

Agenda

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

March 22, 2016
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

A. February 23, 2016 Regular Planning Commission Meeting

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

A. VAR2015 0030, A Variance request to the requirement for access on a publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private easement.

IX. REGULAR AGENDA

A. USE2016 0001, Conditional Use Permit for a limited marijuana cultivation business in the D-1 zoning district.

B. AME2016 0008, A Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed Use.

C. CSP2016 0002, -- RESCHEDULED TO APRIL 12, 2016 --

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

A. Housing Action Plan Community Meetings

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

MINUTES
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Nicole Grewe, Chair

February 23, 2016

I. ROLL CALL

Nicole Grewe, Chair, 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 7:02 p.m.

Commissioners present: Nicole Grewe, Chair; Ben Haight, Vice Chair; Bill Peters, Michael LeVine, Percy Frisby, Nathaniel Dye, Matthew Bell, Carl Greene, Paul Voelckers

Commissioners absent:

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Jill Maclean, Senior Planner; Chrissy Steadman, Planner II; Tim Felstead, Planner I, Amy Mead, Municipal Attorney; Robert Palmer, Assistant Municipal Attorney; Skye Stekoll, Architectural Assistant II

Assembly members: Debbie White, Assembly Liaison; Jerry Nankervis

Mr. Peters asked to suspend the rules so that the Commission can address an additional motion regarding the continuation of Chair Grewe's role as Chair of the Planning Commission.

MOTION: *by Mr. Peters, to suspend the rules so that the Commission can address a subsequent motion regarding the continuation of Chair Grewe's role as Chair of the Planning Commission.*

Roll Call Vote:

Ayes: Mr. Bell, Mr. Dye, Mr. Haight, Mr. Frisby, Mr. Peters, Mr. Greene

Nays: Mr. Levine, Mr. Voelckers, Chair Grewe

Prior to his vote, Mr. Greene asked for the definition of what it means to suspend the rules.

Chair Grewe explained that it means to suspend the rules, thus making it possible for another motion to be made.

Requiring a vote of six Commission members in order to pass:

The motion failed.

II. APPROVAL OF MINUTES

- January 26, 2016 – Planning Commission Committee of the Whole
- January 26, 2016 – Regular Planning Commission Meeting
- February 9, 2016 – Regular Planning Commission Meeting

MOTION: *by Mr. Peters, to approve the minutes of the January 26, 2016 Planning Commission Committee of the Whole meeting, the January 26, 2016 Regular Planning Commission meeting, and the February 9, 2016 Regular Planning Commission meeting with any minor modifications by staff or Commission members, and asked for unanimous consent.*

The motion passed by unanimous consent.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

With a large number of the public indicating that they wished to speak on non-agenda items, Chair Grewe limited the testimony to three minutes per person, and reminded the public that only items not addressed on the regular agenda could be addressed at this juncture in the meeting.

Juneau resident Dixie Hood told the Commission that she wanted to express her concern about Chair Grewe chairing the Planning Commission. Ms. Hood said she was concerned that Chair Grewe had testified before the Assembly, and that she and her husband have actively worked against the upcoming cultivation ordinance. Ms. Hood said she did not know if the activities of Chair Grewe were illegal, but that she did consider the action of the Chair in this regard to be completely inappropriate, and unethical, which should negate her participation as Chairman of the Commission. She added that in her opinion Chair Grewe should also not participate as a member of the Planning Commission. Ms. Hood said she would like the Commission to consider this issue, and also the CDD Director and the Assembly.

North Douglas resident Mary Ellefson named for the Commission a long list of public service and Juneau activities which she has been involved in. She said every few years it was necessary for her to appear before the Planning Commission to protect unfavorable development in her North Douglas neighborhood. She said over the past decade, there has been a change in zoning regarding cultivation of marijuana, the plan to develop a large scale peony farm, expressing her opposition to an off-road vehicle area, and studying the details of a second channel crossing.

Ms. Ellefson asked for a plan to guide the development in the area. Speaking of the recently adopted Auke Bay Area Plan, and current plans underway to develop an area plan for Lemon Creek, Ms. Ellefson asked the Commission to pass a moratorium on the issuance of any Conditional Use Permits regarding the commercial cultivation of marijuana in all residential areas until a North Douglas comprehensive plan is in place as well.

Steve Johnson reminded the Commission that the City population had voted a year and a half ago to allow marijuana sales and cultivation within the City. He said he felt it was incumbent upon the City bodies to make this happen, rather than stop it. He said he felt a recent application for a Conditional Use Permit (CUP) on North Douglas adequately addressed all of the issues, and he felt it deserved a hearing before the Planning Commission and Assembly.

Mr. Johnson asked if individuals would be able to publicly address the marijuana ordinance before the Commission this evening.

Chair Grewe said that public testimony on this issue had been closed at the last regular meeting. The Commission could vote to hear additional testimony on the ordinance, said Chair Grewe.

Accompanied by what appeared to be a half gallon of liquid fertilizer, Juneau resident Benjamin Wilcox said that what he held was nutrients which would be used on his plants. He then took a swallow of the contents of the container and told the Commission that it tasted like "crap". He noted that in spite of its taste, it was not going to do anything to him or to the ground. He had passed information on this topic out to the Commission prior to speaking.

Mr. Wilcox told the Commission he has lived in Juneau for over 20 years, and plans to remain here for the rest of his life. He said he cared about Juneau as much as any of its non-cannabis friendly residents. He said that he would not be engaging in any activity which would harm the community. To ensure this, he said he has spent 46 days traveling over the past two years including 21 days in conferences, and 12 days in one-on-one meetings with industry leaders. He said he has visited eight retail commercial growing operations and almost 100 retail stores, as well as visits to a few labs and manufacturing facilities. In addition, said Mr. Wilcox, he has grown marijuana for the past eight years with his medical marijuana card. He said he has expended many hours to guarantee that this industry be properly introduced to the community.

Mr. Wilcox said he implored the Commission to use he and his colleagues as wells of information. He said they have been very clear and honest about their intentions and goals from the very beginning. He said the opposition offers "fear-based accusations" and "decades-old propaganda", with no understanding of the plant or the industry.

Chair Grewe told Mr. Wilcox that he was skating too close to the marijuana ordinance item which was on the agenda for the evening, and in which public testimony had been closed.

Mr. Wilcox said he was speaking about an issue raised at the last meeting, which was old business, and not to the issue on the agenda for this evening. He said there have been many references to explosions. He said none of those explosions occurred in commercial operations. In addition, he said, none of those explosions had anything to do with the cultivation.

Mr. LeVine said he objected to the testimony.

Concurring with Mr. LeVine, Chair Grewe told Mr. Wilcox that she was sorry, but that his testimony was too close to the ordinance appearing on the agenda before the Commission this evening.

Mr. Wilcox said that he would then address non-agenda items. Mr. Wilcox said he has been following the proper procedure for months, and that only now do a group of residents want to oppose the ordinance. He said if these residents were so interested in their community, then they should have been working with the group throughout the process. He said it was not fair for them to step in at the end of the process after hundreds of hours of communal work, only to object at the "finish line". He said it seemed "almost shady" that a fellow industry person's Conditional Use Permit was moved back, and the doors opened for a group to comment on something which was not on the agenda, and without public notice.

Mr. Wilcox added that he felt that it was odd that the Commission was served with information on that testimony at the close of business, while the Chair to the Commission had copies of this information.

At the objection of Mr. Peters to this testimony, Chair Grewe told Mr. Wilcox the testimony needed to be limited to items not on the agenda.

North Douglas resident Wayne Carnes said at a recent meeting where he disagreed with some of the regulations he was asked why he was bringing up this issue at the "eleventh hour". Mr. Carnes said he brought this issue up at the eleventh hour because he was ignorant. He said he found out three weeks ago how this ordinance would affect him.

The Commission took a two minute at-ease.

After reconvening the meeting, Chair Grewe explained that non-agenda items are interpreted differently by different individuals. She said the Commission would take comment only on non-agenda items, meaning no comment regarding marijuana. In answer to a question from the public, Chair Grewe further explained that when the marijuana ordinance was before the Commission this evening, that the Commission could vote whether to take additional public comment or not, if the motion was made.

Mr. Carnes resumed his testimony, stating that he was the captain of a ship, and that it was incumbent upon the crewmembers to speak up if they perceived that the captain is making a mistake. He said it was also up to the captain to listen and assess the crewmember observations, "even if it was 11:59:59".

North Douglas resident Fred Hiltner told the Commission that CBJ Title 49.25.210 defines residential districts as established to provide a healthy, safe and pleasant environment for residential living, protected from incompatible and disruptive activities. He said it was his understanding that this is a charter which the Planning Commission is to uphold. He said that neighborhoods and industry do not mix well. He said as a sailor he knew it was critical to fix the boat before it leaves the dock. It was much harder to make repairs after leaving the dock, said Mr. Hiltner.

Juneau resident James Barrett said he had applied for a Conditional Use Permit and that there was not an ordinance for it yet. He said he wanted to distribute information which he had gathered regarding the state application process, and what would be covered within the next three weeks.

Kaja Brix, a North Douglas resident, said she worked in “public process”, and understood that the job of the Commission was difficult, and that it was difficult to hear public testimony, weigh options, and make a good decision on the behalf of the entire community. She said she wanted to commend the Assembly for hearing all of the public testimony at last night’s meeting. She called this a good, open, transparent process. She said that public officials have a responsibility to hear comments, to consider those comments, and to make difficult decisions.

North Douglas resident June Hall said she has lived in her home on North Douglas Highway for 41 years. She said she loves living in the area, and she believes that no one who lives in the area would not want to give up their residence. Ms. Hall said that she believes that with the way things are developing in the community that there could be some good economic growth for Juneau. She said she bases some of her belief on the recent study in the Juneau Economic Development Plan which cites a quote from the National League of Cities which states that in recent years many cities have shifted their primary economic development focus away from attracting large firms from outside the community to grow new businesses from within the community, and to help existing businesses survive and thrive.

There is not much available land for development in Juneau, said Ms. Hall. She added that zoning is difficult. Ms. Hall said on page 17 of the Juneau Economic Development Plan that zoned land is available for commerce and industry as well as residential development. This also supports zoning which supports neighborhood-based, small business growth that creates jobs and provides services for the community. The Plan also states that Juneau is to support local entrepreneurs, said Ms. Hall, particularly related to Juneau’s unique assets.

Thane Road resident Judy Sherburne told the Commission that she is, “all about economic growth” in favor of small and some large businesses. She said she does have a problem when this comes into conflict with neighborhoods. Neighborhoods could be disrupted by certain industry, said Ms. Sherburne. She said that she utilizes well water, as do her neighbors, and the neighbors have run out of well water in the past. She said they were discussing a water dependent industry, which is one example of her concerns. She said her biggest concern has to do with other problems which have already been discussed before the Commission. She asked

that the Commission take another opportunity to allow the public to provide further testimony on this issue.

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison Debbie White reported that since the last meeting, that the City has made the decision to appoint Rorie Watt to the City Manager vacancy. She said the Assembly has filled its empty seat with Jamie Bursell, who will be the second Assembly member living in a D-1 district. The City has also hired a Chief Housing Officer, Scott Ciambor. The Assembly has also selected Roger Healy to head the Engineering and Public Works Department. Mr. Healy has also worked for the City in the past, said Ms. White.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

CSP2015 0019:	Reconstruction of Distin Avenue and portions of W. 7 th Street, W. 8 th Street, Indian Street and Calhoun Avenue including improvements to storm drain, sanitary sewer, water main, hand rails, concrete barriers, street paving, and altering sidewalk width.
Applicant:	City and Borough of Juneau
Location:	Distin Avenue and portions of W. 7 th Street, W. 8 th Street, Indian Street and Calhoun Avenue

Staff Recommendation

Staff recommends that the Planning Commission recommend that the Assembly approve the proposed project, as prescribed at CBJ 49.15.580(a).

Staff suggests the following recommendations for CBJ Department of Engineering and Public Works and/or the contractors undertaking the work:

1. The CBJ project manager contact the DIA prior to the start of the project and that the contractors are made aware of the possibility of finding burials/artifacts during the reconstruction project. 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 within two working days.
2. CBJ Fire department should be informed of water shut offs 24 hours in advance.
3. The fire hydrant on the corner of W. 8th Street and Calhoun Avenue should be relocated into a sidewalk bump out to improve pedestrian movement and crossing at this corner.

4. The design should be altered to provide continuous concrete sidewalk on W.8th Street outside 360 Distin Avenue with drop curbs installed as appropriate.

Advisory recommendation:

1. Juneau Police Department should enforce on any vehicle parking on the sidewalks in the neighborhood especially immediately following reconstruction.

CBJ Engineering would prefer Recommendation 3 to be addressed during the reconstruction of Calhoun Avenue. This project has been identified and will be undertaken as and when funds are available.

Mr. Felstead noted that there was a blue folder item which described an amendment to original CBJ Engineering proposal to account for vehicles that had been parking partially in the Right of Way for many years. This amendment satisfies Recommendation 4.

Mr. Felstead told the Commission that this project encompasses streets just behind the Governor's Mansion. This project is coming before the Planning Commission because it is included in the 2016 CIP (Capital Improvement Project) list. The Land Use Code requires CSP projects to be reviewed when they will total over a half million dollars, he explained.

In this area the right-of-way is only 30 feet wide, said Mr. Felstead. It is currently designed to operate as a one-way system, he said. Most of the sidewalks in the area are not five feet wide, he said, which is the width recommended in the Transportation Plan and in Title 49. This project will be linked to some work being performed at the Governor's mansion to improve the garden walls and drainage around that site, said Mr. Felstead.

This area is zoned D-18, said Mr. Felstead, so it is quite dense in terms of the number of dwelling units which creates a high demand for on-street parking. There will be a comprehensive upgrade to the street in terms of separating the storm water and sewer which are currently linked. The water mains will also be replaced, he said. All of the existing streets will be improved by new paving, he said. Some of the right-a-way will be reallocated to provide 5 foot sidewalks on at least one side of the street and some sidewalks will be narrowed as a result. Existing lighting and fire hydrants are unchanged, he said.

There is a power pole on Distin Ave. located in a travel way which will be included in the widened sidewalk, said Mr. Felstead. Pedestrian crossings will be improved, and the landings in front of the pedestrian crossings will be ADA (American Disability Act) compliant, he said. A new pedestrian sidewalk will be added going down West 8th Street, he said. With the existing parking situation, he said, some vehicles currently encroach into the existing right-of-way. The CBJ Engineering Department has come up with a proposal to allow the property owners to continue parking there to avoid throwing additional vehicles onto the on-street parking which is already overcrowded, said Mr. Felstead.

The sidewalk going by the Governor's mansion will be raised to give pedestrians an increased sense of security, said Mr. Felstead. The staff recommends that a fire hydrant on West 8th Street be relocated into a bump-out, he said. The CBJ Engineering Department would like to undertake this work at a later date, he said, when Calhoun Avenue is reconstructed.

The project conforms to many of the policies in the Comprehensive Plan, by improving surface water quality, improving the right-of-way to meet minimum standards, and with conformity in terms of on-street parking, said Mr. Felstead, taking into account the confined nature of the area.

Mr. Felstead repeated the recommendations and the advisory recommendation listed in the staff report above.

Commission Comments and Questions

Mr. LeVine said they had a parallel issue regarding Echo Cove before them on the Consent Agenda several meetings ago, and that the wording on the condition had been changed slightly. He said he felt this was the older verbiage. He said he encouraged the staff to make this condition consistent with the previous condition approved by the Commission several weeks ago.

Ms. Grewe said she had a technical edit in which the wrong number had been provided.

Mr Felstead agreed to address both of these items in the Notice of Recommendation.

Public Comment

Distin Avenue resident Jean Ann Alter said she wanted to encourage the Commission not to approve this item at this point. She said her main concern is that there is a lot which she owns between her home and her mother-in-law's former home which has a telephone pole which was moved there in the early 80's. The location of this pole totally blocks their lot, she said. The current plan calls for the City to build more cement and infrastructure around this pole. Ms. Alter said she would like to see the pole moved before this construction takes place, so that they will be able to use their lot. This lot would provide off-street parking for her family, she said, and also provide the opportunity for further housing for the community.

Ms. Alter said she has noted that telephone poles are almost always located between property lots and not in the center of the lot. Ms. Alter said she urged the Commission not to approve this project until AEL& P and the City could come up with a solution regarding the placement of the pole.

Commission Comments and Questions

Mr. Voelckers asked if this concern has been raised with the staff.

Ms. Alter said they received a notice about a year ago that some work in the area would occur. She said they called the City and left messages on two separate occasions. No one returned

their call, and she said since that time they have not had any information that this project was progressing until she received a notice indicating that there was a public hearing on the area improvements on this date. She said they did speak with the staff this evening and that they were quite cooperative. She said they were worried that if construction proceeded that they would forever lose the chance to build on their lot.

In answer to Mr. Voelckers' question, she said the lot was very buildable if the pole was not present.

Mr. Greene asked if there was enough lot frontage on the road to construct a garage or buildable lot.

Mr. Felstead replied that the lot could be developed for a single family dwelling. He said a garage cannot be constructed on a lot without an accompanying dwelling.

Ms. Alter said that she had comments about the walkway at the top of the 9th Street hill. She said since there is not a stop sign at that location, the cars are not used to stopping. She said putting a pedestrian crosswalk at that location with no stop sign for the cars would be dangerous for pedestrians. She added that she would like to see a yield sign installed at the corner of 7th Street and Indian Street, or a stop sign at that location.

Eighth Street resident Kenneth Clark Branch said he would like to see more opportunity for public input on this project. He said in general he supports the plan but perhaps they should have the opportunity to "fix the ship before it sails". Mr. Branch also had some knowledge of the power pole in question. It accommodated where powerlines emerge from the ground to become an aerial transmission line. Relocation of this pole would not be as straight forward as it would be if it were a pole in the middle of the aerial transmission lines.

Mr. Stekoll said the reason for widening the sidewalk around the power pole was to give it more protection from snowplows and vehicles. They had not considered moving the pole, he said. That job would fall under AEL&P, he said. He said they will try to identify a new location for the pole and contact AEL&P for a cost estimate.

Mr. Voelckers said it sounded like Mr. Stekoll was willing to consider moving the pole as an option.

Mr. Stekoll concurred.

Mr. Voelckers asked what kind of timeline this would create for the project. He asked if addressing the pole issue would place other aspects of the project in jeopardy.

Construction on the project is to begin May 1, said Mr. Stekoll. He said they would need to approach AEL& P for a timeline for moving the pole, and also they would need to obtain a cost

estimate for what could be a very expensive portion of the project. They would need to identify who would be responsible for paying for the pole to be moved, said Mr. Stekoll.

Mr. Voelckers said it seemed to him that the individual with the pole on their property had good reason for raising the issue.

Mr. Bell asked the staff if they were to request the staff to revisit the project with moving the pole in mind what it would do to their timeline for construction.

Mr. Stekoll said they could try to move quickly and provide the Commission with an update at the next meeting.

Mr. Felstead said they could add as a condition that the staff research the location of the pole.

MOTION: *by Mr. Voelckers, to move item CSP2015 0019 and add the discussed condition that staff work with the affected property owner and try to find an agreeable solution in an attempt to shift the pole to the perimeter of the property so that it can be developed.*

Speaking in support of the motion, Mr. Haight said he felt it was a very good idea to move the pole. It should not be obstructing the use of the property, he said. This would be the time to do it, he said. The cost would be the least at this juncture when construction of the streets and sidewalks was already going to take place, said Mr. Haight.

Speaking in support of the motion, Mr. LeVine said he felt the best option was for the staff to try to work this issue out with AEL& P and the affected resident. He said he would strongly encourage them to try to make this work since the Commission is very much in support of making available any buildable property.

The motion passed with no objection.

Mr. Stekoll added they would be having a public meeting in a few weeks with the contractor and the public would then be notified of the construction schedule.

CSP2016 0001:	Consistency review for the installation of W-beam guardrail along the water side of Glacier Highway beginning at mile point 21.17 and terminating at mile point 21.75.
Applicant:	State of Alaska DOT/PF
Location:	Glacier Highway between mile point 21.17 and 21.75

Staff Recommendation

Staff recommends that the Planning Commission find CSP2016 0001 to be consistent with adopted local plans and polices, as required by CBJ 49.15.580 and AS 35.30.010 and **approve** CSP2016 0001 to allow for the installation of 3,060 feet of guardrail along Glacier Highway, beginning at mile point 21.177 and terminating at mile point 21.757.

CBJ 49.15.580 (b) State project review: The commission shall review proposed Alaska State capital improvement projects for consistency with this title pursuant to AS 35.30.010 and may impose conditions on and modifications to such projects. If the commission approves or approves with conditions or modifications, a notice of decision shall be issued. A notice of decision becomes final 90 days from the date the project was submitted unless modified or disapproved by the assembly. If the commission disapproves, a notice of recommendation and draft resolution shall be forwarded to the assembly for further action.

Staff further recommends that two advisory conditions be placed on the finding of consistency in order to provide all possible notice to the applicant and the project contractor that a construction noise permit will be required for heavy equipment work during night-time hours as provided by CBJ 42.20.095(b) and that notice of any street closure must be provided to both Juneau Police Department and Capital City Fire and Rescue.

Advisory Conditions:

1. CBJ 42.20.095(b) Construction of buildings and projects. It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough of Juneau Building Official. Such permit shall be issued by the Building Official only upon a determination that such operation during hours not otherwise permitted under this section is necessary and will not result in unreasonable disturbance to surrounding residents.
2. At least three business days prior to any traffic revision or road closure of any public street or portion thereof, the contractor shall provide written notification of the traffic revision plan to the CBJ Fire Marshal and Chief of Police. Failure to provide such notice may result in suspension of any CBJ-issued permits for such work, and is punishable by a fine as an unlawful street closure under CBJ 72.17.010.

MOTION: *by Mr. Peters, to accept the Consent Agenda item 2016 0001, with staff's analysis and findings, and moved for unanimous consent.*

The motion passed by unanimous consent.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS

AME2016 0003:	Title 49 amendments related to marijuana uses
Applicant:	City and Borough of Juneau
Location:	Borough-wide

No recommendation – included in the packet is revised a Draft Ordinance, 2015-38 PC v3.

Chair Grewe said this item is continued from the February 9, 2016 meeting. They are to continue their deliberations on this item and hopefully forward it to the Assembly, she said.

Chair Grewe said at the last meeting that Commission member Bill Peters had alleged that she had a conflict of interest, without providing an explanation. Perhaps she did not handle the situation as well as she should have at that time, said Ms. Grewe.

Chair Grewe introduced her husband, Todd Boris, who was in the audience, and who had provided testimony at the February 9, 2016 meeting. She said that she did not introduce him at the last meeting, when he provided testimony, and that she should have done so.

Chair Grewe said there is a perceived conflict of interest. She said she called the Department of Law and discussed her situation with them, and that she did not plan on participating in any action regarding a forthcoming Conditional Use Permit. She was waiting for the issue to come up before she took any action, she said.

Supporting her participation in the marijuana ordinance before the Commission this evening, Chair Grewe said this is a borough-wide ordinance which impacts all zones equally. She said there could be a perceived conflict, since her home is located within the area of the conditional use applicant. She said she discussed this with the Department of Law, and that it comes down to the fact that although she has participated actively speaking against topics related to this item, that it does not preclude the applicant's ability to move forward with the Conditional Use Permit application.

Chair Grewe said she feels that she can participate in a fair and unbiased manner.

Chair Grewe said she would now pass the gavel to the Vice Chair, and let him make a ruling as to whether she has a conflict of interest participating in the ordinance before the Commission.

Vice Chair Haight said that he had the ability to take over the chairmanship of this ordinance, if he felt there was a conflict of interest. Chair Haight said he wanted the Commission's response to two questions:

1. Is the testimony the Commission has received and the actions taken by Chair Grewe at the last meeting something that would taint current and future Commission decisions on this item?

Mr. Voelckers said due to technical difficulties he could not phone in for the last meeting, and so that he was not present. He said he did read over the verbatim minutes very carefully. He said without being influenced by being in the room at the February 9, 2016 meeting that he felt

there was a lot of testimony that seemed misdirected. However, he added that he did not see a conflict heading forward regarding this piece of the ordinance.

Mr. LeVine said that he did not believe that the Commission debate and the motions they passed were unduly influenced by the testimony heard that evening.

2. Is there any concern by the Commission that participation or chairing of the continued discussion by Commissioner Grewe would not be impartial?

Mr. LeVine said that while he does not believe the action they took at the last meeting was biased, that he is very troubled by the appearance of what happened at the past meeting and by the fact that whether there is an actual conflict or not there was certainly enough that should have been disclosed at the last meeting. Mr. LeVine said he was very concerned about the appearance that the Commission may not be impartial, and that it was very important that their body always appear to be trustworthy before the public, and for that reason he said he was in favor of Vice Chair Haight presiding over the portion of the meeting which involved this ordinance.

Mr. Peters said that he concurred with Mr. LeVine. He said he felt that transparency was the keyword in this situation. He said he found it ironic that earlier this evening while taking public testimony, the Chair limited public participation to three minutes. He said it was evident that she tried very hard to keep public testimony tied to those matters not on the agenda. Mr. Peters said in his personal opinion it was in grave contrast to how she handled the last meeting. Mr. Peters said in his review of the February 9, 2016 meeting, that nearly 21 times she allowed public testimony to stray from the matters before the Commission that evening. He said he felt that it was imperative that Chair Grewe step down as Chair over the ordinance.

Mr. Haight said he has made his decision to continue as Chair for the duration of deliberation on AME2016 0003. He asked that Chair Grewe maintain her position on the Commission, and continue to offer her thoughts as they proceeded.

Ms. Steadman told the Commission that only those items in the ordinance which had a motion associated to them were amended in the draft before the Commission this evening.

Mr. Voelckers said he wanted to ascertain that even though motions have been passed on individual portions of the ordinance, that the ordinance as a whole could still be considered. He said he assumed there would be some flexibility to make sure that the entire ordinance was cohesive.

Ms. Steadman said the first item on the ordinance to be addressed this evening was noise. After discussions with the Law Department it is their recommendation that no more language needs to be added with relation to noise. Ms. Steadman said in their research noise has not come up as an issue, and further, that noise is a topic generally addressed in Conditional Use

Permits as a matter of course. It is an issue that can be addressed on a case-by-case basis, she said, especially if it is related to a specific zoning district. For example, said Ms. Steadman, there is a lot of Rural Reserve land adjacent to the airport. Would the noise created by fans and other equipment be an issue on that land which is already located next to a noise-inducing complex.

Ms. Steadman said as far as associating septic systems with a time of completion of any septic improvements that were necessary, that they have no recommendations for attaching a time frame. The need to improve the septic would be necessary before the prospective business owners could operate their business, she said.

Chair Grewe said it seemed to her that private septic systems are designed for household use. She asked if the state was going to redefine its regulations to allow for commercial wastewater to be run through what may have been designed as a single family dwelling.

Ms. Steadman said she understood the concerns were whether nutrients are going to be emitted into the septic system. She said it was not her understanding that the Department of Environmental Conservation (DEC) would be changing their regulations to address this issue. The state marijuana regulations require a waste disposal plan, said Ms. Steadman.

Mr. LeVine verified that the requirement that the septic system be evaluated before the operation could begin was a portion of the building permit process.

He was told that it was.

Ms. Steadman said they work with the applicants, and many times the requirements are situational depending upon each applicant.

Mr. Greene asked if an applicant did not have their septic system plan approved and if they subsequently backed out of the business, if those septic system requirements would still be in place for the private dwelling.

This would not be the case for any requirement within Title 49, said Ms. Steadman.

Ms. Steadman said she understood that Mr. LeVine wanted to have a discussion about the license fee and further discussion on the sunset provision within the Conditional Use Permit. Ms. Steadman said she recalled three options being considered for the sunset provision which included a general sunset provision for every zoning district and every Conditional Use Permit, a sunset required for some Conditional Use Permits within certain zoning districts and not others, or there could be a review of the conditions and not the expiration of the actual CUP.

Vice Chair Haight said that public testimony had been closed on this ordinance at the regular meeting two weeks ago, and the Commission had begun its deliberations. He said there was the

option to reopen public testimony should the Commission choose, on the entire ordinance or on select portions of the ordinance.

Mr. Peters said that he identified only two issues which could feasibly be reopened for public comment, and those two issues were the expiration as it relates to the CUP, and the deliberation or discussion of the Commission on fines.

If they were going to open public testimony, said Mr. LeVine, he would add to the list that the public could comment on the amount of the license fee.

Public Comment

The Commission moved to open public comment as it relates to the expiration of the CUP, (sunset provision), fines, and license fees.

Public Comment

Nelea Foster requested that the Commission not establish a sunset clause for any of the facilities. She said that annual inspection of the facilities was already in place, and that she felt a sunset clause was redundant. She said that she is working on opening a testing facility and that it already needed to meet numerous requirements.

Mr. LeVine asked Ms. Foster if the CUP did not have a sunset provision, if she had another suggestion for a way in which the City could revisit the conditions which are placed on the CUP.

Ms. Foster responded that this business is new for everyone. She said if their businesses were being inspected annually, that she felt that would be the time to have issues identified that needed to be remedied.

Mr. LeVine said it was his understanding that if no provisions are placed within the CUP, that they cannot revisit any of the conditions imposed by it. He said as a Commission, since this is a new business, they are trying to find a way to adjust those provisions within the CUP at some point should those adjustments be necessary.

Ms. Foster asked if the Commission has explored how other states have addressed this issue. She said she and other individuals interested in the marijuana industry wanted it implemented as best as it can be implemented. She said they are adult, serious individuals trying to establish this new industry. She said she feels the stigma associated with marijuana is placing a hamper on all those who are trying to succeed with this business.

Resident Steve Johnson said the sunset clause as it is written is pretty adamant. He said he was interpreting it to mean that every business, every five years, must go out of business according to the sunset clause. The business would then need to go through the entire CUP process again, said Mr. Johnson. Any investments the businesses have made, any equipment they have

purchased or any leases they have undertaken would have to be completely amortized to zero every five years, he said.

From a business point of view this is pretty tough, said Mr. Johnson. He said there needs to be a method to revisit the CUP's without pushing the participants out of business every five years. The businesses have to be given a means in which to recoup their investments, said Mr. Johnson.

Resident James Barrett said of all the aspects of the business that testing facilities above all should not be subject to a sunset clause. If there is a halt to the testing, said Mr. Barrett; that backs up the entire market. He said with on-site inspections and the retention of records which can be examined, and the numerous permits which must be obtained, that he felt a sunset clause for any of the businesses was not needed.

Mr. Voelckers said what this meant then was that whatever a Planning Commission deemed necessary with the initial Conditional Use Permit would then need to persist in perpetuity, both the positive aspects and perhaps negative aspects as well. They are trying to establish some mechanism in which they can go back and review the initial decision if it was needed.

He asked if Mr. Barrett had a suggestion as to how they could go back and rectify an initial mistake.

Mr. Barrett said all of these items were discussed at length with the Marijuana Committee. What they found was that the sunset clause was not necessary. He said it is actually a very safe industry. They are growing plants, he said. It is not a toxic situation in which lives could be lost.

North Douglas resident Wayne Carnes said he believed it is critical that if there is going to be industrial cultivation of marijuana in residential areas, to have a sunset provision in those areas. Mr. Carnes said that licenses that he holds for his work completely expire. One license is good for five years, he said. Another is only good for two years, he said. To renew his licenses, he must meet all requirements and reapply for those licenses, he said. This process takes him at least two weeks and a minimum of one thousand dollars every time he has to do it, he said. He can start the renewal process six months prior to the expiration of his licenses, he said. That way he said, as long as his licenses were approved, they would run smoothly into the next cycle.

Mr. Carnes said maybe license renewal on sunsets on the cultivation facilities could begin six or nine months before the expiration of the CUP.

Mr. LeVine asked why Mr. Carnes felt that it was necessary for the CUP to expire in its entirety as opposed to a provision that allows for review of the sufficiency of the conditions under which the business is operating.

Mr. Carnes felt it put more of the onus on the operators to make sure that they are meeting the letter of the law. Mr. Carnes said this is a new industry where everyone will learn about things they have done right and things they have done wrong. He said he felt it was better to err on the side of caution. If it turned out to be unnecessary to have a sunset provision, said Mr. Carnes, it could be discontinued within five or 10 years.

Juneau resident Denice McPherson said marijuana cultivation in D-1 and RR (Rural Reserve) areas of the CBJ is incompatible with the reason in which people buy homes in certain neighborhoods. Ms. McPherson said she felt that similar to the recently adopted Auke Bay Area Plan, that each area have its own Comprehensive Plan so that incompatible uses within the neighborhoods could be avoided. She said she was in favor of the sunset provision until each neighborhood had its own plan in place.

North Douglas resident Kaja Brix said that she supported a sunset provision. For most professional licenses there are obligations to demonstrate that the duties of the position are still being performed according to the necessary requirements. The sunset provision would enable operators and the public to address any issues which arose which needed to be addressed, she said. She said she felt the main point was that if the business is operating well, then there are no issues.

Mr. LeVine said that currently there is a licensing clause which gives the City the power to enforce the conditions of the CUP. He asked Ms. Brix why she felt it was important that the CUP itself sunset instead of there being a process in place in which the City reviews the conditions in order to ensure that they are sufficient, with the option of changing those conditions as necessary. The public could also participate in part of this process, he said.

Ms. Brix responded that she did not think a sunset clause within the CUP would put the entire business at risk. She said as she has already stated, that if the business is operating well, then it would not be put at risk.

North Douglas resident June Hall said she had serious concerns with the sunset clause. A Conditional Use Permit that expires in five years seems overly burdensome, unreasonable, and actually punitive, she said. There are already preventive measures in place both within the state regulations and the proposed ordinance, she said. This sunset clause seems unnecessary as there are multiple ways that repeatedly deal with noncompliance, she said. The State will undoubtedly make inspections in this industry as it has outlined in Article 8, she said. This ordinance also requires an annual inspection, she said. If there are conditions which are not being met, she said, or additional conditions which need to be applied, they should happen at that time, she said.

Without a City inspection the license holder cannot even get their license renewed, she said. To make a business reapply and go through the lengthy process of the CUP when no infractions have been committed seems unfair, said Ms. Hall. A CUP is not an easy road to take in the first

place, she said. Responsible business participants did not deserve the five year guillotine, she said. Getting a professional license is not the same thing as having your business closed down, she said. Ms. Hall said she hopes the Commission will give thought to the points she has raised and not place the "sword of Damocles" over a responsible business.

Mr. LeVine said currently the way the CUP process is established, they have absolutely no power to change a CUP once it has been issued. He said there is the possibility that some of the provisions within the CUP could prove in the future to be overly burdensome and unnecessary. He asked Ms. Hall if she had any ideas about how to resolve that potential situation.

Ms. Hall asked if the business could be regulated if they were not meeting the requirements by having their business license pulled.

Mr. LeVine said yes, the license could be used for enforcement. He said his concern was if the CUP had a condition which at some point was determined to be unnecessary or overly burdensome. He said at some point it was possible that could happen since this was a new business for the community. He said currently they have no ability to modify the CUP once it has been granted.

Ms. Hall responded it would be possible that could happen. She noted that the regulations are very strict and hopefully would be well enforced. She said when conditions are placed upon a business they can only do the best as they can at that time.

Tom LeBlanc said he is a resident at 25 mile. He said that he is a long time Juneau resident, and that he has raised his family here. He said he has worked in the construction industry all of his life. He said he is very interested in growing cannabis as a small business upon his retirement. He said he has no retirement fund but that he and his wife do own five acres of land out the road. He said imposing too many regulations upon a business would cripple the business.

North Douglas resident Robin Dale said she is in favor of the sunset provision. She said she felt this was especially important when marijuana activities were placed in residential areas. She said extra caution needed to be taken when dealing with a new business. She said a mechanism needed to be put in place to deal with unforeseen effects stemming from the new business, such as noise, water quality or neighborhood harmony, as well as traffic and parking issues along the highway.

Juneau resident Giono Barrett said the sunset clause is extremely scary for those who are attempting to establish a marijuana related business in Juneau. He said it is unreasonable to expect them to deal with what they are going through now for a year or year and half, only to have to go through it all over again in five years, and to listen to the people in the community come after them again and again. He said the black market is thriving right now due to a lack of legitimate businesses. He said 500 square foot grows are already happening and occurring all over the community, as well as in D-1 areas, and they do not even see them.

Mr. LeVine asked Mr. Barrett if he had any thoughts on the other two topics under consideration by the Commission this evening, considering the amount of the license fees and the amount of the fines.

Mr. Barrett said that it is a judgment call, and that worries him because it is such a subjective means of ascertaining if the business needs to be fined or not. What one person may think is an objectionable odor that they can smell from the business, may not be objectionable at all to another individual, he said. He said the scent of marijuana cannot be used by a law enforcement officer for search and seizure for that very reason; it is subjective.

Chair Grewe asked if Mr. Barrett has considered the sunset provision as being applicable to some aspects of the industry and not to others. Mr. Barrett said the entire process should not be too stringent for the industry resulting in potential businesses giving up because the process was too arduous.

Auke Bay resident Linda Blefgen said she supported the sunset clause for residential areas. She said she strongly supports comprehensive plans in neighborhoods. She said property owners are feeling the fatigue from having to constantly come forward and protect their investment in their homes, because there is no plan.

Mr. LeVine said he wanted to remind the audience that the three options listed for sunset clause possibilities are not the only possibilities that can be considered, but were just the ones that have been mentioned so far in the process.

Mr. Palmer said he would like to lay out some of the framework regarding the expiration and renewal concept. A Conditional Use Permit, when granted, is like a property right, he explained. Assuming there is no expiration date attached to it, that permit is something tangible that the property owner owns for the length of the term. The general concept is that the only way to modify that Conditional Use Permit is if the permit holder volunteers to come before the Commission and request a Conditional Use Permit amendment. Under current conditions said Mr. Palmer, the only time he could foresee an applicant coming before the Commission to request a Conditional Use Permit amendment is when they think a condition is too onerous. Mr. Palmer said he felt that the Commission is rightfully struggling with the concept, that the Conditional Use Permit terminate so that the Commission has the opportunity to modify, add or delete conditions.

Mr. Voelckers asked if a Conditional Use Permit amendment could be so minor as to be on the consent agenda, or if it always had to come before the Commission for a full hearing.

Mr. Palmer said they could articulate the rules as they do with all Conditional Use Permits and that it would be possible to have it on the consent agenda as long as it was something minor and there was no public opposition.

North Douglas resident Fred Hiltner said that he felt it was most important that the Commission err on the side of caution. He said the Commission should listen to the voices of Juneau. Mr. Hiltner stated that 80 Juneau residents have recently signed a petition to revisit the impact of these regulations on their neighborhoods. Mr. Hiltner said he did not mean this as a threat, but there is talk of legal action being taken. He said the current designation appears to be against City code. Mr. Hiltner said he also has to apply for licenses every five years, and when he discovered that was the case, that he did not complain. Mr. Hiltner said business owners should not worry about a sunset clause within their Conditional Use Permits if they were doing an above-board business which caused no problems. He said that marijuana growers should benefit from this process in a way, because it would show the Commission and the public that they were doing a good job.

Benjamin James Wilcox said that this industry is already facing multiple layers of permits, licenses, and a variety of other hoops. He said a sunset clause in the Conditional Use Permit does not apply to any other business. He said he did not see the connection between the marijuana industry and gravel pits. They are already required to obtain a City license which no other business is required to obtain, said Mr. Wilcox. He said the Commission is stacking redundant regulations on what is already a heavily regulated industry. He said that special regulations are not placed upon local plant nurseries in town. He questioned why additional regulations would need to be applied to businesses which grew marijuana since it was the same industry as the other plant growers in town. Mr. Wilcox said the Commission could insert a clause within a Conditional Use Permit that they have to continue following any updated state laws or City laws.

Mr. Wilcox said commercial agriculture is not new. The only thing that is new is the type of plant, and the legal sales that accompany it.

Juneau resident Dixie Hood said the Marijuana Committee has spent an extensive amount of time considering CBJ's situation and needs. The ordinance has been well written, she said, with details and oversight. A sunset clause of any sort seems totally unnecessary, she said. Ms. Hood said as a licensed family therapy therapist, and substance abuse counselor, that she is familiar with the issues surrounding both medical and recreational use of marijuana. Ms. Hood called the sunset provision a paranoid, punitive, proposal.

Commission Deliberation

Sunset Provision

Mr. Peters said he is still struggling with what he thinks is a duplicative process. There is the CUP, said Mr. Peters, then the State license, then the City license. He said he does recognize the concern for the different zones, but he does think the sunset provision would be very cumbersome and burdensome for any business, not just the marijuana business. This business

has been around for a very long time, said Mr. Peters. While there are unknowns at issue, he said he feels having a sunset clause is overreach and burdensome.

MOTION: *by Mr. Peters, to remove the sunset clause from the ordinance.*

Offering a friendly amendment to the motion, Mr. LeVine moved to strike subset (d) which is the sunset provision, and add in its place a provision that says, "Conditions imposed in a Conditional Use Permit shall be subject to review by the Planning Commission every five years. Such review shall be subject to normal public notice."

Speaking in support of the amendment, Mr. LeVine said the amendment is to replace the sunset provision with a provision that requires the conditions imposed in the CUP be reviewed for their adequacy by the Planning Commission subject to public input and review. The CUP itself would not expire, said Mr. LeVine.

Mr. Peters asked the staff how this situation would look for a business which had been open for 4 ½ years. For example, said Mr. Peters, would the business need to apply for this to be reviewed; and what would this look like in terms of processing from a staff perspective. If the review indicated that more conditions needed to be applied, how would that be implemented, said Mr. Peters. Would the business be shut down during the interim, or what mechanism would be in place for this process, he asked. Mr. Peters said he still had concerns about how this would be administered.

Mr. Steedle replied that he thought this would look like any Conditional Use Permit. Under very different circumstances, said Mr. Steedle, sand and gravel permits expire. Under that situation, said Mr. Steedle, the business goes in, extracts sand and gravel, and it shuts down. This is a very different circumstance than an ongoing scenario such as that of the marijuana industry, he said.

The Commission could set a termination date for each Conditional Use Permit administered to a marijuana establishment, said Mr. Steedle. Six months before the permit expires, the applicant could apply for renewal. There could be a fee associated with that, said Mr. Steedle. There would be a public hearing, he said, the same as for any Conditional Use Permit. The Commission would then be given the opportunity to see if the conditions originally imposed within the CUP are sufficient to protect the public interest. Mr. Steedle commented that he did not feel this process was much different than what the Commission did now.

So if it is review, said Mr. Peters, nothing is going to expire for this business. The business would continue, and at some point it would be reviewed, he said. What happens to someone's marijuana shop that has been operating for four years, 11 months and 15 days, and it has not yet been before the Commission for a review.

Mr. Steedle said it would be incumbent upon the business owner to come in for a permit renewal. The Commission would decide whether the CUP was too stringent, or too lenient, and issue a new Conditional Use Permit.

That would mean, said Mr. Peters, that the permit would still expire within five years.

Mr. Voelckers said it sounded like Mr. LeVine was talking about the Conditional Use Permit continuing, and that it would not expire, but the Commission would have the opportunity to revisit the particular terms of the conditional use. Mr. Voelckers said he found this to be a much friendlier engagement, and that it removes the specter of a business suddenly being cut off from operation after five years. He said it preserves a reasonable amount of public process, and did give the public the opportunity to provide its input on the business operation at the time of review.

Ms. Grewe said she is frustrated at the way the sunset provision creates an either/or scenario. She said she feels there is a way this issue can be addressed which perhaps will not make either side of the issue overly pleased, but that would be a good compromise. Ms. Grewe said she is not in favor of either the primary motion or the friendly amendment. She said she felt a solution could be obtained by the Commission that is better than either the motion or the friendly amendment.

Speaking against the motion, Ms. Grewe said it comes back to the idea of risk management. The CBJ has a problem enforcing Conditional Use Permits, said Ms. Grewe. The problem of enforcement in combination with a brand-new industry emphasize the need for risk management, said Ms. Grewe. Currently once a CUP is issued it runs with the land, she said. This is not an agricultural business such as peonies or tomatoes, said Ms. Grewe. There is risk involved with the industry, said Ms. Grewe, especially in certain zones.

Mr. LeVine said that Chair Grewe raises an important point regarding enforcement. That is why there is the required license, said Mr. LeVine. The license is for enforcement, he said. The CUP is for the conditions that will be enforced. Mr. LeVine said he feels that expiration of these permits, especially a new business, creates a specter that is unwarranted. If the Commission can find a way to review the conditions within the permit down the road without creating uncertainty for the permit holder, that would be the way to approach this issue, he said.

Mr. LeVine said he is not in favor of CUP's expiring anywhere. He said he is in favor of the Commission retaining the authority to think again about the conditions at some interval, without creating a threat to the permit holder.

At the request of the Commission, the motion was restated with the addition of the friendly amendment:

MOTION: *(with the friendly amendment, restated by Mr. LeVine) To strike what is now subsection (d) of 49.65.1145 page eight of 13, which says 'Conditional Use Permits issued to marijuana establishments shall expire five years from the date of issuance'. The conditions contained in a Conditional Use Permit issued to marijuana establishments shall be subject to review by the Planning Commission every five years. Such review shall be subject to the normal public process adhered to by the Planning Commission.*

Mr. Palmer said as long as the Commission recognizes that this is a slightly different process than the Conditional Use Permit Process since this is a renewal and a review of terms.

Mr. LeVine said the intent of his amendment was that the Commission have the ability to revoke, change or add conditions to the CUP.

Chair Grewe said if this would come back to the Commission and the public would have the opportunity to provide comment the business would not be put at risk. If the business was impacting adjacent properties, said Ms. Grewe, how would that be enforced.

Mr. Voelckers repeated for Chair Grewe that this is the purpose of the local license process. The license is the teeth to ensure that the CUP conditions are followed, said Mr. Voelckers. If those conditions are not followed, said Mr. Voelckers, then there is strong language for suspension and revocation of the license.

Mr. Frisby said he would like to hear the third option repeated for the sunset clause.

Ms. Steadman responded that those options were based upon discussion from the last meeting. These are not recommendations from staff, she said. Ms. Steadman named the third option raised at the last meeting as review of the conditions with no expiration.

Mr. Frisby noted that they have been discussing the third option raised at the last meeting then, in essence. A small business really does not need somebody watching over their shoulder every five years, said Mr. Frisby. Mr. Frisby said he would like to move ahead with the least amount of bureaucratic red tape so that the business can function. He said there is the State oversight and its license requirements, the City license, and the penalties involved if the business does not comply with the CUP. There is already a lot of duplication, said Mr. Frisby.

Mr. Peters said he is in support of the review because the ordinance already stipulates that a corrective order can be issued if the licensee fails to comply with any of the conditions within the license. The license is the teeth, said Mr. Peters.

Mr. Palmer said he felt that was an accurate portrayal of the draft ordinance currently before the Commission.

Mr. Greene said he would prefer a review of the CUP every three years. He said he felt five years was a long time. Mr. Green said he would make this a friendly amendment to the motion.

Mr. Peters said he would not accept the friendly amendment.

Roll Call Vote:

Ayes: Dye, LeVine, Peters, Frisby, Voelckers, Greene, Bell, Haight

Nays: Grewe

The motion passes.

Mr. Voelckers noted that in the sentence just corrected by the Commission (49.65.1145(9) (d)) that it references conditional uses pertaining to the establishment. He said he was not sure if it had been made sufficiently clear within the ordinance that the establishment was the basis of the conditional use.

There may be multiple establishments on one piece of property, said Mr. Palmer. So the concept is that the Conditional Use Permit is actually limited to the establishment, he said.

Mr. Dye asked if there was any way they could address the appeal of the Conditional Use Permit. He asked if a permit holder felt additional conditions were too harsh if there is any way they could appeal those new decisions. He asked if the operation could continue if the permit was under appeal by the business.

Mr. Palmer said he felt the appeal process would follow the existing appeal process for Conditional Use Permits. He added the business would need to comply with the new conditions until the appeal had been ruled in their favor.

Mr. LeVine said that since they were creating a process for review of the CUP if it was clear that the result of that review would actually be subject to the normal CUP process.

Mr. Peters said page six of 13 speaks to appeals: 49.65.1135. He asked if "review" should be added to that section.

That would go to the license section, said Mr. LeVine.

Mr. Dye said his concern was that they would appeal a decision, yet have to comply with the new conditions until their appeal had been ruled upon, and even if it was ruled in their favor they would already be out those resources complying with the new conditions, even though they had won the appeal.

Fees

MOTION: *by Mr. LeVine, to amend line 19 on page 11, which is "Marijuana license fee" from \$50 to \$450.*

Speaking in favor of motion, Mr. LeVine said his idea is that the City should at least recoup the expense that it is incurring. He said he tried to estimate the costs to the City for the inspection, and the processing of the licenses.

Chair Grewe said the \$450 amount seemed conservative to her.

Mr. LeVine said he does feel that it is conservative, but that he is also trying to be mindful not to create an onerous situation for the businesses.

Mr. Voelckers said he felt that \$50 was too slight of an amount to be meaningful, and that his calculations came out to about \$250 for a license fee. He said he felt that many of these businesses would be looking at two to four permits already which will not be insignificant costs for the business.

The motion was passed by unanimous consent.

Fines

MOTION: *by Mr. LeVine, to retain the penalty provision which is 49.65.1170. Except to strike the sentence on line 11 which begins 'Each and every day...' and ends with 'CBJ 03.30.075'.*

In support of his motion Mr. LeVine said a \$500 amount of the fine parallels the sign ordinance for the City. Mr. LeVine said he would like to see a \$500 amount set for the fine, and that it does not accrue daily.

Mr. Greene said he felt the point of having the fine accrue each day is to ensure that the problem is remedied quickly. He said if it is a flat fee of \$500 then there is no incentive for the problem to be fixed in a timely manner.

Speaking against the motion, Mr. Peters said he did not feel the sentence should be struck. He said he does concur with the fine amounts.

Speaking in favor of the motion, Mr. Dye said the teeth is not to revoke, suspend or remove the license. He said the fear of the fine followed by the potential loss of the license, seemed enough for him.

Mr. Peters asked the staff regarding 49.65.1130, if the statement beginning on line 17.5; "...if the licensee has not complied with the corrective order, the marijuana establishment license will be suspended or revoked" was a true statement. If the licensee does not comply they

receive a \$500 fine, but this suspension or revocation clause allows the CBJ to shut down the business.

Mr. Palmer said that is his understanding on how this suspension or revocation section of the ordinance should be construed.

If there is no urgency to correct the problem, said Mr. Greene, at what point would the business be shut down. He asked what criteria the staff would use regarding enforcement.

It would depend on the nature of the violation, said Mr. Steedle. It is at the Director's discretion, he added. He said if the violation involves the absence of a sign, they would not have a license pulled right away. But if a business continued to be in violation of the CUP, then their license would be pulled, he said.

At what juncture would this occur, asked Mr. Greene.

"I will know it when I see it," said Mr. Steedle.

Since there is currently no precedent elsewhere in the code, said Mr. LeVine, his preference would be to leave this to the Director's discretion, and if that became a problem the Commission could deal with it when it arose.

As a friendly amendment to the motion, Mr. Greene said he proposed that they lower the fine, but have that fine accrue every day that compliance has not been met.

Mr. LeVine did not accept the friendly amendment to his motion.

MOTION: *by Mr. Greene, to amend the motion, and to reduce the fine to \$100 and that it accrue each day that compliance has not been met.*

Roll Call Vote:

Ayes: Greene

Nays: Voelckers, Grewe, Frisby, Bell, LeVine, Peters, Dye, Haight

The motion to amend the main motion fails.

Speaking in opposition to the main motion, Chair Grewe said she likes the ordinance for this item the way it is written. She said she felt the existing ordinance provides more teeth and is better for the community. She said she felt this was in line with other penalties unrelated to marijuana and that it was fair.

Roll call vote on the main motion: *(by Mr. LeVine, to retain the penalty provision which is 49.65.1170. Except to strike the sentence on line 11 which begins 'Each and every day...' and ends with 'CBJ 03.30.075'.)*

Ayes: Bell, Dye, LeVine, Peters, Frisby, Voelckers, Haight

Nays: Greene, Grewe

The motion passes.

MOTION: *By Mr. Peters, to approve Ordinance 2015-38 with the amendments that have been made this evening, and asked for discussion of the motion.*

Ms. Grewe asked if Mr. Peters would withdraw his motion because she still had several items within the ordinance which she wished to discuss. She said waste water was on their list for discussion.

Mr. Peters withdrew his motion.

MOTION: by Chair Grewe, to amend the ordinance on page seven on line 11, item (5), striking the last four words of the sentence on line 13; "...or will with improvements".

In support of her motion, Chair Grewe said she felt the concept of improvements to the septic system left the means of enforcement of that provision too nebulous. Chair Grewe said she wants to know that the septic system of the business is adequate for the job and it is ready to go.

Mr. Voelckers said it sounds like Chair Grewe is not persuaded that this item would be addressed through the building permit process. He asked why this would be any different than any other budding business.

