

MINUTES
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
May 24, 2016

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 7:00 p.m.

Commissioners present: Ben Haight, Chairman, Paul Voelckers, Vice Chairman; Bill Peters, Michael LeVine, Percy Frisby, Nathaniel Dye, Matthew Bell, Kirsten Shelton-Walker, Carl Greene

Commissioners absent:

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Laura Boyce, Senior Planner; Chrissy Steadman, Planner II,

Assembly members: Debbie White

New Commission Member: Municipal Attorney Amy Mead swore in new Commission member Kirsten Shelton-Walker.

II. APPROVAL OF MINUTES

A. April 26, 2016 Regular Planning Commission Meeting

MOTION: *by Mr. Peters, to approve the minutes of the April 26, 2016 meeting with any minor corrections by staff or Commission members.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Mill Rate & Rezone

Assembly Liaison to the Planning Commission Debbie White reported that last night the Assembly approved the rezone in the Vintage Park area, and in other action it set the mill rate at 10.66.

Budgets Adopted/Land Management Plan

It also passed budgets for the City and Borough and School Board and also adopted the Land Management Plan. Builders and developers expressed concern about unfair competition and the City flooding the market. Ms. White reported that many of the concerns focused on the cost of lots in the Pederson Hill land disposal. She said that the Reninger Subdivision is for affordable housing and that land in the Pederson Hill area will result in different types of development.

Appeal

Ms. White reported that OLMO LLC is appealing the Planning Commission decision.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

USE2016 0013 was removed from the Consent Agenda and placed under the Regular Agenda, and combined with the report with USE2016 0012.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS

USE2016 0003:	A Conditional Use Permit for an asphalt plant at the Alaska Marine Lines Yard.
Applicant:	Knik Construction Co., LLC.
Location:	0 Jacobsen Drive

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of an asphalt plant and related stockpiling at the Alaska Marine Lines yard. The approval is subject to the following conditions:

- 1) Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.*
- 2) Prior to the issuance of a building permit, the applicant shall provide the final Stormwater Pollution Prevention Plan, in conformance with ADEC requirements, to ensure protection of adjacent waters.*

Ms. Camery told the Commission there are three new letters in opposition to the project, and that she had nothing new to add regarding this Conditional Use Permit.

MOTION: *by Mr. Peters, to move USE2016 0003 and adopt the staff analysis, findings and recommendations to approve this Conditional Use Permit.*

Mr. Dye made a friendly amendment to the motion of Mr. Peters to limit the permit to a two year period, since this is how long the operation would be in effect.

Mr. Peters accepted the friendly amendment.

Roll Call Vote:

Yeas: Dye, Peters, Haight

Nays: Greene, Frisby, Bell, Voelckers, Shelton-Walker, LeVine

The motion failed.

MOTION: *by Mr. LeVine, to deny USE2016 0003 and amend finding 5 to conclude that the asphalt plant as proposed is not in harmony with the property in the neighboring area due to the increased truck traffic that would occur in the downtown area.*

Roll Call Vote:

Yeas: Voelckers, Greene, Shelton-Walker, Frisby, Bell, LeVine

Nays: Peters, Dye, Haight

The motion passed.

IX. REGULAR AGENDA

USE2016 0013:	Conditional Use permit for marijuana cultivation in the Industrial zone
Applicant:	Top Hat Concentrates, LLC.
Location:	2315 Industrial Boulevard

RECOMMENDATION:

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a marijuana cultivation facility in the Industrial zone.

The approval is subject to the following conditions:

1. Parking spaces shall meet CBJ 49.40.210(b) (1); 8 spaces including 1 ADA signed space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
2. The applicant shall pass all CBJ Fire Marshall inspections.
3. No offsite glare shall be produced by exterior doorway lights.
4. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
5. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures, or other equipment in the processing building and cultivation building.
6. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
7. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational and the required signage is displayed.

USE2016 0012	Conditional Use permit for marijuana product manufacturing facility in the Industrial zone.
Applicant:	Top Hat Concentrates, LLC
Location:	2315 Industrial Boulevard

RECOMMENDATION:

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a marijuana cultivation facility in the Industrial zone.

