
 Applicant: Deborah & Kend Hart Phone #: 723-0258
 (please print)
 Application Received by: JOSHUA MUSSON Date: 07/07/2017
 (CDD staff initials/name)

I, _____, in cooperation with the Community Development Department (CDD), have leased a Public Notice Sign and agree to the terms listed below:

CHARGE: \$50 Preparation Fee
 \$100 Refundable Deposit

RETURN TIME: The sign **MUST** be returned to the Community Development Department **by 4:30 p.m. on the Monday** following the scheduled hearing date. If the sign is returned later than the Monday after the Planning Commission meeting, but within two weeks of the meeting, \$50.00 may be refunded.

PENALTIES: The sign **MUST** be returned to the Permit Center Staff in the same condition it was taken: clean, undamaged, and with no attachments. **If a sign is not returned on time, or has been damaged, the \$100 deposit fee will be forfeited.**

POSTING REQUIREMENTS:

- The sign must be posted by the applicant/developer on the site at least 14 days prior to the hearing date.
- The sign must be clearly visible and readable from a public Right-of-Way.

 (Applicant Signature)

 (Date)

Sign Received by: _____ Date: _____ Staff Initials: _____

Sign Returned by: _____ Date: _____ Staff Initials: _____

REFUND INFORMATION: Receipt Number: _____
 Amount Refunded: _____ Method: _____ Date: _____ Staff Initials: _____
 Refund Received by: _____ /mailed to: _____

Attachment A - Application

TABLE 49.25.300

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

		RR	D- 1	D- 3	D- 5	D- 10	D- 10 SF	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
1.000	RESIDENTIAL															
1.100	Single-family dwellings															
	1.110 Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A
	1.120 Single-family detached, two dwellings per lot	1	1	1												
	1.130 Single-family detached, accessory apartments ^x	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	
	1.140 Single-family detached, two dwelling per lot, accessory apartment ^x	1, 3	1, 3	1, 3												
1.200	Duplex	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
1.300	Multifamily dwellings															
1.500	Child and Day care homes															
	1.510 Child; 12 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1	1	1	

		RR	D- 1	D- 3	D- 5	D- 10	D- 10 SF	D- 15	D- 18	LC	GC	MU	MU2	WC	I
	1.520														
	1.530	1	1	1	1	1	1	1	1	1	1	1	1		
	1.540														
1.550															
1.600															
	1.610	3	3	3	3	3	3	3	3	3	3	3	1	3 ^N	
	1.620	3								1, 3	1, 3	1, 3	1, 3	3 ^N	
	1.630									1, 3	1, 3	1, 3	1, 3	1, 3	
1.700		1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.800															

Attachment B - Table of Permissible Uses

		RR	D- 1 1	D- 3 3	D- 5 SF	D- 10	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
	1.810	Residential mobile homes on individual lots ^E	3	3	3											
	1.815	Caretakers mobile homes on individual lots ^E	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	1.820	Mobile home parks ^E				3	3	3	3	3	3					
	1.830	Mobile home subdivision ^E			3	3	3	3	3	3	3					
	1.840	Recreational vehicle parks ^F	3 ^F	3 ^F	3 ^F											
1.900		Common wall development														
	1.910	Two dwelling units			1	1	1	1	1	1						
	1.911	Accessory apartments ^x	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	
	1.920	Three or more dwelling units				1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
	1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)		3	3	3	3	3	3	3	3		3			

		RR	D- 1	D- 3	D- 5	D- 10	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	I
2.000	SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT ⁶														
2.100	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods														
	2.110	<i>Reserved</i>													
	2.120	Miscellaneous								1	1	1	1	3 ^N	3
	2.130	Marine merchandise and equipment	3 ^T							1, 3	1, 3	1, 3	1, 3	1, 3 ^N	3
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods									1, 3	1, 3	1, 3	1, 3	3 ^N	3
2.300	Marijuana retail store	3								3	3	3	3	3	3
3.000	PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES ⁶														
3.050	Offices of not more than 1,000 square feet	3	3	3	3	3	3	3	3	1	1	1	1	1 ^N	
3.100	Offices greater than 1,000 but not more than 2,500 square feet							3	3	1	1	1	1	3 ^N	
3.200	<i>Reserved</i>														

		RR	D- 1	D- 3	D- 5	D- 10	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
3.300	Research, laboratory uses	3 ^T								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 _N	1 ^N , 3 _N	1, 3
3.400	Offices greater than 2,500 square feet									1, 3	1, 3	1, 3	1, 3	1 ^N , 3 _N		3 ^S
3.500	Marijuan testing facility	3								3	3	3	3			3
4.000	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS ^G															
4.050	Light manufacturing	3 ^T						3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 _N	1 ^N , 3 _N	1, 3
4.070	Medium manufacturing	3 ^T									3	3	3	1 ^N , 3 _N	1 ^N , 3 _N	1, 3
4.100	Heavy manufacturing	3 ^T a													3 ^N	3
4.150	Rock crusher	3 ^T	1	1											3 ^N	3

		RR	D- 1	D- 3	D- 5	D- 10 SF	D- 10 15	D- 18	LC	GC	MU	MU2	WC	WI	I
			q	q											
4.200	Storage of explosives and ammunition	3												3 ^N	3
4.210	Seafood processing	3 ^T											3	1, 3	1, 3
4.220	Marijuana product manufacturing facility	3 _{AC}								3	3				3
5.000	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES														
5.100	Schools														
5.110	Elementary and secondary schools including associated grounds and other facilities		3	3	3	3	3	3	3	3	3	3	3		
5.120	Trade, vocational schools, commercial schools	3 ^T							3	3	3	3	3 ^N	3 ^N	3
5.130	Colleges, universities	3 ^T	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	3
5.200	Churches, synagogues, temples	3 ^T	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 _N	1, 3 ^N	1, 3

		RR	D- 1	D- 3	D- 5	D- 10	D- 10 SF	D- 15	D- 18	LC	GC	MU	MU2	WC	I
5.300	Libraries, museums, art galleries	3 ^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3 ^N	
5.400	Social, fraternal clubs, lodges, union halls, yacht clubs	3 ^T								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1, 3
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT														
6.100	Indoor activity conducted entirely within building or substantial structure														
6.110	Bowling alleys, billiard, pool halls									1, 3	1, 3	1, 3	1, 3		3
6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	1, 3	1, 3	1, 3	1, 3		3
6.130	Theaters seating for 200 or fewer	3 ^T								1, 3	1	1	1	3 ^N	3
6.135	Theaters seating from 201 to 1,000									3	1	1	1	3 ^N	3
6.140	Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people										3	3	3	3 ^N	

		RR	D- 1	D- 3	D- 5	D- 10	D- 10 SF	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
	6.150	Indoor shooting range	1, 3								3					3
6.200		Outdoor activity conducted outside enclosed buildings or structures														
6.210		Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3	3	3	3	3	3	3	3	1, 3			3 ^N		3
6.220		Miniature golf courses, skateboard parks, water slides, batting cages	3	3	3	3	3	3	3	3	1, 3	3	3	3 ^N		3
6.240		Automobile, motorcycle racing tracks; off-highway vehicle parks	3								3					3
6.250		<i>Reserved</i>														
6.260		Open space	1	1	1	1	1	1	1	1	1	1	1	1	1	1
6.262		Parks with improved facilities, not approved in conjunction with a major subdivision														
6.264		Capacity for up to 20 people ^w	1 ^T	1	1	1	1	1	1	1	1	1	1	1	1	3 ^N
6.266		Capacity for more than 20 people ^w	3 ^T	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	

		RR	D- 1	D- 3	D- 5	D- 10	D- 10 SF	D- 15	D- 18	LC	GC	MU	MU2	WC	I
	6.270	Aerial conveyances and appurtenant facilities	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3
	6.280	Shooting ranges	3												3
7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES														
7.100		Hospital								3	3	3	3		
7.150		Health care clinics, other medical treatment facilities providing out-patient care						3	3	1, 3	1, 3	1, 3	1, 3		
7.200		Assisted living	3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3		
7.300		Day care centers					3	3	3	1, 3	1, 3	1, 3	1, 3		
7.310		Child care centers	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3		
7.500		Correctional facilities	3	3	3	3	3	3	3	3	3	3	3		
8.000	RESTAURANTS, BARS, NIGHTCLUBS														

		RR	D- 1	D- 3	D- 5	D- 10	D- 10 SF	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
8.050	Small restaurants, less than 1,000 ft ² without drive through service	3 ^T				3	3	3	3	1	1	1	1	1 ^N		3
8.100	Restaurants, bars without drive through service	3 ^T								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	3
8.200	Restaurants, coffee stands with drive through service									1, 3	1		3	1 ^N , 3 ^N	3 ^N	3
8.300	Seasonal open air food service without drive through	3								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	
9.000	BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS															
9.050	Motor vehicle, mobile home sale or rental									1, 3	1, 3	3	3			1, 3
9.100	Motor vehicle repair and maintenance, including body work										3					1
9.200	Automotive fuel station	3 ^T								3	1					1
9.300	Car wash									3	1					1

		RR	D- 1	D- 3	D- 5	D- 10 SF	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
9.400	Boat sales or rental	3 ^T								3	1			1	1	1
9.450	Boat repairs and maintenance	3 ^T									3			1	1	1
9.500	Marine fuel, water sanitation	3 ^T												1, 3	1, 3	1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3												3	3	
10.000	STORAGE, PARKING, MOORAGE															
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3			1
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored															
	10.210 All storage within completely enclosed structures	1, 3 3								3	1	1 ^U , 3 ^U	1 ^N , 3 ^N		1 ^N 1	1
	10.220 General storage inside or outside enclosed structures	1, 3 3									1, 3			1 ^N , 3	1 ^N 1	1

		RR	D- 1	D- 3	D- 5	D- 10	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
														N		
	10.230															
	10.232	3	3	3	3	3	3	3	3	3	1			3 ^z	1	1
	10.235	3	3	3	3	3	3	3	3	3	3			3 ^z	1	1
	10.237	3	3	3	3	3	3	3	3	3	3 ^z				3	3
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1, 3	3	3							1, 3			1 ^N , 3 ^N	1 ^N , 3 ^N	1
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time	1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1 ^N	1
10.500	Moorage															
	10.510	3	3	3						3	3	3	3	1, 3	1, 3	1, 3

		RR	D- 1	D- 3	D- 5	D- 10	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	I
	10.520	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3
10.600	Floating structures supporting seasonal, commercial recreation	3	3	3										3	3
11.000	MATERIALS SALVAGE YARDS, WASTE MANAGEMENT														
11.100	Recycling operations														
11.110	Enclosed collection structures ⁰ of less than 80 square feet total and less than six feet in height	1 ^P	1 _P	1 _P	1 _P	1 _P	1 _P	1 _P	1 _P	1 _P	1 _P	1 _P	1 _P	1 _P	1 _P
11.120	Enclosed structures for recyclable materials collection	1 ^P , 3	1 _P , 3	1 _P , 3	1 _P , 3	1 _P , 3	1 _P , 3	1 _P , 3	1 _P , 3	1 _P , 3	1 _P , 3	1 _P , 3	1 _P , 3	1 _P , 3	1 ^P
11.130	Sorting, storage, preparation for shipment occurring outside an enclosed structure													1 ^N	1
11.200	Reclamation landfill not associated with a specific use	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1 ^N 3 ^N	1, 3
11.300	Sanitary landfill	3													3

		RR	D- 1	D- 3	D- 5	D- 10	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
12.000	SERVICES AND ENTERPRISES RELATED TO ANIMALS															
12.100	Veterinary clinic	3	3	3						3	1, 3	3	3	1 ^N , 3 ^N	1 ^N , 3 ^N	1
12.200	Kennel	3	3							3	3					1, 3
12.250	Day animal services, grooming, walking, day care	3	3	3	3	3				3	3	3	3			1, 3
12.300	Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component	3	3							3	3		3	3 ^N		3
12.310	Wild animal rehabilitation facilities without a visitor component	3	3	3	3					3	3			3 ^N		3
12.400	Horseback riding stables, dog team yards	3	3							3	3					3
13.000	EMERGENCY SERVICES															
13.100	Fire, police, ambulance	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	1, 3
14.000	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING															