Chair Grewe said she has been reading literature about domestic septic systems that were not designed to handle commercial volume, chemical disposal, and the known nutrients that leak out into the groundwater. She said she is worried about substandard septic systems attempting to accommodate commercial cultivation on top of that.

Mr. Voelckers said an engineer is referenced and required to examine the system. He asked why an improvement could not be proposed by the engineer.

Mr. LeVine asked if they were to follow through with Chair Grewe's recommendation how that would affect the process. He said the Commission would not be able to grant the CUP until the septic system was deemed compliant. He asked what Chair Grewe's recommendation would

do to the applicant's process in terms of acquiring all the necessary licenses and permits for operation.

Ms. Steadman said how this process has worked in the past when accessory apartments required a Conditional Use Permit was that it became a condition for approval of the Conditional Use Permit. If the work was not performed in 18 months, said Ms. Steadman, the Conditional Use Permit expired.

Ms. McKibben said the general idea is that the Conditional Use Permit is the approval of the concept. Most applicants do not spend a lot of money investing in a project until they know that they have received their Conditional Use Permit, she said.

Mr. LeVine said the CUP is necessary to get a State license. If they were to pass Ms. Grewe's motion, said Mr. LeVine, they would be requiring someone to update their septic system for a business for which they may not be able to obtain a license, instead of allowing the applicant to proceed simultaneously with the improvements to the septic system and the expenditure of funds on a license.

Mr. Palmer concurred with the analysis of Mr. LeVine.

Mr. Dye said if they did not upgrade their septic system and adhere to the conditions in the Conditional Use Permit, the license could be suspended or revoked.

Roll Call Vote on the motion: *by Chair Grewe, to amend the ordinance on page seven on line 11, item (5), striking the last four words of the sentence on line 13; "...or will with improvements".*

Ayes: Greene, Grewe,

Nays: Peters, Dye, Voelckers, LeVine, Bell, Frisby, Haight

The motion fails.

Chair Grewe said as she reviewed the ordinance she realized that there was one portion of the ordinance she felt was missing. She said there are no provisions for electricity. She said when a permit request comes before her that she wants to know about their electricity and whether it is aligned to the structure or by a generator. Chair Grewe said from her reading one of the largest complaints pertains to the sounds of generators. She said she is worried about insufficient electricity to power both a home and a grow operation. She said she was worried that instead of running a new electrical line to the grow house and burying it, that the business would install a generator instead. Chair Grewe said from her reading, that problems occur in neighborhoods because of the noise from running generators.

MOTION: *by Chair Grewe, that marijuana cultivation facility license applicants must provide an electrical generation plan that specifies all electrical generation means to be used for cultivating and growing.*

Vice Chair Haight said he knew this was always an issue with various types of facilities, and he wanted to know how this was dealt with under normal circumstances.

Ms. Steadman said that would be a question for the building official. She said these are plans that would be required for the building permit which would be the next step after the Conditional Use Permit process. They would have to show their electrical plans for the building permit, said Ms. Steadman.

Mr. Haight concurred, stating that these plans would need to be submitted for a building permit and certified by an engineer.

Mr. Palmer said he felt the point of Ms. Grewe may be questioning when this process occurs. He said it was his understanding of Ms. Grewe's motion that she would like the electricity issue dealt with at the time of the CUP, instead of waiting for the building permit.

Speaking in favor of the motion, Mr. Voelckers said he felt it was a legitimate piece of information to have as part of the Conditional Use Permit process.

Mr. LeVine said it seemed to him that the major concern was less with the generation of electricity than with noise. He asked Chair Grewe why she felt that the existing noise ordinance would not address her concerns.

Ms. Grewe said she is not questioning the noise ordinance. Her motion would enable the issue to be taken up during the conditional use process, she said, and not to rely on the noise ordinance alone. These have been known problems in other locales, she said.

Mr. Greene asked how they would decide if it was going to be a problem or not. An individual could submit plans for a generator at the back of the property and they would still not be able to anticipate the impact of the noise on the community, he said.

Mr. Frisby said it would depend on where it fell on the grid system, AEL&P's policy on cogeneration, and size, which has nothing to do with the noise generated; but on how the noise from the generator would be mitigated.

Mr. Bell said when an applicant comes before the Commission they have to have all of their ducks in a row and they have been scrutinized at great length already. This issue is already addressed within the process, he said. He said he was not in support of the motion.

Roll Call Vote: *(on the motion by Chair Grewe, that marijuana cultivation facility license applicants must provide an electrical generation plan that specifies all electrical generation means to be used for cultivating and growing.)*

Ayes: LeVine, Voelckers, Dye, Grewe, Haight

Nays: Frisby, Bell, Peters, Greene,

The motion passes.

Mr. Voelckers said he would like to move that it appeared that the section under License, suspension, or revocation implies but does not specify that it is at the discretion of the Director. He said if this is not specified, that he would like to add on line 18, (49.65.1130 page five) at the end of the sentence where it currently ends with “revoked”, that “at the discretion of the Director” be added.

Mr. Palmer suggested that the verbiage read, “as determined by the Director”.

Mr. Voelckers said he agreed with the suggestion of Mr. Palmer.

FINAL MOTION: *by Mr. Voelckers, that the section under License, suspension, or revocation be amended to add on line 18, (49.65.1130 page five) at the end of the sentence where it currently ends with “revoked”, that “as determined by the Director” be added.*

The motion passed with no objection.

MOTION: *by Mr. Voelckers, that on page 6 under Inspection of Premises that there be a clause (a) that ends with “license” on line 12. Item (b) would then be inserted following that sentence, with an item (c) which would include, “Inspection shall include access to any marijuana or marijuana product on the premises, equipment used in cultivating, processing, manufacturing, testing or storing marijuana, the inventoried tracking system and business records of the licensee or applicant.”*

Mr. Voelckers asked Mr. Palmer if this made sense as a drafting change.

Mr. Palmer said he saw nothing wrong with that correction.

The motion passed with no objection.

Mr. Voelckers said on page 8, 49.65.1150 of the ordinance the hours of operation for marijuana retail stores is specified. He said they have received some testimony regarding how hours of operation would affect the other types of marijuana facilities. He said there may be some value in making hours of operation an explicit part of the conditional use process.

Mr. Voelckers suggested adding: "If a marijuana cultivating, manufacturing or testing facility operation has meaningful public impacts from operations including noise, vehicular traffic, light pollution and similar effects the appropriate hours of use shall be established as a condition of use."

Mr. LeVine said he has been contemplating suggesting that 49.65.1150 be struck in its entirety from the ordinance. He said then the hours of operation could be determined strictly through the CUP process. He said he would be in favor of having all hours of operation an explicit component of the CUP replacing 49.65.1150. He said finally he had decided that it was best to stick with what is currently within the ordinance and that the Commission could decide at a later date if this became a problem.

Mr. Voelckers said that would be fine with him. He said it just seemed odd that the hours of operation are just specified for retail, when hours of operation may also be relevant for other types of facilities within neighborhoods, for example.

Mr. Peters said he would speak against the addition of any verbiage to that section. He said the reason those hours are specified for retail establishments is because they wanted them to be regulated for retail stores like alcohol.

Ms. Steadman said the Commission already has the authority to modify any operations or specify them on any Conditional Use Permit.

MOTION: *by Mr. Dye, to add language to the ordinance; "After review any new conditions may be appealed and all new conditions will not be enforced until after the appeal is complete."*

Mr. Palmer asked if it was the intent of the motion that the business continue to operate under the original Conditional Use Permit.

Mr. Dye said that it was.

Mr. Palmer said if new conditions were appealed to the Assembly by the business owner, that he could not envision a way that the new conditions could be appealed separately from the entire permit. The permit would have to go to the Assembly for review as a package, he said.

Mr. Dye said it was his intent that just the new conditions would be up for appeal.

Mr. Palmer said for an appeal to occur, the whole Conditional Use Permit is up for appeal.

Knowing that, said Mr. Dye, if someone wanted to appeal, they could theoretically be jeopardizing their entire Conditional Use Permit.

Mr. Palmer said it has already been stipulated that the entire Conditional Use Permit would not be up for revocation. Revocation is not an option on appeal, he said.

Mr. LeVine said although he may not be in support of it, there could be language which stated, "The Conditional Use Permit as it existed prior to review, shall remain in effect during the pendency of any appeal."

On appeal, if the decision is affirmed, said Mr. Palmer, then those new CUP conditions take effect. If they are rejected, then the old CUP takes effect.

Mr. Dye said he agreed with the suggestions of Mr. Palmer.

Speaking in opposition to the motion, Mr. LeVine said he did not feel the process would be onerous, and is unlikely to generate conditions that are going to result in an appeal, and that they simply go into effect as the review process occurs.

Mr. Greene asked how the conditions of the CUP could be changed, and not be onerous to the business owner.

Mr. LeVine said that would be his guess.

If they are onerous conditions, said Mr. Greene, they may be such that the business would not be able to continue.

Speaking in favor of the motion, Mr. Voelckers said it removes the specter of the business owner needing to immediately make what could potentially be costly improvements. They could potentially make a very good case that the condition was onerous and it would not be put into effect.

Mr. Peters also spoke in favor of the motion.

FINAL MOTION: *by Mr. Dye, with language crafted by Mr. Palmer, that on appeal the new Conditional Use Permit shall be stayed and the existing Conditional Use Permit shall govern the operations of the marijuana establishment. The scope of review on appeal are restricted to the new conditional use permit.*

Roll Call Vote:

Ayes: Greene, Dye, Frisby, Bell, Peters, Voelckers, Haight

Nays: Grewe, LeVine

The motion passes.

MOTION: *by Mr. Peters, to pass the ordinance, and bring it back to the Commission for final review.*

Chair Grewe said one of her fears is that permits will be submitted prior to the ordinance being approved by the Assembly. She said it was her understanding that those CUP's could be put in abeyance by the Planning Commission for justifiable reasons.

If the Commission passes this ordinance and makes a formal recommendation to the Assembly this evening, said Mr. Palmer, it would then go to the Assembly for introduction at one meeting and at a subsequent meeting the Assembly would take the ordinance up and move forward. He said it is up to the Assembly's discretion whether or not the ordinance goes to a Committee of the Whole.

It has already been requested that this ordinance go to an Assembly Committee of the Whole, said Ms. Steadman. It would be a minimum of three meetings before the ordinance is passed, she said.

MOTION: *by Mr. Peters, that the amended ordinance be moved to the Assembly.*

Speaking in opposition to the motion, Ms. Grewe said that she has a problem with the sunset provision and that she feels the Commission is doing a huge disservice. The community is experimenting with commercial marijuana in residential zones and it is stripping the one thing that could have allowed the neighborhoods to participate in a meaningful way in the review of the Conditional Use Permit every so many years, she said.

Roll Call Vote:

Ayes: Frisby, Peters, Voelckers, Greene, Bell, Dye, LeVine, Haight

Nays: Grewe

The motion passes

IX. REGULAR AGENDA

RESCHEDULED TO MARCH 8, 2016

CSP2015 0018: A City Project Review for installation of new bus stops on
Yandukin Drive and Davis Avenue
Applicant: City and Borough of Juneau
Location: Yandukin Dr. at Shell Simmons Dr.; Davis Ave at Montgomery St.

Staff Recommendation

Staff recommends that the Planning Commission recommend to the Assembly that CSP2015 0018, City Project Review for installation of new bus stops on Yandukin Drive and Davis Avenue is consistent with Title 49 and the 2013 Comprehensive Plan, with the following recommendations:

1. Yandukin Drive: Sidewalks, crosswalks, and signage shall be installed on Yandukin Drive and Shell Simmons Drive to connect the airport and sidewalk facilities to the proposed bus shelters so that pedestrians may access the airport and transportation system in a safe manner.
2. Yandukin Drive and Davis Avenue: Bus shelters shall be illuminated for bus passenger safety.

X. BOARD OF ADJUSTMENT

POSTPONED UNTIL FURTHER NOTICE

USE2016 0001: Conditional use permit for a limited marijuana cultivation business in the D-1 Zoning District
 Applicant: City and Borough of Juneau
 Location: Yandukin Dr. at Shell Simmons Dr.; Davis Ave at Montgomery St.

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Lemon Creek Neighborhood Plan

Mr. Steedle said the neighborhood plan for Lemon Creek kicks off Thursday, March 10, in the DZ Commons at 500 p.m.

CDD at the Home Show

CDD will be at the home show, and giving a presentation on accessory apartments.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

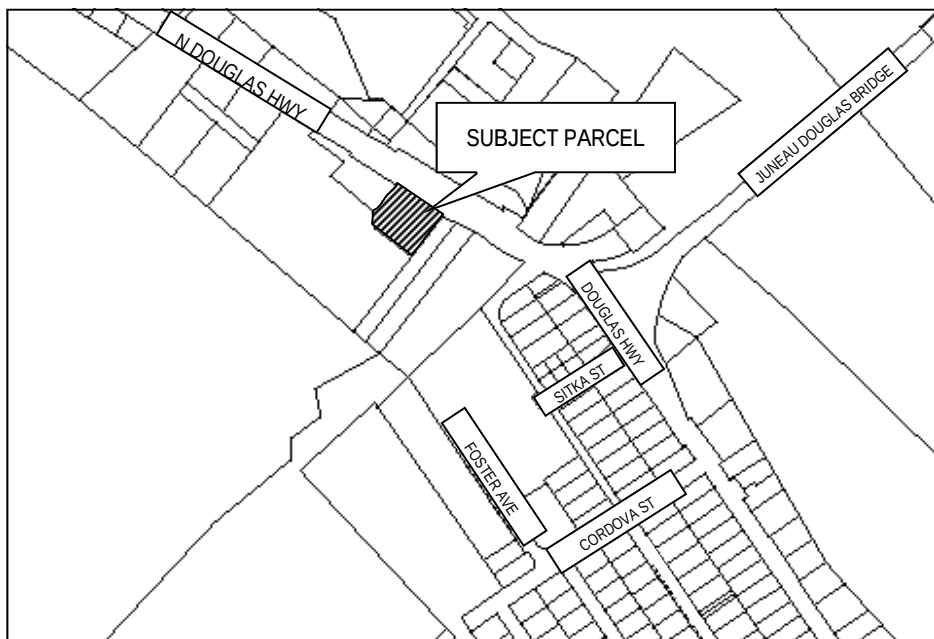
Mr. LeVine requested they have on the next agenda an executive session to discuss operations. He said the Commission has a lot of new members and that there has been a lot of discourse over the last several weeks and it would be valuable to be able to discuss some of the organization and personalities away from the public eye.

XV. ADJOURNMENT

The meeting was adjourned at 10:58 p.m.



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Variance request to the requirement for access on a publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private easement.

File No:	VAR2015 0030	Applicant:	Olmo, LLC.
To:	Adjacent Property Owners	Property PCN:	6-D06-0-101-004-0
Hearing Date:	February 23, 2016	Owner:	Olmo, LLC.
Hearing Time:	7:00 PM	Size:	0.753 Acres
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	North Douglas Highway
	155 South Seward Street	Accessed Via:	North Douglas Highway
	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.

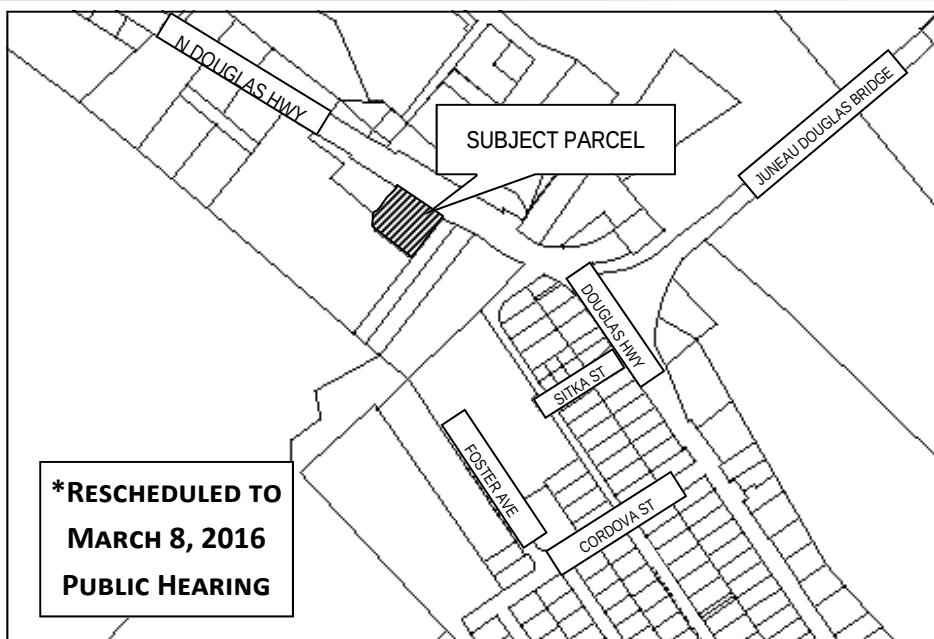
If you have questions, please contact Laura Boyce at Laura.Boyce@juneau.org or 586-0753.



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



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Variance request to the requirement for access on a publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private easement.

File No:	VAR2015 0030	Applicant:	Olmo, LLC.
To:	Adjacent Property Owners	Property PCN:	6-D06-0-101-004-0
Hearing Date:	*March 8, 2016	Owner:	Olmo, LLC.
Hearing Time:	7:00 PM	Size:	0.753 Acres
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	North Douglas Highway
	155 South Seward Street	Accessed Via:	North Douglas Highway
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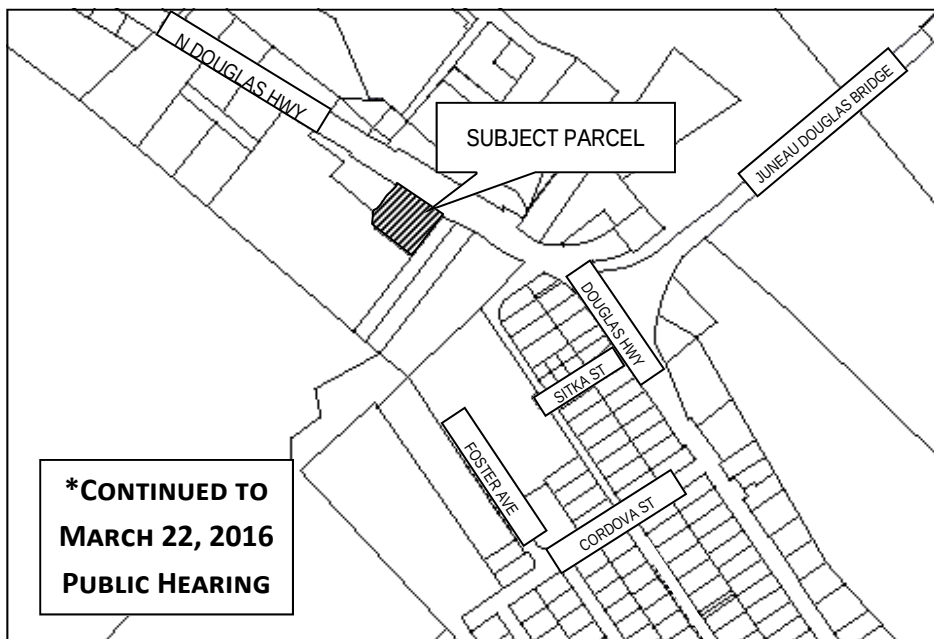
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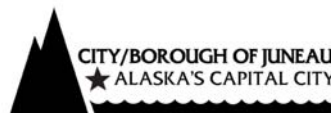


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Variance request to the requirement for access on a publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private easement.

File No:	VAR2015 0030	Applicant:	Olmo, LLC.
To:	Adjacent Property Owners	Property PCN:	6-D06-0-101-004-0
Hearing Date:	*March 22, 2016	Owner:	Olmo, LLC.
Hearing Time:	7:00 PM	Size:	0.753 Acres
Place:	Assembly Chambers	Zoned:	D-18
	Municipal Building	Site Address:	North Douglas Highway
	155 South Seward Street	Accessed Via:	North Douglas Highway
	Juneau, Alaska 99801		

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Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: March 3, 2016

TO: Board of Adjustment

FROM: Laura A. Boyce, AICP, Senior Planner *Laura A Boyce*
Community Development Department

FILE NO.: VAR2015 0030

PROPOSAL: A Variance request to the requirement for direct access on a publicly maintained right-of-way for a proposed minor subdivision. Proposed access is a private driveway easement.

GENERAL INFORMATION

Applicant: Olmo, LLC.

Property Owner: Olmo, LLC.

Legal Description: USMS 569 Tract 2

Parcel Code No.: 6-D06-0-101-004-0

Site Size: 32,801 square feet (0.753 Acres)

Comprehensive Plan Future Land Use Designation: MDR (Medium Density Residential, 5 to 20 dwelling units/acre)

Zoning: D-18 (Multifamily, 18 dwelling units per acre)

Utilities: CBJ Water and Sewer

Access: North Douglas Highway via a private easement

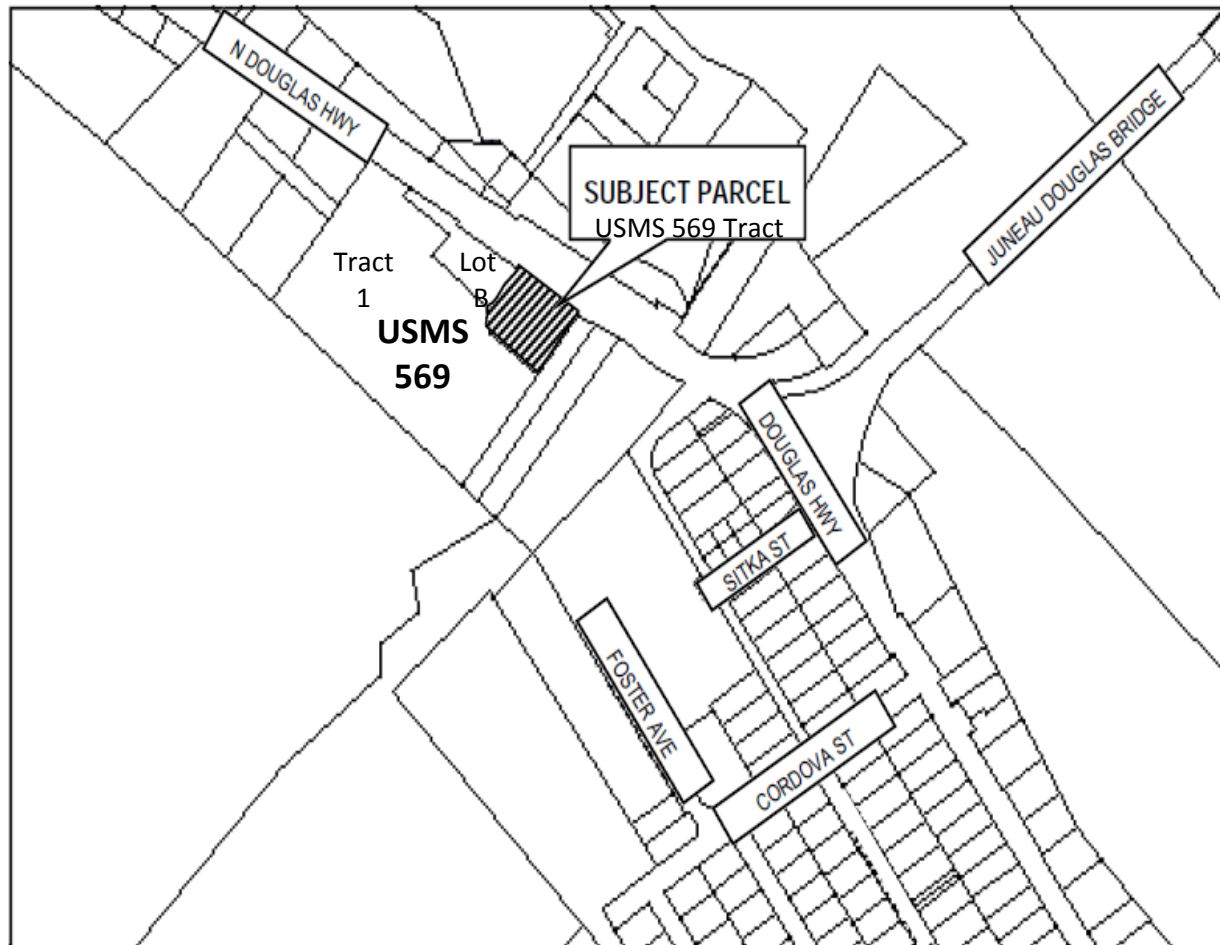
Existing Land Use: Vacant

Surrounding Land Use: North – (WI) North Douglas Highway, Trucano Bulk Fuel Facility
South – (D-18) Vacant

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 2 of 14

East – (D-18) Bungalow, Vacant
West – (D-18) Single-family with apartment

Vicinity Map

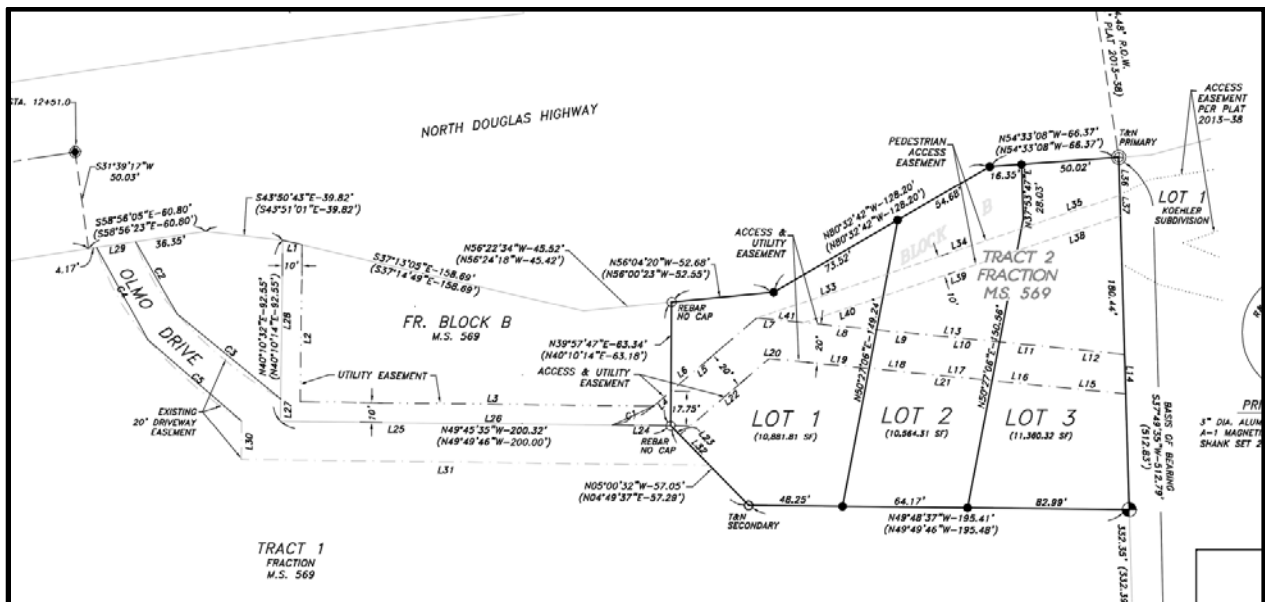


ATTACHMENTS

Attachment A	Application and Proposed Subdivision Plan
Attachment B	DOT&PF Driveway and Approach Permit
Attachment C	1982 Plat Waiver, Staff Report, and Planning Commission Minutes
Attachment D	Shared Access Memo to Assembly, Assembly COW Meeting Minutes
Attachment E	Review Comments

The applicant requests relief from the requirement for direct and practical access to a publicly maintained right-of-way for a proposed minor subdivision. The subject parcel has frontage on and abuts a maintained right-of-way, North Douglas Highway. The legal access to the property is currently through a 20 foot wide easement on an adjacent property. Title 49, the Land Use Code, requires that all lots have direct and practical access to a maintained street (CBJ 49.15.424).

This variance is in conjunction with a proposed three-lot subdivision that is intended by the applicant to result in six common wall lots. If the common wall units are constructed, the lots will need to be further subdivided as required by CBJ 49.65.720. The applicant proposes a total of six lots ranging in area of approximately 5,013 square feet to 5,869 square feet that meet the minimum lot standards for the D-18 zone district. None of the proposed lots will have direct access from North Douglas Highway. If the variance is approved, the subject property will have shared driveway access on an existing access easement through the two neighboring properties, as shown below; no new access is proposed as part of this subdivision request. The proposed lots and the driveway are designed so as to prevent back-out parking onto North Douglas Highway. The applicant has received a driveway permit from the Department of Transportation (ADOT&PF) (Attachment B).



Parcel creation history

The subject parcel, United States Mineral Survey (USMS) 569 Tract 2, was created in 1982 from

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 4 of 14

the subdivision of USMS 569 into Tracts 1 and 2 by Platting Waiver (Platting Resolution No. W-16-82, Plat No. 82-56W). Subdivisions could only be approved through the platting waiver procedure if each resulting parcel or tract would have adequate access to a public highway or street and if no dedication of a street, alley, thoroughfare, park or other public area was needed for the subdivision (See Attachment C). North Douglas Highway was classified by the CBJ as an arterial street then, as it is now.

The development rules that applied at the time of the 1982 subdivision did not allow direct access from the subject parcel to North Douglas Highway, an arterial road. Staff recommended, and the Planning Commission approved, that access to the subject parcel should be through a shared 20' existing driveway easement on the remainder parcel, USMS 569 Tract 1. That easement also served – and still serves – USMS Lot B, another adjacent lot with frontage on North Douglas Highway that contains a single-family home with an accessory apartment. Staff's recommendation was *"...access to the proposed Tract 2, can be restricted to the existing driveway easement which services the existing lot and dwelling directly to the northwest. This will limit the number of access points to the highway and, if a public right-of-way is ever provided to develop the larger tract [Tract 1], these driveways could then tie in."* (Attachment C).

In August of 2015, the Assembly amended the subdivision sections of Title 49 and codified new street construction standards that continue to require direct and practical access. However, the Assembly explicitly left the direct and practical access provision, CBJ 49.15.424, under a design standard classification (for now) so it could be subject to a variance that was consistent with past practice (See Attachment D). The Assembly directed CDD to work on a subdivision amendment regarding new frontage and access standards because it did not want frontage and access to remain subject to variances. CDD has worked with the Subdivision Review Committee and Planning Commission Committee of the Whole and expects to present the proposed ordinance to the Planning Commission soon. As described in more detail below, this variance would not comply with the proposed ordinance because the proposed driveway – the subject of this variance request would serve more lots than the draft ordinance would allow. Thus, if this variance was approved, it could erode the distinction between a driveway and a street. The draft ordinance for shared driveway access allows shared driveways in the following instances only:

- when no more than three lots will share access,
- a minimum of a 20 foot wide gravel driveway would be in a 50 foot wide easement,
- would only apply for single-family zone districts, and
- other requirements.

This proposed variance for shared access is not consistent with the proposed ordinance for shared access. (See Attachment D for memo to the Assembly regarding shared access, as well as meeting minutes).

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 5 of 14

Zoning history

At the time of lot creation in 1982, the 0.753 acre parcel was zoned RML (Low Density Multi-family) which allowed a maximum of 26 dwelling units on this parcel based on the lot area. The subject parcel has been vacant since it was created. When the Land Use Code was updated in 1987, the property was rezoned from RML (as described above) to D-3(T)D-18 (Residential, 3 dwelling units per acre transitioning to D-18, Multifamily 18 units per acre). This lowered the density of the subject parcel, as well as limited uses to a single-family home or a duplex until such time that city services, such as water and sewer, were extended to the property. In 2011, the property transitioned to the D-18 zone district because sewer was extended along North Douglas Highway. Since water service was already available to serve the properties, once sewer was extended, the properties were eligible to transition to the higher multifamily zone district (D-18).

Under the current D-18 zone district standards, the subject parcel could have a maximum of 14 dwelling units, twelve units less than what the 1982 zone district designation maximum allowed when this parcel was created. Page 14 of the Comprehensive Plan states the following: *"Land within the USAB [Urban Service Area Boundary] 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."*

Subdivision Design and Access

As stated by the applicant, the proposed subdivision is designed so that each lot abuts the right-of-way, direct access to each lot is not practical due to the steepness of the lot from North Douglas Highway and this variance is requested to deviate from the direct access requirement. The property itself is a flat bench above North Douglas Highway. The current access to the property is through the shared driveway that was approved by the plat waiver in 1982. The applicant has also secured an additional easement to cross the property to the south and is proposing a secondary pedestrian access to the properties through the adjacent property to North Douglas Highway.

It is the act of subdivision that triggers the need for access to a street. This property could be developed with 8 multifamily units with approval of a building permit, and the building permit review may require improvements to the existing driveway. Since the applicant is proposing six lots with three two-unit common wall structures that requires subdivision to create the fee-simple lots, that triggers the need for either direct access from each lot to a maintained right-of-way (North Douglas Highway) or for a street to be constructed and dedicated to serve the

Board of Adjustment
 File No.: VAR2015 0030
 March 3, 2016
 Page 6 of 14

seven lots (the proposed six lots, along with the existing lot (USMS Lot B) that shares the existing driveway).

The applicant could construct the same project – three two-unit buildings – without a subdivision. Direct access to a street would not be required because there would not be a subdivision. However, Engineering and Fire would need to determine if the existing driveway satisfied the access requirements for that type of use and development.

Previously Scheduled Public Hearings

Previously, three applications had been filed related to the proposed subdivision: a major subdivision application (SMF2015 0004) and two variance applications (VAR2015 0019 and VAR2015 0030). One variance (VAR2015 0019) was for relief from the requirement for resulting lots along an arterial to meet the D-1 zone district lot size standards (CBJ 49.35.210(b)). CDD intends to provide a supplement to this staff report addressing the application of CBJ 49.35.210(b).

Review Comments

CDD staff solicited review comments from CBJ departments. (See Attachment E). The Fire Department reviewed the proposal as submitted by the applicant. The applicant agrees to sprinkler each individual building. Because of this, there are no fire code issues with the proposal. The Streets and Fleet Division reviewed the proposal and have no issues with it. The General Engineering Division supports the proposed subdivision as designed. Ron King, CBJ Regulatory Surveyor, for CBJ Engineering provided the following comment: *“The access as eased for this subdivision is the only practical route for serving the development. Due to the slope of the embankment on Douglas Hwy there is no practical, direct route for access from the right-of-way as the gradient would be too steep and unacceptable.”* As stated previously, the Alaska Department of Transportation and Public Facilities had no comments about this proposal other than to require a driveway and approach permit, which has been approved for seven (7) lots. (See Attachment E).

ANALYSIS

The following Title 49, the Land Use Code, sections apply to all subdivisions generally, and are particularly germane to the proposed subdivision as designed:

CBJ 49.15.424 Access

(a) *Principal access to the subdivision.* Except as provided below, the department shall designate one right-of-way as principal access to the entire subdivision. Such access, if not already accepted for public maintenance, shall be improved to the applicable standards for public acceptance and maintenance. It shall be the responsibility of the subdivider to pay the cost of the right-of-way improvements.

...

Board of Adjustment
 File No.: VAR2015 0030
 March 3, 2016
 Page 7 of 14

(b) *Publicly maintained access within a subdivision.* Unless otherwise provided, all lots must either have direct and practical access to, and a minimum of 30 feet of frontage on, the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished by:

- (1) Dedication of a new right-of-way with construction of the street to public standards. This street must connect to an existing publicly maintained street;
- (2) Use of an existing publicly maintained street;
- (3) Upgrading the roadway within an existing right-of-way to public street standards. This existing right-of-way must be connected to another publically maintained street; or
- (4) A combination of the above.

49.35.240 Table of Street Construction Standards

Avg. Daily Trips (ADT)	Adopted Traffic Impact Analysis Required	Sidewalks	Travel Way Width	Street Lights	ROW Width ⁱⁱ	Paved Roadway Required	Publicly Maintained
≥ 500	Yes	Both sides	26 ft.	At all intersections	60 ft.	Yes	Yes
212 to 499	Maybe	One side	24 ft.	At all intersections	60 ft.	Yes	Yes
0 to 211	No	Not required	22 ft.	At intersection of subdivision streets and external street system	60 ft.	Yes	Yes
0 to 211	No	Not required	20 ft. ⁱ	At intersection of subdivision streets and external street system	60 ft.	No, if outside the urban service area ⁱⁱⁱ	No

When the subject lot was created in 1982 by a plat waiver, planning staff at the time recommended that access not be allowed directly from the lot to North Douglas Highway. Instead, they proposed shared driveway access for the two lots through the parent parcel to North Douglas Highway in order to limit access points for safety reasons. The Planning Commission approved this in 1982 as proposed by staff.

The subject parcel is located approximately 30 feet above North Douglas Highway (see Attachment A). Access to the property directly from North Douglas Highway could be possible

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 8 of 14

via a stairway or even a driveway. These options would require considerable money spent for construction and approval by ADOT&PF. However, ADOT&PF is limiting access to North Douglas Highway and is requiring shared driveways/access points when possible. Even if direct vehicular access to this project could be physically provided, ADOT&PF would likely not permit it for safety reasons.

Existing Access to the Property

As stated previously, when the subject parcel was created, staff recommended and the Planning Commission approved limiting access to the parcel from North Douglas Highway through a shared 20' driveway easement. This driveway easement is shared currently by three lots; the subject parcel is one of them and the larger tract is still undeveloped. It was envisioned that when the larger tract, Tract 1, was developed a street right-of-way could connect with the existing driveways such that the existing driveways would no longer directly connect to North Douglas Highway. This would be in keeping with limiting access to North Douglas Highway, an arterial roadway. When Tract 1 was rezoned to D-18 in 2009 (MAP2008-00004), a specific condition was in the Notice of Decision regarding access to North Douglas Highway: *"Access points for new development should be aggregated to the extent possible, and access roads should be spaced at least one quarter mile from adjacent access roads"*. The Traffic Impact Analysis that was completed prior to the rezone recommended that access points also be aggregated. Since the existing access to the subject parcel and Lot B are through easements on Tract 1, these three properties will have to coordinate combined access.

Access and Frontage Requirements

Basic subdivision design requires that all lots have direct access to a maintained street (CBJ 49.15.424). The primary purpose of road frontage is to guarantee vehicular access to each lot. Additionally, direct access to a public street provides for access to the property by emergency responders. Direct access to a public street can minimize easement disputes between neighbors. These requirements exist for public health, safety, and welfare purposes. The CBJ Land Use Code requires that all lots have frontage (front) on a maintained right-of-way. CBJ 49.80.120 defines frontage as *"that side of lot abutting a street; the front lot line."* Abut is also defined in Title 49 as *"to physically touch, border upon, or to share a common property line with."* As described earlier, consistent with the Assembly's direction upon considering Ordinance 2015-03, the forthcoming shared driveway access amendment is anticipated to describe when a shared driveway may be considered as a development option.

Title 49, the Land Use Code, limits access to minor arterials and arterial highways. North Douglas Highway is designated as a minor arterial roadway by CBJ, but it is a state-maintained road. Both the CBJ and ADOT&PF restrict access to North Douglas Highway for safety and efficient transportation purposes. Accordingly, no new access point is proposed with this subdivision. The development would use the existing access easement, which is consistent with the overarching safety and efficient transportation policies for roads like North Douglas

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 9 of 14

Highway.

The applicant has obtained a driveway and approach permit from the Alaska Department of Transportation (ADOT&PF) (Attachment B). In 2011, ADOT&PF updated their functional classification maps and now classifies North Douglas Highway as a minor collector. This means that currently ADOT&PF and CBJ have classified North Douglas Highway differently. For CBJ land use decisions, we have to use the adopted Roadway Classification Map for this street which is classified as a minor arterial.

As stated above, CBJ commissioned a Traffic Impact Analysis (TIA) prior to evaluating several rezoning requests on North Douglas in 2009. The TIA Study Area evaluated potential future traffic impacts along the North Douglas Highway from the roundabout to just past Nelson Creek. The TIA notes future driveways and access roads will be subject to the ADOT&PF permitting process. However, the TIA recommends that access points for new developments should be aggregated to the extent possible, and access points should be spaced at least one quarter mile from adjacent access roads.

Page 190 of the 2013 Comprehensive Plan discusses the North Douglas Highway. The Plan states the highway is a two-lane, paved minor arterial roadway with no sidewalk, separated pedestrian pathway or bicycle lane that is operated and maintained by ADOT&PF. The Plan further notes the road serves as a local access residential street with over 500 private driveways accessing directly onto the road. This creates dangers to the local users and those passing through to recreational destinations. Any subdivision that does not create a public road will aggravate the existing safety problems. The solution for North Douglas is to plat and construct right-of-ways, which provide direct access to existing and future lots.

Variance Requirements

CBJ 49.20.250 governs variances. Under CBJ 49.20.250, an applicant must demonstrate hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49.

A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. The purpose and intent of Title 49 requirements are listed below.

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 10 of 14

CBJ 49.05.100 Purpose and intent.

The several purposes of this title are:

- (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.*

A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

- 1. *That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

If approved, the relaxation would give substantial relief to the applicant because a road would not have to be platted nor constructed to serve the proposed subdivision from North Douglas Highway. However, the relaxation would not be consistent with justice to other property owners in that new subdivisions are required to obtain direct and practical access on a dedicated right-of-way.

Relaxation to the requirement for direct physical access to a dedicated street would result in the applicant being able to use the existing access for vehicular access. The 20 foot wide driveway easement would serve as access to the subdivision rather than a street or another access point being constructed from the subject parcel to North Douglas Highway. This would enable the applicant to create fee-simple lots.

No, this is not met.

- 2. *That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.***

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 11 of 14

As stated in CBJ 49.05.120, *Standards*, “The standards established by this title are declared to be the minimum required in the interest of public health, safety and general welfare.” Title 49 was recently amended regarding subdivision requirements, including reducing the requirements for public streets. Those changes went into effect September 30, 2015. The narrowest roadway approved to serve subdivisions within the Urban Service Area, which this property is located within, is a minimum of a 22’ foot wide paved roadway within a 60 foot right-of-way. This type of road can serve up to 211 average daily trips (ADT), or approximately 13 single-family lots. The applicant proposes to use the existing gravel private driveway located within a 20 foot wide easement with grades at 14% to serve the proposed six-lot subdivision. The minimum roadway allowed by Code is a privately maintained right-of-way located in a public right-of-way which is only allowed outside of the Urban Service Area as it is a rural type of road. It is a minimum of 20 foot wide gravel road, or the minimum as determined by the International Fire Code (IFC), and located within a 60 foot wide public right-of-way. All owners of lots along the privately maintained road are required to maintain the street. These street types were determined to be the minimum public safety and welfare standards for subdivision development. This project does not meet those standards.

The existing driveway easement width of 20 feet does not meet IFC requirements because 20 feet of driveway (travel way) cannot fit within the easement. The Fire Department is requiring that each dwelling unit have sprinklers installed and that a fire hydrant be installed to serve the development. Because the buildings will be sprinklered, an emergency vehicle turnaround is not required although there is area enough for turnaround in the proposed design. The grade of the driveway will not exceed 14%. Fifteen percent grade is the maximum allowed by Title 49 (CBJ 49.15.423).

The applicant also proposes a pedestrian access through the subdivision and through the neighboring parcel to the south. This would provide a secondary means of access for residents. ADOT&PF limits the amount of vehicular accesses onto North Douglas Highway and supports the shared access.

The Comprehensive Plan, as discussed previously, discusses limiting access points to North Douglas Highway for safety purposes as well. However, if the shared driveway is not maintained in the winter, exiting vehicles from the subdivision may slide into cars in the shared access or into North Douglas Highway, which present substantial safety hazards. By limiting the maximum number of vehicle trips along the driveway, there are fewer chances for safety issues to occur.

No, this is not met.

3. That the authorization of the Variance will not injure nearby property.

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 12 of 14

The requested variance would allow for the lot to be subdivided into six lots, as proposed by the applicant. Since the lot is already zoned D-18, as many as 14 multifamily dwelling units could be developed on the property without subdividing, although nine or more units would require a conditional use permit. Up to eight multifamily units could be built with a building permit approval. Multifamily development does not require dedication and construction of a street and the existing driveway could serve the development. However, the existing driveway may need to be improved if a multifamily development was proposed. Additionally, a multifamily development would likely result in a substantial increase of traffic along the existing driveway, which would likely cause increased noise, dust, and road maintenance. Because of the existing development potential on the property that could use the driveway, staff finds that approval of this variance would not likely injure nearby property.

Yes, this is met.

4. *That the Variance does not authorize uses not allowed in the district involved.*

This variance request does not authorize uses not allowed in the district. The proposed common wall dwelling units are uses allowed in the D-18 zone district, a multifamily district (CBJ 49.25.300, Line 1.900, *Common Wall Development*).

Yes, this is met.

This element will be addressed in the supplemental staff report.

5. *That compliance with the existing standards would:*

(A) *Unreasonably prevent the owner from using the property for a permissible principal use;*

The property can be developed without subdivision of the land. A single family residence can be constructed. A maximum of 14 multifamily units could also be constructed on the property with approval of a Conditional Use permit (CUP). Up to eight multifamily units may be constructed with approval of only a building permit. Multifamily developments do not trigger the need for direct physical access to a dedicated street for development to occur like a subdivision does. The applicant is proposing six lots with a common wall dwelling unit on each lot. The applicant could also develop the property as proposed, with three two-unit buildings, but not subdivide the property.

No, this is not met.

Board of Adjustment
 File No.: VAR2015 0030
 March 3, 2016
 Page 13 of 14

- (B) *Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;***

Larger tracts of land in the area were transitioned from the D-3 zone district to the D-18 zone district in 2009. Other smaller properties, such as the subject property, followed in 2011. The Comprehensive Plan designation of this area is Medium Density Residential (MDR) providing for densities between 5 and 20 units per acre. Development such as what is proposed has not yet occurred in the immediate area. The Hemlock Hills subdivision (3915 North Douglas Highway) is the closest development similar in density. However, subdivision does not need to occur for development to happen on this property. As noted above, up to eight multifamily units may be constructed with building permit approval.

No, this is not met.

- (C) *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;***

Direct access to the property is limited due to the existing topography of the lot making construction of a street directly from the lot to North Douglas Highway expensive. Access is proposed through a shared driveway on the adjacent parcels that have less topographical constraints. However, other smaller subdivisions have had to comply with the street standard requirements.

No, this is not met.

or

- (D) *Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.***

The existing access to the lot is legally nonconforming in that in 1982 the Planning Commission approved the current lot with frontage on a right-of-way, but indirect access to the publicly maintained right-of-way is through a shared easement on a neighboring property. The grant of the variance would result in a net decrease in overall compliance with Title 49 in that the applicant is proposing up to six lots that would not meet the requirement for direct and practical access to a publically maintained right-of-way.

Board of Adjustment
File No.: VAR2015 0030
March 3, 2016
Page 14 of 14

No, this is not met.

No, Criterion 5 is not met.

6. *That a grant of the Variance would result in more benefits than detriments to the neighborhood.*

The grant of this variance could cause a detriment to adjacent property owners or their successors because this development could increase the use of the existing substandard access that is located on two adjacent parcels. Additionally, the increased development may result in detriments to users of North Douglas Highway because the existing access may cause traffic impacts on North Douglas Highway.

No, this is not met.

FINDINGS

1. *Is the application for the requested Variance complete?*

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed request.

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

2. *Will the proposed development comply with the Juneau Coastal Management Programs?*

Not applicable.

3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

No. Based upon the above analysis, the proposed variance, does not meet the criteria, Grounds for Variances. Specifically, criteria 1, 2, 5, and 6 are not met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested Variance, VAR2015 0030.

ATTACHMENT A - APPLICATION
VARIANCE APPLICATION

Packet Page 53 of 336

Project Number	Project Name (15 characters)	Case Number	Date Received	
TYPE OF VARIANCE REQUESTED:				
☐ Variance to the Sign Standard (VSG)		☐ Variance to Dimensional Standards (VDS)		
☐ Variance to Setback Requirements (VSB)				
DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:				
The proposed OLMO subdivision would require direct and practical access to a public right-of-way per CBJ 49.15.424.				
The landowner requests a variance to the public access requirements before applying to subdivide.				
Previous Variance Applications? ☒ YES ☐ NO Date of Filing: _____				
Previous Case Number(s): _____				
Was the Variance Granted? ☐ YES ☐ NO				
UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): _____				
The proposed subdivision is west of the North Douglas Highway. A natural bench in the hillside is proposed as the site for building				
three common-wall dwellings. Access to the existing lot is provided by an existing easement which has been in use for 34 years.				
Direct access to the highway is not possible due to topographical constraints. See attached letter for explanation justifying this variance request.				
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site				
WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?				
Direct and practical access to a public ROW are design requirements for a subdivision, regardless of landownership.				
WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?				
The landowner would be unable to proceed with a minor subdivision. Financial hardships would result if the land cannot be developed.				
Constructing a public street to the lots is not financially feasible, and the street would have to pass through an adjacent lot that the developer does not own.				
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.	VARIANCE FEES			
	Fees	Check No.	Receipt	Date
	Application Fees	\$ _____	_____	_____
	Adjustment	\$ _____	_____	_____
	Total Fee	\$ _____	_____	_____

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

R&M ENGINEERING, INC.
ENGINEERS
GEOLOGISTS
SURVEYORS

6205 GLACIER HWY. «» JUNEAU, ALASKA 99801
PHONE: 907-780-6060 «» FAX: 907-780-4611
EMAIL: rmengineering@rmjuneau.com

January 28, 2016

City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801

Sent VIA Email

Attn: Ms. Laura Boyce
CBJ CCD Senior Planner

Re: OLMO Subdivision
Request for Variance to the Practical Access to a Public Right of Way
R&M Project No. 141740

Dear Ms. Boyce,

On behalf of OLMO LLC (property owner and developer), R&M Engineering, Inc. (R&M), has prepared a CBJ variance application for the project access to the development. This letter provides background and an explanation for a variance request by OLMO LLC for the minor subdivision to create six (6) common wall lots on Tract 2, Fraction U.S.M.S. 569.

Background:

OLMO LLC and R&M have shared correspondence with CBJ for more than a year regarding the development of Tract 2, Fraction U.S.M.S. 569. Two preliminary plat meetings have been held to discuss the development of the said lot into six common-wall lots. It was agreed at these meetings and in staff's planning commission packet, dated July 1st, 2015, that an existing access easement could be extended to provide access to each lot. In the time since correspondence began with CBJ, a lot of time and money has been invested into the project for permits, utility design and utility construction. A driveway and utility permit was obtained from the State of Alaska D.O.T. for the project. Water and sanitary sewer connections were approved by D.O.T. and CBJ and installed by the developer in the Fall of 2014. During the CBJ plan review of the project the Fire Marshal ruled that there was inadequate fire apparatus turn around room so the developer offered to sprinkler each dwelling unit to provide fire protection. This was acceptable to the CBJ Fire Marshal.

The subdivision was scheduled for the July 14th, 2015 CBJ Planning Commission meeting. Four days before the meeting, we were informed that the CBJ legal department had issues with the access to the subdivision. OLMO Subdivision was removed from the agenda on July 13th. A written explanation of the decision to pull the project was received from CBJ on July 20th. Two sections of the CBJ Land Use Code were cited in the explanation:

CBJ 49.14.460(5)(D) – Design:

The department shall designate one right-of-way as principal access to the entire subdivision. Such access, if not already accepted for public maintenance, shall be improved to the applicable standards for public acceptance and maintenance.

CBJ 49.40.120 – Streets:

Each lot shall abut and be physically accessible from a dedicated street.

This variance application requests that North Douglas Highway be accepted as the principal access to the entire subdivision via an existing access easement to Tract 2, Fraction U.S.M.S. 569 which has been in use for 34 years. If the developer is required to construct a street as CBJ has suggested, than this project as proposed will no longer be feasible due to the increased costs; the permitting and utility work done to date will be a loss. The applicant asks for fair consideration of this variance and suggests that approval will be in the best interest of the community in providing much needed housing. We believe that the existing privately-maintained driveway that exists with a private easement was created with the very intention of providing direct and practical access to North Douglas Highway, and would be the best solution for providing direct and practical access to each lot in the proposed subdivision.

Variance Criteria:

The following discussion summarizes how this variance meets each of the six criteria established by the City and Borough of Juneau.

1. *The relaxation applied for or a lesser relaxation specified by the board of adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.*

Response: Yes. Previous variances have been approved for using private driveway easements to access lots in subdivisions. In a letter dated July 23rd, 2015 from Laura Boyce, AICP, to the Assembly Committee of the Whole, eleven projects are cited that have common access easements. In all cases, the easements were considered safe and practical access to the lots.

The safest and most practical access to the lots in OLMO subdivision is by the existing access easement. The topography of the site simply does not allow more direct and practical access to the lots. CBJ 49.15.460(3) states that 'Consideration shall be given to design limitations imposed and opportunities presented by slopes, waterways and other topographic features.' By relaxing the code interpretation that requires a public street to each lot, the project can move forward as planned without severe delays and undue financial hardship to the developer.