The approval is subject to the following conditions:

1. Parking spaces shall meet CBJ 49.40.210(b) (1); 8 spaces including 1 ADA signed space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
2. The applicant shall pass all CBJ Fire Marshall inspections.
3. No offsite glare shall be produced by exterior doorway lights.
4. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
5. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures, or other equipment in the processing building and cultivation building.
6. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
7. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational and the required signage is displayed.

Ms. Steadman told the Commission the property is located at 2315 Industrial Boulevard in the industrial district. The applicants are Top Hat Concentrates LLC and Top Hat LLC, said Ms. Steadman. The site size is over 15,000 square feet, she said. There are two structures, said Ms. Steadman. The southern structure has seafood processing on the first floor which is a use outright in the industrial zone. There is a caretaker unit on the second floor.

The northern building is about 4,700 square feet, said Ms. Steadman, which is where the marijuana cultivation and manufacturing would occur. The site has legally nonconforming setbacks since it was constructed under a different zoning code which did not require rear or side yard setbacks. The applicants do not plan on changing the structure on the outside at all, said Ms. Steadman.

There are eight parking spaces required for the two uses on the site, said Ms. Steadman. Parking can be provided in front of both of the buildings, she said. There is also one loading area which is required which can also be provided in front of the building, she said. There will be no windows in the proposed facility, said Ms. Steadman.

Cultivation will take place on the ground floor of the northern building, said Ms. Steadman. The second floor of the facility will contain both a secure office and also the mother room (marijuana clones are taken from the mother plant) for the facility. It will also contain a drying room and a packaging area. There will be three to five full-time employees, said Ms. Steadman. Deliveries to and from the property will also take place, she said.

They do not expect noise to be an issue, said Ms. Steadman, since the entire process will take place indoors. The lighting for the building meets both State and City requirements with a surveillance system which also meets state requirements, said Ms. Steadman. There will be 10 surveillance cameras for the 700 square foot second floor activities for the project, said Ms. Steadman. There will be one 360 view camera, five motion activated lights and three door sensors, said Ms. Steadman.

On the first floor there will be 20 surveillance cameras, one 360 view camera, five motion detection lights and four door sensors, said Ms. Steadman. The applicant plans on using CO2 for the extraction process which is a non-toxic way of extracting the oils from the cannabis, she said. The applicant plans on using ladybugs for their pest control, she added. There are no toxic chemicals proposed for this use, said Ms. Steadman.

The use has been found to be in harmony with the neighborhood, said Ms. Steadman, and is not anticipated to negatively affect property values in the area. This is in general conformance with the Comprehensive Plan, said Ms. Steadman. The use must also conform to the newly adopted marijuana ordinance, said Ms. Steadman, such as a security plan and a waste disposal plan. There is adequate security, and the applicants does not plan on significant waste to dispose. For the little waste they do have they plan on grinding it up per state requirements

and disposing of it in the landfill, said Ms. Steadman.

The applicant will be using Carbon Dioxide both in the growing and in the extraction process, said Ms. Steadman. They will be inspected by the Fire Department for all of those uses, she said.

Commission Comments and Questions

Mr. LeVine asked if there is a reason that the applicant needed to submit two separate CUP (Conditional Use Permit) applications.

Ms. Steadman replied that they are listed separately in the Table of Permissible Uses so they are listed as two separate uses which required two different reviews.

Mr. Voelckers noted that previous applications of this type had conditions attached for odor control including items such as annual inspections and charcoal filters. He said he wanted to make sure that due diligence has been performed and that the staff is assured that odor will not be a problem.

These items are now covered within the special use ordinance, said Ms. Steadman. Since that ordinance has passed, they no longer need to replicate that language within the Conditional Use Permit, said Ms. Steadman.

Applicant

Applicant John Nemeth said he had nothing further to add to the presentation of Ms. Steadman unless the Commission had any questions.

There were no questions at that time.

Public Comment

Resident Jim Sidney said he owns approximately 20 acres within 500 feet of the proposed cultivation and extraction facility. He said he has 12 grandchildren that live in that area and that the bus stops right in front of this property. He said he feels the bus stop needs to be moved and that nearby apartments could be affected. He said he feels it is inappropriate to have a marijuana facility right next to the bus stop. Mr. Sidney also expressed concern that children or workers may come into contact with marijuana odors and become affected by it. Mr. Sidney added that the parking plan was not a good one because it required cars to back out into the road.