		RR	D- 1	D- 3	D- 5	D- 10 SF	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
14.100	Aquaculture	3	3	3						3	3	3	3	1	1	3
14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1
14.200	Commercial agricultural operations															
14.210	Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3					1, 3
14.220	Including farm animals ^M	1, 3	3													1, 3
14.230	Stabling of farm animals ^M	3	3	3	3					3	3					1, 3
14.240	Marijuana cultivation (500 square feet or more under cultivation)	3								3	3					3
14.245	Marijuana cultivation (fewer than 500 square feet under cultivation)	3	3 _{AB}							3	3					3
14.250	Personal use agriculture															
14.253	Hens, 6 maximum	1	1	1	1	1	1	1	3	1	1	3	3	1	1	1

		RR	D- 1	D- 3	D- 5	D- 10	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
14.300	Silviculture and timber harvesting ^j	3	3													3
14.400	Mining operations	2, 3 ^k	3	3										3 ^N	3 ^N	2
14.500	Sand and gravel operations ^l	3	3	3						3	3			3 ^N	3 ^N	3
14.800	Spring water bottling	3	3			3	3	3	3	3	3					1, 3
15.000	MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES															
15.100	Post office	3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3
15.200	Airport	3														1, 3
15.400	Military reserve, National Guard centers	3	3	3						3	3			3 ^N	3 ^N	3
15.500	Heliports, helipads	3									3			3 ^N	3 ^N	3
15.600	Transit facilities															

		RR	D- 1	D- 3	D- 5	D- 10	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
	15.610	Transit center		3	3	3	3	3	3	1, 3	1, 3	1, 3		3		1, 3
	15.620	Transit station														
	15.630	Park and ride not associated with transit station	3	3	3	3	3	3	3	1	1	3	3			1
15.700		Public works facility	3	3	3					3	3					1, 3
16.000	DRY CLEANER, LAUNDROMAT															
16.100		Drop off and pickup only, no onsite laundry or dry cleaning process								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
16.200		Full service onsite laundry and/or dry cleaning								3	3	3	3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
17.000	UTILITY FACILITIES															
17.100		Minor	1	1	1	1	1	1	1	1	1	1	1	1	1	1

		RR	D- 1	D- 3	D- 5	D- 10 SF	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
17.150	Intermediate	3	3	3	3	3	3	3	3	3	1, 3	3	3	1, 3	1	1
17.200	Major	3	3	3	3	3	3	3	3	3	3			3	3	3
17.300	Driveways and private roads															
18.000	TOWERS AND RELATED STRUCTURES															
18.100 AA	Towers and antennas 35 feet or less	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.200 AA	Towers and antennas 35 to 50 feet	1	3	3	3	3	3	3	3	3	1	1	1	1	1	1
18.300 AA	Towers and antennas more than 50 feet in height	3	3	3	3	3	3	3	3	3	3	3	3	3	3	1
18.400	Amateur (ham) radio towers and antennas more than 35 feet in height ^R	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.500	Wireless Communication Facilities	See CBI 49.65, Wireless Communication Facilities														
19.000	OPEN AIR MARKETS, NURSERIES, GREENHOUSES															

		RR	D- 1	D- 3	D- 5	D- 10	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
19.100	Open air markets (farm, craft, flea, and produce)	1, 1, 3 3								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
19.200	Nurseries, commercial greenhouses															
19.210	Retail sales	3	3	3	3	3	3	3	3	1, 3	1	1 ^V 1 ^V	1 ^V 1 ^V			1
19.220	Nonretail sales	1, 1, 3 3	1, 1, 3 3	1, 1, 3 3	1, 1, 3 3	1, 1, 3 3	1, 1, 3 3	1, 1, 3 3	1, 3	1, 3	1	1 ^V 1 ^V	1 ^V 1 ^V			1
19.230	Marijuana cultivation (500 square feet or more under cultivation)	3								3	3					3
19.240	Marijuana cultivation (fewer than 500 square feet under cultivation)	3 _{AB}								3	3					3
20.000	CEMETERY, CREMATORIAL, MORTUARY															
20.100	Cemetery	1, 3	3	3	3	3	3	3	3	3	3					
20.200	Crematorium	3														1, 3

		RR	D- 1	D- 3	D- 5	D- 10	D- 10 SF	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
20.300	Funeral home	3	3	3	3	3	3			1, 3	1	3	3			
21.000	VISITOR-ORIENTED, RECREATIONAL FACILITIES															
21.100	Resort, lodge	3	3													
21.200	Campgrounds	1, 3	3													
21.300	Visitor, cultural facilities related to features of the site	3	3							3	3	3	3	3 ^N		
22.000	TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION															
22.100	Temporary structures used in connection with construction	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

Key:

1. Department approval requires the department of community development approval only.
- 1, 3. Department approval required if minor development, conditional use permit required if major development.
2. Allowable use permit requires planning commission approval.
3. Conditional use permit requires planning commission approval.
- 2, 3. Allowable use permit required if minor development, conditional use permit required if major development.

TABLE 49.25.400
TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹															
Permissible Uses	36,000	36,000	12,000	7,000	3,600 10	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
Duplex	54,000	54,000	18,000	10,500											
Common Wall Dwelling				7,000	3,600 10	5,000	3,500	2,500		2,500					
Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width	150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
Common wall dwelling				60'	40'	40'	30'	20'		20'					

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum lot depth	150'	150'	100'	85'	85' ¹⁰	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum lot coverage															
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	45' ⁴	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴	45' ⁴	None
Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'							
Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{5,8}	25'	10'	10'	10'	10'
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	10'	10'	10'	10'
Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling				10' ⁶	3'	5' ⁷	5' ⁷	5' ⁷		5' ⁷					

Attachment D – Public Comments

Neighborhood Meeting: August 9, 2017

What are the benefits to the applicants if zoned D18? If zoned LC?

What are the neighborhood impacts from D18? LC?

Concern with increased traffic on Dock Street due to boats accessing the CBJ-owned parking lot and boat launch area.

Concern with industrial commercialism, i.e. tee shirt shops, in downtown Douglas – general comment, not specific to this site.

Concern with types of retail allowed in D18 and LC.

Where would access to the site occur?

AME2017-10 REZONE REQUEST 824 FRONT STREET NEIGHBORHOOD MEETING – August 9, 2017

[illegible]

August 3, 2017

Dear members of the Planning Committee,

I will not be able to attend the public meeting on August 9 when CBJ is hosting the public meeting to accept comments from the neighbors about AME 2017 0010, rezone request at 824 Front Street in Douglas. Please accept my comments in writing.

I fully support the rezoning request as I understand it. A change to Light Commercial or D18 seems like a reasonable request.

What I would oppose, if it were to come up in conversation, would be any kind of variance or permission to reduce the number of off-street parking spaces that are required for each zoning requirements. In fact, I'd propose you actually increase the number of off-street parking spaces required for multi-family residences or for Light Commercial zoning. Reduced off-street parking requirements will result in more on-street parking. I strongly believe that more on-street parking is a safety issue causing blind access to kids and pets who might emerge from between on-street parked cars. When I was looking for a home to purchase one of the requirements was that it have off-street parking. There is a no parking sign on one side of my drive but not on the other. Because of this, sometimes cars are parked right at the end of my driveway. There have been countless times when I have been unable to see oncoming traffic and have (luckily) avoided any collisions. But the potential is there. In addition, increased on-street parking is a hinderance to snow removal. I also see increased on-street parking as a potential conflict area and general annoyance for neighbors.

Thanks for your consideration,

Heidi Olson
918 1st Street, Douglas
907-523-8425

Alternative Development Overlay District for Downtown Douglas

May 25th, 2017

Overlay District Boundary

Douglas Harbor

FRONT ST

2ND ST

3RD ST

4TH ST

5TH ST

6TH ST

7TH ST

8TH ST

9TH ST

10TH ST

11TH ST

12TH ST

13TH ST

14TH ST

15TH ST

16TH ST

17TH ST

18TH ST

19TH ST

20TH ST

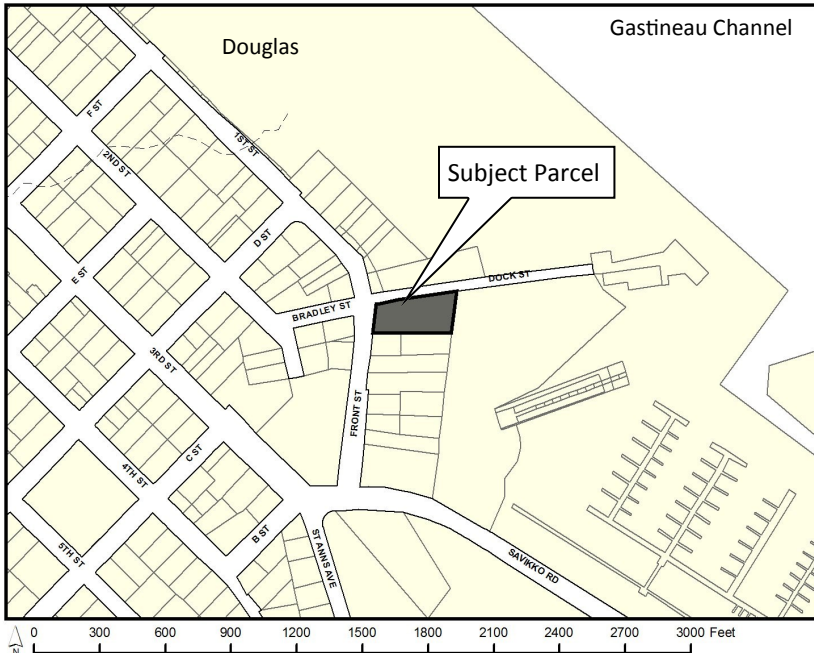


Ord. No. 2017-16

0 500 1,000 Feet

Attachment E - Douglas ADOD Map

NOTICE OF NEIGHBORHOOD MEETING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



Notice of Neighborhood Meeting for Douglas Library Meeting Room Wednesday, August 9th, 6:00 pm

Dear Resident,

The **CBJ Community Development Department** is hosting a neighborhood meeting to discuss AME2017 0010, a Rezone Request from Waterfront Industrial to Light Commercial or D18 at 824 Front Street, Douglas.

This meeting will be held on **Wednesday, August 9th, 6:00 pm.**

The project has been scheduled for **review by the Planning Commission at the September 12th Regular Meeting.** Prior to the meeting all landowners within 500 feet of the proposed rezone will receive a separate notice with details on how and where to submit comments or testify on the proposal.

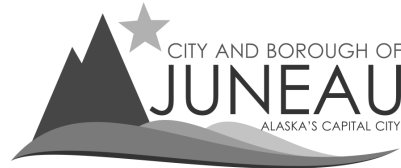
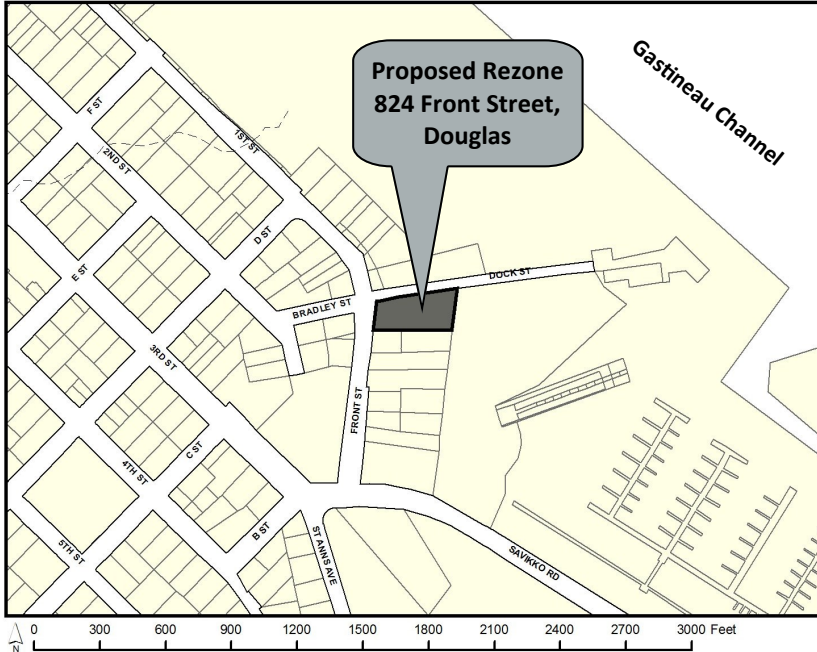
If you have questions or would like more information, please contact Jill Maclean, Community Development Planner, at (907) 586-0756 or by email at Jill.Maclean@Juneau.org.