Furthermore, it is not considered practical to build a new public access when an adequate driveway already exists. If the variance is not approved, the minor subdivision will not occur, resulting in reduced market value of the property for the landowner and lower property assessments that affect CBJ's tax revenues.

2. *Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved.*
- **Response:** Yes. It is safest to minimize the number of driveways accessing North Douglas Highway. The existing driveway would provide access to all six lots with one

entry point on the highway, making it the most safe and practical option. As a private driveway, it will not be used by the public and so cannot affect public safety.

3. *The authorization of the variance will not injure nearby property.*

Response: Yes. The proposed variance will not adversely affect adjacent property. The 20'-wide shared driveway is large enough to allow passing of vehicles and widening of the driveway approach to North Douglas Highway will increase the safety of the existing access. Since the existing easement passes through the neighboring parcel, dedicating right-of-way and building a public street could not be done without purchasing land from the neighboring landowner. This purchase would be an unnecessary burden to the developer when an existing driveway is already constructed and in use.

4. *The variance does not authorize uses not allowed in the district involved.*

Response: Yes. The access easement would be considered acceptable if the same property was used to build 16 condo units; it is only the act of subdividing that gives rise to the publically maintained street requirements. So it would not be outside the allowable use for the area. CBJ is already requiring that a joint use and maintenance agreement be made part of OLMO Subdivision for the access easement. A dedicated street is a financial burden to CBJ whereas a driveway would be maintained jointly by the property owners. The owners and developer of the OLMO subdivision should not be held financially responsible for constructing a street across someone else's land when a practical access easement already exists to serve the same purpose. Consideration should be given to the size of the development when determining the appropriate size of the access.

5. *Compliance with the existing standards would:*

- D. *Because of preexisting nonconforming conditions on the subject parcel, the grant of the variance would not result in a net decrease in overall compliance with the land use code, title 49, or the building code, title 19, or both.*

Response: Yes. An access easement was created in 1982 to serve Tract 2 due to the site topography. Now that there is a proposal to subdivide Tract 2, we find that the same access easement is the safest and most practical way to reach the lots in this proposal.

6. *A grant of the variance would result in more benefits than detriments to the neighborhood.*

Response: Yes. The proposed variance will allow for development of Tract 2 with an access road proportional to the subdivision's size. The road improvements required by the D.O.T. driveway permit will make it safer for all vehicles on the highway which would be a benefit to the neighborhood.

Additional Comments:

In the written explanation from CBJ citing the reasons for requiring a street, 'the lots are not *directly* accessed from the dedicated street' (North Douglas Highway being the nearest street). Nowhere in the two code sections referenced in the explanation appears the word 'direct'. Direct access is only required per CBJ 49.15.460(4)(A) when compliance with minimum dimensional standards is impractical. OLMO Subdivision meets all of the dimensional standards for D-18 zoning.

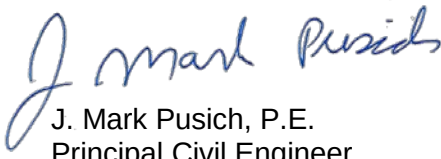
Each lot abuts North Douglas Highway with at least 30' of lot frontage and physical access is obtained with the access easement, so the requirements of CBJ 49.40.120 as cited above are met.

Conclusion:

The proposed variance requests that the requirements of CBJ 49.15.460(5)(D) be relaxed to allow for use of a shared access easement rather than a dedicated street. Six total lots will be subdivided from Tract 2 and we ask that the shared access easement be considered acceptable for all six lots at the time of preliminary plat approval. If the variance is not granted, the construction of an alternative public access constructed to CBJ Street Standards will not occur because it is neither practicable or desirable. We believe that the approval of the variance, which would allow the existing access easement to provide access to the subdivision, follows the intent and purpose of the CBJ regulations by making development more affordable while maintaining public safety.

We appreciate your time in reviewing this variance application request and should you have any questions, please do not hesitate to contact me at your convenience.

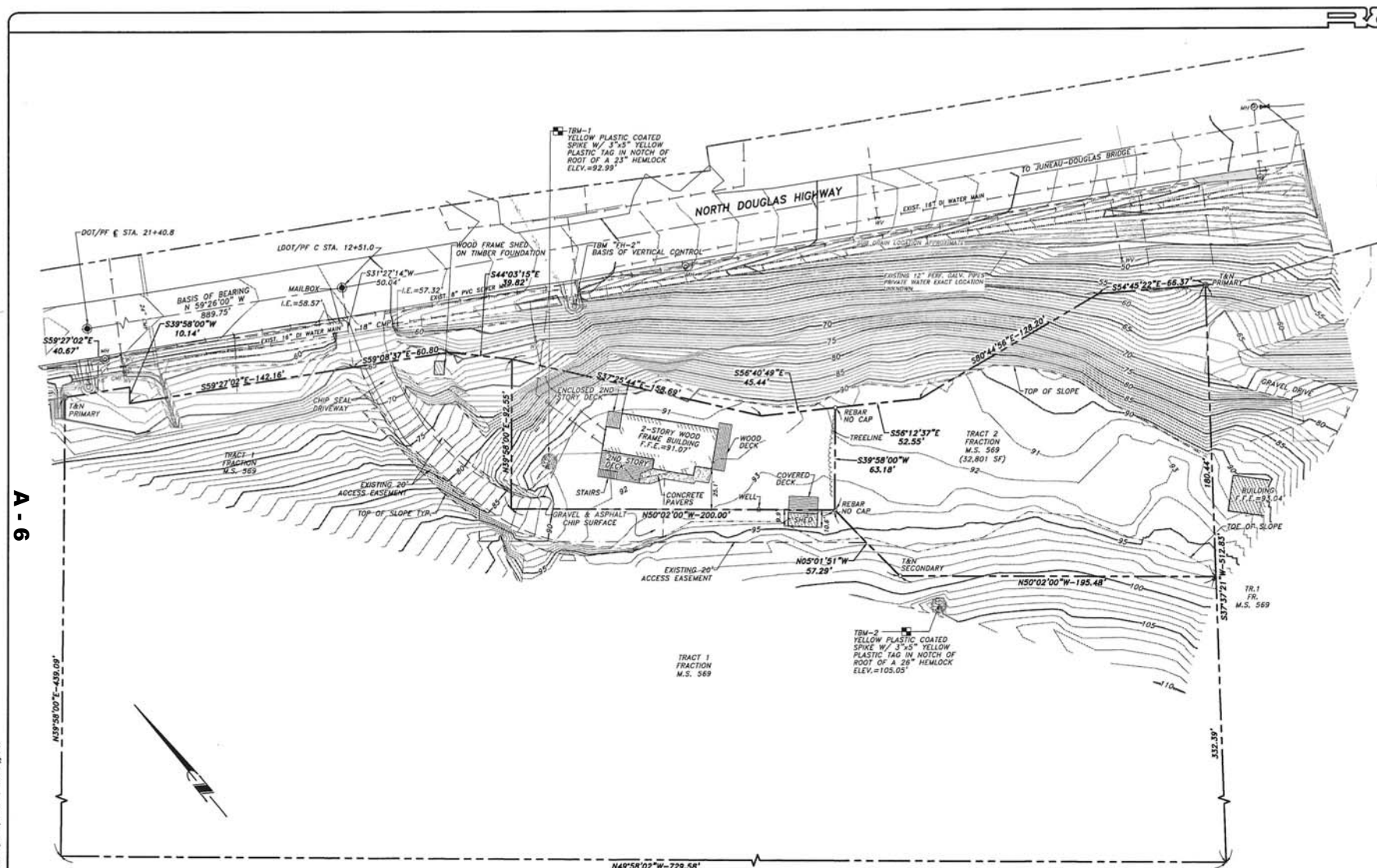
Sincerely,
R&M Engineering, Inc.



J. Mark Pusich, P.E.
Principal Civil Engineer

cc: Haifa Sadighi

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GENERAL NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY IS THE RECORD BEARING OF N37°49'35"E BETWEEN THE NORTHEAST CORNER OF TRACT 2 AND THE SOUTHEAST CORNER OF TRACT 1, WITHIN U.S.M.S. 569, PER PLAT 82-56W.
2. THE BASIS OF COORDINATES FOR THIS SURVEY IS THE RECOVERED TONER NORDLING PRIMARY MONUMENT AT THE NORTHEAST CORNER OF TRACT 1, M.S. 569.
3. RECORD INFORMATION DENOTED BY THIS PLAT WAS DERIVED FROM PLAT NO. 82-56W, ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.
4. ALL BEARINGS SHOWN ARE WITH REFERENCE TO THE BASIS OF BEARING. ALL DISTANCES DENOTED HAVE BEEN REDUCED TO HORIZONTAL DISTANCES.
5. THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3000 SERIES TOTAL STATION AND STANDARD PRISM RANGING METHODS, ON MAY 6 & 7, 2014.
6. PUBLIC WATER AND SANITARY SEWER DISPOSAL IS PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES, TO TRACT 2, FRACTION M.S. 569.

CORPORATE OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT OLMO, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS CUSTODIAN AND MANAGER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE 2015
OLMO, LLC
HAIFA SADIGHI,
CUSTODIAN & MANAGER

NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA } ss.
STATE OF ALASKA }

THIS IS TO CERTIFY THAT ON THIS DAY OF 2015, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED HAIFA SADIGHI, CUSTODIAN AND MANAGER FOR OLMO, LLC TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE 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.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES:

CERTIFICATE OF PLAT 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 BY PLAT RESOLUTION NO. , 2015, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.
DATED: , 2015

CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

ATTEST:

CLERK CITY

STORMWATER RUNOFF

THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.

EXISTING DRIVEWAY EASEMENT NOTE

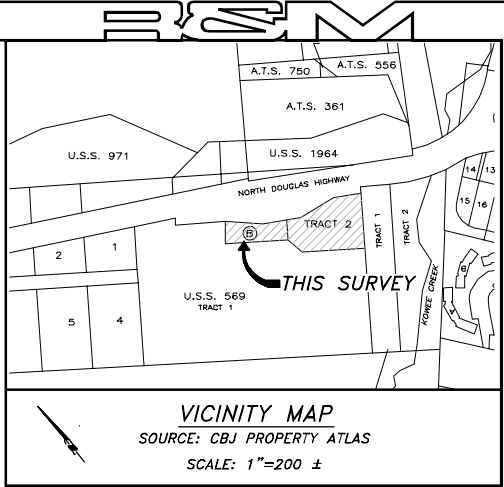
ACCESS TO LOTS 1 - 3 IS RESTRICTED TO THE 20' ACCESS AND UTILITY EASEMENT ESTABLISHED BY BOOK 203, PAGE 835 OF THE JUNEAU RECORDING DISTRICT.

UTILITY EASEMENT NOTE

THE UTILITY EASEMENT IN FAVOR OF LOTS 1, 2, & 3, IS TO BE 10 FEET IN WIDTH.

ACCESS & UTILITY EASEMENT NOTE

THE ACCESS AND UTILITY EASEMENT IN FAVOR OF LOTS 1, 2, & 3, IS TO BE 20 FEET IN WIDTH. THIS EASEMENT IS FOR USE AS A SHARED AND COMMON DRIVE FOR SAID LOTS.



VICINITY MAP

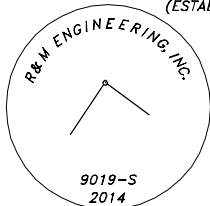
SOURCE: CBJ PROPERTY ATLAS
SCALE: 1"=200 ±

LEGEND

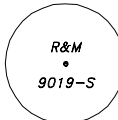
- DOT/PF PRIMARY MONUMENT (RECOVERED)
- T&N PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- SECONDARY MONUMENT (RECOVERED THIS SURVEY)
- 9019-S PRIMARY MONUMENT (ESTABLISHED THIS SURVEY)
- 9019-S SECONDARY MONUMENT (ESTABLISHED THIS SURVEY)
- BOUNDARY / PROPERTY LINE
- PROPERTY LINE TO BE ESTABLISHED UPON COMPLETION OF COMMONWALL DWELLINGS
- UNSURVEYED LOT LINE
- CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT

TYPICAL MONUMENTS

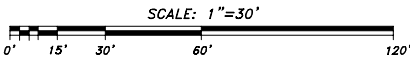
(ESTABLISHED THIS SURVEY)



PRIMARY MONUMENT
3" DIA. ALUMINUM BERNSTEIN FEDERAL A-1 MAGNETIZED CAP ON 2-1/2" DIA. SHANK SET 24" IN GROUND



SECONDARY MONUMENT
1-1/4" DIA. YELLOW PLASTIC SURV-CAP ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"



A PLAT OF
OLMO SUBDIVISION
A SUBDIVISION OF
TRACT 2, BLOCK B
FRACTION OF
U.S.M.S. No. 569

WITHIN THE
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNER:
OLMO, LLC
P.O. BOX 35513
JUNEAU, ALASKA 99803

SURVEYOR:
R&M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

DATE: JUNE 26, 2015

R&M PROJ. No. 141740

SCALE: 1"=30'

SHEET 1 OF 1



R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE:



GENERAL NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY IS THE RECORD BEARING OF N37°49'35"E BETWEEN THE NORTHEAST CORNER OF TRACT 2 AND THE SOUTHEAST CORNER OF TRACT 1, WITHIN U.S.M.S. 569, PER PLAT 82-56W.
2. THE BASIS OF COORDINATES FOR THIS SURVEY IS THE RECOVERED TONER NORDLING PRIMARY MONUMENT AT THE NORTHEAST CORNER OF TRACT 1, M.S. 569.
3. RECORD INFORMATION DENOTED BY THIS PLAT WAS DERIVED FROM PLAT NO. 82-56W, ON FILE IN THE JUNEAU RECORDING DISTRICT OFFICE.
4. ALL BEARINGS SHOWN ARE WITH REFERENCE TO THE BASIS OF BEARING. ALL DISTANCES DENOTED HAVE BEEN REDUCED TO HORIZONTAL DISTANCES.
5. THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3000 SERIES TOTAL STATION AND STANDARD PRISM RANGING METHODS, ON MAY 6 & 7, 2014.
6. PUBLIC WATER AND SANITARY SEWER DISPOSAL IS PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES, TO TRACT 2, FRACTION M.S. 569.

CORPORATE OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT OLMO, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS CUSTODIAN AND MANAGER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE 2015
OLMO, LLC
HAIFA SADIGHI,
CUSTODIAN & MANAGER

NOTARY ACKNOWLEDGMENT

UNITED STATES OF AMERICA } ss.
STATE OF ALASKA }

THIS IS TO CERTIFY THAT ON THIS DAY OF 2015, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED HAIFA SADIGHI, CUSTODIAN AND MANAGER FOR OLMO, LLC TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE 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.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES:

CERTIFICATE OF PLAT 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 BY PLAT RESOLUTION NO. , 2015, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.
DATED: , 2015

CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

ATTEST:

CLERK CITY

EXISTING DRIVEWAY EASEMENT NOTE

ACCESS TO LOTS 1 - 3 IS RESTRICTED TO THE 20' ACCESS AND UTILITY EASEMENT ESTABLISHED BY BOOK 203, PAGE 835 OF THE JUNEAU RECORDING DISTRICT.

UTILITY EASEMENT NOTE

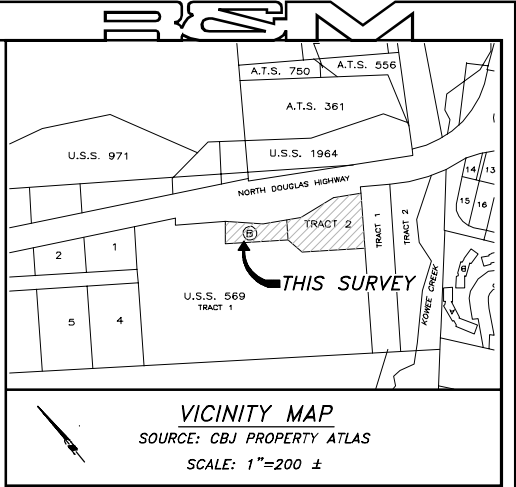
THE UTILITY EASEMENT IN FAVOR OF LOTS 1, 2, & 3, IS TO BE 10 FEET IN WIDTH.

ACCESS & UTILITY EASEMENT NOTE

THE ACCESS AND UTILITY EASEMENT IN FAVOR OF LOTS 1, 2, & 3, IS TO BE 20 FEET IN WIDTH. THIS EASEMENT IS FOR USE AS A SHARED AND COMMON DRIVE FOR SAID LOTS.

PEDESTRIAN ACCESS EASEMENT NOTE

THE PEDESTRIAN ACCESS EASEMENT IN FAVOR OF LOTS 1, 2, & 3, IS TO BE 10 FEET IN WIDTH. THIS EASEMENT IS FOR USE AS A SHARED AND COMMON WALKWAY FOR SAID LOTS.

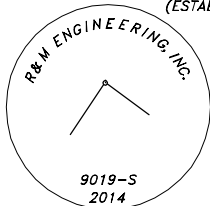


LEGEND

- DOT/PF PRIMARY MONUMENT (RECOVERED)
- T&N PRIMARY MONUMENT (RECOVERED THIS SURVEY)
- SECONDARY MONUMENT (RECOVERED THIS SURVEY)
- 9019-S PRIMARY MONUMENT (ESTABLISHED THIS SURVEY)
- 9019-S SECONDARY MONUMENT (ESTABLISHED THIS SURVEY)
- BOUNDARY / PROPERTY LINE
- PROPERTY LINE TO BE ESTABLISHED UPON COMPLETION OF COMMONWALL DWELLINGS
- UNSURVEYED LOT LINE
- CENTERLINE
- ACCESS & UTILITY EASEMENT
- UTILITY EASEMENT
- ACCESS EASEMENT PER PLAT 2013-38
- PEDESTRIAN ACCESS EASEMENT

TYPICAL MONUMENTS

(ESTABLISHED THIS SURVEY)



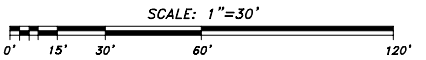
PRIMARY MONUMENT

3" DIA. ALUMINUM BERNSTEN FEDERAL A-1 MAGNETIZED CAP ON 2-1/2" DIA. SHANK SET 24" IN GROUND



SECONDARY MONUMENT

1-1/4" DIA. YELLOW PLASTIC SURV-CAP ON 5/8" DIA. x 36" IRON PIN EXPOSED 2"



A PLAT OF
OLMO SUBDIVISION
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TRACT 2, BLOCK B
FRACTION OF
U.S.M.S. No. 569

WITHIN THE
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNER:
OLMO, LLC
P.O. BOX 35513
JUNEAU, ALASKA 99803

SURVEYOR:
R&M ENGINEERING, INC.
6205 GLACIER HIGHWAY
JUNEAU, ALASKA 99801

DATE: AUGUST 19, 2015

R&M PROJ. No. 141740

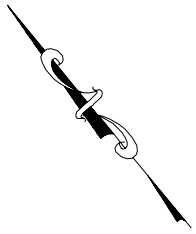
SCALE: 1"=30'

SHEET 1 OF 1

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS

STORMWATER RUNOFF

THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.



NORTH DOUGLAS HIGHWAY

FR. BLOCK B
M.S. 569

TRACT 1
FRACTION
M.S. 569

LOT 1
(10,881.81 SF)

LOT 2
(10,564.31 SF)

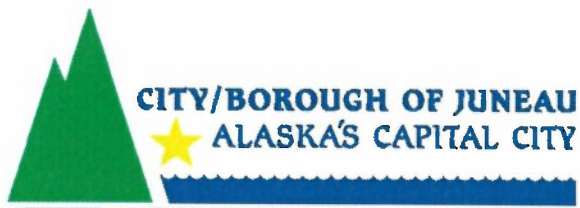
LOT 3
(11,360.32 SF)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE:





July 17, 2015

R&M Engineering, Inc.
Attn.: Mark Pusich, P.E.
6205 Glacier Highway
Juneau, Alaska 99801

Dear Mr. Pusich,

As you know, the proposed six-lot common wall Major Subdivision application and the associated Variance for the Olmo, LLC. property were removed from the Planning Commission/Board of Adjustment meeting scheduled for Tuesday, July 14, 2015. A determination was made that a street is required for the proposed six-lot subdivision pursuant to the following CBJ Title 49, Land Use Code, requirements:

CBJ 49.15.460(5)(D) - Design:

The department shall designate one right-of-way as principal access to the entire subdivision. Such access, if not already accepted for public maintenance, shall be improved to the applicable standards for public acceptance and maintenance.

CBJ 49.40.120 – Streets:

Each lot shall abut and be physically accessible from a dedicated street.

Although the proposed lots are designed to provide the required minimum of 30 feet of frontage on a dedicated right-of-way (CBJ 49.15.460(4)(A)), the lots must also be able to access North Douglas Highway (the dedicated right-of-way on which they have frontage) directly from the lot. Although the driveway in the 20-foot wide easement provides the physical access *from* the proposed lots *to* the dedicated street, because the lots are not *directly* accessed from the dedicated street, the intent of the above subdivision access requirements are not met. It is the act of subdividing the land that triggers the need for right-of-way to be dedicated and a street to be constructed to CBJ standards. Unless right-of-way is dedicated and a street is built, the subdivision may not occur.

In order to subdivide the property, one of the following street construction options must be provided from Douglas Highway directly to the subject property:

- Dedicate a minimum of 50 feet of right-of-way; provide a 28 foot wide paved road, construct sidewalks on both sides; provide underground drainage; and provide curbs and gutters, and streetlights, or
- Dedicate a minimum of 60 feet of right-way; provide a 28-foot wide paved road; construct sidewalks on both sides; provide curbs and gutter; provide a storm drainage system, whether surface, subsurface, or both; and streetlights. (CBJ 49.35.240)

Without subdividing the lot, there are options to develop the property without the need to dedicate right-of-way and construct a road. The lot is zoned D-18 which is a multi-family district. Based upon the

size of the lot, a maximum of 16 dwelling units may be constructed. Up to eight (8) dwelling units may be built on the lot with building permit approval. Construction of more than 8 dwelling units requires a Conditional Use permit approval from the Planning Commission. Additionally, the six units may be built as proposed and designed as long as subdivision does not occur. A condominium plat may be filed with the State Recorder's office that allows the individual dwellings to be sold while the common space is held in common ownership by a homeowner's association. Dedication of a right-of-way and construction of a street are not required for these kinds of development since subdivision won't occur.

In light of this recent determination, CBJ staff will update the Assembly about this issue during the upcoming proposed subdivision ordinance meetings and propose changes that could allow subdivisions accessed from shared driveways to be approved in certain cases. The outcome of these recommendations is uncertain. Providing safe and practical access is paramount to the CBJ protecting its citizens' health, safety, and welfare.

We understand your frustration and we hope to have a resolution that will provide your client with options as well as ensure that those future residents can have safe and practical access to their homes.

Please call me with any questions or concerns at (907)586-0715.

Sincerely,

A handwritten signature in black ink, appearing to read "Hal H. Hart" with a stylized flourish at the end.

Hal H. Hart, Director
Community Development Department

Cc: File

Jacob Graves, Civil Engineer

Laura Boyce

From: Jake Graves <jgraves@rmjuneau.com>
Sent: Wednesday, July 22, 2015 1:13 PM
To: Laura Boyce
Cc: Mark Pusich; Haifa Sadighi; Toki Express Sadighi
Subject: RE: Olmo Subdivision project follow up

Follow Up Flag: Follow up
Flag Status: Flagged

Laura,

With respect to the recent decision by CBJ to remove the OLMO Subdivision from the CBJ Planning Commission meeting agenda of July 14, 2015 we want to know if a variance is still an option to keep the existing driveway rather than dedicating right-of-way and building a street for the development. There are many points in favor of a driveway:

- DOT has reviewed the traffic impact and approved the driveway plan for the proposed six new lots. DOT does not consider the proposed driveway to be a safety issue on North Douglas Highway. Six dwelling units are a lot less than the eighteen allowed, so the traffic impacts are small.
- A driveway easement already exists to provide practical and reasonable access to the subdivision. Direct access to the Highway from each lot is not possible due to topographical conditions. CBJ 49.15.460(3) states that 'Consideration shall be given to design limitations imposed and opportunities presented by slopes, waterways and other topographic features.' The slopes from the proposed lots to the R.O.W. is approximately 50%-60%, making direct access impossible.
- It is safest to minimize the number of driveways accessing the highway. The proposed driveway would provide access to all six lots with one entry point on the highway, making it a safe and practical.
- The size and cost of a street is not feasible for several reasons: the developer does not own the property needed to dedicate a 50' or 60' R.O.W. Although negotiations may be possible to obtain more land, this option poses severe delays and undue financial hardships to the developer.
- A dedicated street is a financial burden to CBJ whereas a driveway would be maintained jointly by the property owners. Should future development on adjacent property require that a street be constructed, this potentially large development should be viewed separately. The owners and developer of the OLMO subdivision should not be held financially responsible for constructing a street across someone else's land when a practical access easement already exists to serve the same purpose. Consideration should be given to the size of the development when determining the appropriate size of the access.
- Fire truck access is not needed for this subdivision since the buildings will have fire sprinklers.
- CBJ 49.40.120 states that 'each lot shall abut and be physically accessible from a dedicated street'. In the proposed subdivision each lot abuts and is physically accessible from the Douglas Highway by an existing access easement that was originally created to serve this very purpose. Topographical features do not allow for any alternative access configurations.

Please let us know if a variance for the driveway is still an option as the developer has been delayed by the CBJ's decision to remove this from the Planning Commission agenda.

Thanks,

- Jacob Graves
R&M Engineering

From: Laura Boyce [<mailto:Laura.Boyce@juneau.org>]
Sent: Friday, July 17, 2015 2:33 PM
To: Mark Pusich

Cc: Beth McKibben; Hal Hart; jgraves@rmjuneau.com

Subject: Olmo Subdivision project follow up

Good afternoon, Mr. Pusich,

Attached, please find a letter explaining the reason for pulling the proposed subdivision from the Planning Commission meeting agenda this week.

Please call me with any questions at 586-0753.

Thank you,

Laura

Laura A. Boyce, AICP
Senior Planner

City and Borough of Juneau
907.586.0753

laura.boyce@juneau.org

State of Alaska
Department of Transportation and Public Facilities

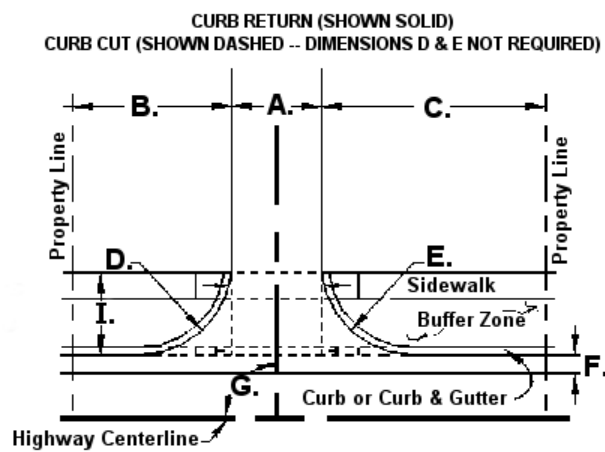
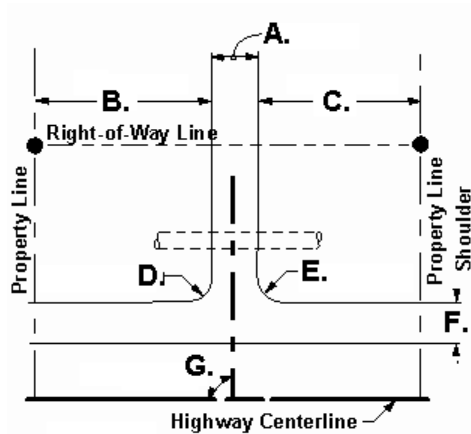
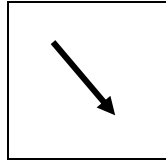
**Driveway and Approach Road
Permit**

This permit allows the Permittee to construct and maintain a driveway or approach road within a State-owned highway Right of Way.

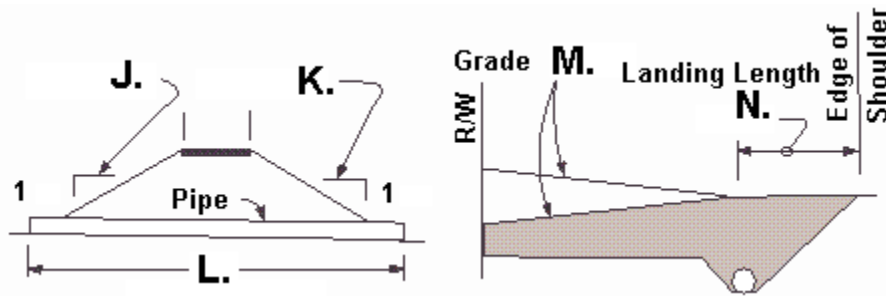
☒ Residential/Private	☐ Commercial	☐ Government Agency
Applicant: Olmo, LLC		
Mailing Address: PO Box 23076 Juneau, AK 99802		
Contact Name: Haifa Sadighi		
E-mail Address: haifa4@gmail.com		
Phone: (907) 209-4038		
Driveway or Approach Road location (highway, subdivision, legal description milepost, etc.) 3655 North Douglas Highway Juneau 99801 569 Tract 2 B Sadighi Copper River 82-56W 6D06010100		
Proposed or Existing: EXISTING (modification)	Anticipated Completion Date: 09/30/2015	
Number of lots served: 7	Max. number of vehicles in any 1 hour: 7	
Zoning Designation: City & Borough of Juneau	Proposed Land Use: Residential	

Driveway Specifications

Direction of North in relation to the drawing.



A.	Driveway width	20	feet
B.	Left edge clearance	78	feet
C.	Right edge clearance	187	feet
D.	Left return radius	20	feet
E.	Right return radius	20	feet
F.	Shoulder width	2	feet
G.	Approach angle	83	degrees
H.	Curb type	n/a	
I.	Curb to sidewalk distance	n/a	



J.	Left driveway foreslope	4 :1
K.	Right driveway foreslope	4 :1
L.	Culvert length	40 Feet
M.	Landing grade	-2 Percent
N.	Landing length	10 Feet
O.	Culvert size	18 inches
P.	Culvert type	Aluminum/Steel
Q.	Ditch depth	3 feet
R.	Shoulder type	Paved
S.	Pavement type	Paved
T.	Driveway surface type	Asphalt

Permittee upon signing this permit acknowledges and agrees to the following provisions:

This permit applies only to the State right of way.

This permit grants permission for a driveway allowing access to and from your property onto a State-maintained highway. It does not permit the following within the right of way or within that portion of a driveway that is within the right of way: (1) Parking of vehicles "for sale"; (2) Obstructions of any kind (i.e. logs, cables, fencing, etc.); (3) Advertising signs or banners/flags; (4) Parking vehicles with signs/advertising on the side.

A driveway or approach road constructed under permit within a highway right of way is the property of the State, but all cost and liability arising from the construction, operation, or maintenance of a driveway or approach road is at the sole expense of those lands served. The Department is not obligated to change its maintenance practices to accommodate a driveway or approach road constructed under a permit, or to incur any additional expense removing snow berms or other obstructions from a driveway or approach road within a right of way resulting from the Department's activities, or activities under a permit issued under 17 AAC 15.

Permittee is responsible for adjusting or relocating the driveway or approach road without cost or liability to the Department if the use or safety of the highway requires that the driveway or approach road be adjusted or relocated.

This permit is not a property right but a temporary authorization, revocable by the State upon violation of any permit terms or conditions, or for other reasons. All reasonable attorney's fees and costs associated with legal or enforcement actions related to the terms and conditions of this permit will be borne by the Permittee.

Any survey monument or monument accessory that is disturbed or destroyed during construction or maintenance of the driveway will be restored or replaced by a Land Surveyor licensed in the State of Alaska.

The Permittee will be responsible for all necessary Federal, State, and Municipal permits and licenses required by law, pay all taxes and special assessments lawfully imposed upon the permitted area, and pay other fees and charges assessed under applicable law.

Placement of fill material in waters of the U.S., including wetlands and streams, requires prior authorization from the U.S. Army Corps of Engineers. It is the responsibility of the owner to contact the Corps before filling activities take place.

The Permittee shall construct and maintain a driveway in such a manner that the highway, and all of the highway's appurtenances or facilities, including drainage facilities, pipes, culverts, ditches, traffic control devices, street lights, pathways, and sidewalks are not impaired or endangered in any way by the construction or maintenance. (17 AAC 10.020(b) If you damage any improvements within the State owned right of way, you will be responsible for returning them to their previous condition. The Department will inspect and approve the restored improvements. (17 AAC 10.065)

Permittee shall indemnify, defend and hold harmless the State, and its officers, employees, and contractors, from any and all claims or actions resulting from injury, death, loss, or damage sustained by any person or personal property resulting directly or indirectly from Permittee's use of or activities in the permitted area.

Landings from all paved roads must be paved and maintained from edge of the road to the length of the landing as stipulated in this permit.

If a culvert is required by this driveway permit, culvert ends must be installed at the time of installation and maintained continuously by the owner.

No person shall place, leave or deposit upon any street, avenue, alley, sidewalk or other public right of way any snow or ice which has been removed from a private driveway, private parking area, or the adjacent property. Permittee is responsible for his snow removal contractor's actions concerning placement of snow from Permittee's property.

If driveway construction or maintenance interferes with the public's safety and/or use of facilities within State-owned right of way, you will be directed to stop work until adjustments are made.

While doing construction or maintenance activities, do not park equipment or stockpile material on the shoulder during non-working hours.

Permittee is responsible for sight distance clearing of brush and obstructions adjacent to their property.

Driveway landings as stipulated in the permit must be paved and maintained from pavement edge on all paved roads.

Please contact the Department for information about acceptable driveway markers (i.e., size, materials, distance, etc.) for placement within the right of way.

The State will not change its maintenance practices to accommodate your driveway or incur additional expense to clear snow berms or other obstacles resulting from the Department's activities.

An inspection is required prior to reimbursement of your performance deposit. Please contact the Department for an inspection appointment after final construction of your driveway.

Attachments included as part of this permit are:

- ☒ Plat including notes of the placement of the driveway.
- ☒ Site plan.
- ☒ Proof of ownership.
- ☒ Traffic control plan.

I, _____, acknowledge that I am acting on behalf of the above named organization with the full authority to do so. I further acknowledge and accept that _____ shall comply with all the provisions and conditions that the Department of Transportation and Public Facilities has included as a condition of issuing this permit.

Permittee Signature

Date

DOT&PF Signature

Date

\\s301a\14742\Drawings\14742-000_Plan.dwg PLOT: May 15, 2019 10:13:09m jrmw

DESIGN	JMP
DRAWN	JAD
CHECK	JMP
APPROVED	JMP
FILE	

REV.	DATE	REVISION	BY	APPROV.

DRIVEWAY APPROACH
DETAILS

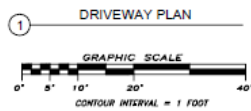
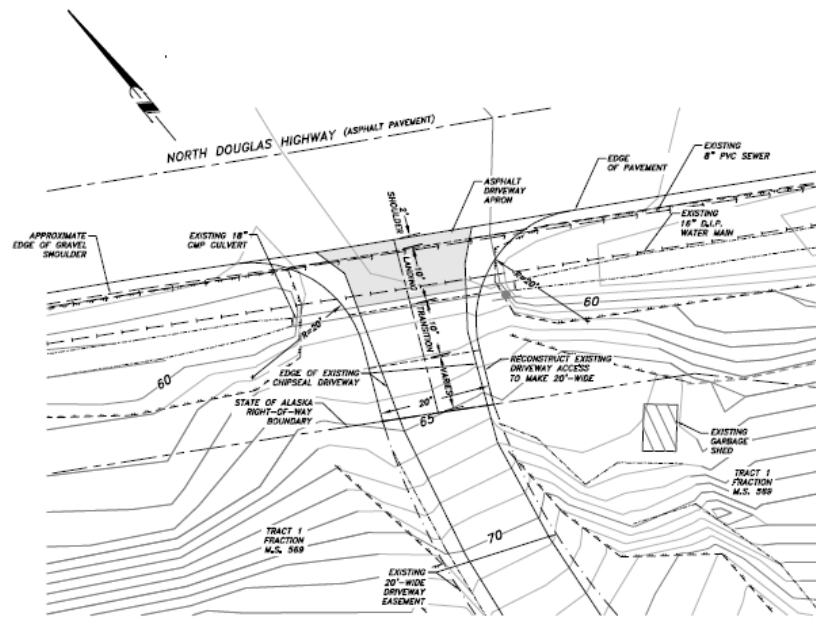


R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
6205 GLACIER HIGHWAY
JUNEAU, AK. 99801
Phone 907-780-6060
Fax 907-780-4611
rmeng@rmei.com

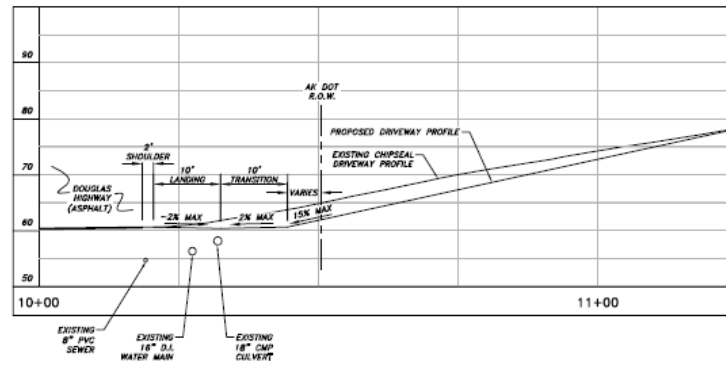
SADIGHI SUBDIVISION
SITE IMPROVEMENTS

CITY AND BOROUGH OF JUNEAU, ALASKA

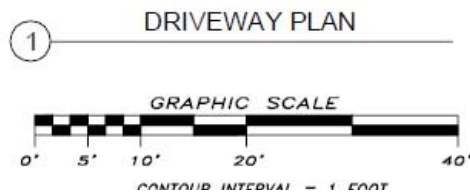
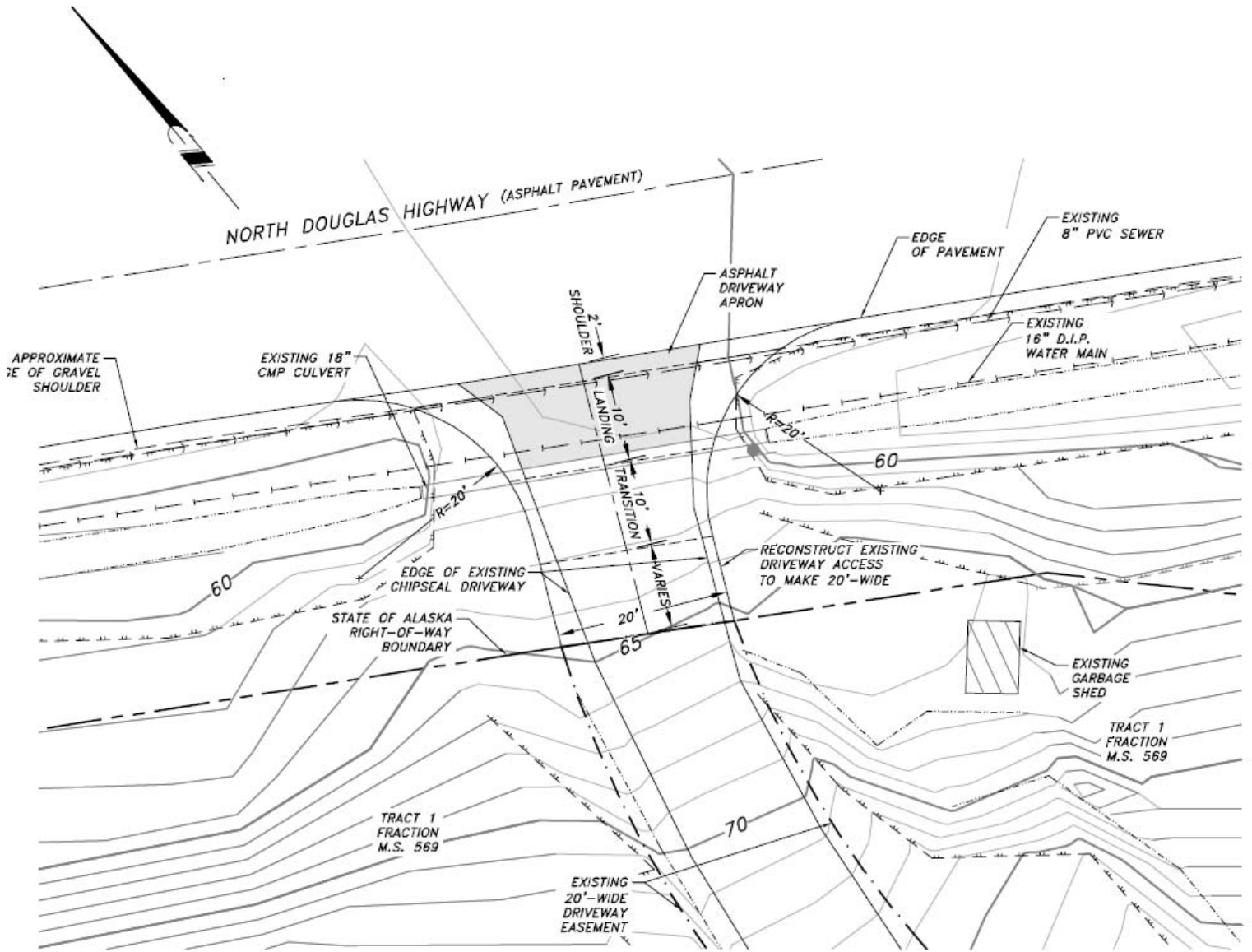
DATE	MAY 15, 2019
PLAN NO.	14742-00
SHEET	C5.0



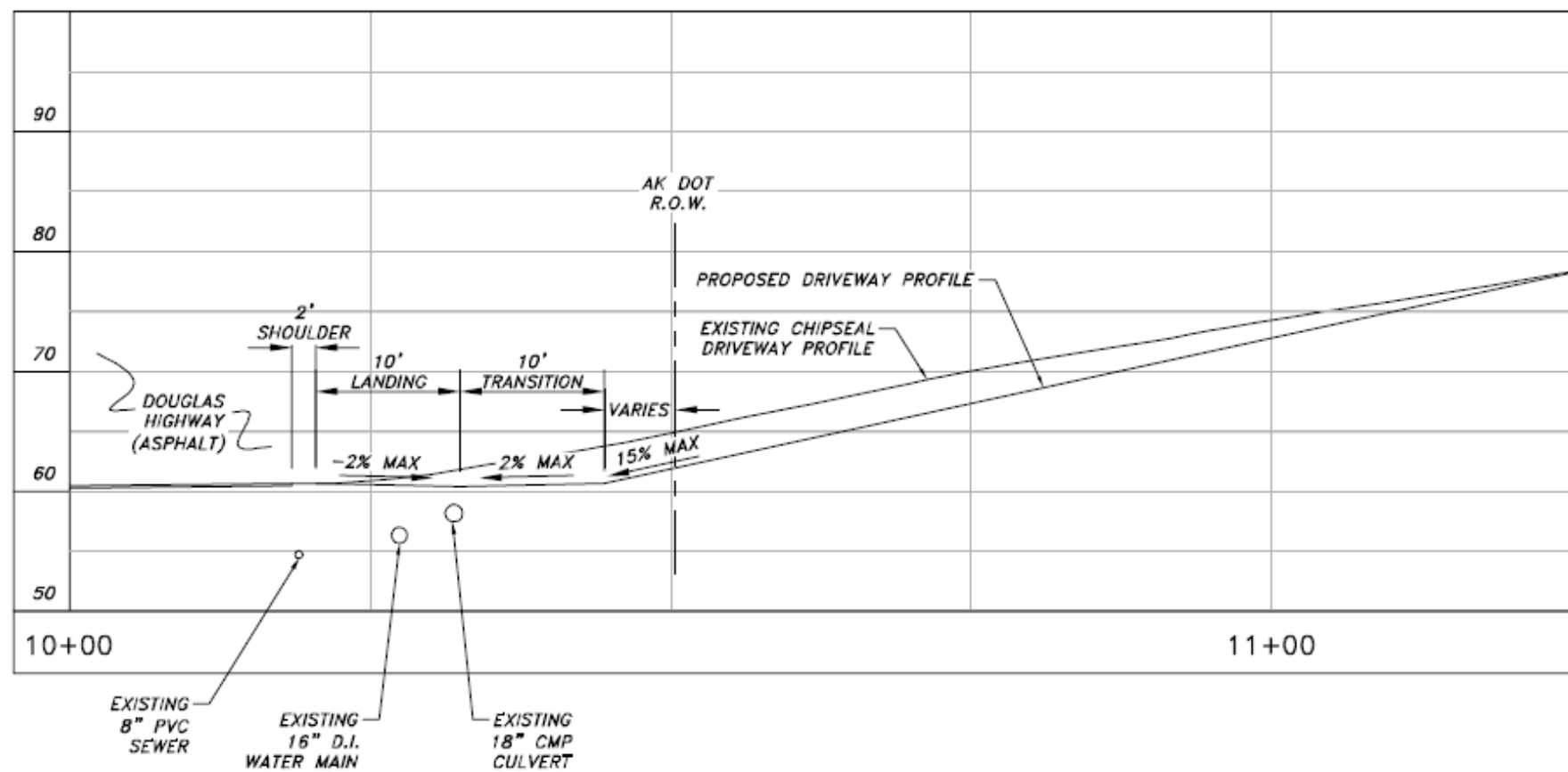
NOTE:
GRADE FORESLOPES TO HAVE 1:4 MAX. SLOPE.



2 DRIVEWAY PROFILE
N.T.S.



NOTE:
 GRADE FORESLOPES TO HAVE 1:4 MAX SLOPE.



② — DRIVEWAY PROFILE
 N.T.S.

DESCRIPTION OF TRACT 1

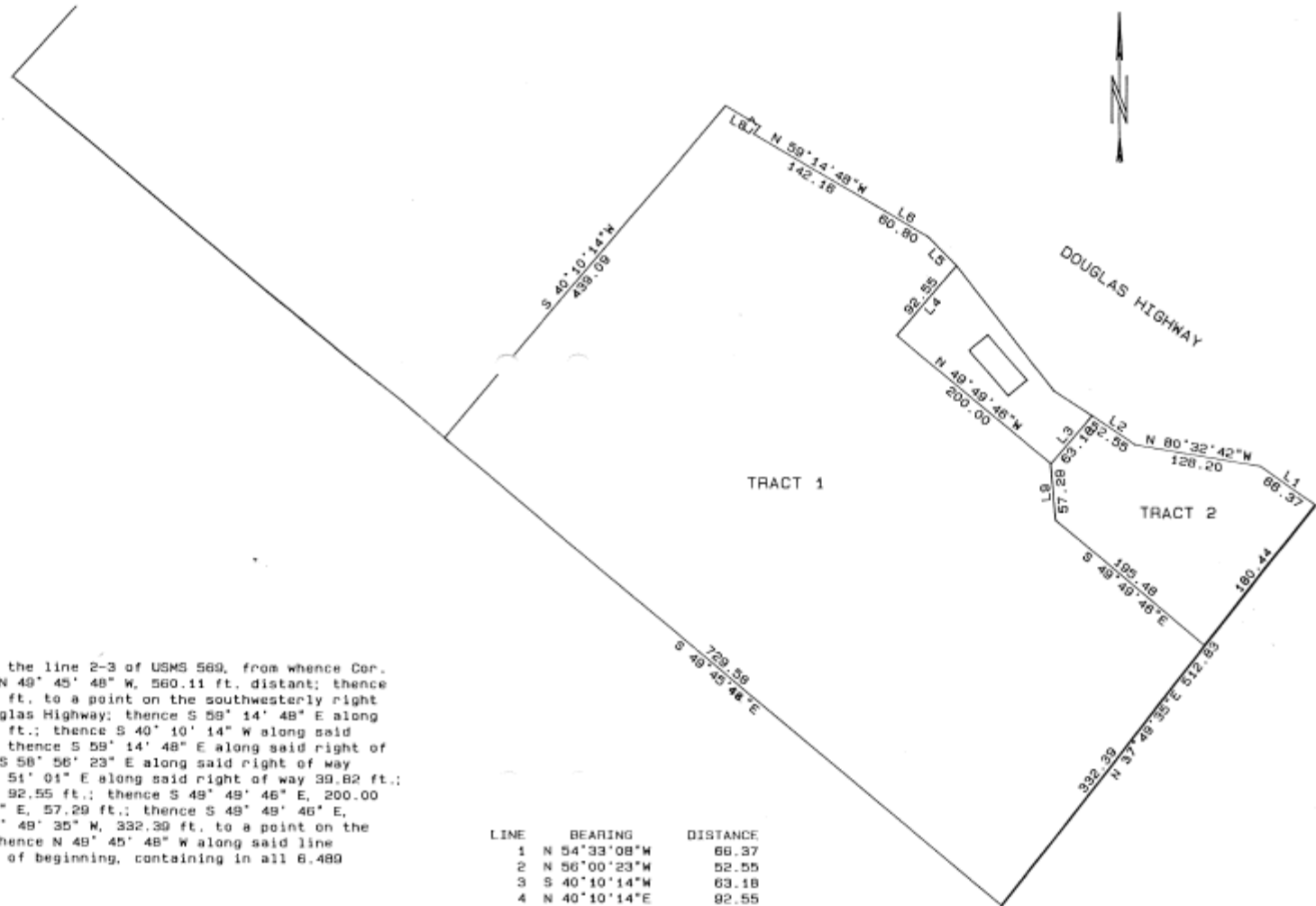
Beginning at a point on the line 2-3 of USMS 569, from whence Cor. 3 of said survey bears N 49° 45' 48" W, 560.11 ft. distant; thence N 40° 10' 14" E, 439.09 ft. to a point on the southwesterly right of way of the North Douglas Highway; thence S 59° 14' 48" E along said right of way 40.67 ft.; thence S 40° 10' 14" W along said right of way 10.14 ft.; thence S 59° 14' 48" E along said right of way 142.16 ft.; thence S 58° 56' 23" E along said right of way 60.80 ft.; thence S 43° 51' 01" E along said right of way 39.82 ft.; thence S 40° 10' 14" W, 92.55 ft.; thence S 49° 49' 46" E, 200.00 ft.; thence S 4° 49' 37" E, 57.29 ft.; thence S 49° 49' 46" E, 195.48 ft.; thence S 37° 49' 35" W, 332.39 ft. to a point on the line 2-3 of USMS 569; thence N 49° 45' 48" W along said line 729.58 ft. to the point of beginning, containing in all 6.489 acres, more or less.

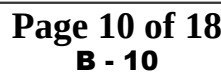
DESCRIPTION OF TRACT 2

Beginning at a point on the line 2-3 of USMS 569 from whence Cor. 3 of said survey bears N 49° 45' 48" W, 1,289.69 ft. distant; thence N 37° 49' 35" E, 332.39 ft. to the true point of beginning; thence N 49° 49' 46" W, 195.48 ft.; thence N 4° 49' 37" W, 57.29 ft.; thence N 40° 10' 14" E, 63.18 ft. to a point on the southwesterly right of way of the North Douglas Highway; thence S 58° 56' 23" E, along said right of way 52.55 ft.; thence S 80° 32' 42" E along said right of way 128.20 ft.; thence S 54° 33' 08" E, along said right of way 66.37 ft.; thence S 37° 49' 35" W, 180.44 ft. to the true point of beginning, containing in all 0.753 acres, more or less.