Mr. Dennis Watson told the Commission that he had submitted a letter on this CUP and in another role he was also the chair of the Southeast Alaska Food Bank which will be located around the corner from the facility. Mr. Watson, former Planning Commission member and a member of the Marijuana committee, said they have no concerns about this business, and that

the public often walks by that building as well. Mr. Watson said he feels this application fits about as close to what he has ever seen to what the Marijuana Committee had conceived. Mr. Watson said he also owns property down the street from this business. Mr. Watson said he did not see why parking would be a problem, and that back out parking is used by numerous businesses within the area.

Applicant

Mr. Nemeth said they have excellent equipment and that there should be very little to no aroma that should ever leave the facility. He added that marijuana odor does not transmit THC into the bodies of anyone who breathed it. There also will be no signage on the facility, said Mr. Nemeth. Regarding traffic he said there will be trucks coming and going for the fish processing facility which has been going on without complaint for some time, and that the main vehicle used to transport marijuana would be his Mini Cooper. They plan on producing anywhere from 25 to 35 pounds a month, said Mr. Nemeth, which translates to about five to 10 pounds a week leaving the facility in his Mini Cooper, he said.

MOTION: *by Mr. Peters, to approve USE2016 0012 and to accept the staff's findings, analysis and recommendations.*

The motion passed with no objection.

MOTION: *by Mr. Peters, to approve USE2016 0013 and to accept staff's findings, analysis and recommendations.*

The motion passed with no objection.

AME2016 0005	Rezone of USS 2136 Lot 2 from D-1 (T) D-3 to D-3(T)D-5 and D-1
(T) D-10	to D-10.
Applicant:	Intrepid, LLC
Location:	Glacier Highway between Sherwood Lane and Engineer's Cutoff Road

RECOMMENDATION:

Because of the two zone districts on the site, there are two actions needed by the Planning Commission and thus, two different recommendations by staff, included below.

Northern 3.2 acres of the Subject Parcel:

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve a zone change from D-1(T) D-10 to D-10 for the 3.2 acres of the northern portion of USS 20136 Lot 2.

Southern 19.6 acres of the Subject Parcel:

Staff recommends that the Planning Commission concur with the Director's analysis and findings and recommend approval to the Assembly for a rezone of the 19.6 acres of the southern portion of USS 2136 Lot 2 from D-1(T) D-3 to D-3(T) D-5 subject to the following condition:

1. Prior to a transitional zone change to D-5, Single-family Residential, Pederson Street shall be improved to the standards required for streets as required by CBJ 49.35 Public Improvements, unless access meeting appropriate safety requirements equivalent or superior to that which would be provided by Pederson Street, as determined by the directors of the Community Development and Engineering and Public Works Departments, and the Planning Commission, has been provided from an alternative location.

Ms. Boyce told the Commission they have received a number of letters regarding the proposal which she has included as an item in their blue folders. These letters were received after the packet was distributed, she said. Several letters included concerns about the public notice requirement, said Ms. Boyce. The sign was posted on the property that goes along Glacier Highway, said Ms. Boyce. None of the property actually touches Engineers Cutoff, she said. Notices were also mailed to all neighbors who resided within 500 feet of the property, she said.

This is a request to change the zone designation on approximately 22 acres, said Ms. Boyce. There are two zone designations on the property, she said. The northern portion of the property is currently zoned D-1 transitioning to D-10, said Ms. Boyce. That is roughly 3.2 acres of the site, she said. The lower portion of the property is zoned D-1 transitioning to D-3. That is roughly 19.6 acres, said Ms. Boyce.

Ms. Boyce said that Murray Walsh would be speaking on behalf of the applicant about this proposal this evening. The different zones on the property also each carry different Comprehensive Land Use Plan land use designations, said Ms. Boyce. The designations are for Urban Low Density Residential (ULDR) and Medium Density Residential (MDR), she said.

Water and sewer are available to the site along Glacier Highway and Sherwood Lane. Water is available along Engineers Cutoff, said Ms. Boyce. The property can currently be accessed via Glacier Highway and Pederson Street, she said.