Date notice was printed: August 14, 2017

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:

A request has been submitted for consideration and public hearing by the Planning Commission for a **Rezone from Waterfront Industrial to Light Commercial or D18 at 824 Front Street, Douglas**. If recommended for approval, the request will be sent to the CBJ Assembly for final consideration.

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at <http://www.juneau.org/assembly/novus.php>

Now through August 28, 2017

Your comments to the Planner, **Jill Maclean**, will be included in the staff report.

August 29 through 3 pm, September 12

Your comments will be sent to Commissioners to read along with the staff report in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, September 12, 2017

You may testify at the hearing in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

After the PC Hearing

Results will be posted online and if recommended for approval, the case will be sent to the CBJ Assembly.

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

Date notice was printed: August 14, 2017

Case No.: AME2017 0010
Parcel No.: 2D040T3200091
CBJ Parcel Viewer: <http://epv.juneau.org>

AME2017 0010

**A Rezone Request from Waterfront Industrial to
Light Commercial or D18 at 824 Front Street,
Douglas**

Planning Commission Hearing
September 12, 2017



Property Info

Applicant / Property Owner:
Kent & Deborah Hart

Existing Land Use:
Boat storage (no buildings)

Property Address:
824 Front Street

Surrounding Land Use:
North – (D18) Single-family Dwelling /
15-unit Condominium

Site Size: 15,828 sq. ft.

Northwest – (D18) Single-family
Dwelling w/Accessory Apartment

**Comprehensive Plan
Land Use Designation:**
Marine Mix Use (M/MU)

South – (WI) Single-family Dwelling /
Storage / Marine Services

Zoning: Waterfront Industrial (WI)

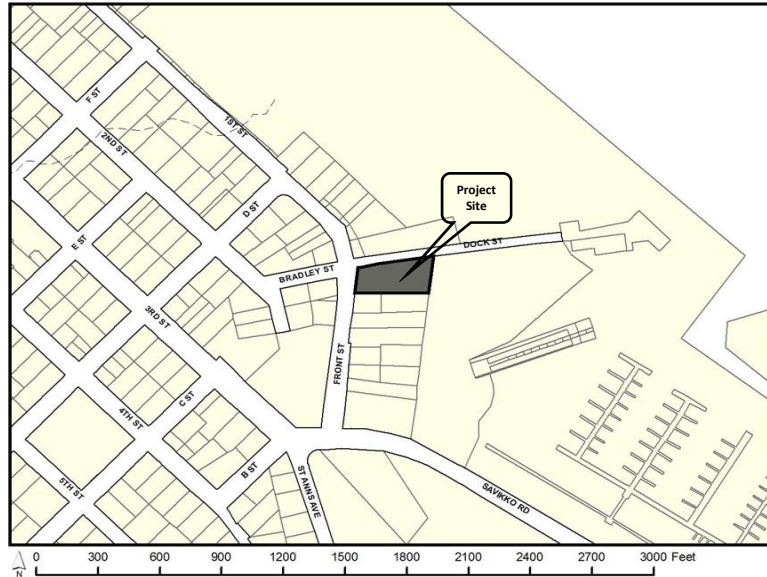
East – (WI) CBJ Parking / Dock

Utilities: City Water / Sewer

West – (LC) Single-family Dwellings

Access: Front Street / Dock Street

Vicinity Map



Proposal

- Proposed rezone of a 15,828 square foot parcel from Waterfront Industrial to Light Commercial or D18.
- Applicant initially sought a rezone from WI to LC. Upon further discussions with staff, the applicant amended the application for a rezone from WI to either LC or D18.
- Applicant states that they are requesting a rezone of the property in order to construct six boat condos.
- As a rezone cannot be conditioned generally, therefore the stated project should not be considered when reviewing the appropriateness of the rezone.
- The rezone request must be reviewed and analyzed exclusively on the merits of the proposed zoning and permissible uses, its' relation to the abutting properties, adjacent zoning districts, Title 49, and the Comprehensive Plan.

Background

- The subject parcel originally consisted of four lots, which were consolidated in 1996 into one larger lot.
- A re-subdivision in of the entire lot 32 was platted in 2003, documenting the consolidation of the site as it exists today.
- Previously, the site contained a washateria, which has been demolished.
- An Allowable Use Permit (USE2010-10) was approved for 19,500 sq. ft. storage facility with a 3,500 sq. ft. caretaker unit.
- The same project was denied a Variance to Parking (VAR2010-22), for one parking space to be allowed back-out parking onto Dock Street. The project was not constructed and the site is currently used for boat storage.

Background

- The property is located at the corner of Front Street and Dock Street, Douglas and is within the Urban Service Area.
- WI is intended for industrial and port use which need or substantially benefit from a shoreline location.
- The subject parcel is no longer a shoreline property. It is completely landlocked with no access to the waterfront.

Zone Change Initiation

The Land Use Code outlines the procedure and requirements regarding rezone requests at CBJ 49.75 Article I, Rezoning.

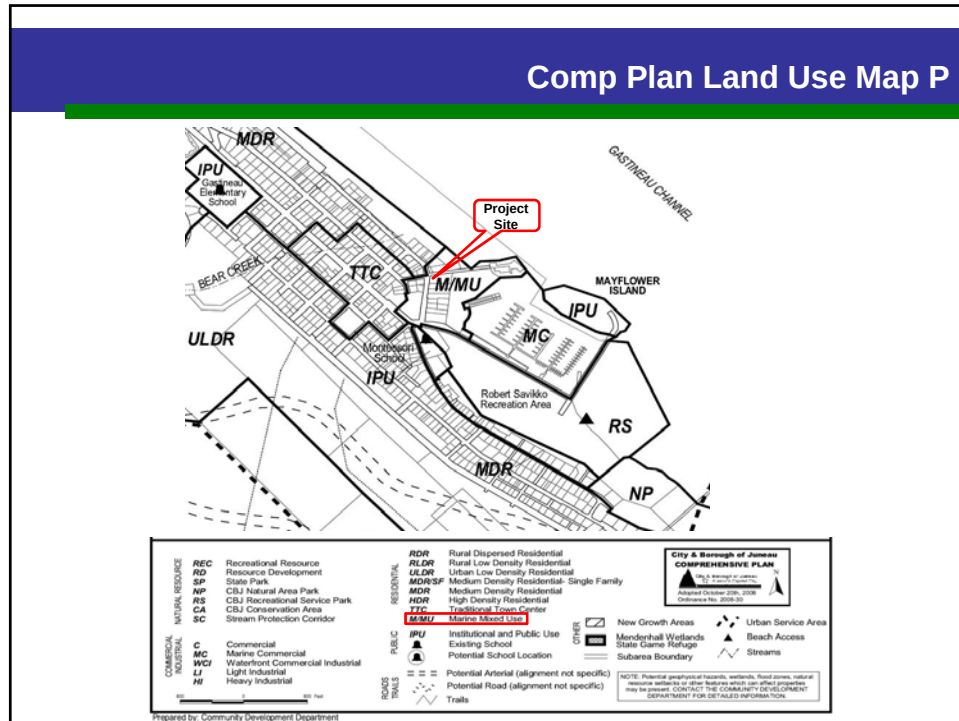
- The application for the subject zone change was initiated by the property owner in July, 2017.
- A neighborhood meeting was held on August 9, 2017.
- Public notice of this project was provided including abutter notification, newspaper advertisement and public notification sign.

Restrictions & Procedures

CBJ 49.75.120. Restrictions on Rezoning. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezone requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zone district and the used allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

This proposal conforms to these restrictions:

1. **MET.** The property is less than two acres, and is an expansion of an existing Light Commercial or D18 zoning district.
2. **MET.** There has not been a similar request made for the property within the past year.



Comp Plan Land Use Designations

The Comprehensive Plan land use designation for the property is Marine Mixed Use (M/MU):

“These lands are characterized by **high density residential and non-residential land uses** in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. Typically, neighborhoods serving marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as **medium - and high density residential uses at densities ranging from 10 to 60 residential units per acre**. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. Float homes, live-a-boards, and house boats, if necessary services (such as sewer) are provided to berthing locations, are appropriate for these areas”.

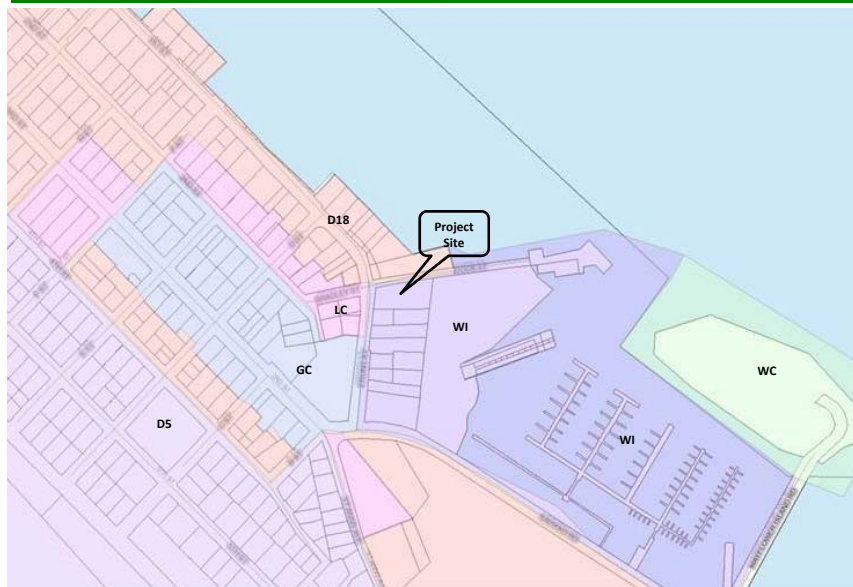
Comp Plan Land Use Designations

The Comp Plan land use designations are “umbrella” designations through which multiple zoning designations may be adopted and implemented to accomplish the land uses that are aspired to in the Comp Plan.

For example, Waterfront Industrial, Waterfront Commercial, Light Commercial, and D18 may each accomplish the objectives desired in the M/MU designation.

The proposed rezone is found to comply with the Comp Plan Land Use Maps, as LC and D18 allow for commercial development, mixed and single-use developments, and single and multi-family residential developments.

Existing Zoning



Existing Zoning

CBJ 49.25.230 Commercial districts. LC and GC districts are established to accommodate commercial activities.

Light Commercial zoning is intended to:

“Accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are *primarily located adjacent to existing residential areas* (emphasis added). Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. *Residential development is allowed in mixed- and single-use developments* (emphasis added) in the light commercial district”.

Existing Zoning

CBJ 49.25.210 Residential Districts. Residential districts are established to provide a healthy, safe and pleasant environment for residential living protected from incompatible and disruptive activities:

D18 zoning is intended to:

“Accommodate primarily multi-family development at a density of 18 dwelling units per acre. This is a *high density multi-family* (emphasis added) zoning district intended to accommodate midrise-type development.