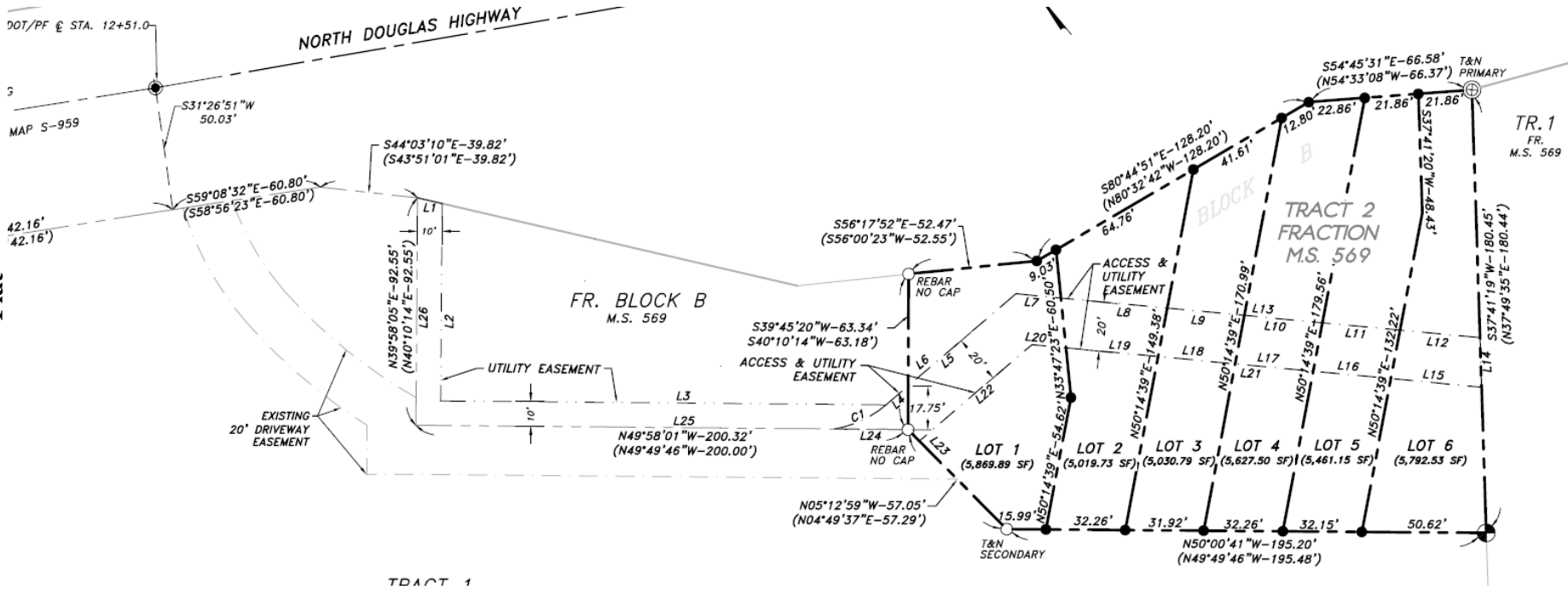
LINE	BEARING	DISTANCE
1	N 54°33'08"W	66.37
2	N 56°00'23"W	52.55
3	S 40°10'14"W	63.18
4	N 40°10'14"E	92.55
5	N 43°51'01"W	39.82
6	N 58°56'23"W	60.80
7	N 40°10'14"E	10.14
8	N 59°14'48"W	40.67
9	S 04°49'37"E	57.29

SKETCH TO ACCOMPANY
PLATTING WAIVER APPLICATION FOR
A FRACTION OF USMS 569
SCALE: 1"=100' APRIL 1982





ATTACHMENT B - DOT PERMIT
Plat



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K
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2014-003665-0

Recording District 101 Juneau

08/15/2014 03:21 PM Page 1 of 2

**QUITCLAIM DEED**

The Grantor, **HAIFA SADIGHI FOROUGH**, an unmarried woman, who acquired title as Haifa F. Sadighi, of P.O. Box 23076, Juneau, Alaska, 99802, for and in consideration of one dollar (\$1.00) and other valuable consideration, in hand paid, conveys and quitclaims to the Grantee, **OLMO LLC, an Alaska limited liability company**, of P.O. Box 23076, Juneau, Alaska, 99802, any and all interest in the following described real estate, located in the Juneau Recording District, First Judicial District, State of Alaska:

A tract of land in U. S. Mineral Survey 569, Juneau Recording District, First Judicial District, State of Alaska, described as:

Beginning at a point on the line 2-3 of U.S. MINERAL SURVEY 569 from whence Cor. 3 of said survey bears N 49° 45' 48" W. 1,289.69 ft. distant; thence N 37° 49' 35" E. 332.39 ft. to the true point of beginning; thence N 49° 49' 46" W. 195.48 ft.; thence N 4° 49' 37" W. 57.29 ft.; thence N 40° 10' 14" E. 63.18 ft. to a point on the southwesterly right of way of the North Douglas Highway; thence S 56° 00' 23" E. along said right of way 52.55 ft.; thence S 80° 32' 42" E along said right of way 128.20 ft.; thence S 54° 33' 08" E. along said right of way 66.37 ft.; thence S 37° 49' 35" W 180.44 ft. to the true point of beginning.

Also described as Tract 2, U. S. Mineral Survey 569, according to Platting Waiver 82-56W, Juneau Recording District, First Judicial District, State of Alaska.

Dated this 1st day of ^{August} ~~July~~ 2014.


Haifa Sadighi Foroughi

NEW YORK

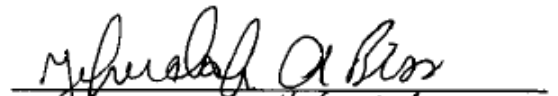
NEW YORK

)
) ss.
)

THIS IS TO CERTIFY that on this 1st day of ^{August} ~~July~~ 2014, before me, the undersigned, a notary public in and for STATE OF NEW YORK, duly commissioned and sworn, personally appeared **Haifa Sadighi Foroughi**, to me known and known to me to be the person named in and who executed the within and foregoing instrument; and she acknowledged to me that she signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.




Notary Public, YEHUDAH A BISS
My commission expires: MAY 19, 2018

After recording, return to:

Baxter Bruce & Sullivan P.C.
P.O. Box 32819
Juneau, Alaska 99803



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AGREEMENT FOR AND CONVEYANCE OF DRIVEWAY EASEMENT

AGREEMENT made this 21st day of OCTOBER, 1982,
by and between FELIX J. TONER and MARY V. TONER, husband and
wife, of P. O. Box 570, Juneau, Alaska 99802 and ROBERT A.
BRYANT, of 2244 Green Hill Drive #106, Sparks, Nevada 89431,
hereinafter referred to as Grantors, and C. R. NORDLING and
BETTY LOU NORDLING, husband and wife, of P. O. Box 197, Auke
Bay, Alaska 99801, hereinafter referred to as Grantees:

RECITALS

WHEREAS, the Grantors are the fee simple owners of
the following described real estate which is situated in the
Juneau Recording District, First Judicial District, State of
Alaska: TRACT 1

beginning at a point on the line 2-3 of USMS 569,
from whence Cor. 3 of said survey bears N 49° 45'
48" W, 560.11 ft. distant; thence N 40° 10' 14" E,
439.89 ft. to a point on the southwesterly right of
way of the North Douglas Highway; thence S 59° 14'
48" E along said right of way 40.67 ft.; thence S
40° 10' 14" W along said right of way 10.14 ft.;
thence S 59° 14' 48" E along said right of way
142.16 ft.; thence S 58° 56' 25" E along said right
of way 60.80 ft.; thence S 43° 51' 01" E along said
right of way 39.82 ft.; thence S 40° 10' 14" W,
92.55 ft.; thence S 49° 49' 46" E, 200.00 ft.;
thence S 4° 49' 37" E, 57.29 ft.; thence S 49° 49'
46" E, 195.48 ft.; thence S 37° 49' 35" W, 332.39
ft. to a point on the line 2-3 of USMS 569; thence
N 49° 45' 48" W along said line 729.58 ft. to the
point of beginning, containing in all 6.489 acres,
more or less.

WHEREAS, the Grantees are the fee simple owners of
the following described real estate which is situated in
the Juneau Recording District, First Judicial District,
State of Alaska: TRACT 2

Beginning at a point on the line 2-3 of USMS 569
from whence Cor. 3 of said survey bears N 49° 45'
48" W, 1,285.89 ft. distant; thence N 37° 49' 35"
E, 332.39 ft. to the true point of beginning;
thence N 49° 49' 46" W, 195.48 ft.; thence N 4° 49'
37" W, 57.29 ft.; thence N 40° 10' 14" E, 63.16 ft.

ROBERTSON, MONAGLE, EASTAUGH & BRADLEY
ATTORNEYS AT LAW
201 HAYWARD, SUITE 200
P.O. BOX 1211, JUNEAU, ALASKA 99801

203. 836

to a point on the southwesterly right of way of the North Douglas Highway; thence S 56° 00' 23" E. along said right of way 52.55 ft.; thence S 80° 2' 42" E. along said right of way 128.20 ft.; then S 54° 33' 08" E. along said right of way 66.37 ft.; thence S 37° 49' 35" W. 180.44 ft. to the true point of beginning, containing in all 0.753 acres, more or less.

WHEREAS, the Grantors' and Grantees' properties herein described are adjacent properties; and

WHEREAS, Grantees do not at present have legal access to their property from North Douglas Highway, a designated street in the City and Borough of Juneau, Alaska.

NOW THEREFORE, the parties agree as follows:

1. Grantors hereby agree to and do hereby grant and convey to Grantees a nonexclusive easement for access through, over and across the property owned by Grantors as described above, such easement to be limited to and be on and over the existing twenty foot wide driveway connecting the North Douglas Highway to the tract of land upon which the Steve Silver residence is located; thence along the northwesterly and southwesterly boundary of said Silver tract to the tract owned by the Grantees (the "Nordling tract"), said easement to be twenty feet wide. The Steve Silver tract is described as follows:

A tract of land in U.S. Mineral Survey 569, Juneau Recording District, First Judicial District, State of Alaska, described as: BEGIN at the North corner of said survey, run thence S 52°35' E, on the Northeast line of said survey 775.00 feet; thence Southwesterly at right angles to said Northeast line 25.00 feet to the true point of beginning; thence continuing Southwesterly, on an extension of the last course, 200.00 feet; thence S 52°35' E 200.00 feet; thence Northeasterly, at right angles to the Northeast line of said survey; 200.00 feet; thence N 52°35' W 200.00 feet to the true point of beginning, EXCEPT THEREFROM that part Northeast of the southwest line of North Douglas Highway as established by deed recorded December 16, 1957 in Deed Book 52 at Page 136 and By Deed recorded June 5, 1976 in Book 123 at Page 813.

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2. "Access purposes" as used in this agreement means all lawful purposes of ingress and egress.

3. The easement described above shall be constructed and maintained in good repair by the Grantees at their sole cost and expense.

4. It is understood and agreed that this easement is for the benefit of and appurtenant to the Grantees' land as described above. This easement shall run with the land and shall be binding on and shall inure to the benefit and burden of the parties hereto their heirs, successors or assigns.

5. The Grantors, their heirs, successors or assigns reserve the right to extinguish this easement at any time in the future by providing the Grantees, their heirs, successors or assigns, accesses to the North Douglas Highway from the said Nordling tract by means of a roadway system constructed as part of the development of the property adjacent to the Nordling tract, located in U. S. Mineral Survey 509 and held by the Grantors.

6. The parties acknowledge that this easement is granted for and in consideration of \$10.00 and other good and valuable considerations received by Grantors therefore.

IN WITNESS WHEREOF the parties have executed this agreement at the places and on the date opposite their names below:

GRANTORS

DATED: OCT. 21 1982
PLACE: JUNEAU AK

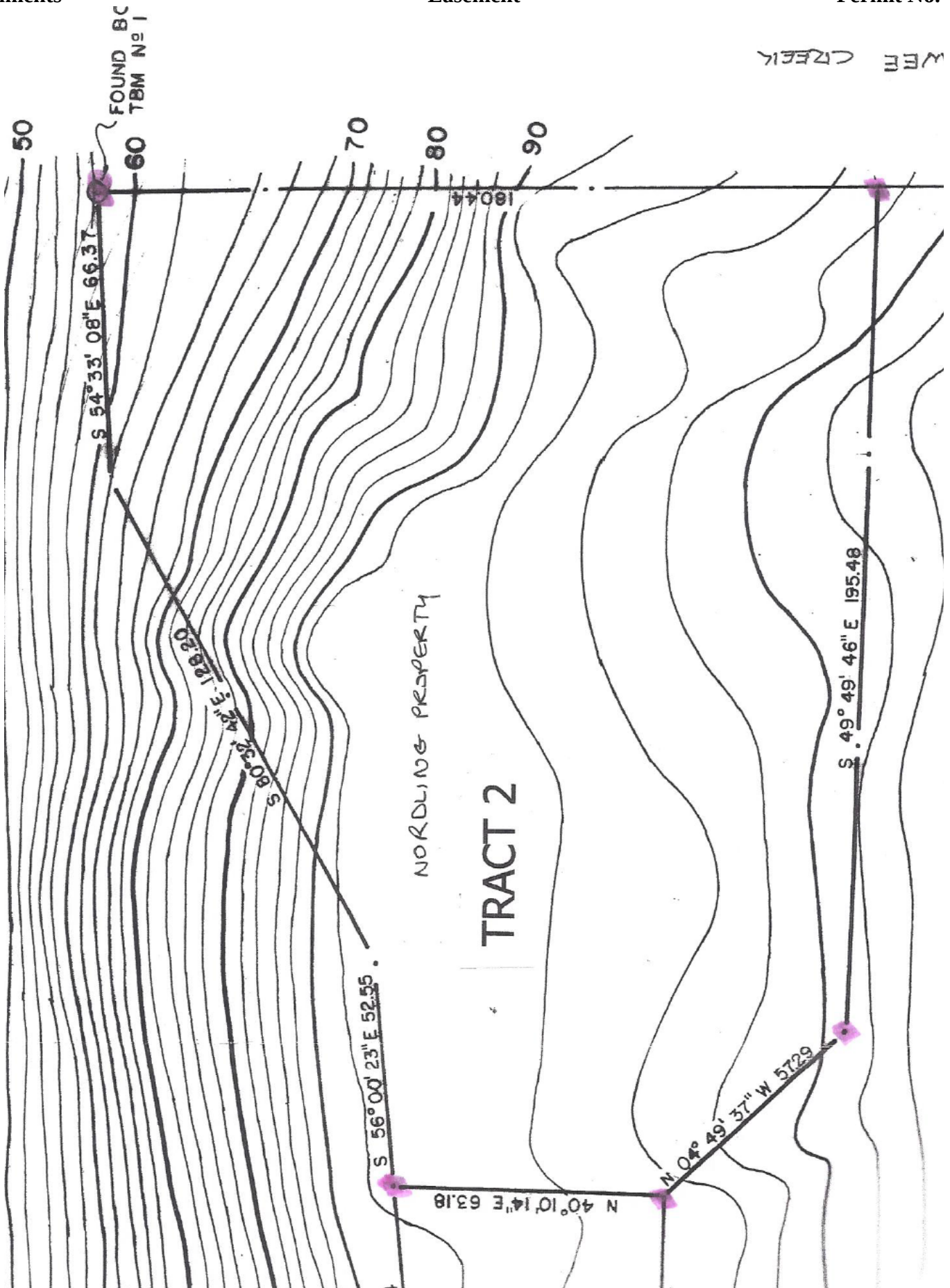
FELIX J. TONER

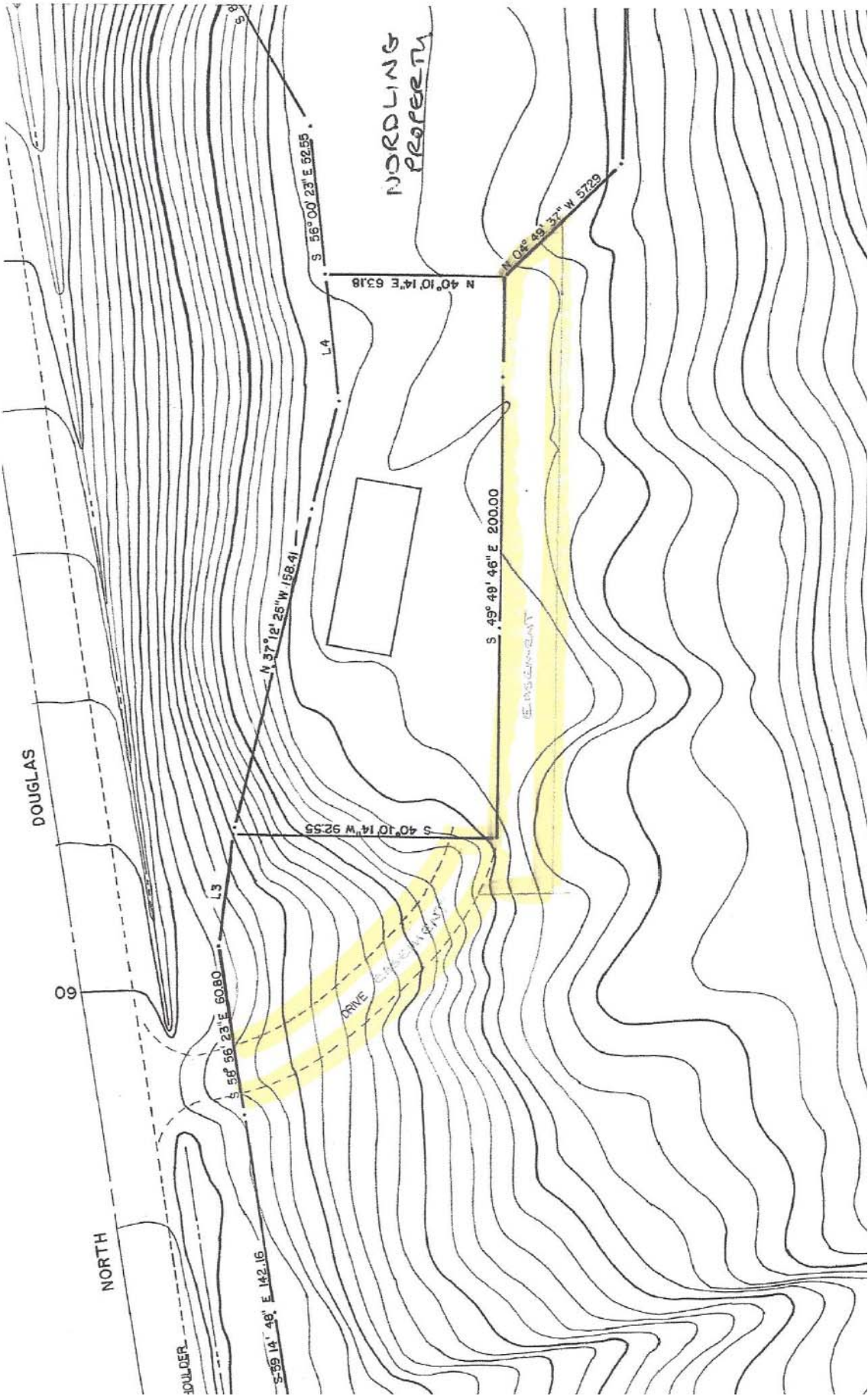
DATED: _____
PLACE: _____

MARY V. TONER

DATED: OCT 26, 1982
PLACE: RENO, NEVADA

ROBERT A. BRYANT





CITY AND BOROUGH OF JUNEAU, ALASKA

PLATTING RESOLUTION NO. W-16-82

WHEREAS, C.R. Nordling, Felix J. Toner & Robert
Applicant(s) Bryant

has applied to the City and Borough of Juneau Planning Commission in proper form for a waiver of platting requirements of the subdivision of the following described real property:

Fraction of U.S.M.S. 569 into Tract 1 and Tract 2, U.S.M.S. 569.

according to the attached plat, sketch or diagram.

WHEREAS, the Commission finds that the proposed conveyance: (a) is not being made for the purpose of or in connection with a present or projected subdivision development; (b) is an isolated transaction which does not fall within the general intent of Title 40, Chapter 15, Alaska Statutes; and (c) does not involve or require any dedication of a street, alley thoroughfare, park or other public area.

BE IT RESOLVED BY THE CITY AND BOROUGH PLANNING COMMISSION AS THE PLATTING AUTHORITY FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA:

The said application for a statutory waiver of plat and recording requirements to a proposed conveyance of the above-described property is hereby granted.

Dated July 13, 1982

CITY AND BOROUGH OF JUNEAU, ALASKA
PLANNING COMMISSION

By: Richard H. Nichols
Chairman

Attest

Mark Prozier
Clerk

MEMORANDUM

THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

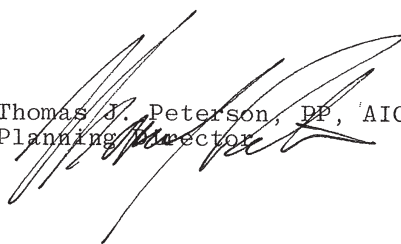
TO: Planning Commission

DATE: May 7, 1982

FILE NO. W-16-82

SUBJECT: Fraction of U.S.M.S. 569

FROM:


Thomas J. Peterson, PP, AICP
Planning Director

Lot Size: Tract 1 - 6.489 acres
Tract 2 - .753 acres

Zoning: RML Low Density Multi-Family

Land Use: Vacant

Proposal: To subdivide a .753 acre tract from the larger
parcel, for a single family dwelling.

Discussion: There is some question as to whether this
large tract of land is unsubdivided as shown on the
sketch plat or is divided into the numerous parcels
and right-of-way as shown on the City and Borough
base maps.

If the platted right-of-ways do not exist, then
the only access to proposed Tract 2 will be directly
to the North Douglas Highway. This is not allowed
by the platting ordinance.

Recommendation: Continued Action
Staff recommends action be continued until such time
that a determination is made on the status of the
plat. This has been referred to the Attorney's
Office.

MEMORANDUM

THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

TO: Planning Commission

DATE: July 8, 1982

FILE NO. W-16-82

FROM: Thomas J. Peterson, PP, AICP
Planning DirectorSUBJECT: Fraction of U.S.M.S. 569
1 Mile North Douglas Highway
C.R. Nordling, Felix Toner,
and Robert Bryant

Lot Size: Tract 1 - 6.489 acres
Tract 2 - .753 acres

Zoning: RML Low Density Multi-Family

Proposal: To subdivide a .753 acre tract from the larger parcel. This parcel is currently under joint ownership and the subdivision will allow for a separation of ownership and construction of a single family dwelling.

Discussion:

The Planning Commission continued action on this item at the meeting of May 11, 1982. At that time, it was unclear as to whether the large tract of land had been previously divided into numerous smaller lots and right-of-ways as shown on the base map.

The platted status of the property would effect how the proposed lot split could be treated. If the property had been subdivided, that portion of the plat would have to be vacated with one-half of each right-of-way attaching to adjacent lots. Proposed Tract 2 would still have frontage on the remaining platted right-of-ways other than North Douglas Highway.

If the property was unsubdivided, no vacation of lot lines would be required but the only access to proposed Tract 2 would be on the North Douglas Highway. According to the platting ordinance, a lot is not allowed to have access directly onto an arterial highway.

The CBJ attorney has indicated that no record of the original subdivision can be found. Therefore, the property can be considered as one unsubdivided tract.

Staff Recommendation:

Staff recommends that as a possible alternative to having direct access to the North Douglas Highway, access to proposed Tract 2, can be restricted to the existing driveway easement which services the existing lot and dwelling directly to the northwest. This will limit the number of

Memo - Planning Commission
July 8, 1982
Page Two

access points to the highway and, if a public right-of-way is ever provided to develop the larger tract (Tract 1), these driveways could then tie in.

To approve the subdivision as proposed, a variance would have to be granted to the section of the ordinance which prohibits frontage on an arterial highway.

Staff Report

Staff recommendation is denial. The amended plat still does not provide Lot 20 with the minimum width requirement of 45 feet for each lot. The minimum width is not carried through the lots, creating two odd shaped parcels. The Commission did approve zero-lot line buildings for these lots if they could bring those into compliance with the standards. They attempted to widen Lot 20 but also trying to keep the square footage of Lot 21A they had to put that sharp angle into the lot.

Public Participation

Rita Hamilton stated that when they brought this in previously, they were told that there had to be 45 feet across the front of the lots but were not told anything about the lot line having to be straight so they units were built as shown. She stated that they feel they have done what was requested by the Commission and staff. She stated that the building is completed and both sides have been sold.

Commission Action

MOTION - by Triplette, seconded by Williamson, to approve the waiver. There being no objection, the motion passed by unanimous consent.

Mr. Menzies resumed his seat at this time.

- (7) Waiver, Fraction of U.S. Survey 569, 1 Mile, North Douglas Highway.

Applicant: Toner, Nordling, and Bryant

Staff Report

Staff recommends continued action on this item. The reasoning is that staff is still looking into the status of the subdivision that is shown on the base map and trying to make a determination on whether that is a valid plat or not and that will affect how the proposed subdivision is treated.

Public Participation

No one appeared at this time.

Planning & Zoning Commission
May 11, 1982
Page 22

Commission Action

MOTION - by Minch, seconded by Brody, to continue this item until staff obtains the necessary information. There being no objection, it was so ordered.

IX. PLANNING DIRECTOR'S REPORT

None.

X. COMMISSION COMMENTS AND QUESTIONS

Mr. Menzies commented that he objects to the special time of the meeting without consulting the Commission.

Mr. Menzies stated that he objects to the new schedule of plat fees for preliminary and final plats and requested that the staff justify these fees. He stated he would like to know what the City gets for the fee, what effort they put into the fee, a checklist of the items of work they do, and a rationale for the present staff utilization in the budget with regard to property taxes, building permits, grading and drainage fees.

MOTION - by Menzies, seconded by Williamson, to ask the staff to come up with the figures requested by Mr. Menzies. There being no objection, it was so ordered.

Mr. Menzies also commented that he would prefer to receive his packet for the meetings on Friday, rather than Monday or Tuesday, so that he will have time to look at them during the weekend.

Mr. Menzies asked when McDonalds is going to put in the third lane per their bonding. He asked that this information be available for the next meeting.

Mr. Menzies reported that the sand and gravel ordinance was before the Assembly at their May 6 meeting and was referred to the Committee of the Whole so they could meet with the Planning Commission.

Mr. Menzies also commented that the zero-lot line ordinance was passed by the Assembly with the requirement for common driveways deleted and direction to the staff to review taking over the Alaska Department of Environmental Conservation on-site waste disposal review.

Planning & Zoning Commission
May 11, 1982
Page 23

AMENDMENT - by Brody, seconded by Minch, to change the amount of the vacation to three (3) feet adjacent to the property line.

Mr. Menzies felt the applicant should be satisfied with a three-foot vacation rather than risking the City turning down the twenty-five (25) foot proposed vacation. Mr. Triplette was of the opinion that if the twenty-five (25) foot vacation were granted, the land would be improved, whereas if denied the land would just sit there, unimproved. Mr. Cashen pointed out that the street has a steep incline, like a cliff. Mr. Minch mentioned the possible future need for access to the beach below. Mr. Menzies said he agreed with Mr. Minch and Mr. Triplette, but he still felt that the City attorney might appeal and the applicant could lose the whole thing.

AMENDMENT - by Davidson, seconded by Triplette, to amend the amendment changing the amount of the vacation from three (3) feet to ten (10) feet.

ROLL CALL (on the second amendment):

Yeas: Cashen, Davidson, Menzies, Triplette,
Williamson

Nays: Brody, Minch, Diebels

The amendment passed 5-3.

Mr. Peterson requested clarification on giving the City an easement of that ten (10) foot vacation.

AMENDMENT - by Williamson, seconded by Minch, to make the easement to the City be seven (7) feet of the ten (10) foot vacation.

There being no objection, the amendment passed.

There being no objection to the motion as amended, it was so ordered.

(4) Waiver, Fraction of U.S.M.S. 569, 1 Mile North Douglas Highway

Applicant: C.R. Nordling, Felix Toner,
and Robert Bryant

Staff Report

The staff recommended that as a possible alternative to

Planning & Zoning Commission
July 13, 1982
Page 17

having direct access to the North Douglas Highway, access to proposed Tract 2, can be restricted to the existing driveway easement which services the existing lot and dwelling directly to the northwest. This will limit the number of access points to the highway and, if a public right-of-way is ever provided to develop the larger tract (Tract 1), these driveways could then tie in.

Public Hearing

Rod Nordling clarified that this was not a proposed subdivision. He stated that the property to the southeast of this was granted a waiver to split up into two tracts and he felt this was a common thing, done all the time. He felt it was unreasonable to require him to build and maintain a 400 foot driveway. He also stated he thought the other owners would not be willing to grant an easement across it.

Mr. Davidson asked for a description of the topography. Mr. Nordling showed on a map how it sloped. Mr. Minch asked if it was the intention for this land to remain one large lot. Mr. Nordling replied he had no present intention of subdividing this, but stated he would not be the owner forever and did not know what the intentions of future owners. He stated it was the only really practical access to the entire tract.

Steve Silver, owner of the adjoining property to the north, stated he supported Mr. Nordling. He had some additional reasons. One was, the maintenance of the proposed driveway by the City staff would be a winter nightmare. Second, from a planning standpoint, he stated the area from his driveway to the McCaughly's driveway was 800 feet, in that same amount of space on North Douglas Highway and West Juneau, you would find a lot more entrances to the arterial highway. Third, he felt the staff recommendation almost pre-determines the development of the remaining tract and reduces the owner's ability to properly plan what they want to do with the tract.

Commission Action

Ms. Brody asked the staff where the existing driveway was that they had recommended access be

Planning & Zoning Commission
July 13, 1982
Page 18

restricted to. Mr. Peterson replied it would be where Second Street was.

MOTION - by Menzies, seconded by Triplette, to approve the subdivision.

Mr. Williamson asked the staff if it would be reasonable to get half the width of a right-of-way, in the form of an easement, at the end property line, so as to provide two means of access to the rear tract of land and not necessarily entirely from the other piece. Staff replied that it would be very difficult to have a right-of-way on that hillside because of the grade.

Ms. Diebels asked for a definition of subdivision. Mr. Maguire stated that in this case, this is a subdivision in the sense that they are dividing the property. In the past access to Douglas Highway was restricted to combined access when property was subdivided.

Mr. Minch pointed out that the smaller portion being subdivided was a little over two hundred (200) feet, about the same as the average lot on North Douglas Highway and that the total width of the property was about eight hundred (800) feet. He mentioned that combined access, in the past, was usually required when the total lot width was a couple hundred feet.

Mr. Davidson felt that the Commission has usually granted waivers unless it was convenient for double access. He felt the applicant was not asking for anything unusual and that his request was the only reasonable approach to access on his property.

ROLL CALL:

Yeas: Cashen, Davidson, Menzies, Minch, Triplette

Nays: Brody, Williamson, Diebels

The motion passed 5-3.

(5) Waiver, Tract 2, Fraction of U.S.M.S. 609, Lemon Creek.

Applicant: C.E. Porter

Planning & Zoning Commission
July 13, 1982
Page 19



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: July 23, 2015

TO: Assembly Committee of the Whole

FROM: Laura A. Boyce, AICP, Planner *Laura A. Boyce*
Community Development Department

SUBJECT: Consideration of shared access driveways/private roads in easements.

The proposed subdivision ordinance does not include the option for shared access driveways or private roads in private easements for subdivisions. The current subdivision draft does include an option for privately maintained access roads in public rights-of-way for subdivisions generating 250 average daily trips (ADT) or fewer. The Community Development Department's practice has been to approve, in some cases, subdivisions that share access through a driveway in a private easement when practical access directly from the lot is not feasible, due to topography for instance, or when access points to the street are required to be consolidated, by the CBJ or DOT&PF, for example. If this practice to approve subdivisions that share driveways in private easements is to continue, the proposed subdivision ordinance will need to be amended to provide this additional access option.

Background

Recently, a proposed subdivision along North Douglas Highway highlighted the fact that some subdivisions are approved when the physical access to the proposed lots is from a shared driveway easement rather than by a dedicated and constructed street. These subdivisions meet the requirement for lots to provide a minimum of 30 feet of frontage on a dedicated right-of-way, but instead of each lot directly accessing the dedicated right-of-way, access is through a shared easement to that right-of-way. The figure below illustrates a subdivision in which all lots share a common driveway in a private easement (Figure 1).

The requirement for lots fronting onto maintained rights-of-way exists for public safety purposes; safe and continued access to properties is of paramount importance for ambulance, fire, and police access. Current Title 49 subdivision requirements include that each lot must be designed to provide a minimum of 30 feet of frontage on a dedicated right-of-way and that each lot must abut and be physically accessed from a street. The Community Development Department's practice has been to consider and sometimes approve subdivisions when practical access can't be met from the proposed lots. While the minimum frontage

Assembly Committee of the Whole Meeting
 July 23, 2015
 Page 2 of 4

requirements on a dedicated right-of-way are met for the proposed lots, and the lots abut a street, the physical access *from* the lots *to* the street might be *through* an easement. In some subdivision cases, the “practical access” to the maintained right-of-way is not the most direct access. While the lot design requirement for frontage on a dedicated right-of-way may be met with a proposed subdivision, direct access from those lots to the right-of-way may not be practical, such as due to topography. The practical access to the right-of-way may be through a shared easement instead.

FIGURE 1 – ATWATER ESTATES ON DOUGLAS HIGHWAY

Access is from Douglas Highway through a shared driveway easement on adjacent property to the four common wall dwelling units and to single-family lots beyond



CBJ staff met with the Subdivision Review Committee (SRC) on Wednesday, July 22, 2015, in order to discuss shared access driveways and solicit input as to whether this subdivision option should be continued. Three of the five SRC members attended the meeting, with one of the absent members sending in his comments prior to the meeting. A representative from DOT&PF attended, as well as CBJ staff from the Manager's office, CDD, and the Law Department.

Assembly Committee of the Whole Meeting
 July 23, 2015
 Page 3 of 4

The Subdivision Review Committee members unanimously agreed that this subdivision option should be continued. They believe this is an opportunity to provide additional development options for parcels that may not be able to be subdivided otherwise. Also, in these cases, many times the public welfare is better served by providing an alternate access. While direct and practical access from each lot to a dedicated street is ideal, due to site constraints, such as topography or limited access points to the roadway, it may not be practical. Practical access to subdivided lots can be achieved through shared driveways in private easements while also ensuring that the public's health, safety, and welfare are protected. The SRC would like to see this practice continued, but with limitations. Their suggested limitations include the following:

- Shared driveways in private easements are only available for residential subdivisions;
- The subdivision can generate no more than 70 ADT which is approximately four lots assuming one single-family lot with one accessory apartment for each lot;
- The subdivision cannot create a landlocked parcel;
- If there is foreseeable future development beyond the proposed subdivision, as determined by the director, this option isn't available;
- Lots won't be required to provide frontage on a dedicated right-of-way;
- The driveway grade cannot exceed 15%;
- The CBJ must consider the driveway safe for access;
- An owner's association must provide for continued maintenance of the driveway;
- The minimum width of the driveway is 20 feet or as determined by the Fire Department; and
- The width of the easement should be 50 feet, but can be reduced by 20 feet when approved by the Director;

For these smaller subdivisions, dedicating right-of-way and constructing a street isn't financially feasible and the SRC felt that unless a "relief valve" such as this shared driveway easement option is made available, subdivision would not occur on these smaller properties and additional housing wouldn't be provided. With the rezoning to higher density zone districts occurring as water and sewer have been extended, utilization of those services won't be realized as planned unless additional subdivision options are available. The topography of many remaining vacant properties makes it difficult to construct a connecting street system, shared parking area easements and stairways to properties might be the most practical access for some of these lots. The SRC believes that the health, safety, and welfare of the owners of those lots could be assured with this access option. They cited many examples where shared driveways already work.

Conclusion

Allowing these types of subdivisions with access through shared driveway access easements in certain instances has been common practice. Available "flat" land is scarce and the remaining

Assembly Committee of the Whole Meeting

July 23, 2015

Page 4 of 4

properties that can be developed have topographical issues or other constraints that make development less practical. Furthermore, DOT&PF has been restricting driveway access onto other streets as average daily trips increases. Do we want to continue the practice of allowing alternate subdivision scenarios that are practical for that site? If so, the current subdivision ordinance draft needs to be amended to include the option of subdivision through shared driveway easements. In the proposed ordinance, other than for panhandle subdivisions, right-of-way must be dedicated and streets constructed (whether privately maintained or built to CBJ standards) for subdivision to occur when the right-of-way can't be physically accessed from the proposed lots.

For reference, below is a partial list of subdivisions that have been approved with shared access instead of dedication and construction of a street. Examples include:

- Thane Landing – 7 waterfront lots at the end of Thane Road that share a common driveway. (Plat. No. 96-99)
- Atwater Estates – Four common wall lots accessed through a shared easement on the adjacent property.(Plat No. 2007-63)
- Glacier's Edge Subdivision – 3 total lots sharing an access easement (two bungalow lots and one regular lot). (Plat No. 2014-28).
- Auke Lake Ridge Subdivision – 6 residential lots sharing a 60 foot shared access, utilities, and drainage easement. (Plat No. 2013-29)
- Ferry Heights Subdivision No. 3 – 5 residential lots sharing access from Glacier Highway. (Plat No. 2013-29)
- Mansfield Crossing Subdivision – 5 residential lots, 3 of the lots share an access driveway, and the other two share one as well. (Plat No. 2010-34)
- Point Lena View Subdivision No. 4 – A four-lot subdivision, three of the lots share a driveway from Island View Drive. (Plat No. 2010-11)
- Belleview Subdivision – Common wall lots accessed through an easement on the adjacent property. (Plat No. 97-64) (Plat No. 99-42)
- Andsoh Subdivision – 9 total lots, 8 of which are accessed through shared easements. All lots provide the minimum amount of frontage on a maintained street. (Plat No. 2015-04).
- Forest Edge Condos – a 32-unit condo development (not a subdivision) that the entire development is accessed through another property
- North Douglas PUD – the entire 12-unit development is accessed through another property. A two-lot subdivision created the PUD parcel as well as the adjacent parcel through which the PUD has access to North Douglas Highway.

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

July 27, 2015, 5:00 PM.
City Hall Assembly Chambers

Assembly Worksession - No public testimony

I. ROLL CALL

Deputy Mayor Mary Becker called the meeting to order at 5:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Karen Crane, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis (teleconference), Merrill Sanford, Kate Troll and Debbie White.

Assemblymembers Absent:None.

Staff present: Kim Kiefer, City Manager; Amy Mead, City Attorney, Rob Steedle, Deputy City Manager; Laurie Sica, Municipal Clerk; Hal Hart, Community Development Director; Laura Boyce, Senior Planner.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. July 13, 2015 Committee of the Whole DRAFT Minutes

Hearing no objection, the minutes of July 13, 2015 were approved with grammatical and spelling corrections.

IV. AGENDA TOPICS

A. Ordinance 2015-03 (b) - An Ordinance Amending the Land Use Code (related to Subdivisions)

Hal Hart, Community Development Director, said that main changes to Subdivisions included: changing the definition of a minor subdivision from 1-4 lots to 1 - 13 lots, the requirements for public notice of subdivisions, the criteria for major subdivisions, how appeals of decisions regarding subdivisions would be handled, defining the purpose and intent of a public use lot and right of way acquisition lots, street construction standards for new subdivisions, privately maintained access roads in public rights of way, and defining remote subdivisions. These changes were intended to affect the cost of housing and they tied into who paid for costs of infrastructure - developer, property owner or municipality. He said that he and Senior Planner Laura Boyce were available to answer questions.

Ms. Boyce pointed out a second memo addressing private easements and private roads. There is a basic design requirement of subdivisions that each lot must provide a minimum of 30 feet of frontage on a maintained right-of-way, and depending on the zone, for example, 20 feet in an industrial zone. Ideally the access from the lot is direct to the street, but in some circumstances, that is not practical, and the access has been through an easement through other lots to a maintained driveway. Ms. Boyce said there were roughly six subdivisions pending that had shared access as a element proposed in the subdivision. She said in one case, DOT preferred to limit

driveways directly on to the right of way and preferred that the subdivision use the existing driveway on another adjacent lot. Ordinance 2015-03(b), a right of way must be dedicated and streets constructed (whether privately maintained or built to CBJ standards) for subdivision to occur when the right of way can't be physically accessed from the proposed lots, with the exception of panhandle subdivisions. She said a question for the Assembly was whether it would like to continue the practice of allowing alternate subdivision scenarios that are practical for the specific site. If so, Ordinance 2015-03(b) needed to be amended to include the option of subdivision through shared driveway easements. The Subdivision Review Committee met on July 22 and suggested ten criteria to allow, but limit the practice, as outlined in her memo dated July 23.

Ms. Mead said that in the new ordinance, the only time private easements would be allowed to act in lieu of a public right of way was in the case of the new roaded remote subdivisions. The current code requires 30 feet of frontage and direct and practical access, and the frontage is obtained by being on a public right of way, in 49.15.424. The Assembly needed to make policy calls: to determine it is no longer to require the frontage or read frontage separately from the direct and practical access requirement, or read direct and practical access in a way that is different that it has been historically understood to be vehicular access, or decide to keep the current proposed language and not move forward. The concepts in the memo had not been vetted and she did not know if it meshed well with the rest of the proposed ordinance. It was a significant issue and she asked for Assembly guidance.

Ms. Mead said another main issue left at the last Committee of the Whole meeting was regarding the privately maintained public roads on a public right of way. Because of the Accessory Apartment code change, the ADT (Average Daily Trips) currently in the proposed table no longer makes sense, and would allow privately maintained access roads in major subdivisions. The choice was to lower the ADT or eliminate the requirement that that privately maintained access roads could only be allowed in minor subdivisions.

Ms. Crane and Mr. Kiehl suggested getting feedback from the Planning Commission.

Ms. White said that private roads, and shared driveways in easements were very common in many other places and supported anything that could facilitate development of buildable lots.

Ms. Troll supported moving forward the shared driveway concept and was a practical application, and would like to hear from the Planning Commission.

Mayor Sanford agreed with Ms. Troll and Ms. White and said he did want to hear from the Planning Commission.

MOTION, by Sanford, to forward Ordinance 2015-03 for Assembly consideration.

Ms. Crane said she favored much of the ordinance but was concerned about removing the CDD Director's consideration of "neighborhood harmony" in his review of minor subdivisions. She was concerned about a lack of notice regarding minor subdivisions. She said she was unclear about the process for appeals with minor subdivisions.

Ms. Boyce said minor subdivisions would be approved by the Director, and Director's decisions were appealable to the Planning Commission, and subsequently to the Assembly. The Director could not deny an appeal.

Ms. Boyce said the subdivisions referred to in the proposed ordinance were those that complied with the zoning district within which the property was located, without special uses such as Planned Unit Developments or Cottage Housing Developments which would go before the Planning Commission. If the subdivision abutted a differently zoned district, the greater of the two setbacks would apply, allowing a greater buffer. The Director had discretion to add conditions.

Mr. Hart said that as the department conducted neighborhood plans, there was discussion up front with the community before applications came in so the issue of neighborhood harmony would be addressed "up front."

Ms. Troll said that the Assembly had done significant upzoning without neighborhood plans in place, so thought neighborhood harmony was an important consideration.

Ms. Mead said that neighborhood harmony applied in the case of a use of a property, and in subdivisions, it was a zoning issue and the time that neighborhood harmony came under consideration was when considering an increase in density. The subdivision of land would be done in accordance with the uses and configurations within the specific zoning district of the proposed subdivision.

The Assembly discussed the public notice requirements.

MOTION, by Gladziszewski, to amend Ordinance 2015-03(b) to require the following public notice of subdivision proposals: minor subdivision of 1-4 lots = abutting owners only, minor subdivision of 5-13 lots = property owners within 500 feet, and major subdivision of 14 lots or more = property owners within 500 feet.

Roll call:

Aye: Becker, Crane, Jones, Gladziszewski, Kiehl, Troll, Sanford.

Nay: Nankervis, White

Motion passed, 7 ayes, 2 nays.

Ms. Mead would review the code for consistency with the proposed change.

The Assembly discussed 49.15.230 Public Notice, regarding posting signs.

MOTION, by Kiehl, to amend Ordinance 2015-03(b) to delete the words in 49.15.230 (d), "if the proposed development in on the road system, the" and keep "The sign shall be visible from a public right-of-way."

Roll call:

Aye: Becker, Crane, Jones, Gladziszewski, Kiehl, Troll, Sanford

Nay: Nankervis, White.

Motion passed, 7 ayes, 2 nays.

Ms. Troll said she had a concern, shared by Mr. Jones, about lowering the standards for sidewalks and paved streets, and asked if this only set up the CBJ for bearing those costs in the future. She said those amenities improved neighborhood safety as well.

Mayor Sanford said the LID policy and code had to be amended to go hand in hand with the adoption of this ordinance. The Assembly had done some LID work for older subdivisions but it was time to revise the LID program. Ms. Gladziszewski and Mr. Nankervis said they supported reducing the up front development costs through lower infrastructure requirements but would like to see some setting of expectations of when public services could be requested or expected. Ms. White supported keeping some areas free of pavement and lights. The Assembly continued discussion on LID's and building to reduced standards.

Ms. Mead said Ordinance 2015-03(b) allowed for substandard streets to be built without any obligation for CBJ to improve those streets, but if amending to include a revised LID process, that would lead to some future expectation, and that would likely fall to the property owner, the CBJ and not the developer at a future date.

There was discussion about the changes to street standards, including street lighting. Ms. White and Ms. Gladziszewski expressed a preference to reduce the street lighting standards. Ms. Mead

said she would discuss the matter with Mr. Watt, as requirements were based on engineering standards.

Mayor Sanford referred to the issue regarding smaller subdivision and ADT. Ms. Mead referred to the table on page 52 of the Ordinance and explained how the last line in the table was no longer correct due to the changes in the accessory apartment code and the calculation of ADT.

Mr. Kiehl asked to shift the discussion to whether or not that privately maintained access road should be allowed. He did not support the concept as drafted in this ordinance, on page 31 of the ordinance, called, "Division 4. Privately Maintained Access in Rights-of-Way." The ordinance in 49.15.434, outlines the "Access Agreement," and he asked what would happen if the agreement ceased to perform its required functions. Ms. Mead said CBJ would need to sue individual homeowners to enforce the provisions of the ordinance, it would be an enforcement action. He said that seemed unlikely, and there would likely be residents that would want the street plowed and would ask the city to do that. Ms. Mead said that was an issue and the liability exposure was difficult to quantify. CBJ was not required to maintain all streets and can allocate resources. But when in this case maintenance is dictated to occur and if it is done negligently, it potentially exposes CBJ to liability. CBJ may find itself of needing to do the maintenance and address the issue after the fact. Ms. Mead said she spoke with brokers about availability of insurance to homeowners associations to cover the roadway and they believe it is available, but were unsure of the cost. It would only be available to a homeowners association, but she could not get clarity on whether there was a guarantee that it could be obtained.

Ms. Boyce said the concept came from the Housing Matrix generated from the discussion on housing and developers seeking ways to make development less expensive to get more affordable housing on the market.

Mayor Sanford said there were at least ten subdivisions that have these types of private access agreements, but those agreements are not standardized. This brings the discussion to back to ADT and a need to figure out how and who will be responsible for road development in the future, when growth continues and further subdivisions occur adjacent to these type of subdivisions with access agreements. This was one step in an effort to move forward for positive changes and reiterated that the LID process needed to be updated along with the subdivision code.

The Assembly discussed the scenario outlined in 49.15.343(a)(10) regarding when a development increases ADT beyond the limit for minor subdivisions, how shared costs of right-of-way upgrades would be apportioned. Mr. Palmer explained how "proportionate share" was based on the percentage increase in ADT. Mr. Palmer said the definition was a compromise between the first development and subsequent developments for determining share of the cost. Ms. Mead drew a diagram on the board for illustrative purposes.

The Assembly discussed the issue of when a roadway would be accepted as a publicly maintained road, and Ms. Mead said it was when the road was developed to CBJ maintenance standards. Mr. Jones said the ordinance as written did not clearly state that. Ms. Mead said that if the Assembly promoted a policy that the CBJ would eventually help pay for improvements, this section would need to be reworked. Either the homeowners would pay, or an LID could be requested and imposed. Ms. Mead said that subdivisions with privately maintained access roads could not create landlocked parcels and there must be alternative access to surrounding parcels in order for the subdivision with a privately maintained access to be allowed.

Mr. Hart said that these type of developments had been anticipated to potentially occur in the North Douglas area and he spoke about potential bench road development opening up land.

Ms. Boyce referred the Assembly to her June 12 memo, page 6, regarding a comparison of current street standards to proposed street standards, and the Assembly discussed this and asked for information on costs of paving / lighting.

Mr. Nankervis asked if CBJ was requiring anyone to create a privately maintained access road in a right-of-way and Ms. Boyce said it was an option. He asked how if the development on Back Loop Road last year with "hockey stick" shaped lots with one driveway to access the road was developed. Ms. Boyce said that subdivision was designed so that each lot fronted on Back Loop Road, but the six lots shared an easement with a required homeowners association as a condition of the subdivision, sharing maintenance. He asked how many such developments have asked for their situations to be improved or upgraded by CBJ. Ms. Boyce said she was not aware of any. Mr. Nankervis said he did not want perfect to be the enemy of good in getting long anticipated changes made. Mayor Sanford said he had seen issues regarding rights-of-way arise in the past.

Mr. Kiehl referred to packet page 21 and asked about streets standards outside of the urban service boundary. Ms. Boyce said that under current code there were options for gravel roads outside of the urban service boundary, and with the proposed ordinance it would call for either paving or creating a privately maintained access road. Ms. Mead said the gravel roadways currently allowed were publicly maintained and with the proposed ordinance there was no longer the urban/rural distinction, the standards were based on AD.

Ms. White reviewed a scenario of the Crow Hill Condos, phases 1,2 & 3, which was zoned D-18, and would currently allow for 33 units, however there were 78 units in existence. If built today, they would be more costly to build due to current building codes, and although this ordinance needed work, the Assembly needed to move forward to provide for more housing development.

Hearing no objection, the Committee requested that this matter be continued to its next meeting on Monday, August 3. Ms. Kiefer encouraged the members to save their printed materials for the next meeting.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

Hearing no objection, the Assembly agreed to cancel the August 10 Human Resources Committee and reschedule to August 17, at 5:15 p.m., to be followed by the Full Assembly sitting as the Human Resources Committee at 6 p.m. for interviews for a Docks and Harbors board seat, immediately followed by a Special Assembly meeting to make the board appointments.

VI. ADJOURNMENT

There being no further business before the committee, the meeting adjourned at 8 p.m

Submitted by Laurie Sica, Municipal Clerk

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

August 3, 2015, 5:00 PM.
City Hall Assembly Chambers

Assembly Worksession - No Public Testimony

I. ROLL CALL

Deputy Mayor Mary Becker called the meeting to order at 5:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Karen Crane, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Kate Troll and Debbie White.

Assemblymembers Absent: Maria Gladziszewski.

Staff present: Kim Kiefer, City Manager; Amy Mead, City Attorney, Rob Steedle, Deputy City Manager; Laurie Sica, Municipal Clerk; Hal Hart, Community Development Director; Laura Boyce, Senior Planner; Robert Palmer, Assistant Attorney.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. July 27, 2015 Committee of the Whole Draft Minutes

Hearing no objection, the minutes of the July 27, 2015 Committee of the Whole meeting were approved.

IV. AGENDA TOPICS

A. Executive Session - Update from BRH Regarding Joint Commission Audit

MOTION, by Kiehl, to enter into executive session to discuss topics, the immediate knowledge of which could be harmful to the finances of the City and Borough of Juneau, specifically the Bartlett Regional Hospital Joint Commission Audit. Hearing no objection, the Assembly entered into executive session at 5:03 p.m. and returned to regular session at 5:31 p.m.

Mr. Kiehl said that during executive session, the committee heard a report from Bartlett Regional Hospital regarding its Joint Commission Audit and the staff, including Chuck Bill, CEO, and several BRH Board members present, answered questions.

B. Draft Letter to State Marijuana Control Board on Set 2, Proposed Regulations

Mr. Kiehl said the Marijuana Committee recommended the draft letter provided by Ms. Mead. The goal is greater local control and we are hoping this is reflected in the final state recommendations. The main points of the letter were to request that the State Marijuana Control Board leave the following issues to the municipalities to regulate: the setting of buffers, the size and location of signs advertising the establishment and the decision to permit, or not, consumption on licensed premises. The letter also requested the Board adopt a regulation that requires notice to the local

governing body of applications for licenses, and supported the deference to local government's expertise in the matter of a protest of a license.

Mr. Jones said he was appointed to the State Marijuana Control Board and he had some conversation regarding any potential conflict of interest regarding his position as an Assemblymember. He reviewed the matters with Ms. Mead and based on the discussion he believed he did not have a conflict of interest in his role as an Assemblymember, and would follow the advice of the CBJ attorney. Ms. Mead said for purposes of sitting on the Assembly there was no conflict. As far as sitting on the board as an Assemblymember, testifying as an Assemblymember - this is the issue the state attorney to the board is looking at. Mr. Jones said that the Assembly is different than a private organization. If there eventually is a review of a local marijuana license, as a member of the Marijuana Control Board, he would recuse himself locally.

Ms. Becker asked if the state board had made any recommendation regarding the decision to permit, or not, the consumption on licensed premises. Mr. Jones said no. The Board had until November 27 to adopt regulations in total, and he thought the Board would act November 20. Ms. Becker said she did not support consumption on licensed premises or smoking parlors for marijuana. If the state did not allow this but if the city wants to have the option, which would take precedence? Mr. Jones said the initiative did not specifically address or allow consumption on premises. Until a change in state statutes, the regulations were leaning against it. Ms. Mead said the initiative was silent on marijuana smoking clubs. A few clubs in Anchorage state they are private clubs, they do not sell marijuana, they sell private memberships, marijuana is free for the members and that members of the public are not allowed. The state has not taken a position regarding whether this is an establishment that is open to the public. The second set of regulations prohibit consumption at a retail store. Currently there is no license for a marijuana smoking facility and she did not know if the Board could regulate that without further direction from the legislature. Currently, the only way a local government could allow that would be in a private club setting, and this is something that the initiative contemplated it would be left to the municipalities to decide. Municipalities could not conflict with state law and if state law said there was no consumption on any licensed premise, that would not address the private smoking club, and would be left up to the locality to regulate. It would prohibit someone consuming on a licensed premise.