Because there are two zoning districts on this property there are two sections of code which guide the decisions, so two actions will be required of the Commission, she explained. CBJ 49.70 deals with transition zone upgrades, and CBJ 49.75 deals with rezonings. While the Commission can approve a transition zone upgrade, its decision on the portion of the lot to be rezoned will then go to the Assembly for final approval, explained Ms. Boyce.

The purpose of a transition zone is for lands within the Urban Service Area Boundary that are set aside for higher density development after public sewer and water have been provided, said Ms. Boyce, and after the Planning Commission makes a finding that the services are adequate.

A rezone can only be approved on a finding that the proposed zoning district and its uses are in substantial conformance with the Land Use Maps of the Comprehensive Plan, explained Ms. Boyce. If the Commission approves the rezone request it then proceeds to the Assembly, and if the Commission denies the request it ends there, unless the applicant appeals that decision to the Assembly, said Ms. Boyce. If the Assembly approves a rezone, it is then incorporated by ordinance and the zoning map is altered to reflect that change, she said.

Urban low density residential (ULDR) is the Comprehensive Plan land use designation for the southern portion of the property, which is the majority of the parcel, said Ms. Boyce. That designation allows between one and six dwelling units per acre, she said. The northern portion of the property is zoned Medium Density Residential (MDR), said Ms. Boyce. From six to 20 dwelling units per acre are allowed within that designation, she said.

As a result of the neighborhood meeting held in March, said Ms. Boyce, the original plan to rezone the entire property to D-10 was changed by the applicant to retain the D-10 zone request for the northern portion of the parcel and a D-5 zone for the lower portion of the parcel.

The upper parcel is currently zoned D-1, said Ms. Boyce. That is primarily for single family and duplex development, she said. Certain D-1 zoned lands may exist within the Urban Service Area boundary in transition areas if public sewer or water are absent but planned for, read Ms. Boyce. The D-1 classification will be changed to a higher density when services are provided, said Ms. Boyce. The lower portion of the property is currently zoned D-3, said Ms. Boyce. This is land for which a lower density is deemed appropriate or in the case of transition zones where the zoning will be changed to a higher density when sewer and water are provided, said Ms. Boyce.

The applicant is requesting D-5 zoning for the lower portion of the property, said Ms. Boyce. They are single family districts located within the Urban Service Area boundary and are served or can be served by water and sewer, said Ms. Boyce. The D-10 and D-15 zoned districts are multi-family zoned districts, said Ms. Boyce. The D-10 zone is for 10 units per acre and the D-15 zone is for 15 units per acre, she said.

The Comprehensive Plan states that the Assembly and the Commission are to aim to promote the highest and best use of land under consideration and all new rezoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps, said Ms. Boyce.

The highest and best use may result in increased density of the parcel or in some cases the highest and best use of the land may be preservation in an undisturbed state for purposes of habitat preservation, flood control or to provide a buffer between development and areas subject to natural hazards, said Ms. Boyce.

After sewer service was extended along Glacier Highway other properties in the area have been rezoned from D-1 to D-10, said Ms. Boyce. This property was not included in the overall request made at the time because of the two different zoning districts on the property, she said.

The staff finds that:

1. The request meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code.
2. This proposal substantially conforms to the Land Use Maps of the Comprehensive Plan.
3. Transition zoning of D-3 (T) D-5 in the lower 19.6 acres would ensure that access to the subject site is addressed including safety concerns additional traffic on adjacent residential streets. While sewer and water are both available to serve the site, adequate road infrastructure is not currently in place to serve increased densities.

The 3.2 acres on the northern portion of the property for densities from five to 20 units per acre would be for zones D-5 through D-18, said Ms. Boyce, which would be in substantial conformance. Those would be zones the Commission could consider if it wanted alternatives to the staff recommendation, said Ms. Boyce.

Commission Comments and Questions

Mr. LeVine asked why the staff recommends that the lower parcel be rezoned to D-3 transitioning to D-5 instead of D-1 transitioning to D-5.

Ms. Boyce replied that with the finding of the northern portion of the site to D-10 it seemed that transitioning the entire property makes sense.

Mr. LeVine asked if the same access questions would exist for a D-3 zone and a D-5 zone designation.