Table of Permissible Uses			
Zoning Districts & Uses			
USE (Minor – minor development; Major is major development)	D18	LC	WI
Dwelling Units	18 dwelling units/acre (site max out at 6 DUs)	30 dwelling units/acre (site max out at 11 DUs)	Allows one caretaker unit only
Child Day Care	Yes - CUP	Yes - CUP	No
Adult Day Care	Yes - CUP	Yes - CUP	No
Misc. Room for Rent Situations	Yes (Minor; Major w/CUP)	Yes (Minor; Major w/CUP)	No
Commonwalls	Yes	No	No
Accessory Apartments	Yes	Yes	No
Sales / Rentals	No	Yes - (some w/CUP)	Yes - (only water-related w/CUP)
Manufacturing	Light manufacturing w/CUP	Light manufacturing (Minor; Major w/CUP)	Allows for light, medium, and heavy manufacturing (Minor; Major w/CUP)
Boat / Motor Vehicle Sales and Services	No	Yes – (some w/CUP; No boat services / repairs)	Yes – (only water-related)
Services Related to Animals	No	Yes	Some – (veterinary)
Agricultural Operations	No	Yes	No
Marijuana	No	Yes - CUP for Marijuana testing facilities and marijuana cultivation 500 sq. ft. or under and marijuana cultivation over 500 sq. ft. – all with a CUP	No

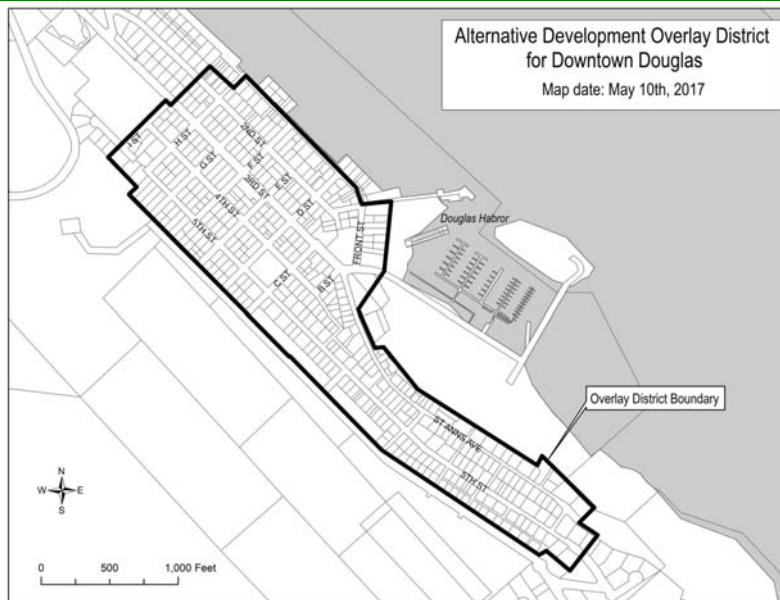
Table of Dimensional Standards			
Regulations	D18	LC	WI
49.25.400 Table of Dimensional Standards			
Minimum Lot Size			
Minimum Lot Width			
Minimum Lot Depth			
Maximum Lot Coverage			
Maximum Height			
Minimum Front Yard Setback	20	25	10
Minimum Street Side Yard Setback	13	17	10
Minimum Rear Yard Setback	10	10	10
Minimum Side Yard Setback			
49.50.300 Minimum vegetative cover			
Vegetative Coverage			

Alternative Development Overlay District Douglas

Per CBJ 49.70.1200 Alternative Development Overlay Districts (ADOD), the subject parcel is within the downtown Douglas ADOD.

If the rezone request is granted and adopted as either D18 or LC, and residential development is applied for, the subject parcel may apply under the ADOD for reduced setbacks, lot coverage (in D18 - LC has no minimum lot coverage), and/or vegetative coverage, for development of new residential buildings, and the expansion, restoration, or repair of existing residential buildings, including accessory structures.

Proposed Boundary Douglas



Summary

- The existing WI zoning is consistent with the Comp Plan land use designations, but does not allow for residential uses. WI is intended for industrial and port use which need or substantially benefit from a shoreline location, and the subject parcel is not a shoreline property.
- Minor Development in D18 districts [per CBJ 49.25.300(c)(3)(C)] allows for residential development containing eight or fewer dwelling units, eight or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building totaling less than 5,000 square feet or using less than 10,000 square feet of land in total. Any project not falling under these limits would require a Conditional Use Permit.
- Minor development in LC districts [per CBJ 49.25.300(c)(3)(D)] allows for residential development containing 12 or fewer dwelling units, 12 or fewer bedrooms leased on a daily basis or weekly basis, or a nonresidential building totaling less than 10,000 sq. ft. or using less than one-half acre of land in total. Any project not falling under these limits would require a Conditional Use Permit.

Summary

- A rezone from WI to D18 or LC would both be expansions of existing corresponding zoning districts to the north and west.
- Staff finds that the request for either D18 or LC is in substantial conformance with the maps of the Comprehensive Plan and the CBJ Land Use Code.
- Given the Comp Plan designation of M/MU, and the existing residential uses to the north and northwest and the more industrial uses to the east and south of the subject parcel, a rezone to LC may serve as a better transition zone between existing uses, provide greater density, and promote opportunity for commercial-related activity, as D18 may signify mainly residential development opportunities to the private sector.

Findings

After review of the application materials, the CBJ Land Use Code, and the 2013 Comprehensive Plan, the Director makes the following findings:

1. The request meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code. The application was timely filed in July, is expansion of an existing zoning district, and is not similar to a request made in the previous two years.
2. As discussed in the previous analysis, the request is substantially complies with the Land Use maps of the Comprehensive Plan.

Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend to the Assembly the approval of the zone change from Waterfront Industrial to Light Commercial.

AME2017 0010

**A Rezone Request from Waterfront Industrial to
Light Commercial or D18 at 824 Front Street,
Douglas.**

QUESTIONS?





Community Development

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: September 18, 2017
File No.: AME2017 0010

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a request to rezone the parcel at 824 Front Street, Douglas, from WI (Waterfront Industrial) to LC (Light Commercial) or D18

Property Address: 824 Front Street

Legal Description: Millsite Addition to Douglas Townsite, Block 32, Tract A

Parcel Code Number: 2D040T320091

Hearing Date: September 12, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 30, 2017 and recommended that the City and Borough Assembly adopt staff's recommendation to rezone the parcel at 824 Front Street, Douglas, from WI to LC.

Attachments: August 30, 2017 memorandum from Jill Maclean, AICP, Senior Planner, Community Development Department, to the CBJ Planning Commission regarding AME2017 0010.

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 Assembly

File No.: AME2017 0010

September 18, 2017

Page 2 of 2

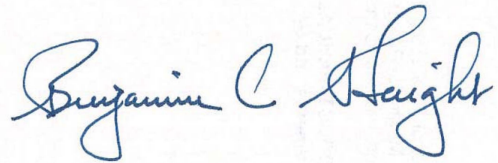
Project Planner:



Jill Maclean, AICP, Senior, Planner
Community Development Department



Filed With City Clerk



Benjamin Haight, Chair
Planning Commission

September 20, 2017

Date

cc:

Plan Review

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



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

DATE: September 1, 2017

TO: Planning Commission

FROM: Beth McKibben, AICP, Planning Manager
Community Development Department

FILE NO.: AME2017 0003

PROPOSAL: Proposed revision to CBJ code 49.15.423 regarding Panhandle Lots

A handwritten signature in black ink, appearing to read "BMc", is placed next to the "FROM:" field.

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

ATTACHMENTS:

Attachment A: Draft Ordinance – Amending Title 49
Attachment B: February 1, 2017, Title 49 Committee meeting agenda
Attachment C: June 28, 2017, Title 49 Committee meeting minutes

BACKGROUND

The proposed ordinance would amend CBJ 49.15.423, *Panhandle lots* to allow for reductions in panhandle lot sizes as well as reduce the minimum width required for the stem. Title 49 states that panhandle subdivisions may be allowed in order to facilitate the subdivision of large parcels that are insufficiently wide but otherwise meet all other requirements for subdivision. These requirements have been seen as too restrictive. Currently, the minimum lot size created by a panhandle subdivision is 20,000 square feet when served by City water and sewer and 36,000 square feet when sewer is not available. By allowing smaller lots to subdivide through the panhandle provisions, more “infill” lots may be created in the zoning districts that have smaller minimum lot size requirements. These lots would continue to be required to have frontage on a public right-of-way.

The Title 49 Committee of the Planning Commission considered the proposed amendments at their February and June meetings. The Planning Commission discussed the proposed amendment at their August 8, 2017 regular meeting.

Planning Commission
File No.: AME2017 0003
September 1, 2017
Page 2 of 9

DISCUSSION

Lot Area Reduced

The proposed amendment allows for any lot to subdivide through the panhandle provisions if the lots created meet the minimum dimensional standards of the underlying zoning district. This means that both the front lot and the panhandle lot will have the minimum square feet of lot area and meet both lot width and depth requirements. The flagpole/handle/stem of the panhandle lot is not used to calculate lot area, ensuring that the density requirements of the underlying zoning district are preserved. Additionally, the proposed amendment preserves the opportunity for lots in the D1 zoning district to use up to 30 feet of the width of the handle to calculate the width of the front lot. This is existing language in code. This consideration was created for lots that are very long and narrow yet are large enough to support an additional lot but are without sufficient lot width to accommodate the minimum lot width requirements.

Width Flagpole/Handle/Stem Reduced

The proposed amendment also reduces the minimum width of the flagpole/handle/stem of the panhandle lot from a minimum width of 30-feet wide to a minimum width of 20-feet. This reduction facilitates the subdivision of larger lots in zoning districts that have a smaller minimum lot size. At the same time, it ensures adequate access to the right-of-way and sufficient room for a driveway.

Driveway Grade

The current code requires the maximum grade of the driveway to be no more than 15%. As discussed in detail during the recent code changes regarding private shared access, this is inconsistent with the Fire Code. The Fire Marshal may approve grades of more than 10% on a case-by-case basis. The proposed ordinance removes the grade requirement and specifies “*as required by the Fire Code at CBJ 19.10.*” This means that the applicant may request that the Fire Marshal grant an exception to the Fire Code to have a driveway grade of more than 10%.

Driveways

The current code (CBJ 49.15.423) requires that panhandle lots share one access and that it be shown on the plat with an easement or plat note. The code further requires a maintenance agreement for the shared driveway. The Community Development Department’s (CDD) past practice has been to allow the shared access to be located anywhere within the lots created by the panhandle subdivision. The purpose of the stem has been considered as the means to meet the requirement for frontage on a publicly maintained right-of-way and not necessarily to provide access.

During our work with the CBJ Law Department, we were informed that allowing for access to panhandle lots anywhere outside the stem may create a legal problem. By requiring the stem for access and then allowing the driveway to be located elsewhere, we may have in effect “taken” the value of the stem because it cannot be used for anything other than access. Title 49 can

Planning Commission
File No.: AME2017 0003
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dictate development requirements, but the takings doctrine provides limits on what Title 49 may require. For example, if the purpose of a panhandle is for vehicle access from a dwelling to a right-of-way, then the access should be in the panhandle and the panhandle should be capable of being developed for access. If a panhandle regulation requires the panhandle but the panhandle is too steep or if the access is located elsewhere, the CBJ may be subject to a taking because the panhandle serves no regulatory purpose other than to provide frontage on the publicly maintained right-of-way.

The proposed ordinance reflects this guidance and requires that the access to the rear lot be through the stem. If there is a shared driveway, it must be shown on the plat and a maintenance agreement must be recorded.

Additionally, the proposed ordinance allows the front lot to have its own access to the right-of-way if the driveway is approved by CBJ or the Department of Transportation and Public Facilities (DOT&PF) and may allow the front lot to retain its existing driveway even if that driveway is not shared with the panhandle lot.

Access for the lots shall be located in the panhandle. A lot fronting a right-of-way may have a separate and additional access if approved by the government entity that controls the right-of-way. Access to each lot shall be designated on the plat in the form of an easement.

This is similar to the bungalow subdivision requirements which allow for smaller lots to be created with each having separate access. Smaller lots on residential streets that meet the CBJ driveway requirements for separation from other driveways and intersections may continue to be allowed. Currently, many of these lots already have an approved second driveway access. It should be noted that when the draft ordinance was presented to the Planning Commission in August, it stipulated that a second driveway would only be permissible when the CBJ would approve a second driveway permit. The language in this version expands that option to any street if a driveway permit is obtainable from the city or the state. This allows DOT&PF to approve a second driveway if they find that one may be provided safely.

Additionally, the proposed ordinance adds language that requires the portion of the driveway in the right-of-way, or the first 20 feet from the edge of the public roadway, to be paved. This provides consistency with the recently adopted private shared access provisions as well as limits the potential for gravel to wash into the right-of-way, creating on-going maintenance challenges.

Furthermore, the current panhandle subdivision regulations prohibit back-out parking. The proposed ordinance adds language “unless approved by the director”. When considering the use of the panhandle subdivision as infill development and the potential to allow each lot to have its own driveway, there may be situations when a lot containing an existing single family

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home in a residential district which has back-out parking may be subdivided as a panhandle lot and may receive a second driveway permit. In this situation, with the current language the existing back-out parking may no longer be allowed. The added language allows CBJ staff to review and consider each driveway individually and allow back-out parking when it is safe but prohibit it when it is unsafe.