Ms. Becker asked how the current smoking ordinance interfaced. Ms. Mead said the CBJ smoking ordinance prohibited smoking in any establishment that was licensed to sell food or alcohol, and did not prohibit smoking in a private club where food and alcohol were not for sale. The private club could not have more than four employees. A smoking club was allowed currently under the ordinance, within those parameters.

MOTION, by Troll, to forward the letter to the Marijuana Control Board. Hearing no objection, it was so ordered.

C. Ordinance 2015-03 (b) - An Ordinance Amending the Land Use Code (related to Subdivisions)

Mr. Steedle said that many years of work had gone into this ordinance. Last Monday, we identified a major defect in the ordinance before the Assembly in that it doesn't allow access to new subdivisions through private easements and private streets. Staff appreciated that the Assembly was receptive to considering this and requesting input from the Planning Commission. He said it would best serve the public to adopt this ordinance and not wait the 2-4 months for the Planning Commission's recommendations on that topic as it could be amended in the future.

Mr. Jones said that CDD was currently processing subdivisions in that manner contrary to this proposed ordinance and current code. Mr. Steedle said CDD would not process that type of subdivision access until the code was changed.

Ms. Mead said staff had taken the direction from the Assembly to facilitate development and housing through a rather restrictive code, and one of the ways was through a broad reading of

variances. We have many land use decisions that don't necessarily read well together, where we have used variances to make things happen, but it makes it difficult to make consistent, defensible decisions. We use variances very frequently, when they are supposed to be the exception. A variance for design was allowed, but a variance to construction standards was not allowed, and the distinction between the two has not been clear. This proposed code include access and frontage to a right-of-way are considered design standards and not construction standards, and the Assembly needed to determine if this was the course it wished to take. She recommended that access and frontage should be construction standards and to accommodate development, the standards required should be made easier to accomplish to facilitate development. This would allow more consistent and reliable guidance to the public.

Ms. Mead said there were two main issues that the Assembly needed to address: frontage requirements on a right of way, and whether lots need direct and practical access to a street. Did the Assembly want the standards imposed to be minimum standards or to be able to be varied. The current record of decisions were not consistent and equal protection challenges could be based upon one permit.

Ms. White asked what type of variances would no longer allowed and Ms. Mead said a variance to construction standards, which included streets standards. Setbacks were design standards and could be varied. Construction standards were the improvements one put in to a subdivision. Currently lots must have frontage to a right-of-way, which was a construction standard. Parking requirements were a construction standard. Ms. Mead said that frontage and direct and practical access can be read together to facilitate development, or separately, and this is the main question - what are the minimum standards that you want to require.

Ms. Boyce explained a drawing Mr. Palmer's provided of the conflict of frontage and direct and practical access. Mr. Steedle said staff would like to propose construction standards that make sense and are clear. He referred to the "hockey stick" subdivision off of Mendenhall Loop Road to illustrate that the requirement for road frontage did not always make sense.

Ms. Mead said she believed the frontage and direct and practical access issues needed to be vetted before the Planning Commission. This ordinance has been under review for so long, and the staff has turned over, the goals of the Assembly have become clear for housing and development, and we can bring back this issue after adoption of this ordinance. One issue to resolve before leaving this meeting would be to get direction from the Assembly on the variance question - should frontage and right-of-way requirement be able to be varied or is right-of-way frontage required until a change to the code is made. This should be a change to the proposed ordinance - whether or not to move this out of the design section.

Ms. Troll said she preferred that the private maintenance of public roads should be the exception rather than the rule. Ms. Mead said that was a huge issue that staff had discussed. Does the Assembly want to allow privately maintained access roads or not or should this be worked on further? If the Assembly is comfortable with a broad interpretation of the code through variances, that could continue. Alternatively, the Assembly could say that right-of-way frontage and the requirement for direct and practical access via a street is required as a minimum construction standard that cannot be varied. This proposed ordinance could move forward with that decision and future amendments could be made.

Ms. White said she supported being as flexible as possible to allow development, until her other questions could be answered and addressed.

Mr. Kiehl said he shared Ms. White's concern because these issues were not part of his thinking. He wished to maintain status quo until further consideration could be made.

Ms. Mead said based on Ms. White's and Mr. Kiehl's statement, that would allow leaving the frontage and direct and practice requirements in the design section in the proposed code and allowing variances to those, which was a change to current code, but not to current practice.

Ms. Becker agreed with this approach.

MOTION, by Sanford, to direct staff, as a high priority, to return this issue to the Assembly as soon as possible, regarding frontage, direct and practical access and variances. Hearing no objection it was so ordered.

Mr. Steedle said he understood that if the Assembly chooses to adopt this ordinance, variances will work, because they are in a section called design, which is a change to current code, but not to current practice.

Mr. Nankervis expressed his frustration with the "rabbit hole" of this issue, and Ms. Mead said it was a product of the "patchwork quilt" nature of this ordinance.

Mr. Kiehl asked why it was a good idea in street standards to erase the inside and outside the urban service boundary. We have built to this designation to date and why is that a good change.

Ms. Boyce said the street standards proposed were based on traffic and the measure of average daily trips. When and if the urban service boundary line moves, then there were conflicts. Mr. Hart said the key of the urban service boundary is where we invest for sewer and water. Encouraging development in neighborhoods which already have sewer and water was a key policy.

Mr. Kiehl said the character and nature of neighborhoods could be defined by the development. We keep discussing the cost of development, and if it should be done up front, later, or much later. Erasing the boundary doesn't make sense. Within the urban service boundary, people want a safe community, a walkable community. Outside of the urban service boundary I don't hear those demands, I hear people say they want dark night skies.

MOTION, by Kiehl, to amend the proposed ordinance to require paving outside of the urban service boundary only when the ADT exceeds 500 ADT.

Following discussion, Mr. Nankervis objected.

Roll call:

Aye: Crane, Kiehl, White

Nay: Becker, Jones, Nankervis, Troll, Sanford

Motion failed, 3 ayes, 5 nays.

MOTION, by Kiehl, to permit unpaved privately maintained access roads only outside of the urban service boundary.

Mr. Kiehl said this gets to the question of how costs are born and how neighborhoods would look. When neighborhoods ask for LID's, CBJ used everyone's taxes to subsidize the inexpensive home the original buyer bought. CBJ was paying for the infrastructure that should have been constructed originally. He was willing to allow privately maintained gravel roads outside of the urban service boundary. Within the urban service boundary, the CBJ would continue to receive requests for services from homeowners. CBJ had tried to create neighborhoods and encourage people to live in the more dense areas where it has invested in services. He was not requiring a sidewalk on every street but was reducing the impact on the treasury is important.

Following discussion, Mayor Sanford objected because the Average Daily Trip standard was sufficient.

Roll call:

Aye: Crane, Jones, Kiehl, Troll, White

Nay: Becker, Nankervis, Sanford.

Motion passed, 5 ayes, 3 nays.

Following a recess in the meeting, Ms. White asked for clarification of the action taken by the last motion. Ms. Mead said that the committee added a requirement to the table on page 52 of the

proposed ordinance that privately maintained access roads would be allowed only outside of the urban service boundary. Ms. Mead said this would not change road standards in the valley, where gravel roads were not allowed due to air quality standards.

Mr. Steedle asked for clarification. He said he understood that when the Assembly passed the ordinance, 30 days after, those subdivisions which people sought variances for because they did not have direct and practical access would be allowed to move forward through the process. Parallel to that, the Planning Commission would take up a proposal from staff on how to move away from variances, toward having criteria under which subdivisions can be considered for lots which do not have direct and practical access. There was no objection to that from the Assembly.

Mr. Jones said given the significant changes and as people get used to the changes, he hoped part of the analysis of individual subdivisions would be review and approval by law. Ms. Mead said that the Law Department did not vet the subdivisions or any development permits now.

Mr. Nankervis expressed his appreciation of the work of staff and the Planning Commission and if this was passed there would be a number of reductions of issues that needed to go before the Planning Commission.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

None.

VI. ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 7:35 p.m.

Submitted by Laurie Sica, Municipal Clerk

Laura Boyce

From: Dan Jager
Sent: Friday, June 26, 2015 9:36 AM
To: Laura Boyce; Sven Pearson
Cc: Beth McKibben
Subject: RE: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Laura. I agree with the requirements and the applicant meeting the IFC requirements by installing fire sprinkler systems in each structure that is built. Since they agree to doing this as stated in the letter from Mr. Pusich, this subdivision is good to go as far as IFC goes. If the applicant does not install the systems as required, then there will be fire code issues that must be dealt with. Hope this helps.

Dan

Daniel M. Jager EFO, IAAI-CFI
Fire Marshal



Capital City Fire Rescue
820 Glacier Avenue
Juneau, Alaska 99801
907-586-0260 (Office)
907-586-8323 (Fax)

*"If it is predictable, then it is preventable.
If it is preventable then it is not an accident".*

From: Laura Boyce
Sent: Friday, June 26, 2015 8:32 AM
To: Sven Pearson; Dan Jager
Cc: Beth McKibben
Subject: FW: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040
Importance: High

Good morning,

I'm sorry to bother you again, but I really need a response from Fire about this subdivision, preferably today. Monday would be the absolute latest that I can incorporate your comments into the staff report.

Thank you!

Laura

From: Laura Boyce
Sent: Wednesday, June 24, 2015 3:03 PM
To: Sven Pearson; Dan Jager
Subject: FW: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040
Importance: High

Good afternoon,

Can you please provide comments about this project as soon as you can? According to their application, they state that they have approval from fire to only have a 20 foot wide easement to access these six lots (three two-unit common wall buildings) but they will sprinkle the buildings.

I'm trying to wrap up the staff report for the Planning commission this week. It's a major subdivision request.

Thank you!

Laura

From: Laura Boyce
Sent: Thursday, May 14, 2015 11:37 AM
To: Ron King; Dan Jager; Sven Pearson; Quinn Tracy; Heidemann, Marie E (DOT) (marie.heidemann@alaska.gov); 'Eric Eriksen (eric.eriksen@aelp.com)' (eric.eriksen@aelp.com); Ed Foster; Samantha Stoughtenger; Charlie Ford
Cc: Allison Eddins
Subject: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040

Good morning,

Attached please find the application materials for a proposed six-lot major subdivision that will ultimately have three two-unit common walls constructed. The total six lots will be reviewed now, but initially the three "master parcels" will be created. Those three parcels will be subdivided when the common wall development is completed. The proposed plat is located on the last page of the application package.

Access to the parcel is through an existing access easement.

Please provide comments to me by Tuesday, May 26th. If you need additional information from the applicant for your review, please let me know as soon as possible.

Please contact me directly with any questions.

Laura A. Boyce, AICP
Senior Planner

City and Borough of Juneau
907.586.0753

laura.boyce@juneau.org

Laura Boyce

From: Dan Jager
Sent: Monday, June 29, 2015 1:19 PM
To: Ron King
Cc: Laura Boyce; Sven Pearson; Hal Hart; John Bohan
Subject: Re: RE:
Attachments: image004.png; image005.png; image006.jpg; image007.png

Follow Up Flag: Follow up
Flag Status: Flagged

If the road is serving three or more structures, or if it more than 150 feet in length then it must be minimum of 20 feet wide. If there are less than three structures currently then the road requirements and turn around do not kick in until a third structure is built. Does this help?

Dan

Sent from my iPhone

On Jun 29, 2015, at 1:04 PM, Ron King <Ron.King@juneau.org> wrote:

Under the NO it states: Fire apparatus road not required, however road width must be 20 ft. The CBJ Engineering Specifications and Standard Details do not have minimum width requirement for driveways. Are you referring to the road that connects to the driveway or are you saying the driveway must be 20ft minimum?



Ron King PLS

General Engineering
907-586-0881

From: Dan Jager
Sent: Monday, June 29, 2015 9:54 AM
To: Laura Boyce
Cc: Ron King; Sven Pearson
Subject: FW:

Good morning Laura. Here is a basic info sheet that Sven Pearson, Deputy Fire marshal created. It gives the requirements for apparatus access roads and signage etc. Let me know if this is what you are looking for or if there is something else I can provide to help with your report? Thanks!

Dan

From: Sven Pearson
Sent: Monday, June 29, 2015 9:51 AM
To: Dan Jager
Subject:

<http://www.juneau.org/ccfr/Apparatusaccesshydrantsignage.htm>

Sven J. Pearson
Deputy Fire Marshal



Capital City Fire/Rescue
820 Glacier Avenue
Juneau, Alaska 99801
(907) 586-0642 (Office)
(907) 586-8323 (Fax)

Visit us on the web at:

<http://www.juneau.org/ccfr/firemarshalsoffice>



<103A.pdf>

Laura Boyce

From: Ed Foster
Sent: Wednesday, May 27, 2015 6:35 PM
To: Laura Boyce
Subject: RE: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040

Streets and Fleet Division has no issue with this proposal.

Ed

From: Laura Boyce
Sent: Wednesday, May 27, 2015 4:45 PM
To: Ron King; Dan Jager; Sven Pearson; Marie Heidemann (mariewendel@gmail.com); 'Eric Eriksen (eric.eriksen@aelp.com)' (eric.eriksen@aelp.com); Ed Foster; Samantha Stoughtenger; Charlie Ford
Cc: Allison Eddins
Subject: FW: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040
Importance: High

Good afternoon,

If you have comments about this proposed subdivision located on North Douglas, please let me know as soon as possible. Access to the proposed six lots will be through an access easement through two other properties.

If you require additional information or have questions, please let me know as soon as possible.

Thank you,

Laura

From: Laura Boyce
Sent: Thursday, May 14, 2015 11:37 AM
To: Ron King; Dan Jager; Sven Pearson; Quinn Tracy; Heidemann, Marie E (DOT) (marie.heidemann@alaska.gov); 'Eric Eriksen (eric.eriksen@aelp.com)' (eric.eriksen@aelp.com); Ed Foster; Samantha Stoughtenger; Charlie Ford
Cc: Allison Eddins
Subject: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040

Good morning,

Attached please find the application materials for a proposed six-lot major subdivision that will ultimately have three two-unit common walls constructed. The total six lots will be reviewed now, but initially the three "master parcels" will be created. Those three parcels will be subdivided when the common wall development is completed. The proposed plat is located on the last page of the application package.

Access to the parcel is through an existing access easement.

Please provide comments to me by Tuesday, May 26th. If you need additional information from the applicant for your review, please let me know as soon as possible.

Please contact me directly with any questions.

Laura A. Boyce, AICP
Senior Planner

City and Borough of Juneau
907.586.0753

laura.boyce@juneau.org

Laura Boyce

From: Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>
Sent: Monday, June 01, 2015 11:29 AM
To: Laura Boyce
Subject: FW: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040
Attachments: Driveway Approach Details, REV. 5-15-2015.pdf

Laura,

I haven't received many comments from anyone here. Only that they should have an issued driveway permit prior to construction.

Thanks,
Marie

From: Haynes, Emily R (DOT)
Sent: Thursday, May 28, 2015 9:24 AM
To: Heidemann, Marie E (DOT); Trousil, Robert E (DOT); Carroll, Lawrence P (DOT); Epstein, David B (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Gray, Scott J (DOT)
Subject: RE: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040

Also, sheet C-5 has been changed (per our requirements). Here is the updated driveway plan.

Emily

From: Haynes, Emily R (DOT)
Sent: Thursday, May 28, 2015 9:23 AM
To: Heidemann, Marie E (DOT); Trousil, Robert E (DOT); Carroll, Lawrence P (DOT); Epstein, David B (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Gray, Scott J (DOT)
Subject: RE: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040

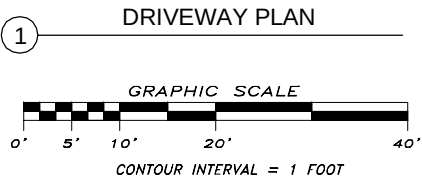
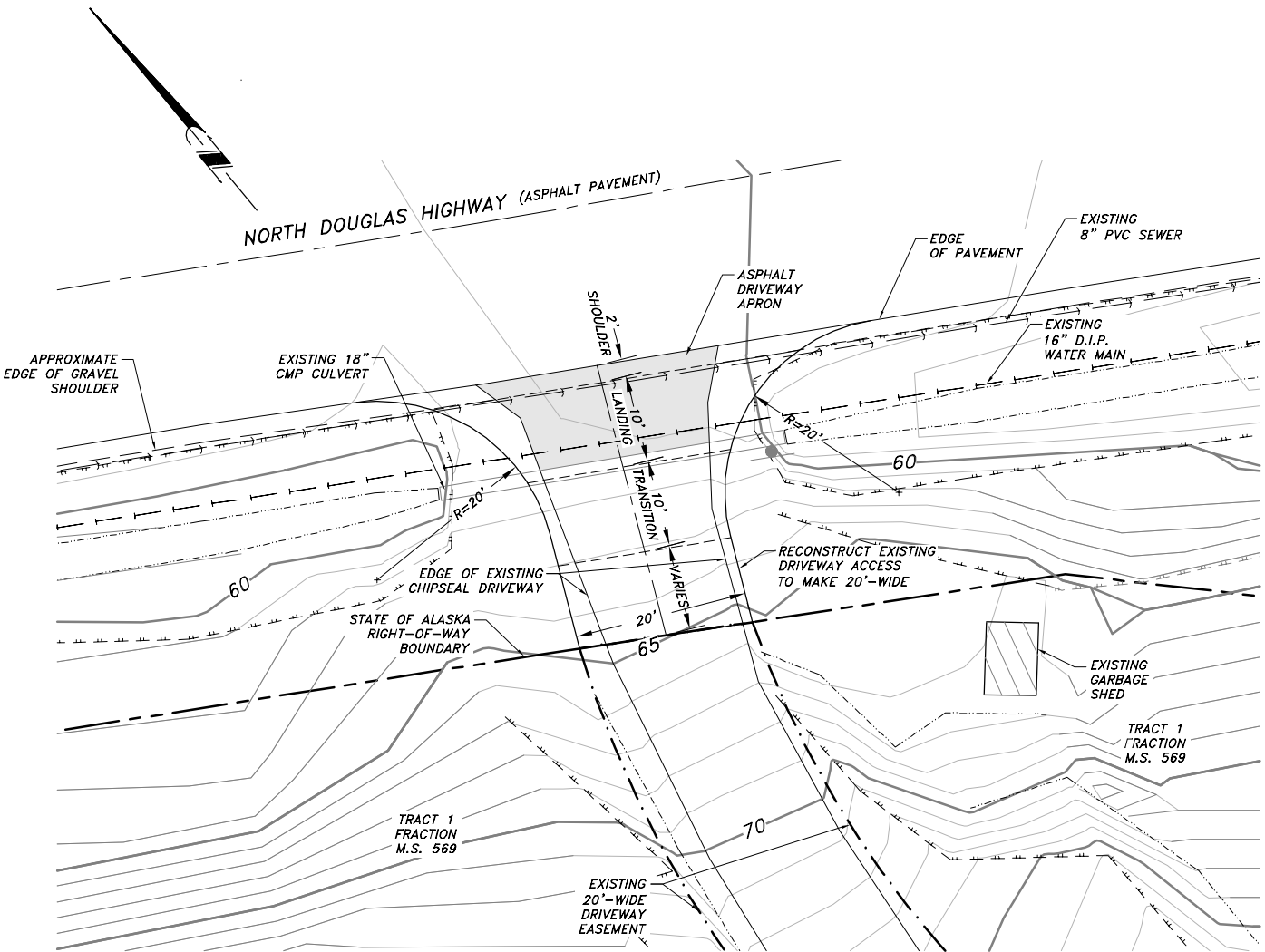
Marie,

I completed a driveway permit for this project last week (am waiting on the retainer and signatures). My only comment would be that they receive an issued permit from us for the driveway prior to construction.

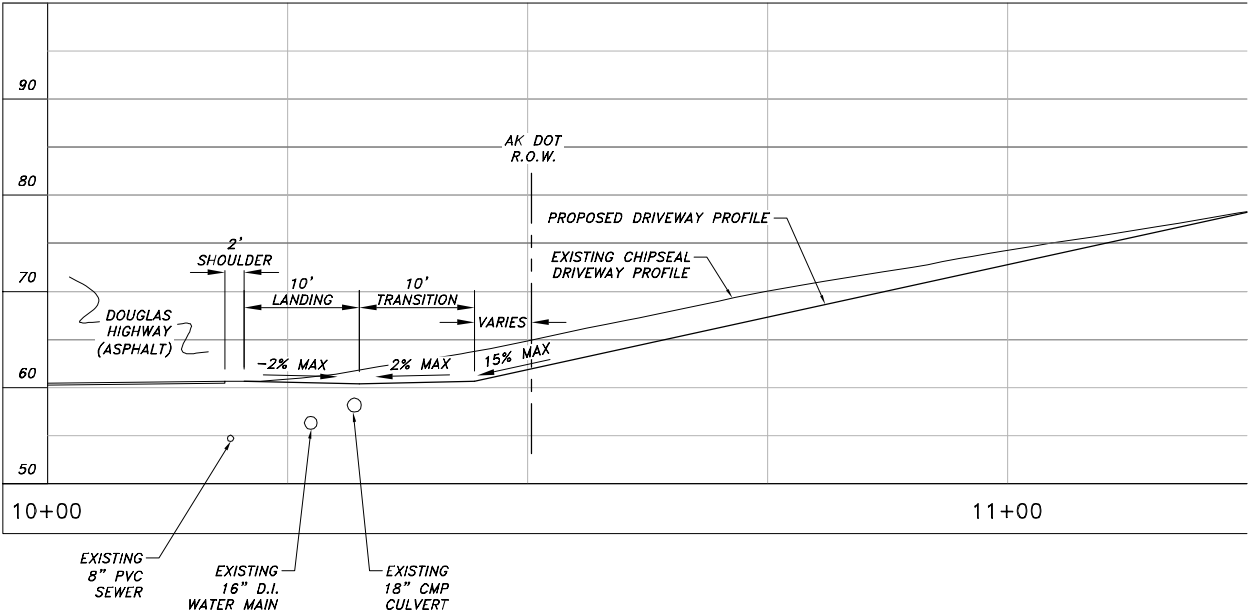
I also now understand why they were so opposed to our requests to widen the driveway...

Emily

From: Heidemann, Marie E (DOT)
Sent: Thursday, May 28, 2015 8:47 AM
To: Haynes, Emily R (DOT); Trousil, Robert E (DOT); Carroll, Lawrence P (DOT); Epstein, David B (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Gray, Scott J (DOT)
Subject: Request for comments for a proposed six-lot (three two-unit common walls) subdivision on North Douglas Highway - Parcel #6D0601010040



NOTE:
GRADE FORESLOPES TO HAVE 1:4 MAX SLOPE.



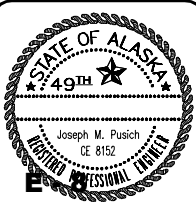
2 DRIVEWAY PROFILE
N.T.S.

I:\2014\141740\Drawings\141740-Site Plan.dwg PLOT: May 15, 2015 at: 1:28pm Jgraves

DESIGN	JMP
DRAWN	JAG
CHECK	JMP
APPROVED	JMP
FILE:	

No.	DATE	REVISION	BY	APRVD.

DRIVEWAY APPROACH
DETAILS



R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
6205 GLACIER HIGHWAY Phone 907-780-6060
JUNEAU, AK. 99801 Fax 907-780-4611
rmengineering@rmjuneau.com

SADMECH SUBDIVISION
SITE IMPROVEMENTS

CITY AND BOROUGH OF JUNEAU , ALASKA

DATE:	MAY 15, 2015
R&M NO.	141740
SHEET	C5.0

Please send comments my way, as soon as possible. Her original email kicked back so we never got it in time. I'll try to send her comments tomorrow afternoon if I get responses back quickly enough.

Thanks much.

Good morning,

Attached please find the application materials for a proposed six-lot major subdivision that will ultimately have three two-unit common walls constructed. The total six lots will be reviewed now, but initially the three "master parcels" will be created. Those three parcels will be subdivided when the common wall development is completed. The proposed plat is located on the last page of the application package.

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Please provide comments to me by Tuesday, May 26th. If you need additional information from the applicant for your review, please let me know as soon as possible.

Please contact me directly with any questions.

Laura A. Boyce, AICP

Senior Planner

City and Borough of Juneau

[907.586.0753](tel:907.586.0753)

Marie Heidemann
Transportation Planner
Southcoast Region, ADOT&PF
465-1775

Laura Boyce

From: Ron King
Sent: Thursday, September 10, 2015 12:23 PM
To: Laura Boyce
Subject: OLMO Subdivision

Laura, I fully support the OLMO Subdivision and I encourage Planning Commission Approval. The access as eased for this subdivision is the only practical route for serving the development. Due to the slope of the embankment on Douglas Hwy there is no practical, direct route for access from the right of way as the gradient would be too steep and unacceptable.

I sincerely hope the Planning Commission understands the need to allow a practical common access especially if the CBJ intends on developing hillside properties in an affordable manner or at all.

Ron King PLS

General Engineering
907-586-0881



Community Development

City & Borough of Juneau • Community Development
 155 S. Seward Street • Juneau, AK 99801
 (907) 586-0715 Phone • (907) 586-4529 Fax

DATE: March 15, 2016

TO: Board of Adjustment

FROM: Laura A. Boyce, AICP, Planner *Laura A Boyce*
 Community Development Department

SUBJECT: Supplement package to the VAR2015 0030 staff report

Since the variance (VAR2015 0030) staff report was prepared, additional staff memos and public correspondence were provided to the Planning Commission about the project. This package includes those previously sent items, along with additional correspondence received from the applicant. Those items are outlined below. Following that list, staff prepared some questions that should help the Board of Adjustment reach a decision regarding the proposed variance request.

Along with the guidance provided by staff below, included in this package are the following:

- March 4, 2016, memo from the CBJ Law Department to the Planning Commission and Community Development Department providing an overview of variances, 1 page.
- March 7, 2016, memo from the CBJ Community Development Department to the Board of Adjustment (Planning Commission) regarding subdivisions along arterial roadways, pages 1 to 11.
- March 8, 2016, memo from the CBJ Law Department to the Board of Adjustment and Community Development Department regarding subdivisions along arterial roadways, pages 1 to 2.
- March 8, 2016, letter from R&M Engineering to the Planning Commission regarding the staff report, pages 1 to 4.
- March 8, 2016, letter from the owners of adjacent Tract 1, USMS 569, regarding the proposed variance, pages 1 to 2.
- March 14, 2016, letter from R&M Engineering responding to the March 8th letter from the adjacent owners, pages 1 to 6.
- March 15, 2016, letter from Haifa Sadighi, the applicant, to the Planning Commission, pages 1 page.

Reaching a Decision on the Variance – Questions for Consideration

The Board of Adjustment is being asked to determine what the appropriate Title 49 frontage and access requirements are applicable to the subject property. The Board of Adjustment needs

Board of Adjustment Public Hearing

March 15, 2016

Page 2 of 3

to address the relationship, if any, between CBJ 49.15.424 and CBJ 49.35.210(b) to the subject property. Ultimately, the Board of Adjustment needs to decide whether to grant the variance.

The following questions should help the Board of Adjustment reach a decision on this application:

- What is the relationship, if any, between the frontage and access requirements of CBJ 49.15.424 and CBJ 49.35.210(b)? Are they connected?
 - o If these two requirements are connected, then is CBJ 49.35.210(b) a construction standard?
 - If CBJ 49.35.210(b) is a construction standard, is it variable? Note that CBJ 49.20.250(b) states that construction standards are not variable, and CBJ 49.35.130(b) states that the Director of Engineering may grant relief from construction standards in certain situations.
 - If CBJ 49.35.210(b) is variable, then what other public improvement requirements in CBJ 49.35 are variable?
 - If CBJ 49.35.210(b) is not variable, then the subject property cannot be subdivided because it is already smaller than the required minimum D-1 lot size.
 - If CBJ 49.35.210(b) is not a construction standard, what is this requirement? Is it a design standard? If it is a design standard, can it be varied? If it can be varied, then this variance decision needs to include findings for the frontage and access requirements of CBJ 49.35.210(b) and CBJ 49.15.424.
 - o If CBJ 49.15.424 is not connected with CBJ 49.35.210(b), then this variance decision needs to include findings describing why CBJ 49.35.210(b) does not apply.

The Land Use Code, Title 49, sections referenced above are as follows:

CBJ 49.15.424 Access

(b) Publicly maintained access within a subdivision. Unless otherwise provided, all lots must either have direct and practical access to, and a minimum of 30 feet of frontage on, the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished by:

- (1) Dedication of a new right-of-way with construction of the street to public standards. This street must connect to an existing publicly maintained street;
- (2) Use of an existing publicly maintained street;
- (3) Upgrading the roadway within an existing right-of-way to public street standards. This existing right-of-way must be connected to another publically maintained street; or
- (4) A combination of the above.

CBJ 49.35.210(b)

(b) Major and minor arterials. Except as provided in subsection (3) of this section, if a new subdivision involves frontage along an arterial street:

Board of Adjustment Public Hearing

March 15, 2016

Page 3 of 3

- (1) The plat shall note that no lots shall access directly onto the arterial;
- (2) Access shall be provided onto an interior access street or a separate frontage road.
- (3) A parcel of land with less than 500 feet of frontage on a street, or with less than 350 feet in depth may be subdivided so as to allow access directly onto a minor arterial street if all of the following conditions are met:
 - (A) All of the resulting lots must meet the minimum lot area standard for a single-family dwelling in the D-1 zoning district (36,000 square feet).
 - (B) All of the lots must share a common access point and further subdivision of the newly created lots is not allowed.
 - (C) Common access to all lots is required and back out parking is prohibited. The applicant must submit a plan that shows the feasibility of off street parking for all lots and an adequate area for a turnaround to prevent back out parking.
 - (D) The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, all of which must be acceptable to the director, that ensures the required common access will be constructed and maintained by the property owners.
 - (E) The proposed subdivision must meet all other applicable subdivision standards and requirements.



MEMORANDUM

DATE: March 4, 2016
 TO: Board of Adjustment and Community Development Department
 FROM: Robert H. Palmer III, Assistant Municipal Attorney *RHP*
 SUBJECT: Overview of Variances, CBJ 49.20.200-270

The following guidance is offered as the Board of Adjustment considers VAR2015-0030.

Title 49 has two types of permits that may be confusing: the conditional use permit (49.15.330) and the variance (49.15.200-270). A conditional use permit is decided by the Planning Commission and authorizes—if appropriate—an applicant to have a use that is permitted by the Table of Permissible Uses (49.25.300). In contrast, the variance is decided by the Board of Adjustment and authorizes—if warranted—an applicant to violate a design or dimensional provision of Title 49 that applies to everybody else. Thus, a conditional use permit allows a use that is expressly permitted, but a variance allows a development that is expressly prohibited.

Although a variance allows a person to violate the law, variances are necessary in very limited circumstances. The variance tool is supposed to provide relief to a property owner only when Title 49 would otherwise result in an unreasonable regulatory burden because of unique physical characteristics of the property. So long as there is some opportunity for development of the property, there is generally no justification for a variance.

The staff report for VAR2015-0030 describes the variance criteria of CBJ 49.20.250. The Alaska Supreme Court, in a prior CBJ case affirming the denial of a variance, stated the regulatory burden the applicant sought relief from must result from a unique physical condition of the land that distinguishes it from other land in the general area. *City & Borough of Juneau v. Thibodeau*, 595 P.2d 626 (Alaska 1979); *E & F Associates, LLC v. Town of Fairfield*, 127 A.3d 986 (Conn. 2015); 3 Rathkopf's 58:20 (4th ed.); 8 McQuillin Mun. Corp. § 25:179.37 (3d ed.). CBJ 49.20.250(b) incorporates the *Thibodeau* uniqueness requirement.

The *Thibodeau* court further explained that a variance is not warranted when application of Title 49 deprives the applicant of a more profitable development because that would lead to an inequitable application of Title 49. Unless the applicant can show an extraordinary physical situation of the property to warrant the extraordinary variance remedy, the applicant's only recourse is for the Assembly to amend Title 49 or for the applicant to comply with Title 49 like other similarly situated people.

In summary, a variance is an extraordinary remedy to preserve the constitutionality of Title 49.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: March 7, 2016

TO: Board of Adjustment

FROM: Laura A. Boyce, AICP, Planner 
Community Development Department

SUBJECT: Text Interpretation of whether CBJ 49.35.210(b) applies to the proposed Olmo subdivision (subdivision along arterial roadways) (VAR2015 0030)

CBJ 49.20.300 authorizes the Board of Adjustment to interpret the Land Use Code text.

"The board of adjustment is authorized to ... the text of this title ... and similar questions presented by the department or a property owner directly concerned".

Staff seeks input from the Board of Adjustment regarding CBJ 49.35.210(b) and its applicability to the proposed property on North Douglas Highway of the subject variance (VAR2015 0030).

49.35.210 Street system.

(a) *[In general.] Subdivision street systems shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:*

(1) The street system shall provide for connecting streets into adjoining unsubdivided lands.

(2) Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays on major streets (arterials and major collectors), to minimize bypass and through trips on residential streets, and to increase the number of local street connections facilitating safer bicycle and pedestrian travel.

(3) Traffic calming should be taken into account in street layout and design.

(b) *Major and minor arterials. Except as provided in subsection (3) of this section, if a new subdivision involves frontage along an arterial street:*

(1) The plat shall note that no lots shall access directly onto the arterial;

(2) Access shall be provided onto an interior access street or a separate frontage road.

(3) A parcel of land with less than 500 feet of frontage on a street, or with less than 350 feet in depth may be subdivided so as to allow access directly onto a minor arterial street if all of the following conditions are met:

- (A) *All of the resulting lots must meet the minimum lot area standard for a single-family dwelling in the D-1 zoning district (36,000 square feet).*
- (B) *All of the lots must share a common access point and further subdivision of the newly created lots is not allowed.*
- (C) *Common access to all lots is required and back out parking is prohibited. The applicant must submit a plan that shows the feasibility of off street parking for all lots and an adequate area for a turnaround to prevent back out parking.*
- (D) *The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, all of which must be acceptable to the director, that ensures the required common access will be constructed and maintained by the property owners.*
- (E) *The proposed subdivision must meet all other applicable subdivision standards and requirements.*
- (c) *Collector streets. Collector streets in adjoining subdivisions shall be continued in the new subdivision as needed.*
 - (1) *Major collectors. Except as provided in subsection (C) of this section, if a new subdivision involves frontage along a major collector street:*
 - (A) *The plat shall note that no lots shall access directly onto the major collector.*
 - (B) *Access shall be provided onto an interior access street or a separate frontage road.*
 - (C) *Exception a parcel of land with less than 500 feet of frontage or less than 350 feet of depth may be subdivided so as to allow access directly onto a major collector street.*
 - (2) *Minor collectors. Access for lots is allowed directly onto minor collector streets if no other restrictions apply.*

CBJ 49.35.210(b) are design requirements for subdivisions that front directly on a publicly maintained arterial street. The Community Development Department received a variance application for a proposed six-lot subdivision along North Douglas Highway, a designated minor arterial roadway according to the CBJ's adopted Roadway Classification Map (see attached). The variance application (VAR2015 0030) is for relief from the requirement for direct access from a proposed subdivision to a publicly maintained right-of-way. The property has indirect access through an existing 20 foot wide private easement to the publicly maintained right-of-way (North Douglas Highway). Staff believes that the associated variance negates the applicability of CBJ 49.35.240(b) in this instance because the relief sought by the variance, if approved, would result in the applicant using the indirect access for the proposed subdivision and would not be creating direct access.

While the subject parcel has frontage (the side of lot abutting a street; the front lot line) on North Douglas Highway, a CBJ-designated minor arterial roadway, the applicant's variance request is for relief from the requirement for direct access. Direct access to the publicly

maintained street would not occur through the subject parcel, if the variance is approved. The access would be indirect, through an existing private easement on adjacent property.

If the associated variance isn't approved, then the applicant, in order to subdivide, would need to comply with CBJ 49.35.210(b).

Staff is requesting that the Board of Adjustment determine if the subdivision requirements in CBJ 49.35.210(b) are applicable to the proposed Olmo subdivision project. Staff does not believe they are.

Background

The History of the Current Arterial and Collector Subdivision Requirements

CBJ 49.35.210(b), prior to the now effective Ordinance No. 2015-03 subdivision changes, was located in Chapter 40, *Access, Parking, and Traffic*. With the Ord. 2015-03 changes, these access-related code requirements moved to Chapter 35, *Public Improvements*, and were placed in the Streets section. Access management, traffic, and street design are related, however, traffic requirements remain in Chapter 40 and did not move to the Public Improvements chapter.

Prior to 1991, no subdivisions were allowed along arterial roadways unless an interior road or separate frontage road was constructed. In 1991, a code change provided relief from this street construction standard for smaller lot subdivisions. The change was instigated by a proposed four-lot subdivision along Back Loop Road (Lake Creek Subdivision, see below), a designated minor arterial roadway. At the time, subdivision with direct access to an arterial could only occur if a separate frontage street or an interior access street was platted and constructed. The Manager's Report for Ordinance No. 91-13 that resulted in this Code change states:

"The Planning Commission has been working for some time on the question of how to facilitate the subdivision of relatively large tracts of land into a relatively few number of parcels under circumstances where the present improvement standards are burdensome for the affected property owners, and where minimal public safety and other planning issues can be adequately addressed by other means. Presently the land use code prohibits subdivision of land fronting on a minor arterial street unless a interior access street or a separate frontage road is provided. This ordinance would allow land with frontage directly along a minor arterial street to be subdivided so as to allow access directly onto the arterial street under certain conditions. The ordinance addresses the safety issue by limiting the number of access points that would be permitted. Also, the ordinance would require a large lot size and includes provisions to assure that the access would be functional and maintained."



The CBJ's Roadway Classification Maps

In 2006, the CBJ adopted Roadway Classification Maps (Ordinance No. 2006-15). The CBJ adopted the then-current roadway classification maps used by the State of Alaska Department of Transportation (AkDOT) for roads in the CBJ. In 2011, the AkDOT updated the functional classification maps and changed many of the CBJ road classifications, including North Douglas Highway. The AkDOT now classifies North Douglas Highway as a minor collector roadway. The CBJ was not included in the AkDOT update process.

In 2013, the CBJ did amend its Roadway Classification Maps (AME2013 01) to update the classifications of two roads, Auke Bay Bypass Road and a portion of Old Glacier Highway. That update was necessitated to facilitate a proposed subdivision in that area and it brought those two portions of road back into consistency with the AkDOT classification; the CBJ did not update the entire map series at that time to once again match the AkDOT classifications.

The subdivision changes now effective in Code by Ordinance No. 2015-03 added "minor collector" as a type of road where subdivisions could directly access roadways. However, the Roadway Classification Maps have not yet been updated to implement that type of classification. The AkDOT functional classifications include minor collectors, but the CBJ does not currently.

Access Management Overview

The purpose of access management is to manage access along roadways. An access point is where a conflict can result with the roadway by another street or a driveway. Roadways serve two primary travel purposes:

1. Accessibility - access to and exit from specific locations, and
2. Mobility - travel movement.

The roadway mobility function is to move vehicles from place to place. Arterial roads have higher mobility and a low degree of access (reduced access points so that vehicles can keep moving). Local streets have high accessibility (many access points, e.g., many houses along a street) and low mobility (low speeds, more stopping of vehicles along the street as cars turn in and leave from access points). Major arterial roads have high mobility and low accessibility. Collectors are a balance between accessibility and mobility. North Douglas Highway is the only street that provides access to north and west Douglas until another street is constructed, such as the bench road. Currently, CBJ classifies North Douglas Highway as a minor arterial roadway, meaning that there are accessibility limitations and a higher degree of mobility, while the Alaska DOT downgraded it in 2011 to a minor collector roadway.

Understanding the D-1 zone district lot size standard for proposed subdivisions with direct access to arterial roads (CBJ 49.35.210(b)(3))

In 1991, the Land Use Code was amended to allow for subdivisions along minor arterials. Larger tracts of land with less than 500 feet of frontage or 350 feet of depth could be subdivided with a shared driveway that would be privately maintained (along with other requirements, see CBJ 49.35.210(b)(3)), as long as the lot sizes were a minimum of the D-1 lot size (36,000 square feet). Dimensional standards for D-1 residential zoned lots require a minimum of 36,000 square feet in size. The minimum standard for both lot depth and width are 150 feet. This means that as many as six lots could be subdivided along an arterial road with only a shared private driveway for access.

When this requirement was added to Code, it was due to a particular proposed subdivision along an arterial road located in the D-1 and D-3 zone districts. Water and sewer were not available to the property. Limiting the lot size would also limit the traffic generated from that property. Single-family zone districts are the majority of residential zone designations along arterial roads. Few parcels are zoned for multi-family or commercial. As stated in the above Manager's Report for the change, large lot sizes would "limit the amount of development". That requirement has the effect of limiting development for single-family zone districts, but it does not when properties are zoned multifamily or commercial. In multifamily zone districts, density is determined by the lot area; density is not affected by requiring D-1 lot sizes.

The examples below illustrate how the D-1 lot size requirement results in density for single-family zoned lots as well as multifamily. For single-family zoned parcels, limiting the lot size to D-1 dimensional standards results in less density. However, for a multi-family zoned parcel, it

Board of Adjustment Public Hearing
 March 7, 2016
 Page 6 of 7

does not result in less density. The D-1 lot size requirement to limit density does not provide the desired results in multifamily zoned districts. For access management purposes, requiring a D-1 lot size standard for multifamily zoned parcels does not result in less traffic generated.

D-18 zone district example	Original Lot Size – 150,000 sq. ft.	D-1 lot size – 36,000 square feet minimum	D-18 lot size minimum – 5,000 square feet
No. of Lots	1	4 lots at 37,500 sq. ft. each	30 lots at 5,000 sq. ft. each
Resulting Density	62 dwelling units	4 lots with 16 dwelling units each = 64 dwelling units (Code says you can add up) MOST	30 lots with 2 dwelling units each = 60 dwelling units LEAST

D-5 zone district example	Original Lot Size – 150,000 sq. ft.	D-1 lot size – 36,000 square feet minimum	D-5 lot size minimum – 7,000 square feet *
No. of Lots	1	4 lots at 37,500 sq. ft. each	21 lots at 7,000 sq. ft. each
Resulting Density	2 single-family dwelling units with 1 accessory apartment allowed by right	4 lots with 1 single-family dwelling unit and 1 accessory apartment each = 4 homes and 4 apartments LEAST	30 lots with 1 single-family dwelling unit and 1 accessory apartment each = 30 single-family dwelling units with 30 accessory apartments each MOST

D-3 zone district example	Original Lot Size – 150,000 sq. ft.	D-1 lot size – 36,000 square feet minimum	D-3 lot size minimum – 12,000 square feet *
No. of Lots	1	4 lots at 37,500 sq. ft. each	12 lots at 12,500 sq. ft. each
Resulting Density	2 single-family dwelling units with 2 accessory apartment allowed by right	4 lots with 2 single-family dwelling units and 4 accessory apartments each = 8 homes and 4 apartments LEAST	12 lots with 1 single-family dwelling unit and 1 accessory apartment each = 12 single-family dwelling units with 12 accessory apartments each MOST

SUMMARY

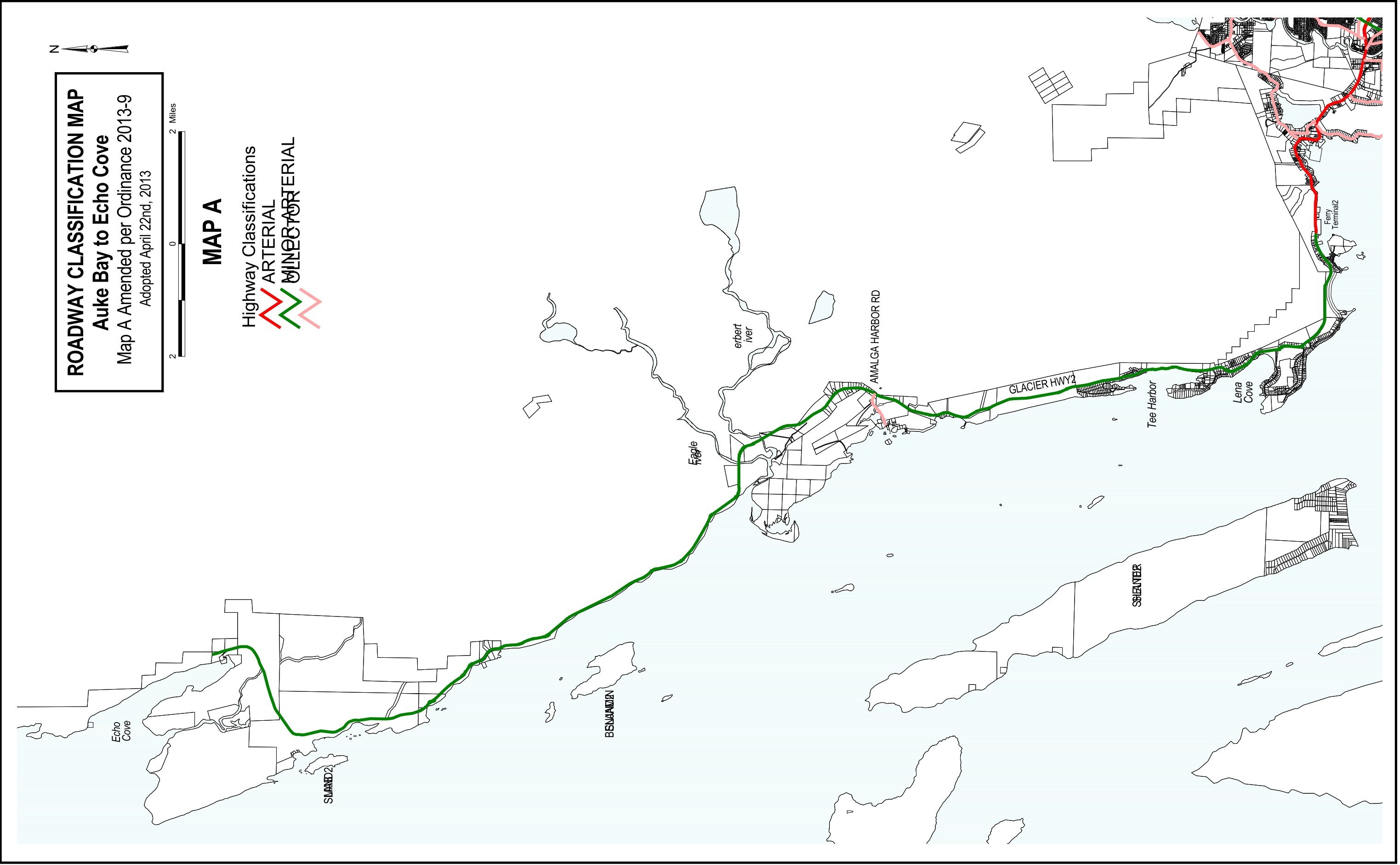
The proposed variance regarding relief from the requirement for direct access to a subdivision from a publicly maintained right-of-way, North Douglas Highway, negates the applicability of

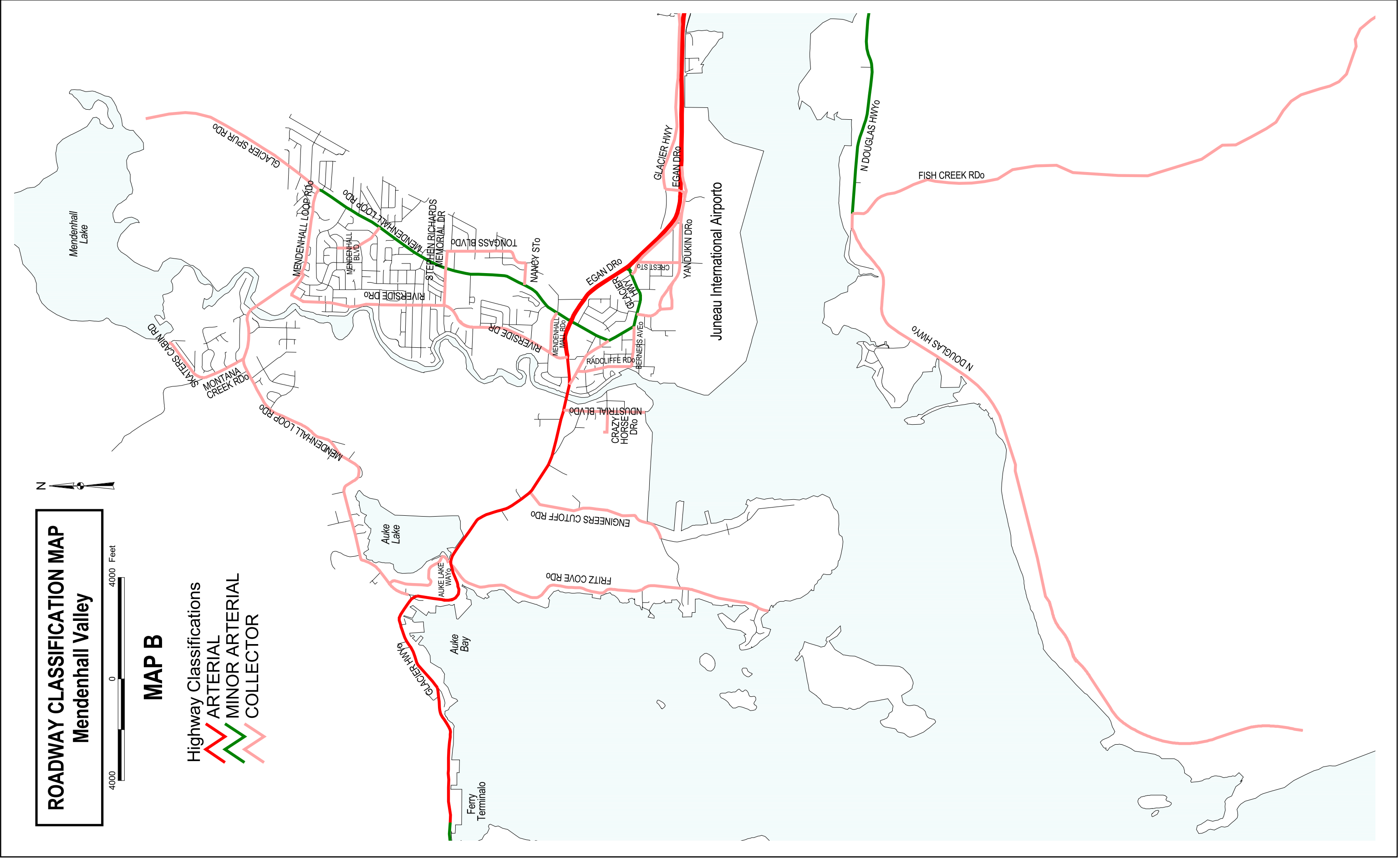
Board of Adjustment Public Hearing
March 7, 2016
Page 7 of 7

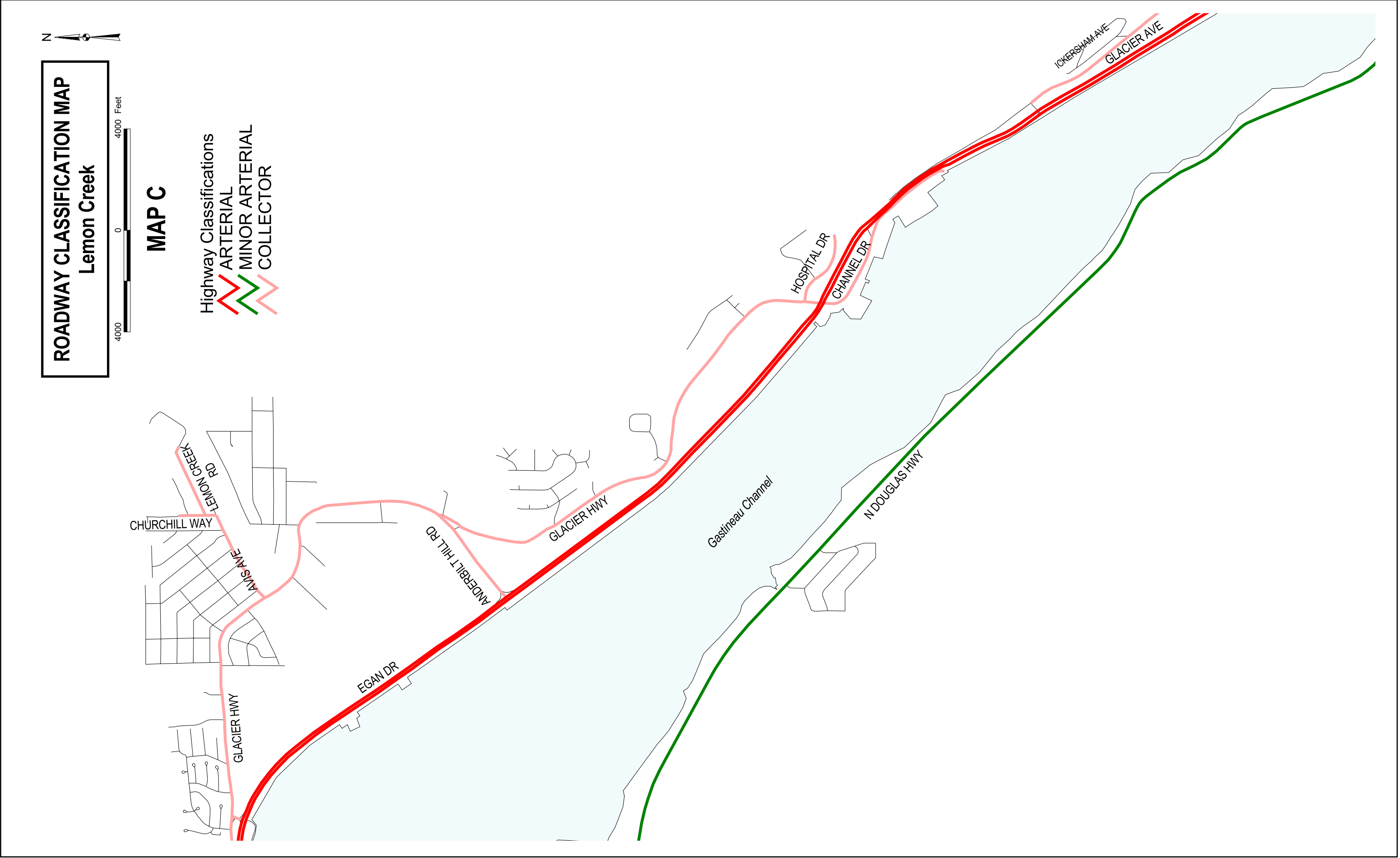
CBJ 49.35.210(b) because it relates to subdivision design requirements and resulting impacts when direct access to an arterial is proposed. The indirect access proposed by the applicant already exists and would not create a new access point nor increase density.