Ms. Boyce replied that there are currently access issues for the property. Any development that would occur on the property would require upgrades to Pederson Street if that was the access they chose.

Mr. LeVine asked if there is any reason the Commission should stray from the parcel boundaries which did not match up with the land use line on the map.

Ms. McKibben clarified that there is no parcel line, there is only one parcel. She added that the Commission could adjust the line for the D-10 proposed property but that the Commission would need to make findings as to how it substantially conforms to the maps of the Comprehensive Land Use Plan. That would need to go to the Assembly to be approved, she said, because it deviates from the transition zone.

Mr. Voelckers asked about the logistics of connecting with sewer on the southern portion of the property. He asked if the applicant would be compelled at a certain density, to make connection with that sewer.

Ms. Boyce responded that the property would be required to tie into the water and sewer lines on Glacier Highway because those are already sized for the development that is anticipated.

Mr. Voelckers asked if they need a condition to stipulate that since it is already locked in by other language.

Mr. Haight said the staff has recommended a condition for the southern portion of the property to improve the streets to the standards. No matter what the land is zoned, whether D-1 or D-10, it is still required to improve the streets, he said. He asked if this requirement is for the rezone or if it is a requirement for the subdivision development.

Ms. Boyce said she has recommended that condition for the rezone. In order for the applicant to realize the higher density for the D-5 zone district it would have to make those street improvements, she said, before that transition to the higher density could occur. This is because the site is not currently served by access which can serve the proposed density at this time, she said.

Mr. Dye clarified that even a D-3 zone would trigger the necessity for road improvements.

Ms. Boyce said that the access is part of development and that it would be reviewed.

Mr. Voelckers said it was the opinion of Mr. King in the CBJ Engineering Department that the property had a second access. He asked if this was a requirement or if it was simply the opinion of the staff member.

According to the fire code when a development is over a certain number of units, said Ms. Boyce, the property is required to have a second access. If all of the buildings are sprinklered than a second access is not required, she said. She said the applicant plans on installing sprinklers in all of the units.

Mr. Greene asked if there was a requirement for a traffic study.

Ms. Boyce responded that at the time of development they would look at the potential average daily trips from the proposed project. If the project would generate 500 average daily trips or more a Traffic Impact Analysis would be needed, she said. If the threshold is between 250 to 500 average daily trips it is up to the Director's discretion, she said.

Applicant

Murray Walsh said he is representing Intrepid LLC, a development company based in Anchorage which specializes in a special federal tax supported form of housing where the occupants are not necessarily low income, they may be what is termed "workforce income". The idea is to construct housing in the midrange, he said. They are planning a series of developments, he said. They will construct something like 25 to 30 units per year in various places around the site, said Mr. Walsh.

While the site is large there are a lot of wetlands, said Mr. Walsh, creating a limited number of building sites on the property. The biggest issue associated with the rezone is access, he said. It would be cheaper for them to construct access across several locations to Sherwood Lane rather than Pederson Street which is not developed, he said. It would cost the developers less money and create a better layout and better entrance to the property, he said.

They made it clear at the public meeting held that they planned on using Sherwood Lane, said Mr. Walsh. He said he may even be able to take care of that before the rezone reached the Assembly for approval. Mr. Walsh said there are features in the Comprehensive Plan which encourage affordable housing. They are trying to provide some of that housing, he said.

Commission Comments and Questions

Mr. Voelckers asked for clarification of the townhouse-cluster plans for the property.

Mr. Walsh said the Planned Unit Development (PUD) feature in the code allows multi-family construction as long as it is part of the master plan that provides benefits and public amenities to the residents and often the public. He said it would take five or six years before the property was built out. There are several salmon-bearing creeks on the property from which they need to stay 50 feet from either side, said Mr. Walsh. That dramatically reduces the land available for development, he said.

Mr. LeVine asked Mr. Walsh if he wants D-3 zoning. He asked if the rezone from D-3 to D-5 did anything more for the applicant than a rezone from D-1 in transition to D-5.

Mr. Walsh said they would like the D-5 zone even though it meant having to go before the Assembly to complete the rezone.