Number of Lots

The proposed ordinance removes the prohibition limiting panhandle subdivisions to two lots. The intent is that panhandle subdivisions will only include pairs of lots. Existing code language limits stacked developments with the recently added limitation to the length of the stem. Furthermore, the intent is that when pairs of panhandle lots are created side by side, the access to the rear lots will be shared by the two rear lots within the stem. If the front lots do not receive driveway permits for direct access to adjacent streets, then they will also use the stem for access. A maintenance agreement will be required for the shared driveway.

Setbacks

The proposed ordinance requires that the front lot of a panhandle subdivision be treated as a corner lot and choose the front setback and street side yard setback from either the right-of-way or the stem of the panhandle lot. This provides consistency with corner lots.

Lot size and marine outfall

The proposed ordinance removes the lot size requirements for lots not on public sewer and specific dimensional requirements for lots using marine outfall for wastewater disposal. Staff discussed minimum lot size for lots not on public sewer as well as the requirements for marine outfall with the section manager of the Department of Environmental Conservation, Division of Water, Wastewater Engineering Support & Plan Review. He indicated that the state no longer has a minimum lot size requirement for lots with onsite wastewater disposal. Additionally, marine outfalls are still allowed by the state, but the requirements in the CBJ code may not be sufficient depending on the individual location of the lot and proposed outfall. By removing these specific requirements for panhandle subdivisions, the standard in CBJ 49.15.411(i)(3) Soils Report will now apply.

Illustrations

The proposed ordinance includes illustrations of where the front yard setback is measured from for the rear lot and clarifying the front yard setback and the side yard setbacks. The intent is that the illustrations provide clarity and remove the opportunity for multiple interpretations.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Contents

The following discussions, policies, and objectives in the 2013 Comprehensive Plan are relevant to the amendment to allow for panhandle subdivision of smaller lots as infill development:

From COMPREHENSIVE PLAN VISION AND GUIDING PRINCIPLES (Page 2):

The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.

To achieve this vision, the CBJ followed these principles in formulating its Comprehensive Plan:

- ***A safe place to raise a family.*** Maintain safe neighborhoods and circulation systems; provide public spaces and facilities that foster community interaction and cohesiveness.
- ***Quality education from Pre-school to University levels.*** Promote quality educational programs and experiences in the schools and lifelong learning for our residents as well as a healthy lifestyle with adequate recreational facilities, resources and programs. Support a vital arts community, celebrating our diverse cultural heritage and unique historic resources.
- ***A balanced economy.*** Ensure a balanced, sustainable and diverse economy, actively encouraging employment opportunities for residents of all levels and ages that provide a livable wage and a dependable municipal tax base.
- ***Natural resources.*** Highlight and protect our scenic beauty, protect our streams and fish and wildlife habitat and foster the sustainable use of our natural resources.
- ***A balanced community.*** Ensure a balance between natural resource protection and the built environment, the efficient provision of infrastructure and goods and services, and housing affordable to all income levels.
- ***Neighborhood livability and housing.*** Maintain the identity and vitality of our neighborhoods, actively pursuing affordable housing for a diversity of households while promoting compatible livability and high quality design in new buildings.
- ***Mobility.*** Provide an accessible, convenient and affordable transportation system that integrates vehicle, vessel, rail and aircraft transport with sustainable and innovative transportation options— including convenient and fast public transit service, particularly for commuters to work, and bicycle and pedestrian networks throughout the community.

- ***Involved citizenry.*** Solicit resident participation and leadership in implementing the Plan policies and actions from all sectors of the community, encouraging mutual understanding and cooperation among all.

From CHAPTER 3 – COMMUNITY FORM:

(Page 14) New development within the 20-year planning horizon of this Plan should occur as in-fill development on vacant or underutilized parcels within the Urban Service Area. In the future, new development could occur as new towns or satellite communities in the Echo Cove and West Douglas New Growth Areas designated in this Plan.

Compact “In Fill” Development Within the Urban Service Area: This Plan designates an approximately 23.9 square mile area within the urban and suburban areas of the City and Borough of Juneau boundaries as an Urban Service Area, within which water, sewer, access roads and other community services are provided or will be in the near future. Providing community services to this compact area is efficient and convenient for users. There are over 100 vacant parcels within the Urban Service Area boundary (USAB) of which from 30 to 60 can be deemed vacant buildable parcels, ranging in size from 1 to 150 acres. Buildable land is considered to be vacant or underused land that is relatively flat and dry; that is, with slopes of less than 18 percent and without high value (Class A and B) wetlands.

Land within the USAB should be efficiently developed before its boundaries are extended to properties outside of the USAB. An efficient development would build to the maximum density allowed by the zoning district within which the property lies, provided that road and intersections serving the new development have adequate capacity and levels of service to accommodate the proposed intensity of development. Buildable lands should be developed as medium- to high-density affordable housing or mixed residential and commercial developments wherever possible and practicable. This is particularly true for lands located within walking distance (approximately one-quarter mile) of public transit service.

POLICY 3.1 TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY’S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

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.

Standard Operating Procedures

3.2 – SOP1 As part of an orderly update of the Comprehensive Plan, the CBJ government reviews and maintains an Urban Service Area boundary that defines the limits within which the full range of urban services, such as water and sewer, will be provided by the CBJ government. Such services should not be provided outside the Urban Service Area. After a thorough review of buildable land within the Urban Service Area, the CBJ government may seek to extend the Urban Service Area boundary to provide adequate land for compact development at a minimum residential density of 10 units per gross acre.

From CHAPTER 8 – TRANSPORTATION CHAPTER:

POLICY 8.5. TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.

Development Guidelines

8.5 - DG4 Minimize access roadways or driveways onto major and minor arterial roadways or highways by requiring shared access points, such as a frontage road, and connections to adjacent subdivisions' roadways that lead to a "downstream" controlled or grade-separated intersection.

From CHAPTER 10 – LAND USE CHAPTER:

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

POLICY 10.5. THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS DEPENDS ON THE PROVISION OR

AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.

Standard Operating Procedures

10.5 - SOP2 Maintain the provisions in the Land Use Code that require developers to provide for access, facilities, and services prior to final plat approval.

10.5 - SOP3 Amend the Land Use Code to allow appropriate urban densities in areas served by community sewer and water systems, being cognizant of the desire to maintain the rural, suburban or urban character of the existing surrounding neighborhoods.

From CHAPTER 12 – PUBLIC AND PRIVATE UTILITIES AND FACILITIES:

POLICY 12.9. TO REQUIRE IMPROVEMENTS TO RIGHTS-OF-WAY TO MEET MINIMUM STANDARDS FOR PUBLIC SAFETY AND MAINTENANCE, AND TO ENSURE THAT EXISTING RIGHTS-OF-WAY ARE MAINTAINED AND PROTECTED FROM ENCROACHMENT SO AS TO FACILITATE THEIR USE IN PROVIDING ACCESS AND THE PROVISION OF URBAN SERVICES.

Additionally, the Housing Action Plan, adopted by Resolution 2780 in December 2016, indicates that for Juneau’s housing market to become “unstuck”, more units of all types must be added. Furthermore, the plan suggests that Juneau’s land is not used as efficiently as it could be. The plan further states that Juneau cannot afford to build infrastructure and then allow low-intensity development to use it and recommends that the city must instead create and enforce a policy that directs new development to areas with existing infrastructure.

The 2015 Juneau Economic Development Plan found that Juneau’s housing supply does not meet demand in terms of housing type, size, price, or location. One of its ten initiatives is to “Promote Housing Affordability and Availability”. The Juneau Economic Development Plan further strengthened the case for the critical need of housing for all ages and income groups in order to obtain and maintain a strong and stable economy.

Discussion

Providing panhandle subdivisions as an option for smaller lots creates the opportunity for infill development on underutilized lots. It facilitates the implementation of more compact development within the Urban Service Area, using existing infrastructure, while still preserving the ability to minimize access points on major and minor arterials and maintaining the existing density. It creates another development option that provides safe and livable neighborhoods. The Comprehensive Plan policies speak to a balance of services and private/public partnerships to attain the overall goal of development flexibility to provide housing. The proposed

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amendment has been drafted to ensure driveways meet International Fire Code standard minimums and requires that all owners share in the maintenance, thus achieving our adopted health, safety, and welfare minimum standards. The amendment, if approved, may provide a development option for smaller, infill parcels that might otherwise not be available for subdivision. The proposed amendment balances the varied Comprehensive Plan policies and is generally consistent with the overall vision.

COMPLIANCE WITH CBJ LAND USE CODE

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. As stated in CBJ 49.05.100, the purposes and intent of Title 49 are as follows:

- 1. To achieve the goals and objectives, and implement the policies of the Juneau comprehensive plan, and coastal management program;*
- 2. To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*
- 3. To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*
- 4. To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- 5. To provide adequate open space for light and air; and*
- 6. To recognize the economic value of land and encourage its proper and beneficial use.*

The panhandle subdivision amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes, especially numbers 2, 3, 4, and 6.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan, the Juneau Economic Development Plan, the Housing Action Plan, and Title 49. Additionally, this change would not create any internal inconsistencies within any plans or codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation for approval to the Assembly.

Presented by:
Introduced:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-25 PC v.1

An Ordinance Amending the Land Use Code Relating to Panhandle Subdivisions

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 49.15.423 Panhandle lots, is amended to read:

(a) ~~The subdivision of a parcel creating a panhandle lot may be allowed in order to facilitate the subdivision of large parcels that are insufficiently wide but otherwise meet all other requirements for subdivision.~~ Panhandle lots may be created by subdivision under this section if the new lots meet the following requirements ~~detailed below~~.

(1) Lot Dimensional requirements.

- (A) The front and panhandle lots, excluding the panhandle, must meet all the dimensional and area requirements of this title.
- (B) No part of the panhandle portion of the lot shall be less than 20 ~~30~~ feet wide.
- (C) The panhandle portion of the lot shall not be longer than 300 feet in D-1 zones or ~~and~~ one and one-half times the minimum lot depth in other residential zoning districts.
- (D) No buildings are allowed to be built or placed in the panhandle portion of the lot.
- (E) In a D-1 zoning district, 30 feet of the width of the panhandle of the rear lot may be used in determining the width of the front lot.

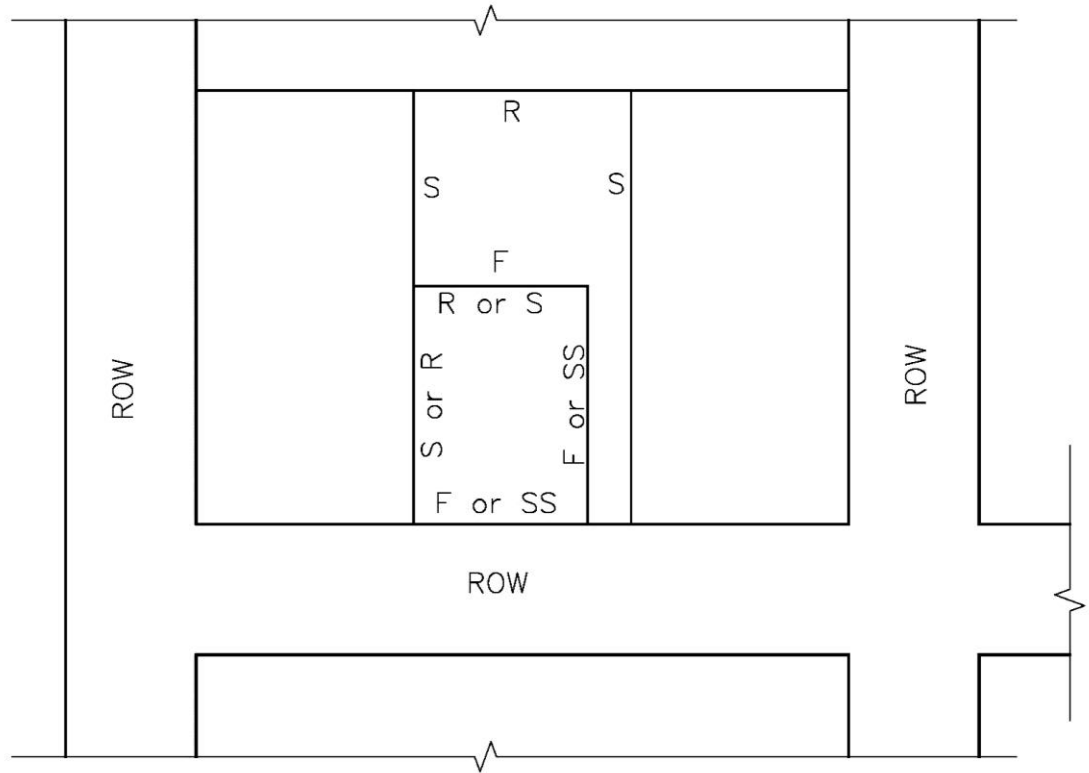
~~(F) The common property line between the lots two lots in any zoning district shall be limited to two changes in direction.~~

~~(F) (G) The lot width for the panhandle lot shall be the distance between its side lot lines boundaries measured behind the back lot line of the front lot. Such lot line shall also be considered the front lot line of the panhandle lot for the purpose of determining the front yard setback.~~

(2) ~~Setbacks. Minimum lot size. Each lot served by a public sewer system shall be 20,000 square feet. The minimum lot size for lots not served by a public sewer system shall be 36,000 square feet. Any marine outfall serving the lots shall extend to a point four feet below mean low water, and each lot using such disposal must abut the salt water to a minimum of 30 feet.~~

(A) A lot fronting on a right-of-way may establish a front yard setback or a street side yard setback adjoining the right-of-way or the panhandle. (See Figure 1)

(B) The front yard setback for the panhandle lot shall be measured from behind the back lot line of the front lot. (See Figure 1)



LEGEND:

F — FRONT
R — REAR
ROW — RIGHT OF WAY
S — SIDE
SS — STREET SIDE

Figure 1

(3) Access and parking.