Does the Board of Adjustment agree with staff's interpretation that the proposed variance negates the requirements of CBJ 49.35.210(b) applicability in this instance?

If the Board of Adjustment does not agree with staff's interpretation that CBJ 49.35.210(b) is not applicable to the proposed project, then the project would need to comply with the subdivision design requirements as provided in CBJ 49.35.210(b). If the variance is approved, then the project would need to comply with the subdivision design standards and lots would need to meet the D-1 lot size requirement as required in CBJ 49.35.210(b)(3). If this is the case, then Criterion 4 of the associated variance *"That the variance does not authorize uses not allowed in the zone district"* is *"NO, this is not met"*. The applicant states they wish to subdivide the property in order to develop common wall dwelling units. While common wall dwelling units are an allowed use in the D-18 zone district, they are created through the subdivision process. If CBJ 49.35.210(b) is applicable to the subject property, then the resulting subdivided lots must meet the D-1 lot size requirement. Since the subject parcel is 32,801 square feet, less than the D-1 zone district lot size of 36,000 square feet, subdivision isn't possible.







ROADWAY CLASSIFICATION MAP
Juneau



MAP D

- Highway Classifications
- ARTERIAL
 - MINOR ARTERIAL
 - COLLECTOR





MEMORANDUM

DATE: March 8, 2016
 TO: Board of Adjustment and Community Development Department
 FROM: Robert H. Palmer III, Assistant Municipal Attorney *RHP*
 SUBJECT: VAR2015-0030 and application of 49.35.210(b)

On March 7, the Board received a supplemental staff report to VAR2015-0030 describing Community Development Department's position on the application of 49.35.210(b), Street system, to this variance. In reviewing staff's recommendation, the Board should consider the following:

- 1. If VAR2015-0030 is approved, the Board will need to make specific findings relating to the application of CBJ 49.20.250 to the provisions of CBJ 49.35, Public Improvements.**

Under current code, a variance is only available for dimensional or design standards of Title 49. (CBJ 49.20.200; 49.20.250(b)). The code specifically prohibits variances of construction standards. With the approval of Ord. 2015-03 (amending the subdivision requirements), the Assembly moved frontage and access requirements from the construction standards portion of the code (CBJ 49.35) to the "design" division of 49.15. This was intended to be a temporary measure until staff could finalize proposed amendments to the frontage and access requirements necessary to make Title 49 consistent with the past practice of allowing small subdivisions to have private shared access.

Because 49.35.210(a) is required with the construction plans and because frontage and access are basic public improvement requirements of every subdivision, 49.35.210(a) is presumptively not variable. See 49.35.120(a). CBJ 49.35 does provide relief outside the variance process: CBJ 49.35.130(b) empowers the Director of Engineering and Public Works to adjust the public improvement requirements of 49.35 "if unusual or unforeseen conditions exist in a particular development, and the alternative meets or exceeds the intent of the original standard."

As the Board considers VAR2015-0030, the Board needs to articulate whether 49.35.210(b) is subject a variance. If so, the Board should further articulate whether all provisions of 49.35 are subject to a variance and what is the purpose of 49.35.130(b).

2. VAR2015-0030 is a variance to frontage and access.

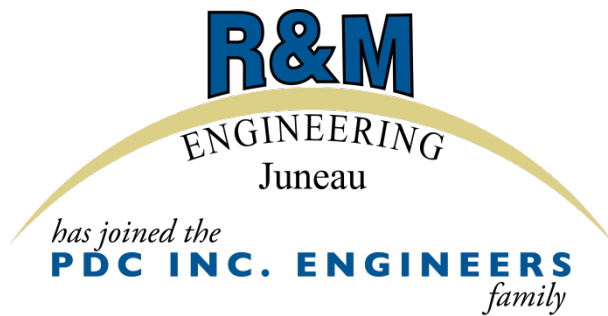
For the purpose of this variance, the Board will need to consider CBJ 49.15.424, 49.35.240 Table, and 49.35.210(b):

- 49.15.424 provides the general frontage and access rules for every subdivision;
- 49.35.240 provides the current construction standards for each type of subdivision access; and
- 49.35.210(b) provides a supplemental rule for subdivisions that front along a CBJ arterial in which the subdivider wants to use a private shared access instead of developing a public street.

Regardless of the Board's final conclusion, I suggest that the Board articulate its findings in light of both 49.15.424 and 49.35.210(b). If the Board disagrees with staff's recommendation to deny the variance, the Board would also need to articulate its analysis and conclusions, which may need to address what construction standard in 49.35.240 Table would apply to this subdivision, if any.

In summary, VAR2015-0030 presents significant frontage and access issues for the Board to decide. In order to make a complete and final variance decision, the Board will need to analyze both 49.15.424 and 49.35.210(b) answering at a minimum, the following questions:

1. What is the relationship between CBJ 49.15.424 and CBJ 49.35.210?
2. Are the requirements articulated in CBJ 49.35.210(b) construction standards?
2. Can the requirements of CBJ 49.35.210(b) be varied?
3. If CBJ 49.35.210 can be varied, can any of the other provisions of CBJ 49.35, Public Improvements, be varied?
4. If CBJ 49.35.210 can be varied, what is the relationship between CBJ 49.35.130(b) and 49.20.250?



March 8, 2016

City and Borough of Juneau
Community Development Department
155 South Seward Street
Juneau, AK 99801

Attn: Laura Boyce
CDD Senior Planner

Re: Variance 2015-0030
Response to Staff Report
R&M Project No. 141740

Dear Ms. Boyce and CBJ Planning Commission Members,

This correspondence is written in regard to the CBJ staff report for VAR2015-0030 dated March 3, 2015. Staff has recommended denial based on net meeting criteria 1, 2, 5 and 6 as described in the staff report. The CBJ code allows the Board of Adjustment to grant a variance **if it can be demonstrated that hardship and practical difficulties resulting from an extraordinary situation or unique physical feature render it difficult to carry out the provisions of Title 49.** Please allow us to demonstrate to the Planning Commission that the variance sought is unique and extraordinary, and to explain how criteria 1, 2, 5 and 6 are met.

1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Reason for Denial: “the relaxation would not be consistent with justice to other property owners in that new subdivisions are required to obtain direct and practical access on a dedicated right-of-way.”

Response:

Since the creation of the lots in 1982 it has been recognized that the ‘unique physical features’ of this property make it impractical to directly access Douglas Highway. The site is not “ordinary” by any means and the topography is too steep to connect directly to the North Douglas Highway. In 1982, CBJ recommended and approved a 20’ access easement to Tract 2 for these same reasons.

The applicant has since invested a lot of capital and construction efforts to develop the site with much encouragement from CBJ, but the site must be subdivided for the overall project to be financially feasible. The sudden denial of the subdivision just before the scheduled planning commission meeting last fall, stopped the project in its tracks, leaving the applicant/developer undue financial hardships and the inability to move forward on the project.



It is unfair to hold this project to the strict interpretation of Title 49 when the situation is unique and extraordinary. The subdivision pre-application meeting was held in June 2014. Since that time there have been numerous delays during the permitting for this project. The delays have caused financial loss and hardship to the applicant; there is no question that relaxation of Title 49 would give substantial relief to the property owner.

2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.

Reason for Denial: The existing 20' wide gravel driveway does not meet the minimum driveway standards which require a 22' wide paved roadway within a 60' right-of-way and there are maintenance concerns for a shared driveway.

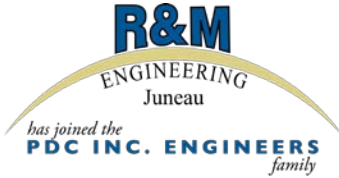
Response:

The driveway would not have had to meet these standards when the original subdivision application was filed but due to delays and getting caught between CBJ subdivision ordinance changes, is it fair to make the applicant/developer pay these high costs? The project has gone through an extensive review process by State of Alaska DOT Engineers through the Driveway permitting process and a DOT Driveway permit was issued last year for the work. Conditions of the Driveway Permit require improvements (widening, pavement, drainage) to be made to the existing driveway to ensure that it is safe and meets current DOT standards for the proposed development. DOT also issued Utility Permits to the applicant for connecting to the underground water/sewer system located in North Douglas Highway. CBJ Engineering and Public Works Departments have all reviewed the proposed subdivision and associated improvements. No negative agency comments were received and in neither case was it claimed that the public safety and welfare was being compromised by this development. Fire sprinklers will be installed in the proposed buildings, so IFC requirements for the driveway are met, the grade will be 14% or less, and it was agreed to by CBJ in 1982 to be the best location for access to the property. The existing driveway width of 20' is more than sufficient to allow two mid-size vehicles to pass as can be further attested by the "AASHTO A Policy on Geometric Design of Highways and Streets" for local roads requires a minimum width of 18' with average daily traffic count of less than 400.

The new standard driveway requirements are an order of magnitude higher than what is financially feasible for a small project of this nature. Even if the project included the total 14 dwelling units allowed, the benefit to the owner/developer would simply not justify the land acquisition, design and construction costs.

A joint hold harmless maintenance agreement to CBJ has been prepared and will be signed by all owners of the lots to ensure that the driveway is maintained and plowed to keep it safe.

The existing driveway configuration is unique and extraordinary. Major modifications to the access would create undue financial hardships for the owner/developer and are unaffordable, impractical and do not fairly match the scale of the project.



5. That compliance with the existing standards would:

C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

Reason for Denial: "Other smaller subdivisions have had to comply with the street standard requirements."

Response:

The topographic features of the property are unique in that they do not allow direct access to the North Douglas Highway. There is over 40' of vertical relief from the lot areas to the North Douglas Highway which makes for no practical or direct access from the right of way due to excessively steep grades. CBJ recognized this in 1982 when they approved the driveway easement. A smaller subdivision adjacent to a public road and on level ground cannot be fairly compared to the property in question; there must be some degree of judgement for fair and like comparisons.

The cost to acquire land for a 60' right-of-way, and to design and construct a 22' paved roadway to CBJ standards is estimated to be \$500,000 – unreasonable to say the least. This added expense was not anticipated in the original planning of the project with CBJ and only came into play with the recent changes to CBJ subdivision standards. This cost would terminate the project.

Compliance with the driveway standards would be unnecessarily burdensome because unique physical features of the property exist.

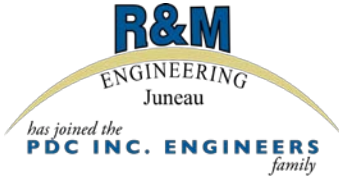
The safest and most practical access to the proposed lots in OLMO subdivision is by the existing access easement. The topography of the site simply does not allow more direct and practical access to the lots from the adjacent North Douglas Highway right of way. CBJ 49.15.460(3) states that 'Consideration shall be given to design limitations imposed and opportunities presented by slopes, waterways and other topographic features.' By relaxing the code interpretation that requires a public street to each lot, the project can move forward as planned without severe delays and undue financial hardship to the developer.

6. That a grant of the Variance would result in more benefits than detriments to the neighborhood.

Reason for Denial: "this development could increase the use of the existing substandard access that is located on two adjacent parcels....and may result in detriments to users of North Douglas Highway because the existing access may cause traffic impacts on North Douglas Highway"

Response:

The original intent of creating a shared driveway was to reduce the number of access points onto North Douglas Highway. Traffic would increase on the driveway as a result of this subdivision. However, DOT has reviewed this increase and approved a driveway permit for the six additional dwelling units without expressing concern. The substandard driveway will be reconstructed to have a safe landing length for vehicles entering/existing North Douglas Highway. It will also be re-graded to ensure that the maximum



slope is 14% or less. CBJ engineering will have another chance to review the construction plans before the final subdivision plat is approved to address any remaining safety concerns.

The only resident directly affected by the increase of traffic through the easement is the applicant who resides adjacent the access easement and views the improvements and maintenance agreement as a benefit. If the large undeveloped parcel which the easement passes through were to be developed, then the driveway would be improved again to higher standards in proportion to that project and increased vehicle use.

Relaxing the driveway standards for the proposed subdivision would increase the safety of the existing driveway by providing incentive and capital for the improvements. These improvements would in turn reduce the improvement costs of the adjacent landowner should they develop their lot. The existing driveway meets the intent of Title 49 by providing safe access to North Douglas Highway which is not otherwise practical because of the topography. Overall, the neighborhood would benefit greatly by having the driveway improved to affordable and practical standards that conform to the unique physical features of the property.

We believe that the approval of the variance, which would allow the existing access easement to provide access to the subdivision, follows the intent and purpose of the CBJ regulations by making development more affordable while maintaining public safety.

We appreciate your time in reviewing this variance response and should you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,

R&M Engineering

A handwritten signature in blue ink, reading 'J. Mark Pusich', is positioned below the printed name.

J. Mark Pusich, P.E.
Principal Civil Engineer

cc: Haifa Sadighi

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March 8, 2016

City and Borough of Juneau
Attn: Ms. Laura Boyce, CCD Service Planner
155 South Seward Street
Juneau, AK 99801

Re: OLMO LLC Subdivision Variance Request

Dear Ms. Boyce,

As the owners of the property adjacent to the OLMO proposed subdivision, including the easement over which the applicants propose access, we strongly object to the subject variance request. The application document contains at least one significant error, and we want to ensure the Planning Commission is aware of the recent history of the applicant and her contractors in regard to this project.

1. The statement on the application and in the text of the letter, that the "existing easement which has been in use for 34 years" is factually incorrect and misleading. We agree the second easement was granted in October of 1982; however, it has never been in use.
2. The language about the existing privately-maintained driveway is not represented as the grantor and grantee intended in the original, 1977 recorded easement, which is that the existing driveway was only to serve a single-family residence (Mrs. Sadighi's current home) and the second easement recorded in 1982 was intended to link with the first easement to provide access to Tract 2, USMS 569, an undeveloped land parcel.
3. On or about May of 2014, her engineering firm and her excavation contractor entered onto our property without our knowledge or consent and proceeded to remove trees as well as begin excavation and fill activity, on behalf of Mrs. Sadighi.
4. The applicant, the engineering firm, and the excavation contractor exercised neither the personal nor the professional courtesy to inform us of their intentions before entering onto our land and beginning construction on the easement in question. This work, as mentioned above, included tree removal and land disturbance on our property outside the easements' legal descriptions. We discovered their activity entirely by accident more than a month after it had begun. Once it had been discovered, we requested a meeting with all three parties to determine their intent and find out why they thought it appropriate to start activity on our land without our knowledge or consent.
5. Steve Brantner, on behalf of all three owners, met on September 26, 2014, with Mrs. Sadighi and Mark Pusich of R&M Engineering at the R&M office to discuss these matters. Mr. Anderson, the excavation contractor, did not attend. Our frustration, outlined clearly by Mr. Brantner at the meeting, centered on our displeasure that the activity had proceeded without our knowledge or permission. Excavation had occurred on our land outside the bounds of both easements, marketable timber that had belonged to us had been removed without any way for us to know how much or its value, and at least one survey marker had been removed or covered.
6. A hand-drawn depiction of the 1982 easement was presented to us as an official representation of the easement, but we found that it was provided by a local real estate agent. We were subsequently unable to find the same drawing as part of any official recorded deed, lacking both a book and page number at DNR. Representations were made to us that the hand-drawn easement was matched to the 'metes and bounds' of an official document. We believe this is neither accurate nor pertinent as we have not found such an additional

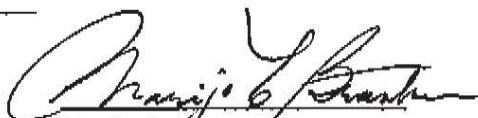
recorded document in DNR records.

7. At the September 26, 2014 meeting, in an effort to resolve these issues amicably, Mr. Brantner outlined the following requirements:
 - a. that the owner and her contractors finish the easement for the whole length per the written description found in the actual recorded 1982 document;
 - b. that the finished surface for both the 1977 and 1982 easements be in accordance with the City & Borough's requirements and Mr. Pusich provided us photos of road surfaces similar to what CBJ requires;
 - c. that she provide an accounting and compensation for the marketable timber removed from our land;
 - d. that the 10'X 20' shed that had been moved onto our property be removed; and,
 - e. that no further intrusion upon our land outside of either easement be conducted without prior permission from us. Mr. Pusich assured us, together with Mrs. Sadighi, that our requirements would be met.
8. We also conveyed to CBJ our concern that the maintenance for the completed 1982 easement be clearly assigned to a homeowners' association comprised of those homeowners of the new subdivision.
9. In reviewing the application for the requested variance, we have noted that the 1977 easement that has been used as a driveway for the applicant and her family has been named OLMO drive in anticipation of the subdivision development on her adjacent property. As that driveway is on our property, we object to this name and have made known to the City & Borough that we have selected "Mineral Survey Road". We do not believe it is within the applicant's rights to name property she does not own, regardless of holding an easement to cross said property.
10. As of March 1, 2016, when we last checked our property, none of the above items has been accomplished. Indeed, the contractor had once again (in the summer of 2015) entered onto our property (outside of the easements) to excavate for water and sewer lines, removing yet more trees and leaving disturbed soil, which may be subject to erosion. If the 1982 easement is not completed for its full length, we believe that access to Parcel 2 from North Douglas Highway will be across the original (1977) access easement to a residence, then across a corner of that residential lot (Mrs. Sadighi's), across the 1982 easement, then once again across Mrs. Sadighi's lot, and onto Parcel 2. We believe this would make both design and maintenance of an access road inappropriate for access to a multi-residence subdivision.

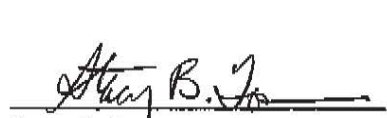
In the end, we must insist that the applicant and her contractors fulfill their commitments to us and that future maintenance responsibility be assigned before final approval for this subdivision is granted.



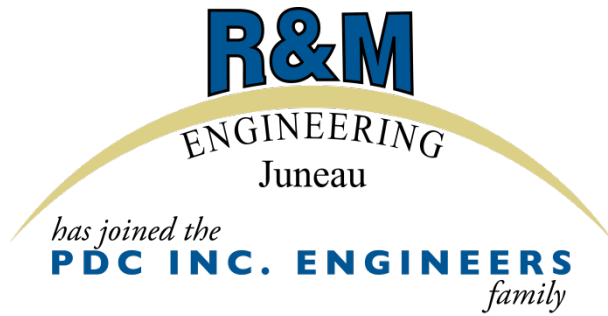
Steven J. Brantner
Co-owner, Tract 1, USMS 569



Marijo C. Brantner
Co-owner, Tract 1, USMS 569



Stacy B. Torer
Co-owner, Tract 1, USMS 569



March 14, 2016

City and Borough of Juneau
Community Development Department
155 South Seward Street
Juneau, AK 99801

Attn: Laura Boyce
CDD Senior Planner

Re: Variance 2015-0030
Response to Brantner Letter
R&M Project No. 141740

Dear Ms. Boyce and CBJ Planning Commission Members,

Please consider this our reply to the letter dated March 8, 2016 from Mr. Brantner claiming that there is a *'significant error'* in the above referenced variance application. We will do our best to clarify this misunderstanding and to respond to the other accusations put forth in the letter. It is important to note that most of these issues brought forth do not concern the variance request which is simply asking that the planning commission accept the existing driveway easement as access to the proposed subdivision.

1. Comment:

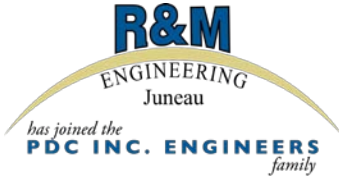
The statement on the application and in the text of the letter, that the "existing easement which has been in use for 34 years" is factually incorrect and misleading. We agree the second easement was granted in October of 1982; however, it has never been in use.

Response:

In 1982, a Fraction of M.S. 569 was subdivided into Tracts 1 and 2 by platting waiver (Plat No. 82-56W). At that time a driveway easement (Document # 101-1982-007745-0) was recorded to provide 'a non-exclusive easement for access through, over and across the property owned by Grantors...' (*Tract 1*). The document goes on to describe the location of the easement which is included in 'Attachment B' of the staff report. In 2014, R&M's survey verified that the easement existed as a drivable gravel surface to within 80' of Tract 2, nearly 70% of the total easement length had actually been in use.

2. Comment:

The language about the existing privately-maintained driveway is not represented as the grantor and grantee intended in the original, 1977 recorded easement, which is that the



March 14, 2016

Page 2 of 6

existing driveway was only to serve a single-family residence (Mrs. Sadighi's current home) and the second easement recorded in 1982 was intended to link with the first easement to provide access to Tract 2, USMS 569, and undeveloped land parcel.

Response:

The 1977 easement included only the portion of the driveway extending to Fr. Block B. The 1982 easement includes the entire area of the 1977 easement and an extension to reach Tract 2. As owner of both lots, Haifa Sadighi has the right to use the entire easement for the purposes given in the 1982 easement agreement and is responsible for the driveway maintenance.

3. Comment:

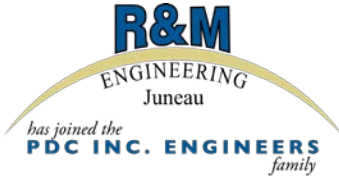
On or about May of 2014, her engineering firm and her excavation contractor entered onto our property without our knowledge or consent and proceeded to remove trees as well as begin excavation and fill activity, on behalf of Mrs. Sadighi.

Response:

Mrs. Sadighi contracted R&M Engineering in April 2014 to perform a boundary and topographic survey of her property. R&M Engineering did not remove any vegetation or trees on Mr. Brantner's property. The surveyor work required obtaining field measurements on the adjacent property which involved walking on the property to obtain measurement readings. Mrs. Sadighi did not direct R&M's surveyors or her excavation contractor to enter onto or perform work on Tract 1, other than within the driveway easement to which she has the right to use for ingress, egress and maintenance. Tree clearing was contained to Tract 2 which the applicant owns. No trees were identified as being cut from the adjacent land owners property. Minor ground disturbance outside of the easement area was observed. Mr. Brantner requested that the easement boundary be field marked so he could visually see what vegetation had been disturbed. This was done by R&M and the disturbed area was very minor. The contractor met with Mr. Brantner in the field to review the disturbed ground areas and the areas were reshaped and hydroseeded by the contractor.

4. Comment:

The applicant, the engineering firm, and the excavation contractor exercised neither the personal nor the professional courtesy to inform us of their intentions before entering onto our land and beginning construction on the easement in question. This work, as mentioned above, included tree removal and land disturbance on our property outside the easements' legal descriptions. We discovered their activity entirely by accident more than a month after it had begun. Once it had been discovered, we requested a meeting with all three parties to



March 14, 2016

Page 3 of 6

determine their intent and find out why they thought it appropriate to start activity on our land without our knowledge or consent.

Response:

The easement agreement gives Haifa the right, as owner of Tract 2, to use the easement for access. It is written that "the easement described above shall be constructed and maintained in good repair by the Grantees at their sole cost and expense." Haifa is responsible for maintaining the driveway easement; nowhere in the agreement does it state that she must ask for permission or notify the owner of Tract 1 when using the easement for access/maintenance purposes. As previously stated, the contractor met with the adjacent land owner to discuss the accidental ground disturbance and no trees were removed outside of the easement area.

5. Comment:

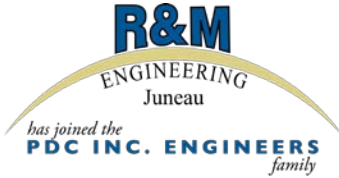
Steve Brantner, on behalf of all three owners, met on September 26, 2014, with Mrs. Sadighi and Mark Pusich of R&M Engineering at the R&M office to discuss these matters. Mr. Anderson, the excavation contractor, did not attend. Our frustration, outlined clearly by Mr. Brantner at the meeting, centered on our displeasure that the activity had proceeded without our knowledge or permission. Excavation had occurred on our land outside the bounds of both easements, marketable timber that had belonged to us had been removed without any way for us to know how much or its value, and at least one survey marker had been removed or covered.

Response:

At the meeting referenced above, Mrs. Sadighi stated that no work was done outside of her property or driveway easement with her knowledge. To remedy the situation, it was decided that R&M's survey crew would paint the property/easement boundary on the ground to visually show if there was any trees or vegetation impacted. There were no trees cut outside of the easement boundary area. Minor ground disturbance was observed outside of the easement area. Mrs. Sadighi did not direct any work outside of her property and claims no responsibility. All survey markers that existed prior to this project still exist. It should also be noted that another meeting was held on July 10, 2015 with Mr. Brantner. Part of the discussion focused on whether or not he could connect to the existing water/sewer systems that were installed by the applicant. Mr. Brantner asked the contractor for a price quote for this work.

6. Comment:

A hand-drawn depiction of the 1982 easement was presented to us as an official representation of the easement, but we found that it was provided by a local real estate



March 14, 2016

Page 4 of 6

agent. We were subsequently unable to find the same drawing as part of any official recorded deed, lacking both a book and page number at DNR. Representations were made to us that the hand-drawn easement was matched to the 'metes and bounds' of an official document. We believe this is neither accurate nor pertinent as we have not found such an additional recorded document in DNR records.

Response:

Mr. Brantner was informed that the exhibit is an illustration only of the easement location and that the real estate broker provided this information from the official closing documents of the property which is common in the industry. The easement shown in R&M's plats and construction drawings for the OLMO subdivision are based on the language written in the recorded easement agreement (101-1982-007745-0) as interpreted by a professional land surveyor. The exhibit is considered a proven graphical representation of the easement. In addition our record research from the 1982 subdivision of USMS 569 into Tracts 1 and 2 by platting waiver (Platting resolution No. W-16-82 and 82-56W) confirms this.

7. Comment:

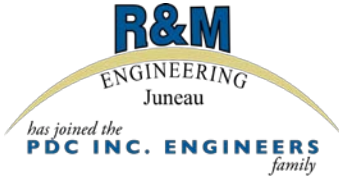
At the September 26, 2014 meeting, in an effort to resolve these issues amicably, Mr. Brantner outlined the following requirements:

- a. That the owner and her contractors finish the easement for the whole length per the written description found in the actual recorded 1982 document;
- b. That the finished surface for both the 1977 and 1982 easements be in accordance with City & Borough's requirements and Mr. Pusich provided us photos of road surfaces similar to what CBJ requires;
- c. That she provide an accounting and compensation for the marketable timber removed from our land;
- d. That the 10'x20' shed that had been moved onto our property be removed; and,
- e. That no further intrusion upon our land outside of either easement be conducted without prior permission from us. Mr. Pusich assured us, together with Mrs. Sadighi, that our requirements would be met.

Response:

Mr. Brantner's requirements have or are in the process of being reasonably complied with:

- a. The construction drawings that were submitted to CBJ for approval along with the subdivision plat includes a gravel road surface extending the full length of the easement.
- b. The driveway surface will be constructed to CBJ standards if the subdivision is approved.



March 14, 2016

Page 5 of 6

- c. Again no timber was removed from outside of the easement area. Any further negotiations for ground disturbance are to be agreed on by Mr. Brantner and the contractor. Ms. Sadighi does not accept responsibility for any work that took place beyond her property or the easement access boundary.
- d. The shed that was in the easement has been removed.
- e. Ms. Sadighi has no plans or intentions of performing any work on Tract 1 and the assurances have been met.

8. Comment:

We also conveyed to CBJ our concern that the maintenance for the completed 1982 easement be clearly assigned to a homeowner's association comprised of those homeowners of the new subdivision.

Response:

A hold harmless and maintenance agreement was submitted to CBJ for approval along with the minor subdivision.

9. Comment:

In reviewing the application for the requested variance, we have noted that the 1977 easement that has been used as a driveway for the applicant and her family has been named OLMO drive in anticipation of the subdivision development on her adjacent property. As that driveway is on our property, we object to this name and have made known to the City & Borough that we have selected "Mineral Survey Road". We do not believe it is within the applicant's rights to name property she does not own, regardless of holding an easement to cross said property.

Response:

OLMO Drive may have been used as a reference to the driveway, but it is not a legal title, and currently no streets are proposed in the subdivision. The driveway reference name will be removed.

10. Comment:

As of March 1, 2016, when we last checked our property, none of the above items has been accomplished. Indeed, the contractor had once again (in the summer of 2015) entered onto our property (outside of the easements) to excavate for water and sewer lines, removing yet more trees and leaving disturbed soil, which may be subject to erosion. If the 1982 easement is not completed for its full length, we believe that access to Parcel 2 from North Douglas Highway will be across the original (1977) access easement to a residence, then across a corner of that residential lot (Mrs. Sadighi's), across the 1982 easement, then once

March 14, 2016
Page 6 of 6



again across Mrs. Sadighi's lot, and onto Parcel 2. We believe this would make both design and maintenance of an access road inappropriate for access to a multi-residence subdivision.

Response:

The driveway improvements will be completed upon approval of the subdivision. The water and sewer utilities were installed through Fr. Block B to Tract 2 in late fall 2014 not in 2015. The property line was surveyed and flagged to ensure that the work did not cross onto Tract 1 at Mr. Brantner's request in October 2014. To our knowledge no further work has occurred since late 2014 on this project and we are not aware of any work taking place on this project in the Summer of 2015 as the project has been on hold since April 2015.

The 1982 easement, being the most recent and residing in the same space as the 1977 easement, takes precedence. As such it provides a well-defined driveway access to Tract 2. It is our opinion that the driveway can be improved within the existing easement to comply with CBJ engineering recommendations in a way that is safe and functional.

We hope this response clarifies the issues brought forth by the adjacent neighbor. Should you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,

R&M Engineering

J. Mark Pusich, P.E.
Principal Civil Engineer

cc: Haifa Sadighi

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TO: Juneau Planning Commission
FROM: Haifa Sadighi
DATE: March 14, 2016
RE: Driveway Variance Request (VAR2015 0030)

This is a request to the Commission to approve the above-referenced proposed Driveway Variance at today's meeting.

This project was first presented to the Pre-planning conference in June 2014. It received extremely positive feedback and encouragement; the members present at the meeting unanimously agreed that the Planning Commission would wholeheartedly approve this development. As a direct result of this overwhelmingly favorable response, lot prep work commenced shortly thereafter.

Since that time, however, high personnel turnover within the Department and the interdepartmental team's ongoing efforts to create a common understanding of new regulatory language and changes in land use code have held this project hostage. We have patiently worked with the Department for the last two years, preparing for and attempting to present before the Commission on four separate occasions to no avail (July 14th, September 22nd, February 23rd, March 8th).

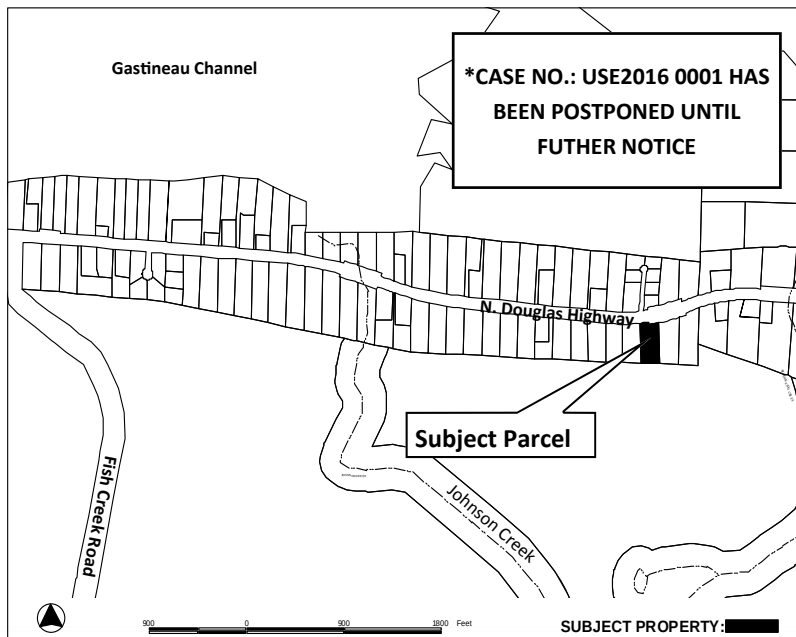
Throughout the process, the Commission has seemingly disregarded the exceedingly high time-cost factor impacting investors. The delays and required work, including legal fees and engineering costs, have consistently increased and surpassed initial budget planning making it difficult to sustain.

This project is designed to target the real estate price point most needed in Juneau, to create housing opportunities within walking distance of major employers, to sustain the aesthetics of our community and to take advantage of the functionality that a vacant land within the urban service boundary provides to potential homebuyers.

The requested variance is in line with residential development models in the Juneau area, which permit utilizing shared driveways leading to arterial roads, and continue to be granted due to unique lot properties such as the Petersen Creek Subdivision approved last November for frontage and access.



NOTICE OF PUBLIC HEARING



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

SHIP TO:



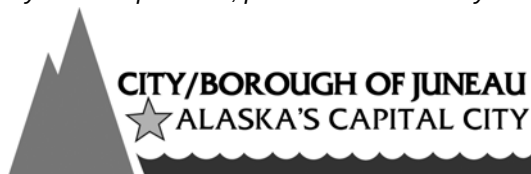
PROPOSAL: Conditional Use Permit for a limited marijuana cultivation business in the D-1 zoning district.

File No:	USE2016 0001	Applicant:	June Hall
To:	Adjacent Property Owners	Property PCN:	6-D09-0-107-003-0
Hearing Date:	*POSTPONED UNTIL FURTHER NOTICE	Owner:	June Hall and Paul Disdier
Hearing Time:	N/A	Size:	1.35 Acres
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	8393 N. Douglas Highway
	155 South Seward Street	Accessed Via:	N. Douglas Highway
	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.

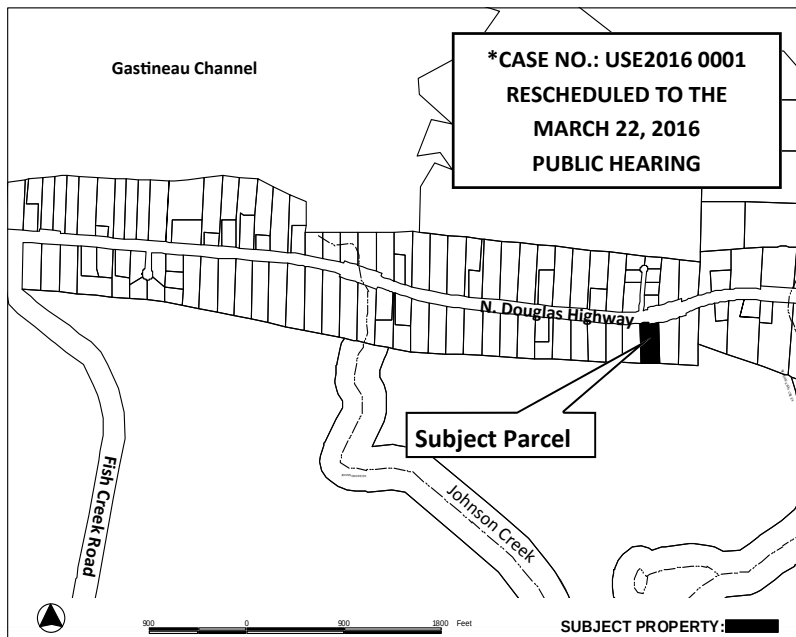
If you have questions, please contact Chrissy Steadman at Christine.Steadman@Juneau.org or at 586-0761.



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



NOTICE OF PUBLIC HEARING



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

SHIP TO:



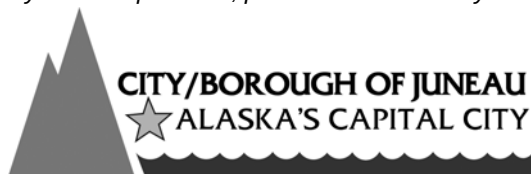
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File No:	USE2016 0001	Applicant:	June Hall
To:	Adjacent Property Owners	Property PCN:	6-D09-0-107-003-0
Hearing Date:	*MARCH 22, 2016	Owner:	June Hall and Paul Disdier
Hearing Time:	7:00 PM	Size:	1.35 Acres
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	8393 N. Douglas Highway
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Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: March 15, 2016

TO: Planning Commission

FROM: Chrissy Steadman, Planner
Community Development Department *Chris Mally*

FILE NO.: USE20160001

PROPOSAL: Limited Marijuana Cultivation Facility

GENERAL INFORMATION

Applicant: June E. Hall & Paul V. Disdier

Property Owner: June E. Hall & Paul V. Disdier

Property Address: 8393 North Douglas Highway

Legal Description: USS 3543 Lot 130

Parcel Code Number: 6-D09-0-107-003-0

Site Size: 1.35 Acres (58,806 Square Feet)

Comprehensive Plan Future Land Use Designation: Rural Dispersed Residential (RDR)

Zoning: D-1

Utilities: City Water & Private Septic

Access: North Douglas Highway

Existing Land Use: Single Family Residence

Surrounding Land Use:

North	-	D-1 Single Family
South	-	Rural Reserve (RR) Vacant
East	-	D-1 Single Family
West	-	D-1 Single Family

An aerial map showing a subject property highlighted in black. The property is a rectangular lot located on a street grid. To the left of the property is a large, irregularly shaped area, possibly a park or undeveloped land. To the right is a large, rectangular area, possibly a commercial or industrial zone. A scale bar at the bottom indicates distances of 900, 0, 900, and 1800 feet. A north arrow is located in the bottom left corner. The map is labeled with 'SUBJECT PROPERTY:' and a black rectangle.

Planning Commission
 File No.: USE20160001
 March 15, 2016
 Page 3 of 13

ATTACHMENTS

Attachment A: Conditional Use Permit Application
 Attachment B: Applicant Supplemental Narrative
 Attachment C: Site Plan & Floor Plans
 Attachment D: Open House Invitations
 Attachment E: Public Comment

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a 500 square foot marijuana cultivation facility in the D-1 Zoning District.

BACKGROUND

In November 2015, the Assembly passed Ordinance 2015-39 amending CBJ 49.25.300 Table of Permissible Uses (TPU) to include marijuana uses. Marijuana uses allowed by the TPU include marijuana cultivation, marijuana product manufacturing, marijuana testing, and marijuana retail. The D-1 Zoning District outside the Urban Service Boundary is the only residentially zoned area as defined in CBJ 49.25.210 where marijuana cultivation is allowed. Cultivation in this area is limited to 500 square feet of grow space in accordance with the state regulations found in AAC 06.410. The state will be issuing standard marijuana cultivation facility licenses with no size restrictions and limited marijuana cultivation facility licenses which are limited to 500 square feet of grow space.

A moratorium was placed on applications for marijuana establishments within the CBJ through December 31, 2015 in order to complete amendments to the TPU. Because the moratorium was not extended the Community Development Department has scheduled this application for a public hearing in accordance with CBJ 49.15.330 Conditional Use permit.

In addition to the amendments to the TPU, the Marijuana Committee recommended a special use ordinance for the Planning Commission to consider amendments to Title 49. Ordinance 2015-38 contains Conditional Use Permit application requirements specific to marijuana uses, odor management standards, and a local license requirement for marijuana uses. The Planning Commission forwarded a positive recommendation to the Assembly on Ordinance 2015-38 at the February 23, 2016 PC meeting.

While Ordinance 2015-38 has not yet been considered by the Assembly, CDD staff recommended the applicant submit the additional materials consistent with the Planning Commission's recommendation to the Assembly. Additional information required germane to

Planning Commission
 File No.: USE20160001
 March 15, 2016
 Page 4 of 13

this proposal includes:

- Security plan which indicates compliance with state law
- Waste disposal plan
- Screening plan
- Private septic inspection
- Ventilation and filtration plan
- Carbon dioxide use disclosure
- Mold prevention methods

The applicant has addressed each of these topics in the application narrative.

ANALYSIS

Project Site – The proposed site is located at 3393 North Douglas Highway. The site is located in the D-1 zoning district outside the urban service boundary. City water is available, but sewer is not. The site is 58,806 square feet or 1.35 acres. Setbacks in the D-1 zoning district are 25 feet in the front and rear yard and 15 feet on the side yards. During a site visit, staff was able to confirm the eastern property line which was recently surveyed. According to the CBJ Assessor's Office database, the house was built in 1965. The existing single family dwelling does not meet the front yard setback, but is legally nonconforming as it was constructed prior to the adoption of zoning in North Douglas in 1969 and the platting of that portion of North Douglas Highway in 1971. The lot has direct access onto North Douglas Highway as shown on the site plan provided in Attachment C. Parking for the single family residence is located in the ROW.

The proposed plan includes utilizing the existing 12'x24' shed. The shed is 25 feet from the eastern property line but approximately half of the shed encroaches into the ROW as indicated on page 12 of the application. The property lines on this site plan are not surveyed property lines and therefore, an As-built survey is needed for the property to confirm the extent of the encroachment.

Staff discussed the encroachment with the applicant, and they amended their plans to relocate the shed to meet the setback requirements once an As-built survey is conducted. Once an As-built survey of the property has been conducted, the existing shed will be relocated to meet the front and side yard setbacks. As a condition of approval staff recommends the applicant must provide an As-built survey to the CDD and relocate the existing shed to meet the D-1 setback requirements.

The D-1 zoning district has a vegetative cover requirement of twenty percent. Therefore, the subject lot has a vegetative cover requirement of 11,761 square feet. The existing and proposed buildings cover approximately 2,289 square feet. Therefore, vegetative cover on the subject site

Planning Commission
 File No.: USE20160001
 March 15, 2016
 Page 5 of 13

exceeds the twenty percent vegetative cover requirement.

Project Design – As previously stated, the applicant proposes using the existing 288 square foot storage shed for processing the harvested marijuana. However, given the shed is within the platted ROW, use of this building for commercial marijuana cultivation will require the building to meet the required setbacks. The existing windows will be removed and the existing door facing the ROW will be relocated to the south facing rear of the building. Relocating the door to the rear of the building will serve to shield the transfer of marijuana between buildings. Equipment necessary for the drying and packaging room includes charcoal filters, an electric heater and a dehumidifier.

A second 576 square foot building is proposed to be constructed directly behind the existing storage shed. The design for the proposed cultivation building includes two rooms for cultivation and a 72 square foot enclosed entryway (Attachment D). The entryway is designed to shield the transfer of plants from the cloning and propagation room to the flowering room from anywhere outside the building. The door from the exterior of the building into the entryway will be locked at all times, including when handlers are inside.

The applicant estimates the structure will accommodate 390 flowering plants. This number of plants is estimated to produce approximately 73 to 94 pounds of marijuana bud annually. The applicant intends to find a suitable retail location to sell their cultivated product while subcontracting for their product manufacturing needs.

The cultivation building will be supported by a closed loop system, meaning no air or water will exit the building. This structure will include an air conditioning and heating unit as well as dehumidifiers to provide for the atmospheric conditioning required to yield a successful marijuana crop. The heating and cooling system along with fans will also protect against mold, mildew and pesticides.

A propane fueled CO₂ generator will be installed to assist in cultivation. Plant growth is accelerated by increasing the CO₂ parts per million (ppm) in the grow room and therefore is a common feature in commercial facilities. There is an automatic shut off once CO₂ levels reach a certain point. Also, handlers will have the ability to shut off the fuel source to the generator inside and outside the building. The applicant intends to maintain a 100 gallon propane tank onsite for CO₂ generation. The International Fire Code requires propane tanks of 125 gallons to have 5 foot separation from a building. According to the Capital City Fire and Rescue, the CO₂ generator will require an annual inspection.

Normal ambient air has anywhere from 250 to 350 CO₂ ppm. CO₂ used in marijuana cultivation ranges from 800 to 1800 ppm. According to the Federal Department of Labor's Occupational Safety & Health Administration (OSHA) a general permissible exposure limit in an eight hour

Planning Commission
 File No.: USE20160001
 March 15, 2016
 Page 6 of 13

workday's CO₂ levels of 5,000 ppm¹.

Additional equipment includes carbon filters for odor control and fluorescent and LED grow lights in both the cloning and flowering rooms. The structure will not have windows ensuring no light is emitted or any marijuana visible. The enclosed entry way will also serve to shield the use from adjacent properties.

The commercial use will require the installation of a water meter which will be addressed through the building permit required for this facility. The building upgrades to the existing shed and new construction will require a building permit which will include all related inspections to ensure compliance with Title 19 and Title 49.

Traffic – Currently, the applicant does not plan to have employees beyond the current residents of the property. Therefore, there is no anticipated traffic beyond the distribution of the packaged product. The applicant plans to transport product every two weeks to either a retail or product manufacturing location in an unmarked private vehicle and in accordance with the state required transport methods. This includes a manifest of the product being transported and all products must be in secure containers.

Parking and Circulation – The site currently provides parking for four vehicles on the paved driveway directly in front of the house. The driveway is in the North Douglas Right of Way. There is also a one stall garage attached to the house. The single family home requires two parking spaces. According to the parking table in CBJ 49.40.210 the marijuana cultivation facility requires one additional parking space. Therefore, the site requires a total of three parking spaces.

Parking for the single family dwelling is considered legally non-conforming since the ROW was platted after construction of the residence. The residence was also built prior to parking standards for this area of North Douglas. CBJ 49.40.200 requires all required parking spaces be provided onsite. In addition, CBJ 49.40.230(b)(7) requires that parking areas have adequate space for circulation to prevent back out parking on the right of way. According to the Alaska Department of Transportation (AKDOT), no driveway permit is required as AKDOT recently paved a 39 foot apron at the subject property. The recent paving is considered a permitted approach by AKDOT. Parking space is available to the west of the single family residence which would provide onsite parking in addition to the one stall garage.

Staff recommends as a condition of approval that no parking for the residence or marijuana cultivation facility shall be in the ROW.

¹ https://www.osha.gov/dts/chemicalsampling/data/CH_225400.html

Planning Commission
 File No.: USE20160001
 March 15, 2016
 Page 7 of 13

Noise – As previously stated, the proposal includes a closed loop system with structures that do not have windows. All equipment for the operation will be inside the building. No externally perceptible noise is expected from the heating and cooling air to air system, fans, CO₂ generator, or dehumidifiers. There are no other potentially noise emitting processes or equipment associated with a limited marijuana cultivation facility. Staff recommends as a condition of approval that the structures meet the Sound Transmission Classification requirements as provided in the International Building Code to eliminate any detectable noise from fans or generators outside of the structures.

Lighting – One downward facing light is proposed by the entry to the cultivation building to comply with state security requirements. As previously stated, the processing building and cultivation building will not have any windows and an internal door will be closed prior to exiting the building so no internal light will be visible from outside the building. Staff recommends an additional light be installed at the doorway to the processing building. Given the door will be in the rear of the building, offsite glare will not be a concern. Staff recommends as a condition of approval a light at each doorway to the marijuana cultivation facility buildings. Staff further recommends that each light shall not produce any offsite glare.

Odor - 3 AAC 06.430(c)(2) and proposed Ordinance 2015-38 require marijuana cultivation licensees to prevent odor from being detectable outside of the licensed premise. As described under project design, the building will have carbon filters to absorb plant odor. Carbon filters are the primary method for odor elimination in marijuana facilities. Staff recommends as a condition that the filters be replaced no less than once annually to ensure their proper functioning.

Waste – State regulations require each plant to be tracked from seed or the cloning stage to final sale or disposal. Licensees must give the state a minimum of three days' notice prior to rendering the marijuana unusable. Marijuana to be destroyed must be rendered unusable by grinding the plant waste and then mixing the ground material with compostable or non-compostable material. Marijuana product manufacturing processes allow for much of the plant to be used for extraction of oil. Therefore, there is typically little beyond plant stems that will be left over to dispose of. The applicant intends to compost plant waste for personal use. Staff recommends as a condition of approval that the compost be stored in the processing building.

According to the applicant no wastewater will be produced by the cultivation facility. Rainwater runoff and water captured in the dehumidifiers will be the main source for watering the plants. Otherwise, water would be transferred from the residence. Plants are expected to absorb the water fed to them with little to no runoff. Therefore, inspection of the existing septic is not required.

Public Health or Safety – Security is a primary concern in the legal marijuana industry and the

Planning Commission
 File No.: USE2016-0001
 March 15, 2016
 Page 8 of 13

state regulations provide for processes and standards to ensure legal marijuana does not end up in the illegal market, is sold only to those 21 and over and that licensed marijuana establishments are secure from theft. Proposed Ordinance 2015-38 requires that CUP applications include a security plan indicating how the applicant will comply with the requirements imposed by State law. Those requirements include;

- Exterior lighting
- Security alarm system on exterior doors
- Continuous video monitoring
- Commercial grade door locks on exterior points of entry

Each of the state security requirements are addressed in the security plan provided by the applicant found on page 28 of Attachment A. Staff recommends as a condition that prior to issuance of a Certificate of Occupancy that staff ensure that each security element is operational.

The proposal includes high resolution cameras that will have the ability to record in infrared spectrum. Infrared recording would be necessary if electricity was shut off or someone entered either building while the lights were shut off. Staff interviewed local security specialists to determine if the proposed resolution would provide the necessary imaging should a burglary take place. Specialists confirmed that the megapixel resolution proposed by the applicant would provide high quality imaging.

The proposal identifies the use of ventilation, pesticides and sanitation as all methods to be used to reduce the chance of mold, mildew, fungus, or pests. Samples of marijuana and manufactured product must be tested in a state licensed facility prior to sale. Testing facilities are required to test for harmful contaminants and residual solvents from extraction processes. Therefore, any harmful chemicals or microbial will be detected prior to consumer consumption. Further the applicant has identified in a supplemental narrative that no toxic chemicals will be used in fertilizing the plants (Attachment B).

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

Property Value or Neighborhood Harmony – At the time this staff report was due, staff had received 15 letters in support of the proposal and 24 letters opposing the proposal (Attachment F). The applicant hosted an open house on January 23, 2016 for neighboring property owners and residents. The invitation letter, sent to 22 properties, can be seen in Attachment E. According to the applicant five neighbors attended. According to the applicant they addressed questions related to off-site glare from lights, odor, noise, security and number of employees. The applicant stated that approximately seven additional neighbors stopped by individually to discuss the proposal. None of those that attended the open house or visited the applicants

Planning Commission
 File No.: USE2016-0001
 March 15, 2016
 Page 9 of 13

voiced opposition to the proposal. The applicants intend to host a second open house on March 19th.

The letters in opposition to the proposal were concerned about potential effects on property values, odor, and noise. Staff has included an email from City Assessor Robin Potter addressing property value concerns (Attachment G). There is no evidence to indicate that property values will be adversely affected by the proposal with appropriate conditions placed on approval of this permit application.

The letters in opposition also requested a delay in hearing this proposal until Ordinance 2015-38 was adopted. As previously stated, the Director made the determination to present this application because the moratorium has expired. Those residents opposed to the proposal were also concerned in general about commercial operations in the D-1 residential zoning district. However, directly to the north of the subject property a 2.3-acre commercial peony farm was approved with USE2014-0007. In addition to commercial agriculture, the TPU allows other commercial uses in the D-1 zoning district such as recreational facilities, veterinarian clinic, and sand and gravel operations with an approved conditional use permit.