Public Comment

Juneau resident Dr. Eric Olson said he is one of the four owners of the property on which Family

Practice Clinic is situated. Their main concern is that the clinic not experience negative impacts as a result of development. Their concerns are that their property not be decreased in value. He said he was relieved when at the public meeting they were told the project planned on using Sherwood Lane for access. They would appreciate a buffer between their property and the development. They are not opposed to the development, he said.

Engineers Cutoff resident Luke Dihle said he was very happy that the developers had said that they were not using Pederson Street for access to the development.

Engineers Cutoff resident Lynette Dihle also spoke against using Pederson Street as access to the development. Safety would be a big issue if Pederson Street was used for access, she said.

Neighborhood resident Jim Sidney said he felt Pederson Street should be built to City standards as the main entrance to the development. He noted that sewer and water were not provided to that property because the owners did not want to pay the assessment. He asked if those who paid for the assessment would get some kind of refund with the new development.

Mr. Sidney asked why the staff had not made any recommendations for this property that contained over 12 acres of fish habitat. Mr. Sidney said he felt this was spot rezoning. He said he did not see where the 50 foot setbacks from each side of the streams resulted in less property upon which to build.

Engineers Cutoff resident Mr. Saviers said he was submitting three letters on behalf of his neighbors against the proposed development. He said he lives close to the entrance of Engineers Cutoff Road and that the development would contribute to traffic problems.

Engineers Cutoff resident David Ritter said that his biggest concern was that within a D-5 development that units could be clustered for example to two, 30 unit structures located behind his home. He said that he did not feel that townhouses and apartment buildings belonged up against land zoned for one dwelling per acre. Only a small sewer line meets the property in question, he said. No sewer service touches the lower 19 acres, he said.

Mr. Walsh said it sounded like one individual wanted them to use Pederson Street, and the rest did not. There are a few solutions regarding sewer access, he said, one of which involved Sherwood Lane. They would like to use the Sherwood Lane access because it would enable them to use gravity for the sewer line installation. Mr. Walsh said he had no idea about sewer assessment refunds. He said obviously any construction they did on the property would involve sewer assessments. Mr. Walsh said the 220 unit count would only be possible if the entire property was zoned D-10, and they are not requesting that now. He said it would be more like 140 to 150 total units. He said they plan on having a very large buffer between the houses on Engineers Cutoff which adjoined their property.

Commission Comments and Questions

Mr. Voelckers asked if the most southern parcel could simply be rezoned from D-1 transitioning to D-5, or if there were some sort of mechanism which required the D-3 to D-5 transition zoning.

Ms. Boyce answered that the transition to the D-3 and the D-10 made sense to the staff. Adding the new district of D-3 transitioning to D-5 left the door open for the higher density as requested by the applicant if access is handled for the proposed development, she said.

Mr. Voelckers asked what purpose the D-3 transition zone served.

Mr. Frisby said it appears to be a procedural process to go from D-1 to D-3 to D-5 zoning. All of that is predicated upon infrastructure development, he said.

Ms. Boyce said there are two portions of the code which has guided the staff. One portion is regarding zone upgrade which is the D-1 transitioning to D-5. If the Commission decides that the proper amenities are in place it could transition that property to D-10 without it having to go to the Assembly, said Ms. Boyce. If the Commission actually wants to do a rezone that would need to go to the Assembly for final approval, she said.

Mr. Voelckers said he is inclined to make an amendment that the access is via Sherwood Lane. He asked if there is any reason why the staff was persisting in keeping the Pederson Lane option open when the applicant had stated they preferred access to be via Sherwood Lane.

Ms. Boyce replied that on a rezone the staff is very limited on what it can place conditions upon. If it is conditioned too much it can be contract zoning which is illegal, she said. She added if the Commission wanted to state that access was to be via Sherwood Lane that could be a condition.

Mr. LeVine said the condition as it is drafted requires the road to actually be improved before the zoning change can take place. He asked if this is what was intended or if it was an assurance that it will be improved prior to construction of any new homes. He asked if it was really intended that a road is required to be built before the rezone is granted.

It is the same language that was used for another similar property on Mendenhall Loop Road, said Ms. Boyce.

MOTION: *by Mr. Frisby, to adopt the staff's findings, analysis, and recommendations on the northern 3.2 acres of the subject parcel.*

The motion passed with no objection.