- (A) ~~Only one access to the public right-of-way shall be permitted for the two lots. Such access shall be designated on the plat, in the form of an easement or plat note.~~ Access for the lots shall be located in the panhandle. A lot fronting a right-of-way may have a separate and additional access if approved by the government entity that controls the right-of-way. Access to each lot shall be designated on the plat in the form of an easement.
- (B) Off street parking shall be provided in an amount sufficient to meet the requirements of CBJ 49.40, article II.

- (C) A driveway and parking plan that shows the feasibility of off-street parking shall be submitted and approved by the director prior to recording the plat.
- (D) Back out parking is prohibited unless approved by the director.
- (E) ~~The applicant must submit a plan that shows the feasibility of off street parking for the lots and a turnaround that will allow drivers to drive forward onto the road in front of their lot.~~
- ~~(F)~~ The applicant must provide assurance in the form of an easement, plat note referencing the maintenance agreement, and a maintenance agreement that is recorded with the subdivision, on forms acceptable to the director, ensuring the required access and parking areas will be constructed and maintained by all future property owners.
- (F) ~~(G)~~ Any portion of a driveway not located in a public right-of-way shall comply with emergency service access as required by CBJ 19.10 ~~have a maximum grade not exceeding 15 percent.~~ A profile of the proposed driveway centerline shall be submitted as part of the plat application, and must meet Alaska Department of Transportation and Public Facilities or CBJ driveway standards, as appropriate based on ownership of the right-of-way.
- (G) ~~(H)~~ Existing driveways and access points not meeting the requirements of this section must be abandoned, and improvements thereto removed and relocated prior to plat recordation.
- (H) The portion of the driveway in the right-of-way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater.

(b) ~~No~~ ~~Neither~~ lot resulting from a panhandle subdivision may be further divided into another panhandle subdivision.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Meeting Agenda of the
City and Borough of Juneau
Title 49 Committee of the Planning Commission

Wednesday, February 1, 2017
Community Development Department, Large Conference Room
3:00 p.m. to 4:30 p.m.

Members:

☐ Dan Miller	☐ Carl Greene	☐ Dan Hickok, Alternate
☐ Paul Voelckers	☐ Kirsten Shelton-Walker	

Staff:

☐ Laura Boyce (CDD)	☐ Beth McKibben (CDD)
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- I. Call to Order
- II. Approval of Agenda
- III. Approval of Minutes:
- IV. New Business
 - 1. Overview - Purpose of Committee
 - 2. Election of Officers
 - 3. Panhandle Subdivisions - Proposed Code Changes
 - 4. Variances Update – Proposed Code Changes
- V. Committee Member Comments
- VI. Next Meeting –
- VII. Adjournment

Meeting Agenda of the
City and Borough of Juneau
Title 49 Committee of the Planning Commission

Wednesday, June 28, 2017
Community Development Department, Large Conference Room
3:15 p.m. to 4:30 p.m.

Members Present:

Dan Miller, Carl Greene, Paul Voelckers, Dan Hickok (Alternate)

Members Absent:

Kirsten Shelton-Walker

Staff Present:

Laura Boyce (CDD), Jill Maclean (CDD), Beth McKibben (CDD), Marjorie Hamburger (CDD)

Public Present:

I) Call to Order

Meeting called to order at 3:15 pm.

II) Approval of Minutes

April 26, 2017 Draft Minutes

MOTION: *by Mr. Voelckers to approve the April 26, 2017 minutes.*

The motion passed with no objection.

III) New Business

a) Non conforming code

This was a follow up from the previous night's Planning Commission meeting where the Director's report included a review of Title 49's nonconforming development policies. Ms. McKibben asked if the committee wanted to incorporate this topic into the Title 49 Committee's workload or establish an ad hoc committee to address the topic. Discussion ensued about what the committee currently has on its plate or anticipates addressing the near future.

Mr. Voelckers suggested that the committee start work on the third Wednesday of July and then determine if additional meetings might be needed. Members checked their calendars and determined that Mr. Miller, Mr. Greene and Mr. Voelckers will be in attendance then, also it is likely that Mr. Hickok will be able to attend as well..

Ms. McKibben had some policy questions to bring to the committee and said there is a need to look at the issue in light of what financing institutions are doing or not doing when nonconforming property is being sold. What is new, asked Mr. Voelckers, in this respect? We need to figure out if the financial institutions need some particular language from the city to support the lending of mortgage money, said Ms. McKibben.

At a conceptual level, said Mr. Voelckers, it is easy to add density but what if it is an "icky" use that we don't want to roll into perpetuity. It is our job to monitor use and qualities of a neighborhood, he said. How do we decide when something is on the bad side of the ledger? Other communities ask this question too, said Ms. McKibben. It is a key thing to focus on,

she said. Mr. Miller said a working on nonconforming development policies is a piece of the puzzle that fits with the recently created overlay districts and builds in flexibility and relief value when every house in an area is nonconforming.

Ms. McKibben said it is necessary to break the task into three categories: lots, structures and uses. The uses will be the hardest to deal with, she said. CBJ code does not do a good job of separating these categories.

b) Panhandle Code Changes

Committee Members received a memo on the topic of the proposed changes to city code governing panhandle lots. Ms. McKibben summarized by saying that staff looked at amending the panhandle section to create more flexibility and options for subdivision development. Key concepts are indicated with italics in the memo. There is a buffet menu of development options. Lot areas are reduced and meet minimum dimensions, she said.

Mr. Voelckers said that some funky old language in the code is begging to be corrected. When subdivision rules were changed, the code was shed of minimum rectangle rules. So this needs to be applied to smaller lots around town, he said.

Ms. McKibben led the Committee through a number of points outlined in the memo:

- The flagpole stem is reduced from 30 to 20 feet. There was discussion about the driveway grade. Language has been modified as required by the fire code; the Fire Marshall can have flexibility to set this.
- Page 9 of the panhandle memo, Lot size and marine outfall: Current code requires a 36,000 sq. ft. lot. This is a hold out from when the Department of Environmental Conservation (DEC) maintained minimum lot sizes, however DEC has suggested that this requirement be removed. Based on this conversation, it is recommended that paragraph A2 be amended as described in the memo.
- Illustrations: Staff likes including illustrations in the code for circumstances such as panhandles. Ms. McKibben wants to find examples to use for these sorts of things. Mr. Voelckers and Mr. Greene said they were in favor of such an addition.
- Page 3 of the panhandle memo, Setbacks: Staff met with Law and they recommended that the setback for front lots be consistent with private shared access. Ms. McKibben wondered why this is treated differently from corner lots. Mr. Palmer thought this was a good question and suggested amending private shared access in this way. Ms. McKibben stated that there is not yet draft language for the committee, but if the concept is deemed a good one, staff will continue to work on the draft. Ms. McKibben drew pictures for the Committee to illustrate how this would work for panhandles.
- Ms. McKibben had concept maps from Quinn Tracy (CDD cartographer) about how it would look if these concepts were applied to a panhandle. Mr. Voelckers requested that the committee receive some more information and drawings from staff, then that they respond if they think the committee needs more time with the revisions or if they are ready for the Committee of the Whole.
- There is another section of code that will need to be linked between the two sections, regarding a 30 feet setback. Ms. Boyce is familiar with this and took note of this task.
- Specifying how many lots: If you put in that language it is not going to prohibit pairs of panhandle lots existing side by side. Also include language about shared driveways. Staff reports will indicate the intent.

Is keeping in two acceptable, asked Ms. McKibben? Mr. Voelckers thought that with shared access, this language should be acceptable.

- Driveways: Allow the director the discretion to approve driveways; however Law said that the City is at risk for takings if this is done.
- The Committee directed Ms. McKibben to work on language and schedule a time to come before the Committee again. It is important to talk about the why of these revisions such as presenting options for infill development and for other subdivision development. These revisions can implement policies for housing from the Comprehensive Plan.
- Text question in the draft ordinance, item (E) *In a D-1 zoning district, 30 feet of the width of the panhandle of the rear lot may be used in determining the width of the front lot*: Why is there something specific about D-1, asked Mr. Voelckers? This is old language because we used to require a larger lot size. It was added in specifically for some lots in N. Douglas. Why not apply to any of the lots, asked Mr. Voelckers? This needs to be looked at to determine if it should stay in. It seems “precious”, said Mr. Voelckers. There is not yet consensus about keeping it in or not, said Ms. McKibben.
- Page 21, item (I) *The portion of the driveway in the right of way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater*: Mr. Voelckers asked if this was consistent with private easement access. Yes, said Ms. McKibben, the Assembly did this.

c) Proposed minor change to privately maintained access roads in public rights-of-way

Ms. Boyce stated that the proposed code change to Privately Maintained Access Roads (PMAs) is a minor change with a big impact. This concept was proposed along with the subdivision rewrite. When the rewrite was presented to the Assembly, they talked about gravel roads not being an urban amenity and they made a change. Since then, the Assembly has reconsidered and they want the Planning Commission to add language saying that gravel PMAs are permissible in the urban service area. If the Committee approves this, it will move on to the full Planning Commission so that they may make a recommendation to the Assembly, said Ms. Boyce.

Mr. Voelckers had question about 49.35.273(b)(5). He said that it seems to say that privately maintained access is required in order to be consistent with fire code.

d) Variances

Mr. Miller requested consideration of this topic. The new interpretation of how variances are applied is a change from case law, he said. At the previous night’s Planning Commission meeting, he said he asked Mr. Palmer questions pertaining to the Olmo decision. Mr. Palmer indicated that it only references court cases from 1979. Is this what he is hanging his hat on, asked Mr. Miller? Yes, replied Mr. Palmer. That was 38 years ago, said Mr. Miller. In 1995 another Planning Commission revised the variance criteria with the benefit of the court case to make that revision. Title 49 states clearly that it is the Board of Adjustment’s (BOA) job to interpret the text of code. Mr. Miller’s opinion is that it is the 6 criteria that the BOA must apply that define a unique circumstance, rather than determining the unique circumstance first and then applying the six criteria.

Mr. Voelckers said he essentially agrees. The key point is the Assembly appeal of Olmo was that you had to meet the first threshold about a unique circumstance before proceeding. These are our new marching orders, as relayed to the commissioners, said Mr. Voelckers.

Ms. Maclean said she thinks it best to move forward as suggested by Mr. Levine. Fix the variance section to read the way we want it to read instead of fighting a battle with law or case law. Mr. Voelckers said that last year the Title 49 Committee had simplified the criteria to 5 elements and discussion ensued about continuing work to rephrase the unique criteria. Would law support this, asked Mr. Voelckers? Ms. Boyce said that the final draft would need to be submitted to Law for review.