Conformity with Adopted Plans – The property has a Comprehensive Plan Designation of Rural Dispersed Residential (RDR). Chapter 10 of the City and Borough of Juneau Comprehensive Plan defines RDR as the following;

These lands are characterized by dispersed, very low density development not provided with municipal sewer or water. Densities are intended to permit one dwelling unit per acre or larger lot sizes, based on existing platting or the capability of the land to accommodate on-site septic systems and wells. Uses may also include small-scale, visitor-oriented, seasonal recreational facilities.

The subject site is provided with municipal water, though outside the urban service boundary. The Planning Commission and Assembly deemed the limited cultivation facilities to be appropriate for the lowest density zoning district due to their minimal offsite impacts. This lot is substantially over the minimum lot size for the zoning district of 36,000 square feet at 58,806 square feet with only a single family residence. The site provides adequate space and screening to operate a limited cultivation facility.

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

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

Planning Commission
 File No.: USE2016-0001
 March 15, 2016
 Page 10 of 13

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

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

The Comprehensive Plan identifies neighborhood concerns related to traffic, noise, glare, and loss of privacy in relation to higher intensity incompatible uses. Chapter 10 Land Use provides guidance on how to avoid residential land use conflicts.

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 DECISION AND REGULATORY MEASURES.

Implementing Actions:

10.4-2A2 Maintain and consider enhancing Title 49 Land Use Code requirements for buffering and screening between residential and commercial/industrial uses and careful review of site development plans. Great care should be taken to incorporate design features, materials and good neighbor operating practices into the non-residential development permit in order to mitigate potential adverse noise, dust, odor and glare impacts to adjacent residential neighbors. Such operating practices should be incorporated as conditions of any permit for a non-residential land use located within 200 feet of a residential use or neighborhood.

While this implementing action is intended to address large commercial or industrial activity, it does provide guidance on how to address potential off-site impacts between commercial and residential uses in the same area. With appropriate conditions potential impacts from the proposed use can be mitigated to offset any impacts to existing residences.

FINDINGS

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

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

The Commission shall adopt the Director's determination on the three items above unless it

Planning Commission
 File No.: USE20160001
 March 15, 2016
 Page 11 of 13

finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

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

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

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

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

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ § 49.25.300, Section 14.240 for the D-1 Zoning District.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided on the March 11, 2016 and will be provided on the March 21, 2016 issues of the Bureau Empire's "Your Municipality" Section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Public comment in opposition of the proposed use has spoken to the potential for material endangerment because the use may attract crime. The proposal includes a 24-hour, 7-day per week surveillance and alarm system. The cultivation process will occur in a closed loop system and therefore no odor or product will be detectable offsite. The proposal includes necessary safety measures to ensure the product is free of contaminants and will further be

Planning Commission
 File No.: USE20160001
 March 15, 2016
 Page 12 of 13

tested prior to consumption according to State regulations. Therefore, as proposed, the limited marijuana cultivation facility will not materially endanger the public health or safety.

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

No. Based on the preceding analysis including comments from the Assessor's Office staff, does not find evidence to suggest that the proposal with conditions will substantially decrease the value of neighboring properties. State and local regulations as well as the applicants' design proposal minimize any visible evidence of the use in the existing structure and proposed structure. The applicant hosted an open house and addressed any concerns neighbors had about the proposal and have adapted their plans to meet neighborhood concerns. Further, other commercial uses are allowed in the D-1 zoning district including a permitted 26-acre peony farm directly to the north.

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

Yes. Based on the preceding analysis, staff finds the proposal to generally conform to the land use plan and the 2013 Comprehensive Plan.

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

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

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit, USE20160001. The permit would allow the development of a 500 square foot marijuana cultivation facility in the D-1 zoning district. The approval is subject to the following conditions:

1. An As-built Survey shall be conducted and submitted to the CDD prior to issuance of a building permit.
2. The existing shed shall be relocated to meet the setbacks requirements for the D-1 zoning district prior to the issuance of a building permit.

Planning Commission
 File No.: USE20160001
 March 15, 2016
 Page 13 of 13

3. The existing and proposed structures shall have no windows.
4. The door on the existing shed shall be relocated to the rear of the structure.
5. Renovation of the existing shed and construction of the proposed shed shall meet the Sound Transmission Classification (STC) regulations to eliminate any detectable noise from fans or generators outside of the structures.
6. Wastewater generated by the marijuana cultivation facility is prohibited from entering the septic system and the septic system is prohibited from being connected to any building where marijuana is grown or processed.
7. No back-out parking shall be allowed onto the North Douglas Right of Way.
8. No parking for the marijuana cultivation facility or the residence shall be located in the North Douglas Right of Way.
9. Trees shall be planted on the north side of each building to provide additional screening.
10. The CO₂ generator shall have an automatic shut off.
11. A propane sensor shall be installed in the cultivation building.
12. Charcoal filters shall be replaced no less than once annually.
13. Lighting shall be installed at each doorway to the processing building and cultivation building.
14. No off-site glare shall be produced by exterior doorway lights.
15. Each door shall have either a grade lock with deadbolt or grade 1 lock.
16. Security cameras shall record in no less than high definition 1080p resolution.
17. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
18. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixture or other equipment in the processing building and cultivation building.
19. Security cameras shall have a battery back-up system installed.
20. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational.
21. The applicant shall obtain a CBJ marijuana business license if and when applicable.
22. The property owner shall schedule an annual inspection to ensure conditions of this permit are met.
23. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
24. No marijuana cultivation may occur without all other required state and local approvals.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 1/12/16
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <u>Limited Cultivation Establishment</u>		
	PROPERTY LOCATION		
	Street Address <u>8393 No. Douglas</u>	City/Zip <u>Juneau 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>June E. Hall</u>	Contact Person: <u>June</u>	Work Phone: <u>723-5995</u>
	Mailing Address <u>8393 No. Douglas Juneau AK 99801</u>	Home Phone: <u>586-6790</u>	Fax Number:
	E-mail Address <u>renoir@gci.net</u>	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT *****Required for Planning Permits, not needed on Building/ Engineering Permits*****		
PROJECT / APPLICANT	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>June E. Hall</u>	<u>1.12.2016</u>
		Landowner/Lessee Signature	Date
	X	<u>Paul V. Hedin</u>	<u>1.12.2016</u>
		Landowner/Lessee Signature	Date
	NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
	APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
	Applicant's Name <u>June E. Hall</u>		
Contact Person: <u>Same</u>			
Work Phone:			
Mailing Address <u>8393 No. Douglas</u>			
Home Phone:			
Fax Number:			
E-mail Address <u>Same</u>			
Other Contact Phone Number(s):			
X	<u>June E. Hall</u>	<u>1.12.2016</u>	
	Applicant's Signature	Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	—SIGN	Date Received
		Building/Grading Permit		
		City/State Project Review and City Land Action		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #'s)		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	X	1/12/16 USE 20160001
		Variance Case (De Minimis and all other Variance case types)		
		Wetlands Permits		
		Zone Change Application		
		Other (Describe)		
	***Public Notice Sign Form filled out and in the file.			
	Comments:			Permit Intake Initials <u>ESF</u>

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
I:\FORMS\2010 Applications Revised November 2009

~~ALLOWABLE~~/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number USE20160001	Date Received 1/12/16	
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED				
☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW) ☒ Use Listed in §49.25.300 (Table of Permissible Uses) (USE)				
Please list the Table of Permissible Uses Category: Marijuana establishment 14.245				
***An Accessory Apartment Application will also be required.				
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. Limited cultivation for Marijuana				
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES - Case # _____				
CURRENT USE OF LAND OR BUILDING(S): Residential				
PROPOSED USE OF LAND OR BUILDING(S): Limited Cultivation of Marijuana				
UTILITIES PROPOSED:				
WATER:		SEWER:		
☒ Public ☐ On Site		☐ Public ☒ On Site		
SITE AND BUILDING SPECIFICS:				
Total Area of Lot 1.54 square feet Ac Total Area of Existing Structure(s) 1700 square feet				
Total Area of Proposed Structure(s) 566 square feet				
EXTERNAL LIGHTING:				
Existing to remain ☒ No ☐ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures				
Proposed ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures				
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:				
☐ Site Plan ☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☐ Floor Plan of proposed buildings ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) ☐ Elevation view of existing and proposed buildings ☐ Proposed Vegetative Cover				
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	ALLOWABLE/CONDITIONAL USE FEES			
	CL I Fees	Check No.	Receipt	Date
	Application Fees \$ 350-		CDD7512	1/12/16
	Admin. of Guarantee \$			
	Adjustment \$			
	Pub. Not. Sign Fee \$ 50-		"	"
	Pub. Not. Sign Deposit \$ 100-		"	"
	Total Fee \$ 500-		"	"

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

CBJ Conditional Use Permit Application:
Narrative and Site Plan January 12, 2016

The Fireweed Factory LLC

RECEIVED
JAN 12 2016
PERMIT CENTER/CDD



Narrative Contents

Business Structure and Operations

Site Use and Development

Cultivation

Processing

Safety and Security

Summary

Site Plan and Drawings

Attachments

Business Structure and Operations

The Fireweed Factory is a LLC licensed in the State of Alaska. As a manager/owner company some members will oversee its operation. The State marijuana regulations spell out four types of facilities that can be established. The company plans to apply for the State of Alaska limited cultivation permit to grow and process cannabis for sale. It will operate under and comply with all the legal requirements of the State and CBJ. We may have one to two employees. All marijuana handlers will be licensed per State regulation 3 ACC 306.425.

The Fireweed Factory will be operated as a vertically integrated company that incorporates the “seed to sale” business model. The company is classified as a limited cultivation establishment as defined by State regulation, and limited by the CBJ zoning, to less than 500 square feet of grow space.

Our company policies will reflect our values: to grow only premium cannabis that will be held to the highest safety standards, be sensitive to community concerns and to be protective of the environment. The owners have lived in Juneau since 1974 and have had some of the same neighbors for many years. We will address their interests and concerns by inviting them to an open house to view our planned facility and explain its operations. An emphasis will also be placed on informing them about the safety and security of our facility, our company mission and aspects of cannabis based on facts.

No manufactured products such as concentrates, edibles or extracts from the plants will be made on site and we do not intend on applying for those State permits. A company-owned retail store is planned for downtown Juneau in the future.

Site use and development

A limited cultivation marijuana establishment on North Douglas is allowed under the CBJ Land Use Code as amended by CBJ Ordinance #2015-39. Under CBJ Title 49.25.300, and by standard definition, the cultivation facility is designated as a Commercial Agricultural Operation limited to under 500 square feet as outlined by Section 14.245. The total lot size is 1.54 acres and the area affected by facility development is less than 1/20 of the lot. The site was cleared and filled many years ago. After a small amount of brush is cleared, it will be ready to build on. There will be no environmental habitat impacts to the site.

As cannabis cultivation parallels other forms of indoor farming and gardening, the schedule for all work performed is 8 am to 8 pm, seven days a week throughout the year. Unlike greenhouses, no light will be emitted from the buildings. Owners live on site in a single family home in close proximity to the grow facilities. The site will not be open to the public and access will be limited only to those who have a State handler's permit.

Facilities overview

At the proposed site TFF is planning to make use of one existing building for processing and construct one new building for growing. Use and occupancy will conform to the International Code Council's Chapter 3, Section 312.1 Utility and Misc. Group U - Agricultural Buildings category. Appendix C was added to the agricultural buildings section and CBJ adopted this appendix under 19.03 (Serial No. 2009.16b). The scope of this appendix outlined provisions that apply exclusively to agricultural buildings. Such buildings in Group U include, but were not limited to, horticultural structures including detached production greenhouses and crop protection shelters.

The existing building is 288 square feet and will only serve as a location for drying, trimming and packaging. The proposed new building of 494 square feet will be for propagation and flowering of plants. This new building is being designed to blend with

other structures on the site. Shielded by big trees the two buildings will have low visibility from North Douglas Highway and neighbors; in addition they will be highly secured. Construction of the new building will begin in early spring and depending on the weather could be completed in approximately four weeks. The noise produced by construction will be short term and at typical levels for the size and building type; sounds produced by operations will be minimal and not audible to our neighbors.

A new electrical service of 200 amps will be run to the new cultivation building. A new circuit breaker box will be installed and power will be split up into both 120v and 240v supply lines running through conduit to multiple outlets throughout the building. Power will also be run in conduit to the existing processing building.

Water for hydration will be stored in a tank from roof runoff and/or supplied to the building from the single family dwelling on site, then pumped into the building for watering plants. The water from the humidifiers will be recycled to water the plants.

Because we may not have any employees and certainly less than fifteen, the accessible standards set by ADA Title 1 do not apply to the bathroom we will provide. In addition, under ADA Section 203.9 Employee Work Areas, work spaces under 300 square feet shall not be required to comply with the standard accessible requirements. The ADA Advisory 203.9 section suggests that "Although areas used exclusively by employees for work are not required to be fully accessible, consider designing such areas to include non-required turning spaces . . . consider accessible elements whenever possible," and this is what we intend to do if we hire a ADA qualified individual as an employee.

See attached building plans.

Building 1: Cultivation

Propagation

Building 1 will provide 494 square feet of cultivation space and fulfills the less than 500 square feet requirement of the State and CBJ zoning for a limited cultivation establishment. The facility will have an enclosed entry of 5'x12' with a secure door and surveillance. The building will be an insulated structure of wood construction with no windows and have a

metal roof. It will be divided by a partition wall into two sections: the propagation room and a flowering room. The interior walls will be covered with smooth finished drywall and painted with a coating that is capable of being frequently washed and sanitized.

Equipment installed will include an air conditioning/heating system, CO2 generator, activated carbon filter system, and fluorescent grow lights. The propane supply for the CO2 generator will have manual shut-off valves inside and outside the building. The generator will have an electronic monitoring system that will have an automatic safety shut-off feature.

It is in Building 1 that the process of growing begins with the “mother plants.” Mother plants are large mature plants that are kept solely for the production of clones (small cuttings). A mother plant is used for long periods of time and is not harvested for sale. The clones are taken from the mother plants and put into aeroponic cloning machines where they sprout roots. After rooting, the clones are then transplanted into small pots containing coco coir (shredded coconut husks) where they will grow under fluorescent lights for the next two weeks. All plants will be fertilized with high quality organic nutrients.

Each 8” clone is given an official Marijuana Inventory Tracking System (MITS) number. This section of the cultivation building must be kept scrupulously clean to avoid invasion of any contaminants like molds, mildew, fungus, etc. Pest contamination will be controlled by a variety of methods, including regular cleaning of growing equipment and keeping the proper environment at all times (i.e humidity, temperature and light). Personnel will put on clean Tyvek suits and gloves to prevent bringing in any contaminants. Any pest contaminations will be eliminated with organic pesticides and fungicides only. Any smell of cannabis to the outside will be eliminated by the activated charcoal filter system.

Flowering

The cannabis clones are repotted into larger containers and moved to the flowering room along with their MITS tags. These plants will be fed organic nutrients for a total of two months until they are harvested.

Equipment includes: an air conditioning/heating system, CO2 generator, activated carbon filter system, fans and LED lighting fixtures. Light is supplied in a cycle of 12 hours on and

12 hours off. No light will be emitted to the outside. Any smell of cannabis to the outside will be eliminated by the activated charcoal filter system.

This building must also be kept extremely clean to avoid any contaminants like molds, mildew, insect and fungus, etc. Pest contamination will be controlled by a variety of methods, including regular cleaning of growing equipment and keeping the proper environment at all times (i.e humidity, temperature and light). Personnel will put on clean Tyvek suits and gloves to prevent bringing in any contaminants. Any pest contaminations will be handled with organic pesticides and fungicides only.

When mature plants are harvested, they will be separated into batches of a single strain. Labeling and tracking of each batch is also entered into the State MITS per regulation 3 AAC 306.730.

See attached for plans and sample equipment.

Building 2: Processing

Drying, Trimming, and Packaging

Building 2 is the existing 288 square foot is an insulated structure of wood construction with metal roof and siding previously used for storage. The two windows and one of the two existing doors will be infilled and covered with siding and made secure. The interior smooth drywall surfaces will be repainted with a coating capable of being frequently washed and sanitized.

Equipment installed will include an electric heater, activated charcoal system for odor control and a dehumidifier for drying plants. A portion of this building will be separated from the packaging area for the drying and trimming of harvested plants. All personnel will wear clean Tyvek suits and gloves to prevent contamination of the marijuana during trimming and packaging.

After harvesting, plants will be hung to dry for seven to ten days in a climate controlled environment. Trimming of the flower buds and the topmost smaller leaves will be done by hand to ensure optimum quality. The byproduct of the trimming process (trim) will be sold

to other businesses who will manufacture refined items such as extracts and edibles. The flower buds and trim will be put into in a light proof and air-tight container and securely stored at a cool temperature until it is packaged.

Before any cannabis is packaged, it must be tested by a licensed lab for cannabinoid potency and contaminants per 3 AAC 306.645. Only after it meets the testing requirements can it be packaged. Packaging and labeling will be done in compliance with 3 AAC 306.470 and 3 AAC 306.475. Child-resistant plastic opaque bags will be sealed and labeled with our company name and logo as well as the required MITS and labels. Packages will be securely transported to other licensed businesses that retail or manufacture refined items, or to our permitted retail store. Before distribution the State excise taxes must be paid.

Plant waste will be shredded and disposed of according to regulation 3 AAC 306.740. Because extensive flower beds and a large vegetable garden are maintained on the property, composting the shredded material, mixed owner-provided chicken manure, will be the first choice for disposal.

Safety and Security

The health and safety of our cannabis and those that produce it are a primary concern for our business. Personnel will have access to a separate toilet facility and shop sink on the lower level of the owners' house within 60 feet of the cultivation buildings. The available bathroom is not completely handicapped accessible but the sink, toilet and grab bars are ADA compliant.

All buildings including the family home will have the most advanced security systems available, fulfilling regulations 3 AAC 306.715 and 3 AAC 306.720. Camera systems will be IP based and will capture and transmit images over an IP network. IP video allows the user to view and record footage remotely from a smartphone or tablet.

Cameras will record in HD 1080p and have the ability to record in the infrared spectrum to provide detailed images even in total darkness. The cameras will also record in Wide Dynamic Range (WDR), which creates a clearer more identifiable image and ensures optimal image detail, along with facial recognition software. Surveillance cameras will be

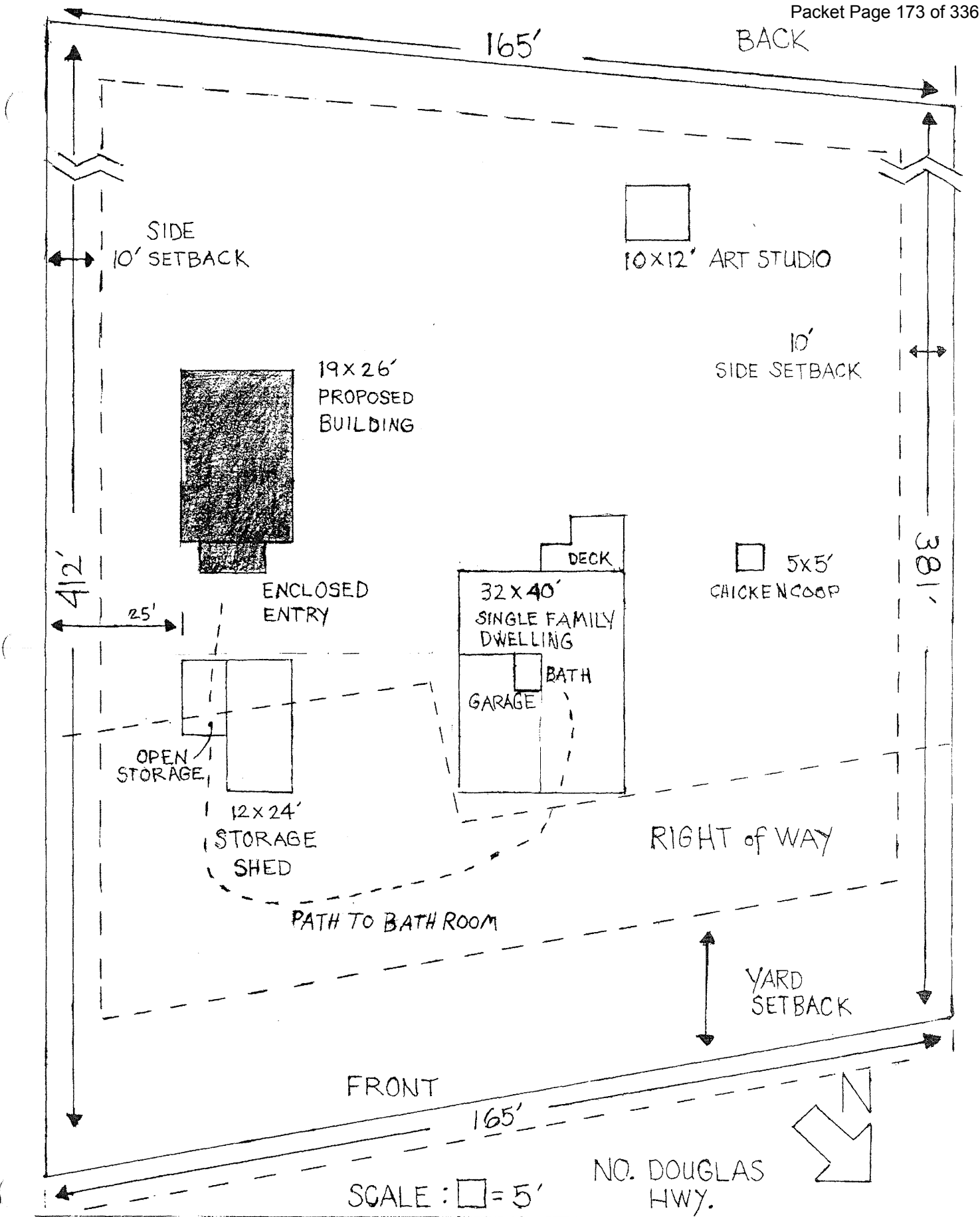
outfitted with vandal-proof enclosures. These enclosures help to minimize physical damage to the camera lens. For outside placement a weather-resistant enclosure will be used to prevent water damage. These cameras will be placed strategically at all entrances to prevent robbery and catch detailed imagery in case an unauthorized person breaks into the buildings. Cameras will record 24 hours a day and have a battery backup system.

Video Management Software will be used in conjunction with a network video recorder to view, record and manage all cameras from a monitoring station or a remote device such as a smartphone or tablet. Motion detecting spotlights will be used at the entrance of each building. Industrial grade security doors and locks will be installed on all buildings.

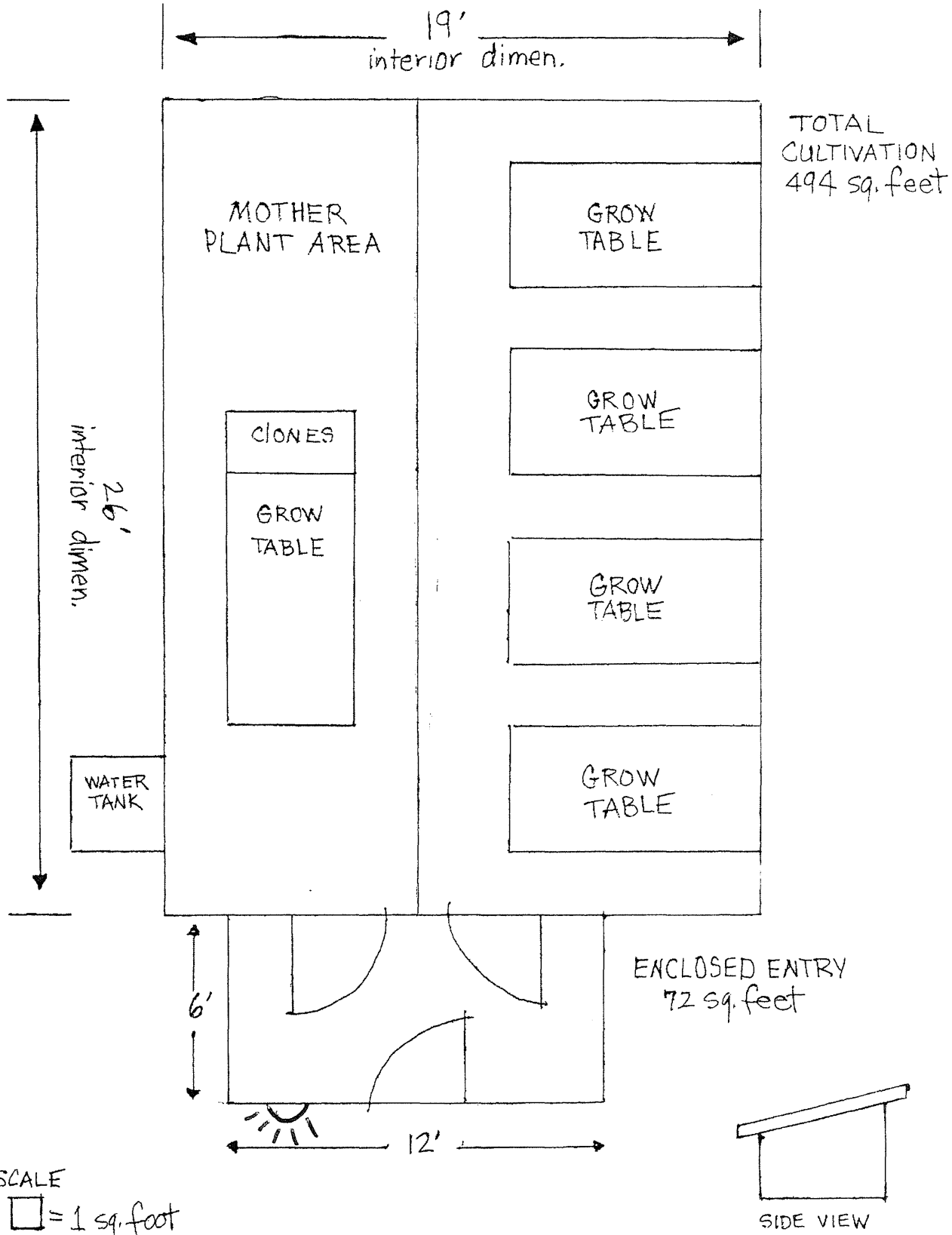
The alarm system will include multiple duress alarm access points, multiple panic alarm access points, digital dialer with cellular backup, and equipment failure notification alarm. Real-time monitoring of security systems will be provided by a professional security company.

Summary

The primary goals of this limited cultivation business will be to provide the highest quality legal cannabis, grown with environmentally friendly and all natural methods. It is our desire to integrate this new product into the local market in a socially responsible way. The interests of our customers are not separate from our own. We plan to help educate our local community on the benefits of both medical and recreational cannabis. We see this company as “value driven” and contributing to positive social change in our community.

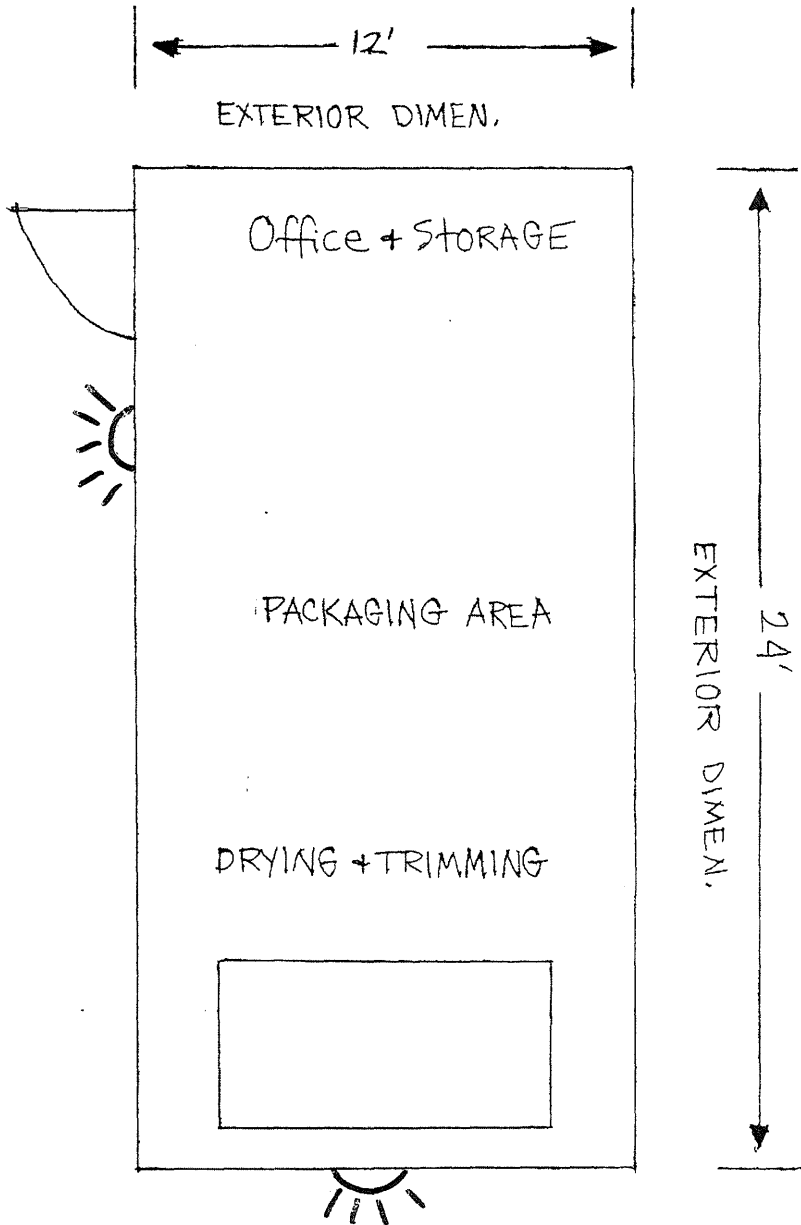


PROPOSED CULTIVATION BLDG.



☀ Lighting fixture will face downward

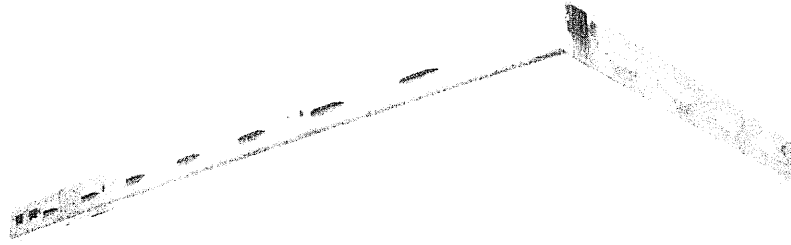
EXISTING PROCESSING BUILDING



Lighting fixture
will be downward
facing

SPECIFICATIONS

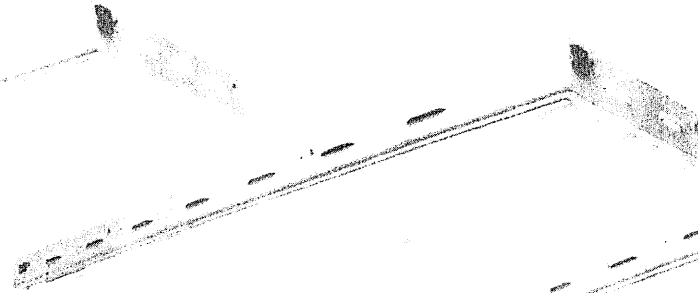
Sun Blaze T5 HO 120 Volt Fluorescent Fixtures



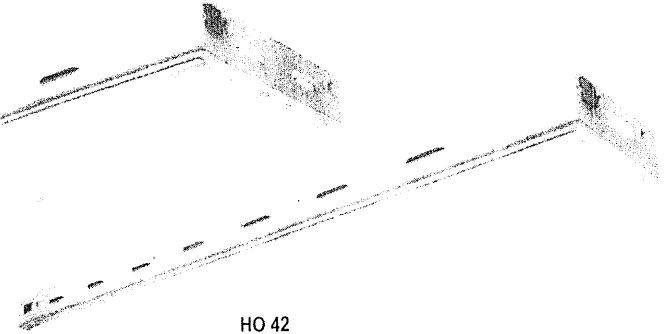
HO 48



HO 46



HO 44



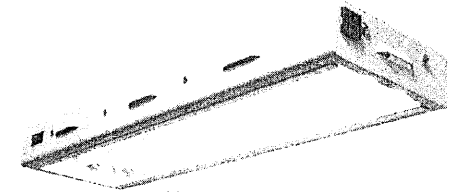
HO 42



HO 28



HO 24



HO 22

• = yes

ITEM NUMBER	PRODUCT NAME	HO	VHO	ETL LISTED	VOLTS	AMPS	# OF LAMPS	LAMP WATTAGE		MAXIMUM DAISY CHAIN	POWER SWITCHES	DIMENSIONS (INCHES)			WEIGHT (LBS)
								EACH	TOTAL			LENGTH	WIDTH	HEIGHT	
960290	Sun Blaze T5 HO 22	•		•	120	0.56	2	24	48	16	1	23.75	7.75	2.5	6
960295	Sun Blaze T5 HO 24	•		•	120	1.15	4	24	96	8	1	23.75	12.75	2.5	8.5
960293	Sun Blaze T5 HO 28	•		•	120	2.3	8	24	192	4	2	23.75	22.5	2.5	13
960296	Sun Blaze T5 HO 42	•		•	120	1	2	54	108	10	1	47	7.75	2.5	10
960300	Sun Blaze T5 HO 44	•		•	120	2	4	54	216	5	1	47	12.5	2.5	15
960302	Sun Blaze T5 HO 46	•		•	120	3	6	54	324	3	1	47	17.5	2.5	19
960305	Sun Blaze T5 HO 48	•		•	120	4	8	54	432	2	2	47	22.5	2.5	22.8

Attachment A



Sunlight Supply, Inc.
National Garden Wholesale.

This document is not intended to be used for installation purposes. We cannot cover all specific applications or anticipate all requirements. All specifications are subject to change without notice.

HOME (<https://www.sunlightsupply.com/>) / SHOP (<https://www.sunlightsupply.com/shop/>) / ENVIRONMENTAL CONTROLLERS (<https://www.sunlightsupply.com/shop/bycategory/environmental-controllers>) / TITAN CONTROLS® HELIOS® 13 - 16 LIGHT 240V CONTROLLER WITH TIMER

Titan Controls® Helios® 13 - 16 Light 240V Controller with Timer

Overview Documents Specs



Product Diagram

(<https://sunlightsupply.s3.amazonaws.com/document>

Product Selector

(</page/titanproductselector>)

Part #702828



702828

This controller will run sixteen (16) HID lights at 240 Volts. The only lighting controllers featuring industrial-grade ballast rated relays. Premium quality timer with battery back-up keeps lighting schedule in the event of power failure (located on the bottom of unit). Sequenced lighting delays for each light bank. NEMA 6-15 UL Listed 240 VAC power outlets. 100 Amps input power/80 Amps output power/240 Volts/60 Hz./16,000 Watts.

EXCLUSIVE



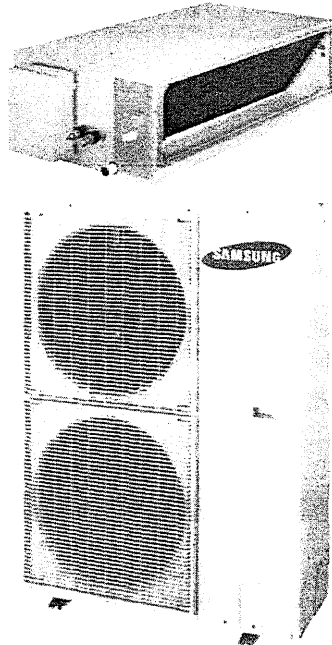
Part#	Title	MSRP	Wish List
702828	Titan Controls Helios 13 - 16 Light Controller w/ Timer	\$1,191.95	+ Wish List

[Find Retailer \(/page/findretailer\)](/page/findretailer)

HOME (<https://www.sunlightsupply.com/>) / SHOP (<https://www.sunlightsupply.com/shop/>)
/ AC DEHUMIDIFICATION HUMIDIFICATION (<https://www.sunlightsupply.com/shop/bycategory/ac-dehumidification-humidification>)
/ SAMSUNG MINI SPLIT SYSTEM CEILING MOUNTED HEAD 20+ SEER - HEATING & COOLING - 48,000 BTU

Samsung Mini Split System Ceiling Mounted Head 20+ SEER - Heating & Cooling - 48,000 BTU

Overview Specs



Part #700542



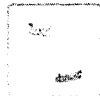
FAMILY

48,000 BTU Heating & Cooling Ductable, Ceiling Hung system. Professional Install Only. 208/230 Volt, 1 phase. Minimum circuit 25 amps. Requires 3/8 in x 5/8 in Line set (700577 & 700579 sold separately). Includes (1) 48K BTU ceiling hung indoor unit. SEER = 18.1, HSPF = 9.6. The Samsung Wireless Interface Kit for the 48,000 BTU Unit (700548,000 BTU Heating & Cooling Ductable, Ceiling Hung system. Professional Install Only. 208/230 Volt, 1 phase. Minimum circuit 25 amps. Requires 3/8 in x 5/8 in Line set (700577 & 700579 sold separately). Includes (1) 48K BTU ceiling hung indoor unit. SEER = 18.1, HSPF = 9.6. The Samsung Wireless Interface Kit for the 48,000 BTU Unit (700542) is required for operation but sold separately. This kit includes the receiver, wall display and 32 ft wire harness to interface with the Samsung Wireless Controller (700544), which is also sold separately but required for operation. Refrigerant line sets are offered separately and should be installed by a qualified HVAC Technician.

HOME (<https://www.sunlightsupply.com/>) / SHOP (<https://www.sunlightsupply.com/shop/>) / ENVIRONMENTAL CONTROLLERS (<https://www.sunlightsupply.com/shop/bycategory/environmental-controllers/>) / TITAN CONTROLS® ARES® 10 - TEN BURNER CO2 GENERATORS

Titan Controls® Ares® 10 - Ten Burner CO2 Generators

Overview Documents Specs



Product
Diagram

(<https://sunlightsupply.s3.amazonaws.com/document>

Part #702869

ARES 10

FAMILY

CO2 is scientifically proven to improve the performance of plants! The Ares® Series CO2 generators provide a clean & efficient way to enrich your grow area with CO2. Ares® Series CO2 generators comes with everything you need to get your CO2 system started. Switchable from 2, 6, or 10 burners. Includes: CO2 Generator, AC power supply, hanging chain, ceiling hook, appropriate hose and regulator. All you need to provide is a gas source! 1.5 Amps/120 Volts/60 Hz.

HOME (<https://www.sunlightsupply.com/>) / SHOP (<https://www.sunlightsupply.com/shop/>) / ENVIRONMENTAL CONTROLLERS (<https://www.sunlightsupply.com/shop/bycategory/environmental-controllers/>) / TITAN CONTROLS® ATLAS® 8 - DIGITAL CO2 CONTROLLER WITH FUZZY LOGIC

Titan Controls® Atlas® 8 - Digital CO2 Controller with Fuzzy Logic

Overview Documents Specs

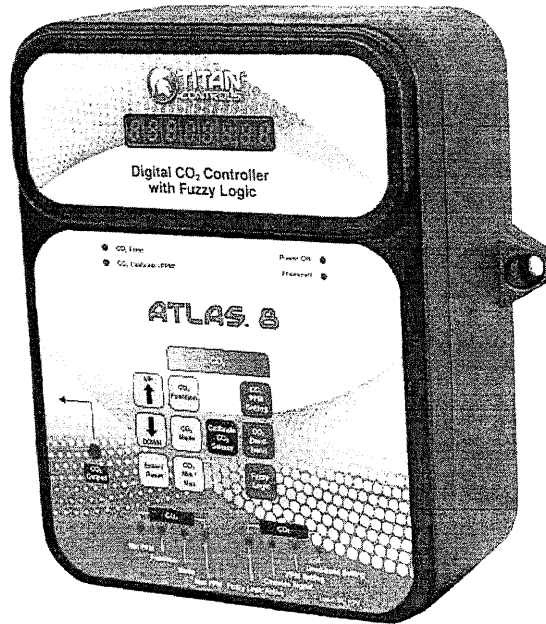


Product
Diagram

(https://sunlightsupply.s3.amazonaws.com/documents/product/702853_Application-Diagram.pdf)

Product
Selector

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Part #702853



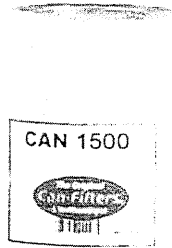
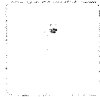
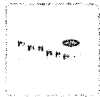
FAMILY

The Atlas® 8 is a digital CO2 monitor/controller. Once the CO2 level has reached your desired set point it will disable the CO2 device. It features a photocell to ensure daytime only dosing of CO2 via a generator or regulator. This controller comes with a 15 ft remote sensor that houses the photocell and CO2 sniffer. Besides having

HOME (<https://www.sunlightsupply.com/>) / SHOP (<https://www.sunlightsupply.com/shop/>) / AIR PURIFICATION (<https://www.sunlightsupply.com/shop/bycategory/air-purification>) / CAN-FILTERS®

Can-Filters®

Overview Specs



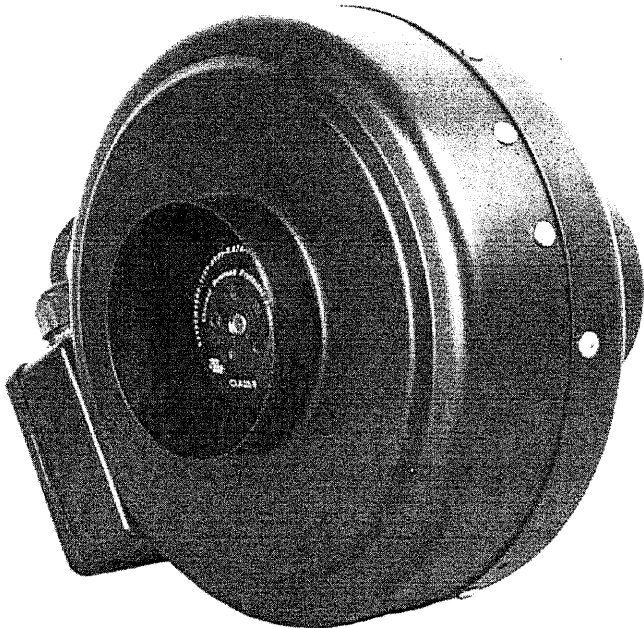
Part #700595

FAMILY

HOME (<https://www.sunlightsupply.com/>) / SHOP (<https://www.sunlightsupply.com/shop/>) / FANS VENTILATION DUCTING (<https://www.sunlightsupply.com/shop/bycategory/fans-ventilation-ducting>) / HURRICANE® CENTRIFUGAL INLINE FANS

Hurricane® Centrifugal Inline Fans

Overview Documents Specs



Part #736570



FAMILY 736570 736575 736580 736585 736590

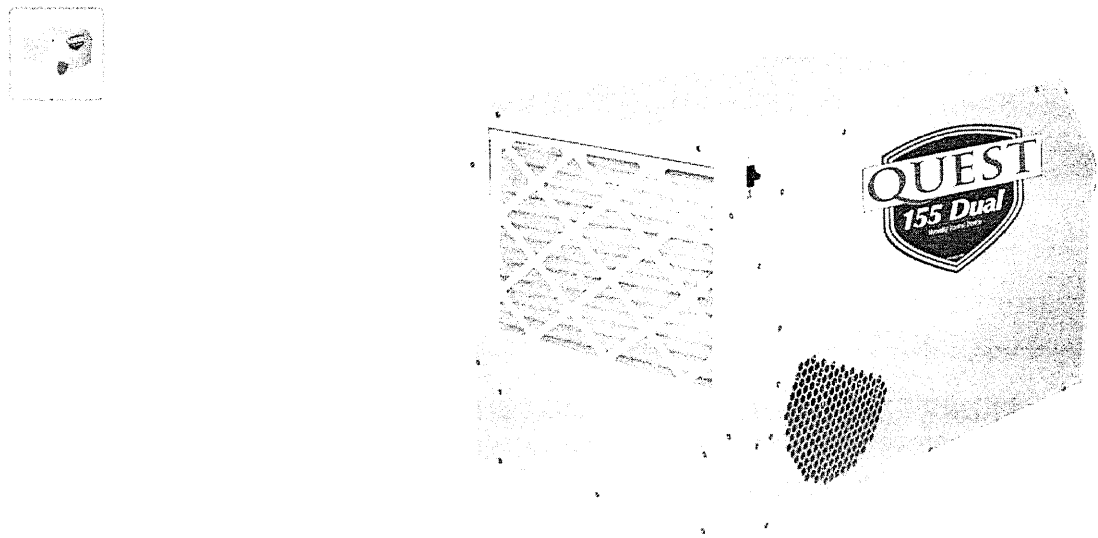
Hurricane® Inline Fans are commercial grade, high performance fans. The housings are made of steel with a durable powder coated finish. Made with quality UL components for quiet operation. Include mounting brackets with easy to follow instructions. Easily installs in minutes. These fans come with an 8 ft 120 volt power cord. Recommended for use with: Phresh® & Black Ops™ Carbon Filters, Ideal-Air™ Ducting and Clamps, and Titan Controls® Fan Speed & Ventilation controllers. Extremely reliable, high performance operation.

	Part#	Title	MSRP	Wish List
EXCLUSIVE	736570	Hurricane Inline Fan 4 in 171 CFM	\$104.95	+ Wish List
EXCLUSIVE	736575	Hurricane Inline Fan 6 in 435 CFM	\$129.95	+ Wish List
EXCLUSIVE	736580	Hurricane Inline Fan 8 in 745 CFM	\$169.95	+ Wish List
EXCLUSIVE	736585	Hurricane Inline Fan 10 in 780 CFM	\$219.95	

HOME (<https://www.sunlightsupply.com/>) / SHOP (<https://www.sunlightsupply.com/shop/>) / AC DEHUMIDIFICATION HUMIDIFICATION (<https://www.sunlightsupply.com/shop/bycategory/ac-dehumidification-humidification/>) / QUEST DUAL 155 OVERHEAD DEHUMIDIFIER

Quest Dual 155 Overhead Dehumidifier

Overview Documents Specs



Part #700818



Quest Dual 155 was designed to be placed overhead and out of the way, but can also be placed at ground level for plug and play operation. It is designed to be very energy efficient. The Quest 155 performs at 7.3 pints per kilowatt-hour. Compared to most standard dehumidifiers (3.8 pints/kWh), the Quest 155 is nearly twice as efficient. The Quest Duals' horizontal configuration, patent pending dual outlet design and insulated cabinet for quieter operation enable their exceptional performance in almost any application. The Quest Duals are plug-n-play, requiring no installation. Optional condensate pump and ducting kits provide the ultimate in flexibility for the most challenging space restrictions and specialized applications. MERV-11 filtration is standard on these units, capturing particles (including mold spores) down to 1 micron in size. Made in the USA.

Warranty: 1 year parts and labor • 5 year compressor and refrigerant system

EXCLUSIVE	Part#	Title	MSRP	Wish List
	700818	Quest Dual 155 Overhead Dehumidifier	\$2,072.95	+ Wish List

[Find Retailer \(/page/findretailer\)](#)

Comments and information to be included in the Hall/Disdier CUP for North Douglas
CBJ Planning Commission March 2016
The Fireweed Factory

Here are some facts about our business plans that address the concerns of our neighbors.

- The buildings used will have no windows and will not emit any light.
- Smell from plants will be controlled with charcoal filters and will not be detectable from outside the buildings.
- No operational sounds will be audible outside the buildings.
- A high-tech security system will be installed inside and out and monitored 24/7 by a professional security company.
- Foot traffic will be minimal as only one to two workers will be on site and they will have a handler's permit as required by State regulations.
- No signage will appear on the cultivation building that will be constructed behind the existing storage building. It will have low visibility from the highway.
- No manufactured products such as extracts or edibles will be produced on site.
- None of our packaged product is allowed to be sold on site.
- All work will be done in an enclosed environment and at no time will plants be visible to the public.
- There will be no public access to any part of the facilities. We do not intend on having tours of our facility. Additional trees will be planted on the north side of the buildings.
- There will be no fertilizer runoff or wastewater. The demands on the existing septic system will not exceed the current usage.
- All plant waste will be shredded, mixed with chicken manure, coffee grounds and composted for use in the owners' extensive on-site flower gardens.
- No flammable liquids (i.e alcohol, gasoline, etc.) will be used inside the grow facilities.
- All CO2 burners used in the two grow rooms will be computer controlled and will automatically keep CO2 levels safe at all times. They will have an automatic shut off valve.
- The propane tank used to power the CO2 burners will be located away from the grow facility at a distance in compliance with CBJ code.

Putting things into perspective:

Though our name is The Fireweed Factory which has been wrongfully used to imply that we are an industrial operation, the truth is that the name was chosen because Fireweed Farms was taken, because of its aliteration and link to old Juneau history when the gold mines were active. An unfortunate choice but we like it.

No toxic chemicals are going to be used in our operations. Previous testimony before the Planning Commission alleged that denatured alcohol would be used in the cultivation process somehow and that it is dangerous and explosive. In fact, denatured alcohol is the same type of ethanol that is found in alcoholic drinks like vodka. Denatured alcohol is a natural solvent and a chemical poison is added so people won't drink it. Denatured alcohol is no more worrisome than the bottle of gin in a liquor cabinet.

Electrical power for operations will come from the grid and not by generators. Typical grow operations take a large amount of power and generators are not feasible.

The propane system for the CO2 will be no more hazardous than the propane system used for the average cook stove and in fact will be safer with an automatic shut-off valve.

Encouraging small businesses or not:

CBJ has set forth as its goals the encouragement and support for small businesses in its 2013

Comprehensive plan:

Policy 5.1 To develop and sustain a diverse economy, providing opportunity for employment for all residents.

Policy 5.18 To encourage and support entrepreneurship and innovation in the economy of Juneau and Southeast Alaska.

Entrepreneurship is a major driver of economic growth in the United States. The innovation created through entrepreneurship can open doors to many forms of economic and social development with positive implications for Juneau and Southeast Alaska.

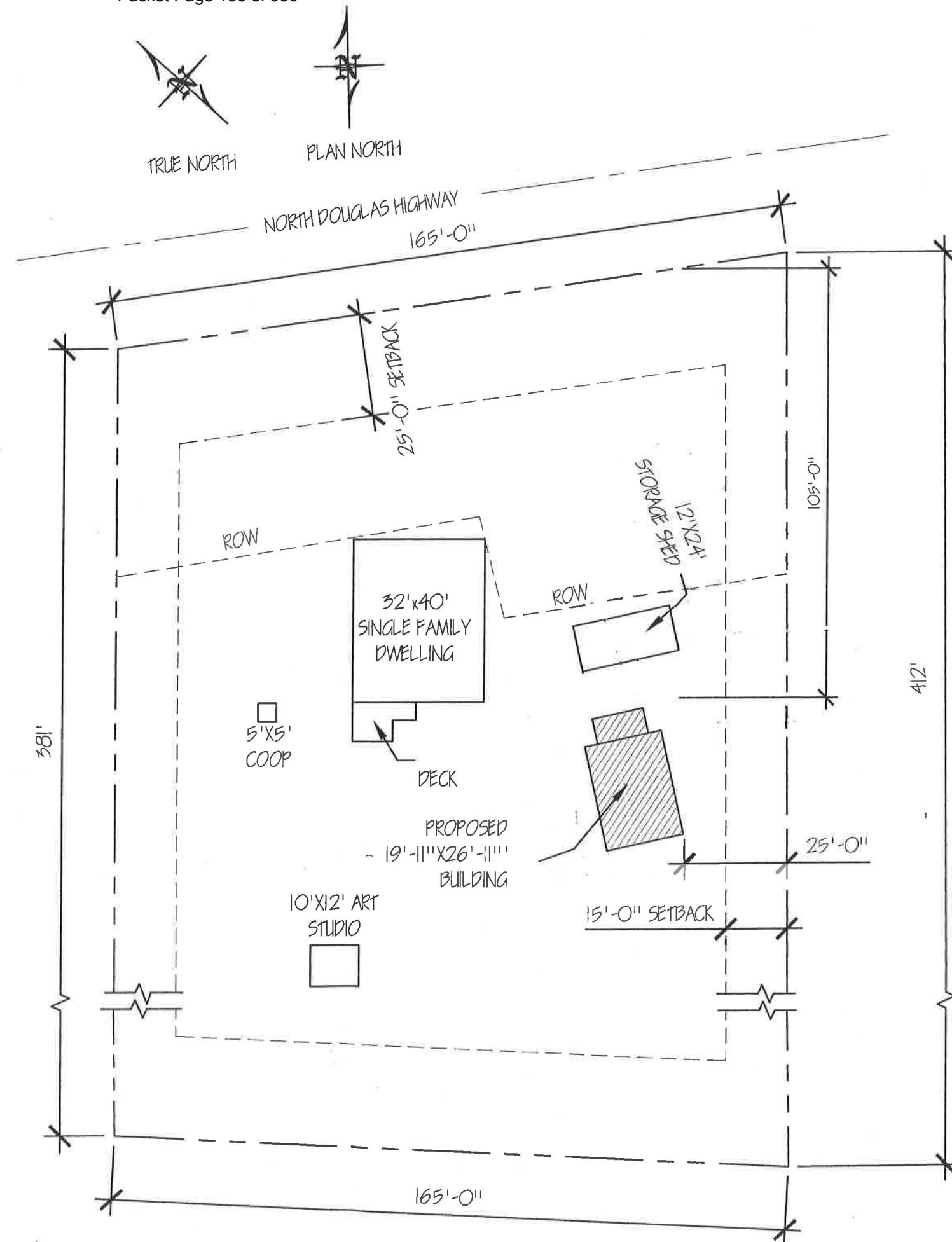
Real diversity is allowed in the D1 Table of Permissible Uses. Some of the businesses that could be allowed are a bit surprising: library, golf course, swimming club, tennis club, horseback riding stables, recycling operation, and wild animal habitation or zoo with a visitor component.