MOTION: by Mr. Voelckers, to adopt staff's findings, analysis and recommendations on the southern 19.6 acres of the subject parcel.

The motion passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

AME2015 0014	Draft Juneau Wetlands Management Plan Update.
Applicant:	City and Borough of Juneau
Location:	Borough-wide

This is the final draft under the grant and contract for the Juneau Wetlands Management Plan, said Ms. Camery. This draft reflects the changes suggested by the Commission and other entities when the preliminary draft was presented last fall, she said. CDD will continue revising the plan internally and bring another draft back to the Commission in approximately three months for additional review, moving toward final approval, said Ms. Camery. Volume One includes in part:

- ❖ An executive summary
- ❖ An explanation of the purpose of the study
- ❖ Explanation of the research methods used for the study
- ❖ An explanation of the project area
- ❖ A detailed explanation of implementation options and how the wetland assessments may be used in their current form
- ❖ Policies and implementation actions for future development of the plan
- ❖ An appendix with extensive background information

Ms. Camery noted that the new implementation chapter includes goals and objectives which address the intention to develop wetland categories, which was a key request from the Planning Commission and Wetlands Review Board. One of the challenges of formulating this document was to meet the needs of all of the different audiences that use the document, said Ms. Camery. She said that while the Planning Commission and Assembly would prefer a brief document, the resource agencies that use the document require rigorous scientific documentation of the wetland assessment method. She told the Commission the wetlands information in the case that they just reviewed came from this document, which demonstrates how useful it is. She said that she has heard concern that the wetland information in the plan may impede development, and she wanted to emphasize that the Corps of Engineers requires this information already. Having the information in advance for 360 wetland areas has already saved the city tens of thousands of dollars on the Reninger subdivision alone, and also saved thousands of dollars for the private developer in the previous case tonight. She said that Dr.

Adamus of Adamus Resource Assessment would discuss the wetland science of the plan tonight, while Francis Naglich of Ecological Land Services would address policy. Both are sub-consultants to Bosworth Botanical Consulting. She acknowledged Koren Bosworth of Bosworth Botanical Consulting in the audience, project manager for the project, whom she has worked with for the last four years, and thanked her for the high quality work on the plan.

Dr. Paul Adamus, Adamus Resource Assessment Inc. (ARA)

The focus of the study was on City-owned land, said Dr. Adamus. They did not have the time and resources to cover all of the City land, he said. Under this grant they were to find the boundaries of the wetlands and look at which of the wetlands are more important. For the boundary determinations they used color (ortho) photos and LIDAR topography obtained in 2013 through the same federal grant, which indicates the very fine elevational scale of the topography of the land, said Dr. Adamus. They found it very helpful, in a preliminary way, to identify the location of the wetlands, he said.

Once those were identified, said Dr. Adamus, it required actual on-the-ground surveys using standard techniques that the Corps of Engineers has sanctioned. Using those techniques he actually drew the boundaries of the wetlands, said Dr. Adamus. They covered a large area under difficult conditions, he said. They indicated the different types of wetlands located at different locations, he said.

They also needed to lay the foundation to determine hierarchy of the wetlands in terms of importance, said Dr. Adamus. This information can give advance information to developers and the public as to where they might run into the most resistance from the Corps of Engineers or other agencies, said Dr. Adamus.

They used the only technique that is customized for Southeast Alaska which is WESPAK – (Wetland Ecosystem Services Protocol). Everyone who used this had been trained in that method which is a systematic, standardized protocol, said Dr. Adamus.

The result was a series of scores for the wetlands totaling over 300 which are in Volume Two of the Plan, said Dr. Adamus. The scores can be used in the future to establish categories for wetlands which would reflect their relevant significance, he said. To establish importance of wetlands they considered such things as salmon streams, the ability of some wetlands to purify runoff from developments before it gets into the salmon stream, and the ability to provide nutrients to salmon streams and other sorts of habitat in ecological values, said Dr. Adamus.

No single wetland is good for everything, said Dr. Adamus. Some wetlands are good for purifying water, and other wetlands are good for supporting streamflow, he said. During drier periods, the wetlands can serve as a sponge that gradually releases water, he said, and helps sustain habitat in the streams.