Mr. Voelckers said that previous language concerning variances has been awkward but has the potential to be cleaned up. Mr. Miller said that the drive at present is a response to what the applicant at last night's Planning Commission meeting said – variances are impossible to get so they had to ask for the rezone. That is worrisome, said Mr. Miller. They need two variances for their project, that should be easy to give, said Mr. Greene, because the property is completely non-conforming plus they could claim financial hardship. Mr. Greene said if the case had been heard by the Board of Adjustment last night, it would have been approved.

The city could be vulnerable, said Mr. Voelckers, due to inconsistency. Mr. Miller agreed it was worrisome and said he though Ms. Maclean's advice was sound. He suggested the Planning Commission redouble their efforts to get this moving forward. Get rid of criteria No. 2, he said. No one has ever met this criteria in the history of variances, said Mr. Miller.

The Title 49 Committee requests a Committee of the Whole meeting for July 25 to look at variances. (*Ed note – later this was put on the schedule to take place on August 8.*) Mr. Voelckers pushed for new variance language using the word “compelling” rather than “unique” circumstances. He said that revising the language now also points to all the research that has been done based on the Olmo decision and other actual situations in the recent past. This will allow for common sense to enter into the decision, he said. Mr. Voelckers brought up the Tyler rental case as an example of something the commissioners wanted to approve. There were unique features in that location and for that use like the size of the equipment.

VI. Next Meeting

Wednesday, July 19, 3:15 pm

VII. Adjournment

The meeting adjourned at 4: 23pm.

NOTICE OF PUBLIC HEARING

***Planning Commission
RESCHEDULED Hearing
Regarding :***

Text Amendment to Title 49,
Land Use Code 49.15.423
Panhandle Lots

City & Borough of Juneau
Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Proposed Revision to CBJ code 49.15.423 regarding Panhandle Lots

File No:	AME2017 0003	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Property PCN:	Borough-Wide
NEW Hearing Date:	September 12, 2017	CBJ Code at:	https://library.municode.com/ak/juneau/codes/code_of_ordinances
Hearing Time:	7:00 PM		
Place:	CBJ Assembly Chambers Municipal Building, 155 South Seward Street, Juneau, Alaska 99801		

COMMUNITY MEMBERS PLEASE NOTE:

A staff memo regarding the proposed revision was included in the June 28, 2017 Title 49 Committee Work Session packet and can be found online at <http://www.juneau.org/assembly/novus.php>.

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony which can be sent by email to pc_comments@juneau.org or snail mail at **Community Development Department, 155 S. Seward Street, Juneau AK 99801.**



If you have questions, please contact Beth McKibben at beth.mckibben@juneau.org or (907) 586-0465.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

NOTICE OF PUBLIC HEARING

Planning Commission Hearing Regarding :

Text Amendment to Title 49,
Land Use Code 49.15.423

Panhandle Lots

City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Proposed Revision to CBJ code 49.15.423 regarding Panhandle Lots

File No:	AME2017 0003	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Property PCN:	Borough-Wide
Hearing Date:	August 8, 2017	CBJ Code at:	https://library.municode.com/ak/juneau/codes/code_of_ordinances
Hearing Time:	7:00 PM		
Place:	CBJ Assembly Chambers Municipal Building, 155 South Seward Street, Juneau, Alaska 99801		

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A staff memo regarding the proposed revision was included in the June 28, 2017 Title 49 Committee Work Session packet and can be found online at <http://www.juneau.org/assembly/novus.php>.

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Beth McKibben at beth.mckibben@juneau.org or (907) 586-0465.

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AME2017 0003

**Text amendment regarding proposed amendments
to the panhandle subdivision regulations**



AME2017 0003

Background

**Conceptualized during discussions on the
revisions to the subdivision regulations**

Two Title 49 Committee meetings

AME2017 0003	Current Code
• Minimum lot size of 20,000 square feet – Minimum lot size of 36,000 square feet when city water & sewer are not available • Minimum width of the stem 30 feet • Maximum grade of the driveway to be no more than 15% • Panhandle lots share one access and requires it to be shown on the plat with an easement or plat note – requires a maintenance agreement for the shared driveway. • Limited to only 2 lots	

AME2017 0003	Proposed Code
Allow for any lot to be subdivided through the panhandle provisions if the lots created meet the minimum dimensional standards of the underlying zoning district... Both the front lot and the panhandle lot will have the minimum square feet of lot area Both lots must meet both lot width and depth requirements.	

AME2017 0003	Proposed Code
The stem of the panhandle lot would not be used to calculate lot area. (preserves the opportunity for lots in the D1 zoning district to use up to 30 feet of the width of the handle to calculate the width of the front lot)	
Reduces the minimum width of the stem of the panhandle lot to 20-feet.	

AME 2017 0003	Proposed Code
Removes the maximum grade of 15%	
Adds <u>“as required by the Fire Code at CBJ 19.10.”</u>	
This means that the subdivider may apply to the Fire Marshal for an exception to the Fire Code to have a driveway grade of more than 10%.	

AME 2017 0003	Proposed Code
Clarifying language	
Requires the access to the rear lot through the stem.	
If there is a shared driveway it must be shown on the plat and a maintenance agreement recorded.	
The front lot may have its own access to the right-of-way if the driveway can be approved by CBJ or AK DOT.	

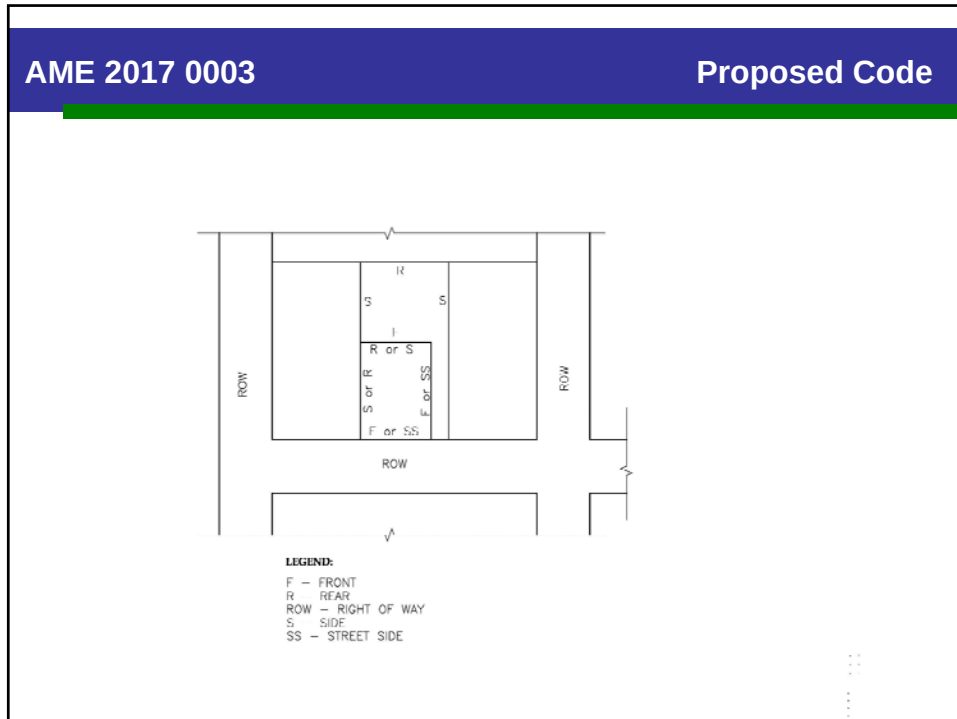
AME 2017 0003	Proposed Code
<u>“Access for the lots shall be located in the panhandle. A lot fronting a right-of-way may have a separate and additional access if approved by the government entity that controls the right-of-way. Access to each lot shall be designated on the plat in the form of an easement.”</u>	

AME 2017 0003	Proposed Code
<u>“The portion of the driveway in the right-of-way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater.”</u>	

AME2017 0003	Proposed Code
• A driveway and parking plan <u>that shows the feasibility of off-street parking</u> shall be submitted and approved by the director prior to recording the plat. • (D) Back out parking is prohibited <u>unless approved by the director.</u> • (E) The applicant must submit a plan that shows the feasibility of off-street parking for the lots and a turnaround that will allow drivers to drive forward onto the road in front of their lot.	

AME 2017 0003	Proposed Code
• Removes the prohibition that limits panhandle subdivisions to two lots. • Intent is that panhandle subdivisions will only include pairs of lots. • Existing code language limits stacked developments with the recently added limitation to the length of the stem. • Intent is that when pairs of panhandle lots are created the access to the rear lots will be shared within the stem of the two lots. If the front lots do not receive driveway permits for direct access to the adjacent street then they will also use the stem for access.	

AME2017 0003	Proposed Code
Requires that front lot of a panhandle subdivision be treated as a corner lot, and choose the front setback and street side setback from either the right-of-way or the stem of the panhandle lot.	
Clarifies the front yard setback for the panhandle lot is measured from behind the back lot line of the front lot.	



AME2017 0003	Proposed Code
Deletes the following language: The common property line between the lots two lots in any zoning district shall be limited to two changes in direction.	

AME2017 0003	Proposed Code
Removes the lot size requirements for lots not on public sewer and specific dimensional requirements for lot using marine outfall for wastewater disposal By removing these specific requirements for panhandle subdivisions, the standard in CBJ 49.15.411(i)(3) Soils Report will now apply.	

AME2017 0003	Compliance
Comprehensive Plan “New development within the 20-year planning horizon of this Plan should occur as in-fill development on vacant or underutilized parcels within the Urban Service Area. In the future, new development could occur as new towns or satellite communities in the Echo Cove and West Douglas New Growth Areas designated in this Plan.” “Land within the USAB should be efficiently developed before its boundaries are extended to properties outside of the USAB.”	

AME2017 0003

Compliance

POLICY 3.1 TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY'S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

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.

AME2017 0003

Compliance

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

POLICY 10.5. THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS DEPENDS ON THE PROVISION OR AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.

AME2017 0003	Compliance
Housing Action Plan • Juneau's land is not used as efficiently as it could be. • Juneau cannot afford to build infrastructure and then allow low-intensity development to use it. • Recommends that the city create and enforce a policy that directs new development to areas with existing infrastructure.	

AME2017 0003	Compliance
2015 Juneau Economic Development Plan • States Juneau's housing supply does not meet demand in terms of housing type, size, price, or location. • Identifies the critical need of housing for all ages and income groups in order to obtain and maintain a strong and stable economy.	

AME2017 0003	Compliance
The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. As stated in CBJ 49.05.100, the purposes and intent of Title 49 are as follows: 1. To achieve the goals and objectives, and implement the policies of the Juneau comprehensive plan, and coastal management program; 2. To ensure that future growth and development in the City and Borough is in accord with the values of its residents; 3. To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts; 4. To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare; 5. To provide adequate open space for light and air; and 6. To recognize the economic value of land and encourage its proper and beneficial use. The panhandle subdivision amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes, especially numbers 2, 3, 4, and 6.	

AME2017 0003	Findings
• Proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan, the Juneau Economic Development Plan, the Housing Action Plan, • Title 49. • Additionally, this change would not create any internal inconsistencies within any plans or codes.	

AME2017 0003	Staff Recommendation
	Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.



Community Development

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: September 18, 2017

File No.: AME2017 0003

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding proposed revisions to CBJ code 49.15.423 regarding Panhandle Lots

Hearing Date: September 12, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated September 1, 2017, and recommended that the City and Borough Assembly adopt the proposed revisions to CBJ code 49.15.423 regarding Panhandle Lots, with the following amendment:

49. 15. 423(1)(A) The front and panhandle lots must meet all the dimensional and area requirements of this title.

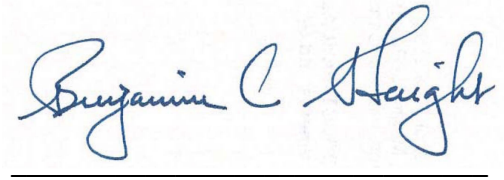
The Commission determined that allowing the stem of the panhandle lot to be included in the calculations for lot area, lot width, and lot depth will preserve the density of the neighborhoods. The Commission noted that for the single family zoning districts, the minimum lot width and depth results in a lot size less than the minimum lot area.

Attachments: September 1, 2017 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2017 0003.

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

City and Borough Assembly
File No.: AME2017 0003
September 18, 2017
Page 2 of 2

Project Planner: 
Beth McKibben, AICP, Planning Manager
Community Development Department


Benjamin Haight, Chair
Planning Commission


Filed With City Clerk

September 20, 2017
Date

cc: Plan Review

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



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CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: September 5, 2017
TO: Planning Commission
FROM: Rob Steedle, Director
Community Development Department
FILE NO.: AME2017 0006

A handwritten signature in black ink, appearing to be 'RS', is written over the 'FROM' line of the letter.