By providing these accurate wetland maps and site specific ratings of the different wetland functions this project reduces the cost and time delays for developers. But it especially increases the certainty in the permitting process, said Dr. Adamus. Hopefully in the future this will result in fair and more consistent series of planning decisions. It will minimize environmental damages from wetland losses and it will provide the foundation over the next three months or so as it is finalized, he said.

Francis Naglich, Ecological Land Services

Mr. Naglich is a wetland consultant based in Washington State, who also works within Alaska and Oregon. They were part of the team which did a lot of work in the field, but Mr. Naglich said he is also involved working with developers and communities and how they deal with wetlands regarding fills, impacts, and mitigation.

The Federal Clean Water Act requires avoidance of the wetlands if possible, said Mr. Naglich. That is a challenge for Alaska and especially Juneau with over 60% of its land as wetlands, he said. The plan is being used right now by the City and private developers, said Mr. Naglich. It is not a delineation, he said. It is one of the best wetland inventories the Commission will find in the United States, he said. Mapping efforts in other areas have been very poor, he said, because they were done by aerial photographs and with someone looking at the map in an office who very rarely went out to the field to verify the map. The boundaries in this plan, said Mr. Naglich, have literally been walked and mapped. The quality of the work is amazing, he said, which should be very helpful for the City as it moves forward with the planning and development of its land.

The planning staff will be using the maps for short and long-term planning to identify the best areas for development to avoid wetlands, and when a decision has to be made regarding some impact the wetlands with the least impact on the area could be identified, said Mr. Naglich. This will also serve as the database for future studies including the work for a wetland categorization system, he said.

Mr. Naglich said he wanted to give a brief reminder that when there is a requirement to mitigate under the Corps of Engineer rules they typically want you to restore the wetlands and that is a challenge for Southeast Alaska, he said. The 2008 federal rule requires that applicants who fill wetlands look at mitigation banking if banks are available in the area, said Mr. Naglich.

Commission Comments and Questions

Mr. Voelckers asked what kind of timeline the Plan could cover.

Dr. Adamus said he attempted to address this question in Volume One. There are a lot of factors to consider such as climate change, wind storms and beaver activity, he said. He said his best estimate is probably in the range of 10 to 20 years.

XII. DIRECTOR'S REPORT

Historic Preservation Plan

Mr. Steedle reported that they have just started work on the Historic Preservation Plan update. The plan was last updated in 1997, he said. It was never adopted by the Assembly, said Mr. Steedle. As a result, this community has never articulated its goals for historical and cultural preservation, he said. They have a grant from the State Historical Preservation office and they have hired a contractor. Next Tuesday (May 31, 2016), said Mr. Steedle, there will be a preliminary meeting in the Senate Building at 6:30.

COW Shared Access June 28

Mr. Steedle said he spoke before the meeting with the Chair, and there will be another Committee of the Whole meeting on June 28, (2016) to cover the topic of shared access.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Lemon Creek Steering Committee

Mr. Voelckers said he attended the first official meeting of the Lemon Creek Steering Committee planning session. It was a well-run session, he said, with an enthusiastic and committed committee, he said. The staff presented a timeline and there seems to be a lot of positive energy for this endeavor, said Mr. Voelckers. He said they aspire to have the plan completed sometime next spring.

Lands Committee

Mr. Greene reported that the committee discussed the Reninger Subdivision. It approved several parcels to be sold to the Alaska Housing Finance Corporation, he said. They are also looking at a public/private enterprise to develop several hundred workforce-price units, he said. UAS partnership is also trying to obtain one of their lots to develop, he said.

Chairman Haight said they want to get the Rules Committee going, and that Mr. Voelckers would contact the staff about scheduling.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Chairman Haight said the Commission has the opportunity to bring information about the community which may be germane put on the record. This can be done by asking questions of the relevant participants which could then be placed on the record, he said. When voting on an issue the positions of the Commission to the question which is on the floor are fairly obvious, said chairman Haight. However on a split vote, he said, it is worthwhile to present the

justification for the way they voted, he said, so the Assembly can see how and why the Commission members stand on the issue, said Chairman Haight.

Mr. Steedle said the Assembly has asked to see the minutes for rezones and other activities, which he said he sees as a healthy change.

XV. ADJOURNMENT

The meeting was adjourned at 9:21 p.m.