PROPOSAL: Text amendment to Title 49 to provide for siting essential public facilities.

The City and Borough of Juneau Code 49.10.170(d) states that the Commission shall make recommendations to the Assembly on all proposed amendments to the Land Use Code, indicating compliance with the provisions of the land use code and with the Comprehensive Plan.

ATTACHMENTS

Attachment A – Ordinance Language

PURPOSE

The purpose of the Essential Public Facilities text amendment is to provide a process for permitting public facilities that typically are difficult to site. Permitting such facilities can be accomplished through the Conditional Use Process. In cases in which a use category is not defined and is not present in the Table of Permissible Uses, a text amendment is a necessary precursor process. That additional step adds at least three months to the permitting process, delaying government's ability to respond to unanticipated emerging social needs.

DISCUSSION

Title 49's Table of Permissible Uses (TPU) is incomplete necessarily; identifying, defining, and categorizing all conceivable land uses would be a fruitless task. All human service uses are listed in Section 7 of the TPU, under the general heading Institutional Day or Residential Care, Health Care Facilities, Correctional Facilities. Just six types of uses currently are listed:

Planning Commission
 File No.: AME2017 0006
 September 5, 2017
 Page 2 of 3

7.100	Hospital
7.150	Health care clinics, other medical treatment facilities providing out-patient care
7.200	Assisted living
7.300	Day care centers
7.310	Child care centers
7.500	Correctional facilities

In recent months, there has been community discussion concerning siting an urban campground for homeless persons, a warming shelter, and a sobering center. There is no provision for any of these uses in the TPU. These uses are representative of the services that the Borough may decide to provide in the future, but it is not exhaustive. It is challenging to foresee the appropriate local governmental response to meet emerging social needs such as aiding individuals experiencing addiction and homelessness.

This Essential Public Facilities permitting process closely follows that of a Conditional Use Permit. The key distinguishing differences are:

1. The proposed facility does not have to be a permissible use as specified in the Table of Permissible Uses, and
2. The applicability of the process is confined to developments that "...will be used to provide a service to benefit the health, safety, and welfare of the public and will be delivered by a government agency or private or nonprofit organization under contract to or with substantial funding from a government agency."

A proposed development would qualify as an essential public facility on a very case-specific basis. For this reason, certain types of facilities that already are present in the Table of Permissible Uses might be permitted using the Essential Public Facilities process. For example, National Guard centers are excluded from the Mixed Use and Mixed Use 2 zoning districts. It may be that there is a compelling reason, perhaps based on proximity to another governmental facility, to permit a particular type of National Guard center in a mixed use district. In that specific case, the Planning Commission could make the finding that the proposed development qualified as an essential public facility and could be permitted.

Because a nongovernmental entity may be developing the facility, funded by or under contract to the government, the types of conditions available for a Conditional Use Permit such as performance bonds are also potential conditions for permitting an essential public facility.

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 September 5, 2017
 Page 3 of 3

The ordinance requires a public meeting at least 30 days before the Planning Commission's public hearing of an Essential Public Facility proposal. The purpose of the meeting is to inform the public about the proposed development and hear concerns in advance of the Planning Commission hearing.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan's support for Essential Public Facilities is general rather than specific. There are no Standard Operating Procedures, Development Guidelines, or Implementing Actions that specifically support this concept. At the policy level, there are two policies that provide general support for the concept.

The Sustainability Chapter calls for flexibility in creating a resilient community and contains this policy:

POLICY 2.1. TO BUILD A SUSTAINABLE COMMUNITY THAT ENDURES OVER GENERATIONS AND IS SUFFICIENTLY FAR-SEEING AND FLEXIBLE TO MAINTAIN THE VITAL AND ROBUST NATURE OF ITS ECONOMIC, SOCIAL, AND ENVIRONMENTAL SUPPORT SYSTEMS. (p.10)

The Community Services Chapter addresses the need for adequate social services:

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. (p. 213)

COMPLIANCE WITH TITLE 49

The proposed ordinance complies with the Land Use Code. The ordinance supplements the existing code by providing a process for siting facilities that are difficult to site using the Table of Permissible Uses structure, and it provides for additional public notice.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan and with Title 49.

RECOMMENDATION

Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval. Additionally, staff recommends that the next update to the Comprehensive Plan include policies that expressly address the need for flexibility in providing for Essential Public Facilities.

Presented by: The Manager
 Introduced:
 Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-23

An Ordinance Amending the Land Use Code Relating to Essential Public Facilities

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 Chapter. Chapter 49.15 Permits, is amended by adding a new Article to read:

Article IX. Essential Public Facilities

49.15.900 Purpose.

The purpose of this article is to provide a process to site essential public facilities that are typically difficult to site or where the provision of the service is substantially connected and dependent upon its location. This chapter establishes the process and criteria the department and the planning commission will use in making a decision on an application for an essential public facility.

49.15.910 Determination of applicability.

(a) The manager may request in writing that a proposed facility be reviewed through the essential public facilities siting process. The manager's request shall address the criteria in subsection (b) of this section.

(b) The director shall review the request and approve it if the criteria in subsections (b)(1) and (2) of this section are met. If approved, the application shall be submitted to the commission for its consideration.

(1) The facility or site will be used to provide a service to benefit the health, safety, and welfare of the public and will be delivered by a government agency or private or nonprofit organization under contract to or with substantial funding from a government agency.

(2) The facility is a type difficult to site because of one or more of the following:

- (a) The facility needs a type of site of which there are few sites;
- (b) The facility can locate only near another public facility;
- (c) The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site; or
- (d) There is need for the facility in a particular location.

49.15.920 Application Process.

(a) An application, on a form specified by the director, and a site plan for the proposed essential public facility shall be submitted to the director for consideration.

(b) After accepting the application and determining it is complete, the director shall schedule it for a hearing before the commission and shall give notice to the developer and the public in accordance with section 49.15.230.

(c) The department shall hold a neighborhood meeting at least 30 days prior to the public hearing before the planning commission. The purpose of the neighborhood meeting is to provide the public with a means of obtaining information about the application and an opportunity to comment on it in advance of the public hearing. Public notice of the meeting shall be published in a newspaper of general circulation a minimum of ten days prior to the date of the meeting.

(d) The director shall forward the application to the planning commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor.

(e) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.

49.15.930 Decision criteria.

(a) At the hearing on the essential public facility, the planning commission shall review the proposal to consider:

- (1) Whether the development as proposed is consistent with the goals and policies of the City and Borough's Comprehensive Plan; and
- (2) Whether the application is complete.

1
2 (b) The commission may approve an application for a proposed essential public facility, with
3 or without conditions. Conditions may include one or more of the following:

4 (1) *Development schedule.* A reasonable time limit may be imposed on construction
5 activity associated with the development, or any portion thereof, to minimize construction-
6 related disruption to traffic and neighborhood, to ensure that development is not used or
7 occupied prior to substantial completion of required public or quasi-public improvements,
8 or to implement other requirements.

9
10 (2) *Use.* Use of the development may be restricted to that indicated in the
11 application.

12 (3) *Owners' association.* The formation of an association or other agreement among
13 developers, homeowners or merchants, or the creation of a special district may be required
14 for the purpose of holding or maintaining common property.

15 (4) *Dedications.* Conveyance of title, easements, licenses, or other property interests
16 to government entities, private or public utilities, owners' associations, or other common
17 entities may be required.

18 (5) *Performance bonds.* The commission may require the posting of a bond or other
19 surety or collateral approved as to form by the city attorney to guarantee the satisfactory
20 completion of all improvements required by the commission. The instrument posted may
21 provide for partial releases.

22
23 (6) *Commitment letter.* The commission may require a letter from a public utility or
24 public agency legally committing it to serve the development if such service is required by
25 the commission.

(7) *Covenants.* The commission may require the execution and recording of covenants, servitudes, or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants.

(8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the sole responsibility of the owner to apply for a new permit. In other cases, any order revoking a permit shall state with particularity the grounds therefor and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance.

(9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.

(10) *Habitat.* Development in the following areas may be required to minimize ~~environmental impact:~~

- ~~(A) — Developments within 330 feet of an eagle's nest located on private land; and~~
- ~~(B) — Developments in wetlands and intertidal areas on wildlife.~~

(11) *Sound.* Conditions may be imposed to ~~discourage production of more than 65 dBa at the property line during the day or 55 dBa at night~~ limit adverse impacts from noise on surrounding properties.

(12) *Traffic mitigation.* Conditions may be imposed on development to mitigate existing or potential traffic problems on arterial or collector streets.

(13) *Water access.* Conditions may be imposed to require dedication of public access easements to streams, lake shores and tidewater.

(14) *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.

(15) *Lot size or development size.* Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.

(16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.

(17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.

(18) *Other conditions.* Such other conditions as may be reasonably necessary to enhance public health and safety.

(c) A development permit issued under this section shall be subject to the provisions of CBJ 49.15.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

AME2017 0006

Text amendment to provide for permitting
Essential Public Facilities

Planning Commission Hearing
September 12, 2017



AME2017 0006

The proposed Essential Public Facilities permitting process
is very similar to the Conditional Use permitting process

Key distinguishing differences:

1. The use and location are not governed by the Table of Permissible Uses
2. Eligible facilities are limited to those that provide a service to benefit the health, safety, and welfare of the public

AME2017 0006

What Qualifies a Development Proposal to be Considered for the Essential Public Facilities Permitting Process?

- (1) The facility or site will be used to provide a service to benefit the health, safety, and welfare of the public and will be delivered by a government agency or private or nonprofit organization under contract to or with substantial funding from a government agency.
- (2) The facility is a type difficult to site because of one or more of the following:
 - (a) The facility needs a type of site of which there are few sites;
 - (b) The facility can locate only near another public facility;
 - (c) The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site; or
 - (d) There is need for the facility in a particular location.

AME2017 0006

What Findings Must the Planning Commission Make to Approve a Permit for an Essential Public Facility?

- The development as proposed is consistent with the goals and policies of the City and Borough's Comprehensive Plan
- The application is complete

AME2017 0006

What Conditions May the Planning Commission Impose in Permitting an Essential Public Facility?

The same set of conditions available to control a conditional use permit, e.g., development schedule, sound, traffic mitigation, lighting, et cetera.

AME2017 0006

Why Create This Process That So Closely Parallels the Conditional Use Process?

Time.

In the best case scenario, amending the Table of Permissible Uses to create a new use classification, and then processing an application for a facility under the new use will take five months.

In the best case scenario, using the Essential Public Facilities process, a facility could be permitted in two months.

Recommendation

Staff recommends:

- the Planning Commission forward the Essential Public Facility text amendment to the Assembly with a recommendation for approval.
- the next update to the Comprehensive Plan include policies that expressly address the need for flexibility in providing for Essential Public Facilities.

AME2017 0006

Text amendment to provide for permitting
Essential Public Facilities

QUESTIONS?





Community Development

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: September 18, 2017
File No.: AME2017 0006

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

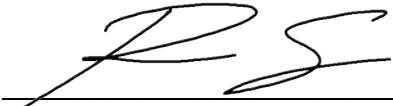
Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a text amendment to Title 49 to provide for siting Essential Public Facilities

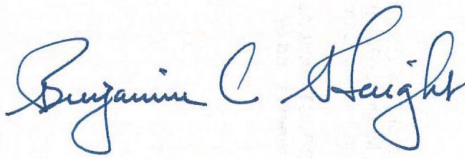
Hearing Date: September 12, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated September 5, 2017, and recommended that the City and Borough Assembly adopt the proposed revisions to CBJ code 49.15 to provide a permitting process that does not rely on the Table of Permissible Uses to allow the siting of essential public facilities.

Attachments: September 5, 2017 memorandum from Rob Steedle, Community Development Department, to the CBJ Planning Commission regarding AME2017 0006.

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

Project Planner: 
Rob Steedle, Director
Community Development Department


Benjamin Haight, Chair
Planning Commission

City and Borough Assembly

File No.: AME2017 0006

September 18, 2017

Page 2 of 2



Filed With City Clerk

September 20, 2017

Date

cc:

Plan Review

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