Some residents of D1 zones are worried that there will be a flood of small cannabis farms or horticultural buildings. With a grow space of less than 500 sq. feet, an operation would consume a whopping 1/86 of a D1 lots of one acre (43,560 sq. feet). Certainly an owner could divide his two acre or four acre lot into one acre lots and put up 500 foot grow building on each, but the cost of developing land with surveying, building and wetland issues through the Army Corps of Engineers it is not practical, nor cost effective, when you also add in electrical, water and septic systems. If someone wants to go BIG they are not going to erect several, or even a few, buildings in separate locations. The hundreds of cannabis facilities envisioned by some to be cheek to jowl will only exist in their imagination.

We do not feel that getting a CUP approved is a privilege. Each individual CUP must be earned by compliance and retained by inspection and license approval.

Keeping it legal

If CBJ wants to get control of the marijuana market in Juneau they need to help the small responsible growers, not obstruct or punish them. They must be given a chance like any other legal business to prove that they can contribute to the community and their neighborhoods.



JUNE HALL & PAUL DISDIER
8393 NORTH DOUGLAS
HIGHWAY
JUNEAU, ALASKA
99801
586-9760

PROPOSED HORTICULTURE
FACILITY

ALCAN ELECTRIC

XX ENGINEER

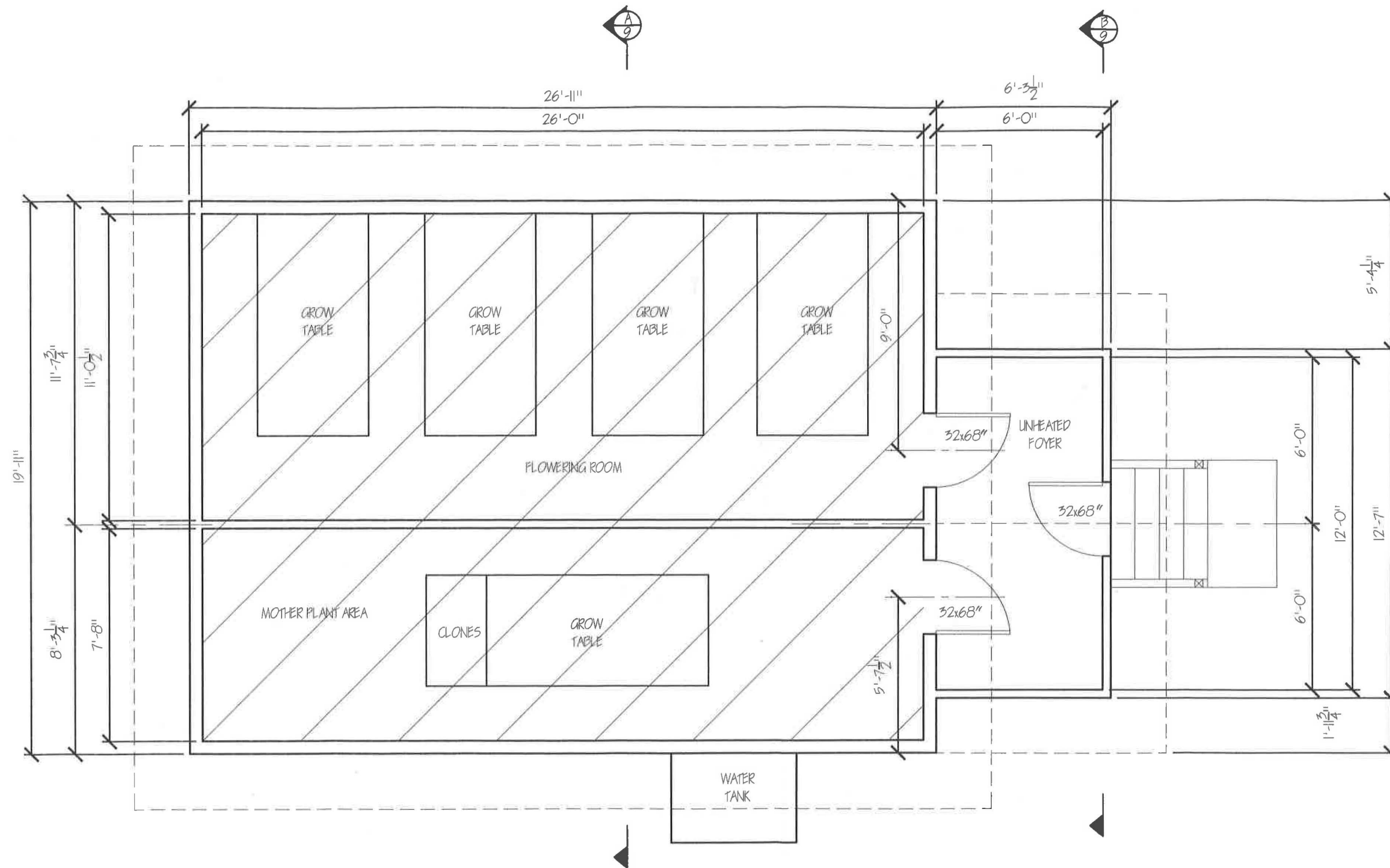
PROPOSED 574 SQ. FT.
HORTICULTURE FACILITY

INDEX

LOT DRAWING	1
1ST FLOOR	2
NORTH ELEVATION	3
EAST ELEVATION	4
FOUNDATION	5
DETAILS	6
SECTIONS	7
1ST FLOOR FRAMING	8
ROOF FRAMING	9

JANUARY 2016

LOT DRAWING
SCALE:
1" = 30'-0"



CULTIVATION AREA
494 SQ. FT.
SCALE:
1/4" = 1'-0"



PLAN NORTH

sheet 2 of 9

Attachment D

The Fireweed Factory LLC
Open House
Saturday January 23 from 1:30pm to 3:30pm

You may have received by now a notice in the mail concerning our CBJ Conditional Use Permit for a limited cannabis cultivation facility on North Douglas. We understand that this is a new industry and we would like to invite you to an open house to answer any questions you may have.

In November 2015, the city council voted to allow small scale cannabis cultivation of up to 500 square feet in specific areas zoned along North Douglas Highway. Our plans are to construct a 494 square foot growing building and use a small existing building for processing and packaging. Our high quality organic cannabis will be safe and grown under optimal conditions. Here are some of the key points about our operation:

- The buildings will have no windows and will not emit any light.
- Smell from plants will be controlled with charcoal filters and will not be detectable from outside the building.
- No loud operational sounds will be audible outside the buildings.
- A high-tech security system will be installed inside and out and monitored 24/7 by a professional security company.
- Foot traffic will be minimal as only one to two workers will be on site and they will have a handler's permit as required by State regulations.
- The cultivation building will have low visibility with no signage.
- No manufactured products such as extracts or edibles will be produced on site.
- No products are allowed to be sold on site.
- All work will be done in an enclosed environment and at no time will plants be visible to the public.
- There will be no public access to any facilities.

We look forward to this opportunity to explain further details of our business. Plans for our new cultivation building will be on display. We hope you will be able to join us.

June E. Hall and Paul V. Disdier
8393 No. Douglas 586-6790 thefireweedfactory@gmail.com

The Fireweed Factory LLC

Open House

Saturday March 19, 2016 1:30pm to 3:30pm

Presentations every half hour

We are hosting our second Open House for our CBJ Conditional Use Permit limited cannabis cultivation facility on North Douglas. We understand that this type of business is little understood and answer any questions you may have.

In November 2015, the city Assembly voted to allow small scale cannabis cultivation of up to 500 square feet in specific D1 areas zoned along North Douglas Highway and other parts of town. Our plans are to construct a 494 square foot cultivation building and possibly use an existing building for packaging. Our high quality organic cannabis will be tested, safe and grown under optimal conditions required by State and CBJ regulations.

Here are some of the key points about our operation:

- The buildings will have no windows and will not emit any light.
- Smell from plants will be controlled with charcoal filters and will not be detectable from outside the building.
- No loud operational sounds will be audible outside the buildings.
- A high-tech security system will be installed inside and out and monitored 24/7 by a professional security company.
- Foot traffic will be minimal as only one to two workers will be on site and they will have a handler's permit as required by State regulations.
- The cultivation building will blend with the existing building and have low visibility with no signage.
- No manufactured products such as extracts or edibles will be produced on site.
- No products are allowed to be sold on site.
- All work will be done in an enclosed environment and at no time will plants be visible to the public.
- There will be no public access to any facilities.
- Water from operations will be recycled.

We look forward to this opportunity to explain further details of our business. Plans for our new cultivation building will be on display. We hope you will be able to join us.

June E. Hall and Paul V. Disdier

8393 No. Douglas 586-6790 thefireweedfactory@gmail.com

For complete information on State marijuana regulations please visit the online Alcohol and Marijuana Control Board Office website.

Megan Daniels

From: Taiga Bell <floatingfool@hotmail.com>
Sent: Wednesday, February 10, 2016 9:20 PM
To: Christine Steadman
Subject: Fireweed Factory

To Whom It May Concern,

We'd like to express our support for the proposed Fireweed Factory cannabis farm on North Douglas, in Juneau. Our family has lived in the Bonnie Brae neighborhood on North Douglas for the last few years and we don't consider the farm a negative addition to the community.

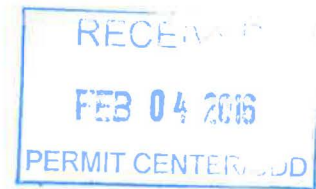
Recently our state voted to legalize marijuana, so hopefully we can support people who want to start legally growing it within our community. We need to educate our family and friends about marijuana, as we do alcohol and tobacco. We don't need to hide marijuana from the public.

We don't hesitate to support this family farm and hope that others will realize they are good people who intend to operate within the law.

Sincerely,

Taiga Bell, Amy Nye and Ronin

Bell



CBJ
Community Development
155 So. Seward
Juneau, AK 99801

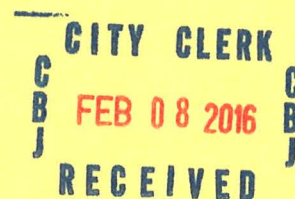
Feb. 3, 2016

Dear Planning Commission,

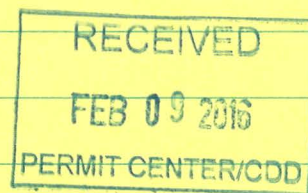
I have been a resident of North Douglas for over 30 years. I fully support June Hall and Paul Disdier in starting a small cannabis farm on North Douglas. I know them to be responsible and hard working, and believe that their farm will be a valuable part of our economy.

Sincerely,

Miles Byington
9160 N. Douglas Hwy
Juneau, Ak 99801



TO: CBJ PLANNING COMMISSION
% 155 S. Seward St.
Juneau, Ak. 99801



FROM: Anthony A. Cebrynski III
9160 N. Douglas Hwy. / P.O. Box 22879
Juneau, Ak. 99802 C. 907-321-9001

CONCERNING: PROPOSED MARIJUANA CULTIVATION FACILITY
- CONDITIONAL USES FOR MARIJUANA CULTIVATION
PERMIT # USE 20160001
- DBA: THE FIREWEED FACTORY
8393 N. Douglas Hwy.
JUNEAU, AK. 99801

I AM IN FAVOR of ALLOWING this FACILITY.
As A SMALL BUSINESS owner AND Resident of N. Douglas,
I feel that the POPULATION DENSITY AND Lack of
SCHOOLS make N. Douglas AN IDEAL PLACE FOR
this type of BUSINESS to OPERATE.

THANK YOU,
A.A. C
7 Feb 16

February 8, 2016

TO THE CBJ PLANNING COMMISSION and CBJ ASSEMBLY:

My family and I support the tradition of the small American family farm. Personally, I come from a long family history of farming. We are proud that our daughter continues this tradition and owns our family farmstead in Nebraska (corn and beans). With this in mind, my family and I SUPPORT the application of June Hall and Paul Disdier to grow marijuana at their North Douglas homestead, located about half a mile from our house..

The Hall-Disdier family's decision to take a financial risk by putting in a cash crop is courageous and admirable. Their decision to begin a new venture in small agriculture should be encouraged in every way. We view their endeavor as ecologically sound and a beneficial addition to the CBJ community. Their small farmstead will remain their home, so they will have every incentive to avoid the potential harms (noise, smell, pollution) hypothesized by their opponents. We see no conflict with this small agricultural enterprise and the clean, quiet, North Douglas residential neighborhood we love.

When another North Douglas neighbor began a small agricultural operation (raising amaryllis for commercial sale) at his home at 6 mile, we supported his application, too. Small family farms are consistent with the clean and quiet North Douglas neighborhood and our semi-rural, residential life.

Although we have no personal knowledge of the matter, it has been my understanding for many years that there are already quite a few illicit "grow" operations in the CBJ. Granting the Hall-Disdier application for a CUP should encourage shadow growers to come clean and operate within the law. This is just one of the benefits Alaskans hoped to gain by passing the Marijuana Initiative in 2014 (Ballot Measure #2). More than 67 percent of voters in District 33 and more than 57 percent in District 34 said yes to Ballot Measure 2.

The Hall-Disdier family have been great neighbors ever since we moved out North Douglas in 1979. They exemplify a lifestyle of small agriculture and care for their acreage that is consistent with our semi-rural, residential neighborhood. This is a family that has earned its spurs living for over four decades on the North Douglas Highway as hard-working, decent folks. They deserve our trust.

It is our understanding that the Hall-Disdier marijuana farm would not add significant additional vehicular traffic on the North Douglas Highway; that it would not cause significant noise through the use of utilities; and that it would not significantly pollute waterways or groundwater.

We respectfully disagree with those who have criticized the Hall-Disdier application as a nuisance or destructive influence on health, safety, or property values. The Hall-Disdier homestead has been neat and tidy for the 36+ years we have been neighbors. It is obviously in their own best interest to continue those habits while they grow marijuana.

Our North Douglas neighborhood has been degraded more by traffic and noise from huge trucks hauling quarried rock and by a summer procession of tour buses, than could possibly result from the Hall-Disdier farming plan. Claims of "Increased Crime!" voice an anachronistic attitude Alaska's voters rejected in 2014. The 2014 Ballot Measure 2 was supported by a very large plurality of North Douglas residents.

North Douglas is a unique and wonderful place to live with incomparable beauty, privacy, and freedom. Our neighborhood is linear; we have only one street. The Hall-Disdier homestead (like ours) is on the uphill side of the road, with only the forest, muskegs, and mountains behind them and a low density of housing on each side. These are just a few of the reasons that one cannot fairly compare our North Douglas neighborhood to urban residential neighborhoods in other parts of the CBJ, much less to other states.

My family is confident the Hall-Disdier family will continue to be good neighbors, they will stay respectful of others, and their small farm will not produce any of the "Parade of Horribles" voiced by opponents of their farm.

When presented with identical facts, reasonable people sometimes reach different conclusions. We respect the opinions of our North Douglas friends and neighbors who may disagree with this letter. All of us want to live free in this gorgeous place we call "Home."

We wish the Hall-Disdier family success and ask that you GRANT their CUP application. Please support the independent, small family farm tradition.

Thank you.

Respectfully.

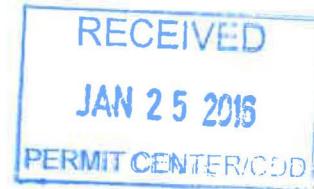
Greg Cook

5 mile North Douglas Highway resident since 1979

--

Paul Davis
1908 Ladysmith Lane
Juneau, Ak 99801

January 21, 2016



Christine McNally
City and Borough of Juneau
Community Development Department
155 So. Seward
Juneau, AK 99801

Ms. McNally,

This letter is concerning the proposed Conditional Use Permit for a limited marijuana cultivation business to be located at 8393 No. Douglas Hwy.

I have lived directly across the street from the applicants for many years. I talked to them about there plans and I feel that they will run this business in a responsible way.

I have no objections to this Conditional Use Permit.

Sincerely yours,

Paul Davis

A handwritten signature in black ink, appearing to read "Paul Davis", written in a cursive style.

Megan Daniels

From: Herky Deppner <herkyd@hotmail.com>
Sent: Thursday, February 04, 2016 10:19 PM
To: Christine Steadman; andideppner@hotmail.com
Subject: Conditional Use Permit USE20160001

Hello Christine,

We are writing to confirm our support of the conditional use permit # USE20160001 for 8393 North Douglas Highway.

We know Paul and June Disdier to be responsible and trustworthy members of the community. Michael worked for Paul's painting business from 1998 to 2003. Paul was professional and a pleasure to work for. We're confident that he will continue this work ethic into his next business venture, which is why we strongly support their efforts in acquiring this conditional use permit and establishing a successful business.

As North Douglas residents, we feel certain the Disdiers will do everything possible to ensure a safe and amenable setting for their business, with minimal impact on the surrounding neighborhood.

Thank you for the chance to support a new, sustainable economic opportunity which will benefit our community.

Michael & Andrea Deppner
10055 N. Douglas Highway

8 February 2016

City & Borough of Juneau Planning Commission,

I have lived in the North Douglas neighborhood near Paul Disdier & June Hall since the late 1970's. From my mailbox I can see the Hall/Disdier mailbox. My wife Linda Zagar and I are **100% supportive of the Conditional Use Permit application and approval for the Hall/Disdier marijuana growing facility in our D-1 zoning district.**

I believe property owners should have the right to use and benefit from being property owners. We pay property taxes; property owners should not be restricted from pursuing conditional or allowable activities as permitted on their property.

North Douglas has a long history of supporting legalized marijuana. I recall in 1990 the North Douglas precinct voted a majority for legalization even garnering more votes than Governor Hickel did in his election victory in our precinct. Again, North Douglas demonstrated overwhelming support with ballot measure 2 to legalize recreational marijuana.

I do not share the concerns my neighbors have regarding marijuana cultivation in a D-1 zoning district. Personally, I feel that D-1 is a very appropriate location for this type of activity. The lots are large enough to provide good siting and spacing for small scale farming. If I understand it correctly, D-1 zoning is around a 40,000 square foot minimum lot requirement. With marijuana cultivation limited to 500 square feet, that is less than 2% of the available lot for this activity. In my neighborhood I see single-family residential lots allowing the homeowner the ability to provide maintenance and a watchful eye. I have driven past the Hall/Disdier residence probably thousands of times over the years, and I can attest that their property is always well kept and pleasing to the eye. I would doubt that if approved, when walking along the highway in front of the Hall/Disdier residence that you would not be able to know that marijuana was being grown.

Both June and Paul are, and have been excellent assets to the community of Juneau. Their involvement in the arts, business world, as an employer, and neighbor all demonstrate to me that approving their Conditional Use Permit is the right thing to do.

Respectfully submitted,



Marquam George
8752 North Douglas

Megan Daniels

From: Beth McEwen on behalf of City Clerk
Sent: Monday, February 08, 2016 1:59 PM
To: PC_Comments
Cc: 'Greg Cook'; City Clerk; Rob Steedle; Brenwynne Grigg; Megan Daniels
Subject: RE: Planning Commission

Please see the below comments to the Planning Commission that were received via our City.Clerk@juneau.org email address.

Beth McEwen, MMC
Beth.McEwen@juneau.org
Deputy Clerk
City & Borough of Juneau
907-586-0203

From: Greg Cook [mailto:gregcookalaska@gmail.com]
Sent: Monday, February 08, 2016 1:39 PM
To: City Clerk
Subject: Planning Commission

Dear CBJ,

Please include the letter below in the packets prepared for and distributed to the members of the CBJ Planning Commission supporting the Hall-Disdier Conditional Use Permit.

Thank you.

Greg Cook
7745 North Douglas Highway

February 8, 2016

TO THE CBJ PLANNING COMMISSION and CBJ ASSEMBLY:

My family and I support the tradition of the small American family farm. Personally, I come from a long family history of farming. We are proud that our daughter continues this tradition and owns our family farmstead in Nebraska (corn and beans). With this in mind, my family and I SUPPORT the application of June Hall and Paul Disdier to grow marijuana at their North Douglas homestead, located about half a mile from our house..

The Hall-Disdier family's decision to take a financial risk by putting in a cash crop is courageous and admirable. Their decision to begin a new venture in small agriculture should be encouraged in every way. We view their endeavor as ecologically sound and a beneficial addition to the CBJ community. Their small farmstead will remain their home, so they will have every incentive to avoid the potential harms (noise, smell, pollution) hypothesized by their opponents. We see no conflict with this small agricultural enterprise and the clean, quiet, North Douglas residential neighborhood we love.

When another North Douglas neighbor began a small agricultural operation (raising amaryllis for commercial sale) at his home at 6 mile, we supported his application, too. Small family farms are consistent with the clean and quiet North Douglas neighborhood and our semi-rural, residential life.

Although we have no personal knowledge of the matter, it has been my understanding for many years that there are already quite a few illicit “grow” operations in the CBJ. Granting the Hall-Disdier application for a CUP should encourage shadow growers to come clean and operate within the law. This is just one of the benefits Alaskans hoped to gain by passing the Marijuana Initiative in 2014 (Ballot Measure #2). More than 67 percent of voters in District 33 and more than 57 percent in District 34 said yes to Ballot Measure 2.

The Hall-Disdier family have been great neighbors ever since we moved out North Douglas in 1979. They exemplify a lifestyle of small agriculture and care for their acreage that is consistent with our semi-rural, residential neighborhood. This is a family that has earned its spurs living for over four decades on the North Douglas Highway as hard-working, decent folks. They deserve our trust.

It is our understanding that the Hall-Disdier marijuana farm would not add significant additional vehicular traffic on the North Douglas Highway; that it would not cause significant noise through the use of utilities; and that it would not significantly pollute waterways or groundwater.

We respectfully disagree with those who have criticized the Hall-Disdier application as a nuisance or destructive influence on health, safety, or property values. The Hall-Disdier homestead has been neat and tidy for the 36+ years we have been neighbors. It is obviously in their own best interest to continue those habits while they grow marijuana.

Our North Douglas neighborhood has been degraded more by traffic and noise from huge trucks hauling quarried rock and by a summer procession of tour buses, than could possibly result from the Hall-Disdier farming plan. Claims of “Increased Crime!” voice an anachronistic attitude Alaska's voters rejected in 2014. The 2014 Ballot Measure 2 was supported by a very large plurality of North Douglas residents.

North Douglas is a unique and wonderful place to live with incomparable beauty, privacy, and freedom. Our neighborhood is linear; we have only one street. The Hall-Disdier homestead (like ours) is on the uphill side of the road, with only the forest, muskegs, and mountains behind them and a low density of housing on each side. These are just a few of the reasons that one cannot fairly compare our North Douglas neighborhood to urban residential neighborhoods in other parts of the CBJ, much less to other states.

My family is confident the Hall-Disdier family will continue to be good neighbors, they will stay respectful of others, and their small farm will not produce any of the “Parade of Horribles” voiced by opponents of their farm.

When presented with identical facts, reasonable people sometimes reach different conclusions. We respect the opinions of our North Douglas friends and neighbors who may disagree with this letter. All of us want to live free in this gorgeous place we call “Home.”

We wish the Hall-Disdier family success and ask that you GRANT their CUP application. Please support the independent, small family farm tradition.

Thank you.

Respectfully,

Greg Cook

5 mile North Douglas Highway resident since 1979

--

Greg Cook
Active Recreational Consultant
Batifolages, vadrouilles, frasques et fredaines
P.O. Box 240618
Douglas, ALASKA 99824
907-586-9719

Megan Daniels

From: Valerie Kelton <valk@gci.net>
Sent: Monday, February 08, 2016 5:31 PM
To: Christine Steadman
Subject: Conditional Use Permit USE20160001

Hello Christine,

I'm writing to say that I'm in support of the conditional use permit # USE20160001 (Conditional Use Permit for a limited marijuana cultivation business in the D-1 zoning district) for 8393 North Douglas Highway, Paul and June Disdier.

Thank you,

Valerie Kelton
9375 N Douglas Hwy

To the CBJ Community Development Department
Re: file # USE2016 0001, June Hall

My name is Joe Lilly, my wife and I live at 8367 North Douglas Highway.

Our property will be more effected by this proposal than any other properties in the area as we share a common property line of approximately 350 feet and the proposed building will be clearly visible from our house facing east. We have put eight years of hard work and substantial amounts of money toward improving our home and surrounding property. With such an investment, we plan on residing here for many years to come.

The neighbors, June Hall and Paul Disdier, seeking this conditional use permit, have lived in their house longer than most of the rest of the North Douglas residents. In the eight years that we have lived here, they have been nothing but honest, decent, hard working and helpful neighbors.

I am a supporter of small, local businesses in Juneau. I have seen their plans for the small, proposed operation and feel that if all state and local laws, regulations, codes, etc., are followed, I have no reason to oppose this conditional use permit.

Commercial space is difficult to find in Juneau and if it is available, the prices are often too high for a small business trying to start out. North Douglas is not a tight, cohesive neighborhood like some others in Juneau, just a strip highway with houses and a few businesses. I believe this very small scale farming operation set well back from the road will be all but unnoticeable once up and running.

In closing, I would just like to restate to the Community Development Department that our property, 8367 North Douglas, will be directly effected more than any other property and that we do not oppose this conditional use permit.

Thank you for your consideration.

Joe Lilly

Megan Daniels

From: Stephen Davis <stevieelectric@hotmail.com>
Sent: Tuesday, February 09, 2016 11:36 AM
To: Christine Steadman
Subject: Paul Disdier Application to grow marijuana.

February 7, 2016

Christine Steadman,

I'm sending this email in support of Paul Disdier being granted a permit (license) to grow marijuana subject to all CBJ codes and regulations on his property on North Douglas.

I have known Paul since 1977 and have found him to be an extremely honest, consciences, and law abiding individual and a very well respected small business owner.

I live approximately one mile down the road from where Mr. Disdier intends to set up this operation and my son and young grandsons live directly across the street from where this operation will be located. I mention this only because if I had any fears or misgivings about the way Paul would control and manage this operation I would oppose it.

I have absolute confidence that Paul Disdier will comply with all regulations, will pay all fees and taxes owed to the various government agencies and will be a totally responsible owner/operator.

It is my sincere hope that you will look favorably on Paul Disdier's application.
 If you have any other questions please contact me.

Most sincerely yours,
 Stephen A. Davis

1011 Ski Street, Juneau, Alaska 99801
 Home Phone: 907-586-9099 iPhone 907-321-0902
stevieelectric@hotmail.com

•)

Megan Daniels

From: Michael Stark <mjx2@att.net>
Sent: Monday, January 25, 2016 2:55 PM
To: Christine Steadman
Cc: mjx7@hotmail.com
Subject: Conditional Use Permit for limited marijuana cultivation business at 8393 N. Douglas Hwy.

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms. McNally: My name is Michael Stark. My wife, MJ Grande, and I live at 8270 N. Douglas Hwy, across the street and about a quarter mile closer to town than Paul and June Disdier. MJ and I visited the Disdiers over the past weekend and spoke with them for over an hour. We reviewed their site plans and discussed in depth all aspects of their proposed limited marijuana cultivation business. All our questions and concerns were adequately addressed, and we have no objections to the proposed conditional use permit. If we may assist you or the Planning Commission with more information on the proposed conditional use permit, please let us know. Thanks for the opportunity to comment. Michael Stark and MJ Grande, 586-1653

Megan Daniels

From: Megan Daniels
Sent: Monday, March 14, 2016 9:01 AM
To: Christine Steadman
Cc: Beth McKibben
Subject: FW: Marijuana Cultivation

From: Mark Stopha [mailto:mark_stopha@yahoo.com]
Sent: Sunday, March 13, 2016 7:45 PM
To: PC_Comments
Subject: Marijuana Cultivation

Dear CBJ Planning Commission:

I support commercial cultivation of marijuana or any other legal crop in my neighborhood in North Douglas or any where in Juneau.

--

Mark Stopha Alaska Wild Salmon Company 4455 N. Douglas Hwy
Juneau, AK 99801

Megan Daniels

From: Beth McEwen on behalf of City Clerk
Sent: Monday, February 08, 2016 3:04 PM
To: PC_Comments
Cc: Rob Steedle; Megan Daniels; Brenwynne Grigg
Subject: FW: Hall-Disdier Permit

FYI

From: tamara cook [<mailto:tamcook50@gmail.com>]
Sent: Monday, February 08, 2016 2:58 PM
To: City Clerk
Subject: Hall-Disdier Permit

Dear CBJ,

Please include this letter in the packets for members of the Planning Commission.

Thank you, Tamara Cook

To the CBJ Planning Commission and CBJ Assembly:

I support the Hall-Disdier Conditional Use Permit application and recommend that it be granted. The marijuana growing operation would be confined and seems small enough not to pollute, create a nuisance, or bother other N. Douglas residents.

I also support including appropriate conditions in the Permit to ensure that, if a problem arises, the Permit can be revoked or action under the Permit curtailed. This safety net would, I think, reasonably address concerns about the operation.

Respectfully, Tamara Cook

7745 N Douglas Highway

Megan Daniels

From: Megan Daniels
Sent: Monday, February 29, 2016 9:53 AM
To: Christine Steadman; Rob Steedle; Beth McKibben
Subject: In support of allowing commercial cultivatin of marijuana in D-1 zones

From: Tony Yorba [<mailto:tony@jensenyorbalott.com>]
Sent: Thursday, February 25, 2016 11:35 AM
To: PC_Comments
Subject: In support of allowing commercial cultivatin of marijuana in D-1 zones

Planning commission members:

I live near a proposed commercial marijuana cultivation project on North Douglas. After review of the issue, I as a neighbor have no objection to allowing such a use in a D-1 zone. The size of the operation is limited to 500 square feet, which is smaller than a conventional 2 car garage. The concerns expressed about pesticides, lights, on site power etc may pertain to very large operations but in no way translate to an operation of 500 square feet. There are many greenhouses and hydroponics growers in Juneau of this size or even larger and they have no impact on their neighbors.

Unsupported fear is no basis for enacting regulations that will limit personal use of one's own property. As a non-pot smoking property owner living near a proposed commercial marijuana facility, I do support allowing commercial pot cultivation in a D-1 zone.

Tony Yorba

Principal Architect

JENSEN YORBA LOTT, INC.

Architecture Interiors Construction Management

522 West Tenth Street | Juneau, AK 99801

D 907-789-4520 | C 907-209-9946 | O 907-586-1070 | F 907-586-3959

www.jensenyorbalott.com

[Click here](#) to upload files.

Megan Daniels

From: Beth McKibben
Sent: Friday, January 29, 2016 5:29 PM
To: Christine Steadman
Subject: FW: USE2016 0001 public hearing notice

Follow Up Flag: Follow up
Flag Status: Completed

Beth McKibben, AICP
 Planning Manager, CDD
 City & Borough of Juneau
 907.586.0465

??Please consider the environment before printing this email.?

-----Original Message-----

From: Rob Steedle
Sent: Friday, January 29, 2016 3:11 PM
To: Beth McKibben
Subject: FW: USE2016 0001 public hearing notice

-----Original Message-----

From: tboris@alaska.net [mailto:tboris@alaska.net]
Sent: Friday, January 29, 2016 3:02 PM
To: Rob Steedle
Subject: USE2016 0001 public hearing notice

Dear Mr. Steedle,

I recently received the USE2016 0001 public hearing notice regarding a conditional use permit for a limited marijuana cultivation business in the D1 zone. The public hearing is scheduled for February 9, 2016. It is alarming the Planning Commission will be considering the borough's first marijuana farm, in the D1 zone, prior to adoption of all ordinances related to marijuana establishments. I'm particularly interested in any ordinance amendments that might offer important protections for residences located in the D1 zone.

I respectfully request a delay in the public hearing for USE2016 0001 until after the all marijuana ordinances have been adopted by the Assembly. At the very minimum, I would expect the Planning Commission could fully deliberate final ordinance recommendations without the pressure of a pending application. This simply is NOT fair to D1 residences located outside the Urban Service Area.

Thanks for your consideration.

Sincerely,
 Todd Boris

North Douglas Resident

tboris@alaska.net

907.586.8808

Megan Daniels

From: Beth McKibben
Sent: Friday, January 29, 2016 5:28 PM
To: Christine Steadman
Subject: FW: February 9 Public Hearing on CUP for Marijuana Cultivation Business

Follow Up Flag: Follow up
Flag Status: Completed

Beth McKibben, AICP
 Planning Manager, CDD
 City & Borough of Juneau
 907.586.0465

Please consider the environment before printing this email.

-----Original Message-----

From: Rob Steedle
Sent: Friday, January 29, 2016 5:15 PM
To: Beth McKibben
Subject: FW: February 9 Public Hearing on CUP for Marijuana Cultivation Business

-----Original Message-----

From: Robin <mailto:mrdales@gci.net>
Sent: Friday, January 29, 2016 5:13 PM
To: Rob Steedle
Subject: February 9 Public Hearing on CUP for Marijuana Cultivation Business

Dear Mr. Steedle,

It has come to my attention that June Hall and Paul Disdier have applied for a Conditional Use Permit (CUP) for a commercial marijuana cultivation business in the D-1 zoning district (North Douglas), and that there is a public meeting scheduled on February 9, 2016. This is the first I've heard of this hearing or the permit application.

It is my understanding that all city ordinances related to marijuana establishments have not yet been adopted by the Assembly. It is very alarming that the Planning Commission would consider and respond to a pending application before these ordinances, and any possible ordinance amendments that might protect residential areas in the D-1 zoning district, have been adopted.

Commercial marijuana cultivation businesses have been shown to have significant effects in terms of noise, odors, water quality, and security, not to mention other effects related to parking/traffic, aesthetics, property values, and other effects on residential areas. I believe it is very important for the Planning Commission to understand and dutifully consider all of these effects, and to have ordinances in place that would at least mitigate some of these significant effects, prior to responding to a CUP application for such a business. Therefore, I urge you to delay the public hearing on this CUP request (USE20160001) until after all the marijuana ordinances have been adopted by the Assembly. Rushing

this CUP through the process before doing so is not fair to D-1 residents, not only those directly affected by this particular business (neighbors), but all D-1 residents in the Borough who will be indirectly affected if CUPs such as this are passed without thoughtful consideration and review.

Sincerely,
Robin Dale
North Douglas Resident

Megan Daniels

From: Beth McKibben
Sent: Friday, January 29, 2016 5:29 PM
To: Christine Steadman
Subject: FW: Disdier/Hall Conditional Use Permit

Follow Up Flag: Follow up
Flag Status: Completed

Beth McKibben, AICP
Planning Manager, CDD
City & Borough of Juneau
907.586.0465



Please consider the environment before printing this email.

From: Rob Steedle
Sent: Friday, January 29, 2016 2:43 PM
To: Beth McKibben
Subject: FW: Disdier/Hall Conditional Use Permit

From: Merry Ellefson / Wayne Carnes [<mailto:merrywayne@gmail.com>]
Sent: Friday, January 29, 2016 1:58 PM
To: Rob Steedle
Subject: Disdier/Hall Conditional Use Permit

Rob,

I'm not pleased that a grow facility is proposed across the street from my house. I don't think anyone will want to live around that smell. Property values?

I'm requesting a request delay in consideration of Disdier and Hall's conditional use permit application until after the Planning Commission has forwarded draft Ordinance 2015-38.

Best Regards,
Wayne Carnes

Megan Daniels

From: PC_Comments
Sent: Monday, February 08, 2016 12:55 PM
To: Megan Daniels
Subject: FW: marijuana conditional use permitting

From: Beth Leban [<mailto:coleevan9@hotmail.com>]
Sent: Monday, February 08, 2016 9:32 AM
To: PC_Comments
Subject: marijuana conditional use permitting

To: Planning Commission members

It is my understanding that Juneau residents at 8393 N. Douglas Hwy (Disdier and Hall) filed a permit application to establish a marijuana farm on their property. As a resident of North Douglas living within a mile of this proposed business operation, I am urging the Planning Commission to reconsider the suitability of such an enterprise in what is a non-commercial area. I am concerned about the environmental impacts as well as the business impacts to what is a rural neighborhood.

I think it advisable that the Assembly reconsider the original zoning ordinance that allowed marijuana farms in D1 and rural reserve neighborhoods. Commercial marijuana farms/operations are not compatible with residential zones. Other states that have legalized marijuana have chosen to keep marijuana farms out of zoned residential areas. This is a prudent precedent.

The Planning Commission will consider Disdier/Hall Conditional Use Permit application on February 9, 2016 (USE2016 0001). I strongly urge the commission to deny this permit. At a minimum, I am requesting a delay in consideration of their conditional use permit. It is my understanding that the Planning Commission is empowered to approve the permit, deny the permit, or approve with conditions. With issues such as licensing, conditional use permit requirements, odor, buffers, sunset clauses, and eliminating running with land provisions, it would seem premature to be approving this permit application.

Respectfully,
 Elizabeth Leban
 9161 N. Douglas Hwy.
 Juneau, AK 99801

Megan Daniels

From: Robin Potter
Sent: Monday, February 01, 2016 3:38 PM
To: Christine Steadman
Subject: RE: Marijuana Cultivation and Property Value

Follow Up Flag: Follow up
Flag Status: Completed

Christine,

The cultivation of marijuana should have little to no impact on neighboring property values as long as the cultivation and production does not infringe on the following;

- **Traffic** – Will it increase the amount of traffic significantly? Street noise and quantity of vehicles coming and going particularly during off peak hours, can have an adverse effect.
- **Noise in general** – Will the cultivation process create loud noise?
- **Crime** – Will the cultivation process attract potential criminal activity? Signage, or other means to indicate what is being cultivated could increase potential for criminal activity.
- **Odor** – Bothersome odor can affect neighboring residents. Will there be odor controls imposed on the cultivation to eliminate the problem?
- **Litter or Deterioration of the structures** – Will the property be well maintained without causing visual blight of any type?

Please note these are considered nuisances that adversely affect neighborhoods, regardless of the source. As long as controls are in place to minimize or eliminate these type of problems, the cultivation of marijuana should have no adverse impact on neighboring property values.

Robin

Robin Potter ACAA III
 Assessor, Finance Department
 City & Borough of Juneau
 155 S. Seward Street
 Juneau, AK 99801
 907.586.0333
http://www.juneau.org/financeftp/assessor_main.php

Note new email address: Robin.Potter@juneau.org

From: Christine Steadman
Sent: Monday, February 01, 2016 3:16 PM
To: Robin Potter
Subject: Marijuana Cultivation and Property Value

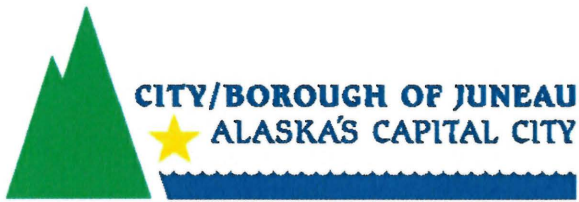
Hi Robin,

I am reviewing an application for a marijuana cultivation facility in the D-1 zoning district located at 8393 North Douglas Highway. As you know, one criteria we analyze in a Conditional Use Permit is the proposed use's effect on neighboring property value. I would like to include any analysis from the Assessor's Office of the potential impact this use may have on neighboring property values, if any.

Please let me know if there is any additional information I can provide. Thank you for any assistance you can provide.

Regards,

Chrissy Steadman, Planner II
ph 907.586.0761
Community Development Department
City & Borough of Juneau
Christine.Steadman@Juneau.org



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: March 24, 2016
File No.: USE2016 0001

June E. Hall & Paul Disdier
8393 North Douglas Highway
Juneau, AK 99801

Application For: Limited marijuana cultivation facility
Legal Description: USS 3543 Lot 130
Property Address: 8393 North Douglas Highway
Parcel Code No.: 6-D09-0-107-003-0
Hearing Date: March 22, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 15, 2016 and approved the limited marijuana cultivation facility in the D-1 zoning district outside the urban service boundary to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. An As-built survey shall be conducted and submitted to the CDD prior to issuance of a building permit.
2. The existing shed shall be relocated to meet the setbacks requirements for the D-1 zoning district prior to the issuance of a building permit.
3. The existing and proposed structures shall have no windows.
4. The door on the existing shed shall be relocated to the rear of the structure.
5. Renovation of the existing shed and construction of the proposed shed shall meet the Sound Transmission Classification (STC) regulations to eliminate any detectable noise from fans or generators outside of the structures.
6. Wastewater generated by the marijuana cultivation facility is prohibited from entering the septic system and the septic system is prohibited from being connected to any building where marijuana is grown or processed.
7. No back out parking shall be allowed onto the North Douglas Right of Way.
8. No parking for the marijuana cultivation facility or the residence shall be located in the North Douglas ROW.
9. Trees shall be planted on the north side of each building to provide additional screening.
10. The applicant shall pass the CBJ Fire Marshal's inspection.
11. Charcoal filters shall be replaced no less than once annually.
12. Lighting shall be installed at each doorway to the processing building and cultivation building.
13. No offsite glare shall be produced by exterior doorway lights.
14. Each door shall have either a grade 2 lock with deadbolt or grade 1 lock.

June E. Hall
 File No.: USE2016 0001
 March 24, 2016
 Page 2 of 3

15. Outside swinging doors shall have security hinges
16. Security cameras shall record in no less than high definition 1080p resolution with UV/night vision capabilities.
17. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
18. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixture or other equipment in the processing building and cultivation building.
19. Security cameras shall have a battery back-up system installed capable of supporting one hour of recording time.
20. Batteries shall be replaced no less than once annually.
21. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational.
22. This CUP expires if the applicant does not receive a state marijuana license approval within 18 months.
23. The applicant has notice of pending legislation (Ordinance 2015-38) that may affect this approval. The applicant will comply with all requirements that Ordinance 2015-38 imposes when it is passed even if more restrictive than the approved conditions of USE2016 0001. If the Director determines that Ordinance 2015-38 imposes more substantial submittal requirements and/or more restrictive approval requirements than what was analyzed or imposed by this permit the Director may schedule USE2016 0001 for further review by the Planning Commission within three months of the adoption of Ordinance 2015-38.

Attachments: March 15, 2016 memorandum from Chrissy Steadman, Community Development, to the CBJ Planning Commission regarding USE2016 0001.

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

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

Effective Date: The permit is effective upon approval by the Commission, March 22, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or August 22, 2017, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

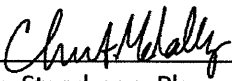
June E. Hall

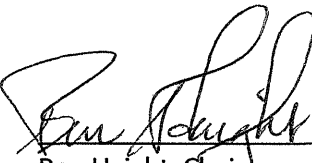
File No.: USE2016 0001

March 24, 2016

Page 3 of 3

Project Planner:


Chrissy Steadman, Planner
Community Development Department


Ben Haight, Chair
Planning Commission


Filed With City Clerk

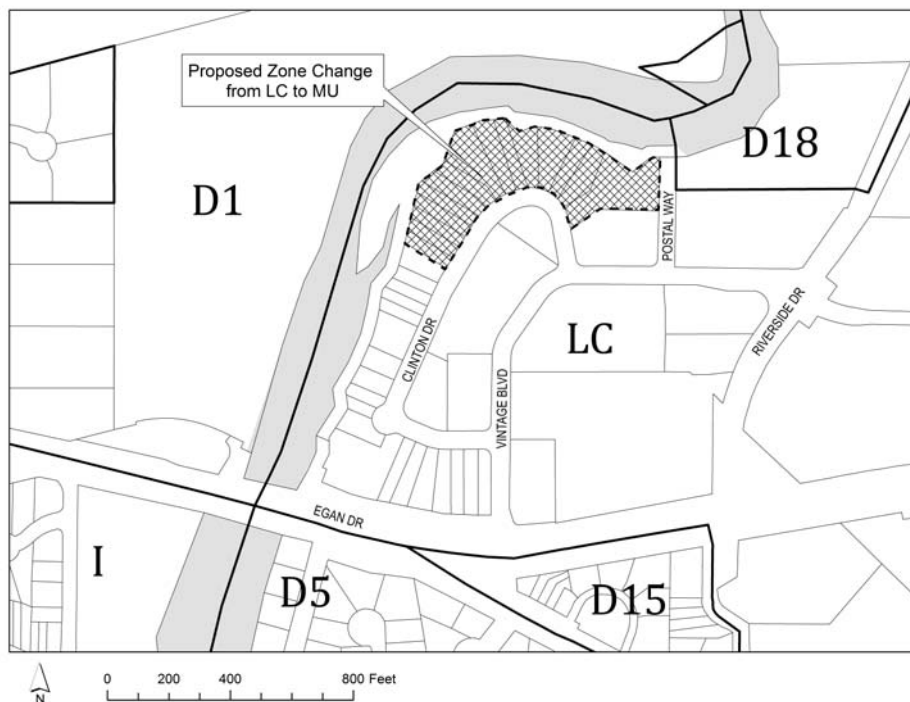
3/25/2016
Date

cc: Plan Review

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

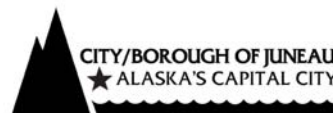


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

The Planning Commission has the discretion to consider and recommend alternative rezoning designations other than that being proposed by the applicant or recommended by staff.

File No:	AME2016 0008	Applicant:	GMD Development, LLC
To:	Adjacent Property Owners	Property PCN:	5-B16-0-144-026-0 through 038-0; and 5-B16-0-144-040-1
Hearing Date:	March 22, 2016	Owner:	William Bauer Living Trust
Hearing Time:	7:00 PM	Size:	4.19 acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	LC - Light Commercial
		Site Address:	Lots on Clinton Drive and 2797 Postal Way
		Accessed Via:	Clinton Drive and Postal Way

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 Jonathan Lange at Jonathan.Lange@juneau.org or 586-0218.

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

Date notice was printed: February 25, 2016



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: March 14, 2016

TO: Planning Commission

FROM: Jonathan Lange, Planner *Jonathan Lange*
Community Development Department

FILE NO.: AME2016 0008

PROPOSAL: A Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

Applicant: GMD Development LLC

Property Owners: William Bauer Living Trust (Lots 26 – 38); Jared Erickson (Lot 40A)

Property Address: Lots on Clinton Drive and 2797 Postal Way

Legal Description: Vintage II, Block C, Lots 26 through 38, and 40A

Parcel Code No.: 5-B16-0-144-026-0; 027-0; 028-0; 029-0; 030-0; 031-0; 032-0; 033-0; 034-0; 035-0; 036-0; 037-0; 038-0; and 5-B16-0-144-040-1

Site Size: 4.19 Acres

Comprehensive Plan Future Land Use Designation: TTC – Traditional Town Center

Zoning: LC – Light Commercial

Utilities: Public Water and Sewer

Access: Clinton Drive and Postal Way

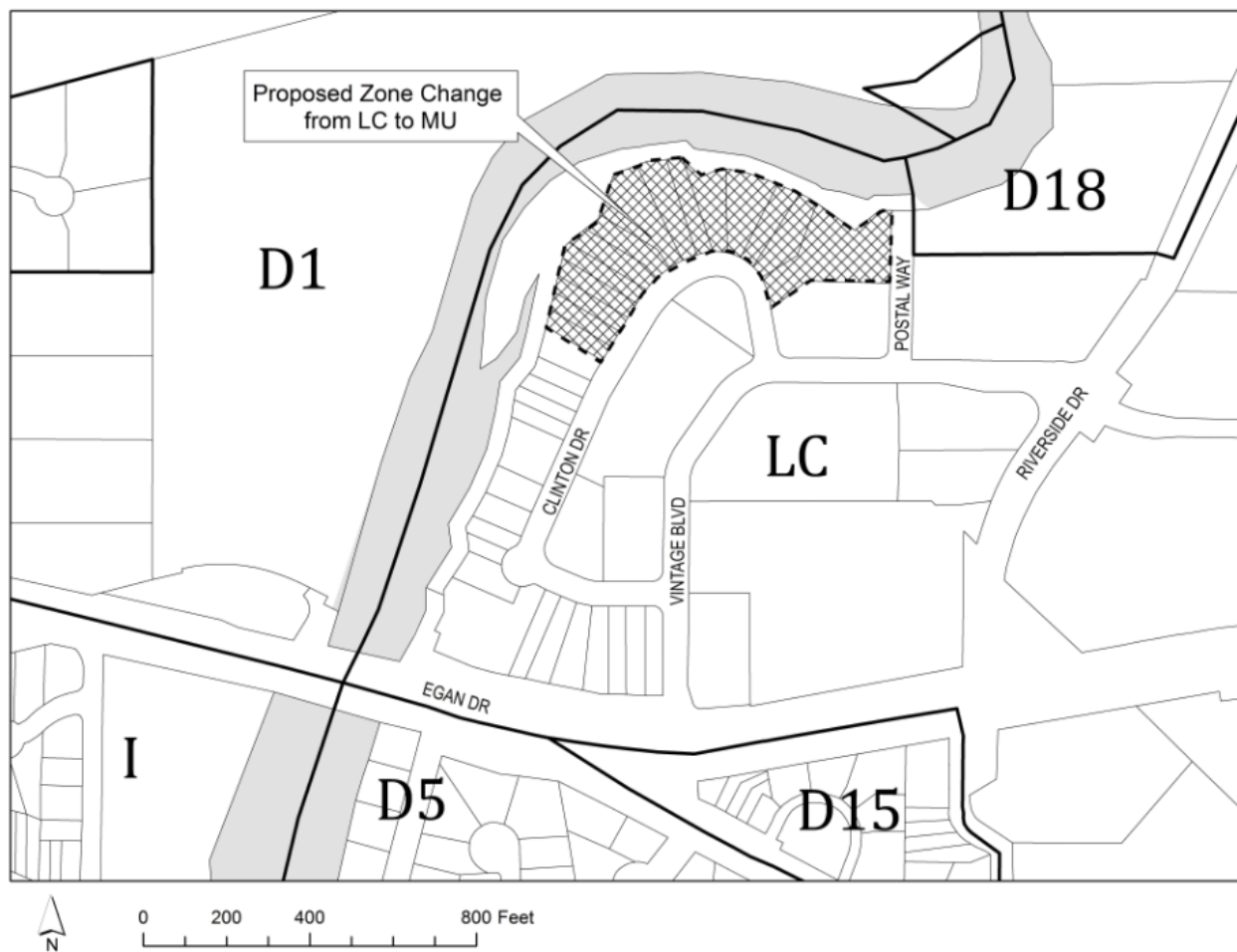
Existing Land Use: Vacant

Surrounding Land Use: North- D1; Vacant, Mendenhall River
South- LC; True North Federal Credit Union, Commercial and State Offices

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 2 of 14

East- LC; Post Office
West – D1; Vacant, Mendenhall River

Vicinity Map



ATTACHMENTS

- Attachment A – Development Permit, Zone Change Applications, Narrative and Sketch Plan
- Attachment B – Neighborhood Meeting Material – Including Zoning Map, Comprehensive Land Use Designation Map
- Attachment C – Public Notice
- Attachment D – Comments
- Attachment E – Site Pictures

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 3 of 14

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

PROPOSAL

The applicants have applied to rezone 14 vacant lots, totaling 4.19 acres, from LC (Light Commercial) to MU (Mixed-Use). The applicants have stated that the rezone would allow for the future land development of the parcels to mixed-use land uses. Two projects are proposed for some of the lots to be rezoned, one is a multi-family senior apartment building with 49 units on approximately one acre, and the second proposed project is an 80 unit, 84 bed assisted living and member care community on approximately 2-3 acres (see Attachment A for applicant's narrative).

The applicant's lots are located at the north end of Clinton Drive, north of the Coeur Mining office building, and at the north end of Postal Way, north of the True North Credit Union building. The subject lots are just south of the Mendenhall River and D-1 zoning across the river to the north and west. The lots to the south of the proposed rezone are all zoned LC and include State of Alaska office buildings, a vacant lot next to the Safeway grocery store, and to the east a US Post Office building. Just north of the Post Office and just east across the cul-de-sac of Postal Way, is located a D-18 zoning district with a multi-family affordable housing complex owned by the Alaska Housing Finance Corp.

BACKGROUND

The area was zoned as R1B Residential district in the 1964 Greater Juneau Borough Zoning Ordinance zoning maps. The R1B zoning district required parcels to be created at a minimum lot size of 7,500 square feet for an interior lot, and 8,000 square feet for a corner lot. The principal uses permitted in the R1B zoning district were single-family and duplex dwellings. The area was then zoned as an R-7 Residential district in the 1969 Greater Juneau Borough Zoning Ordinance zoning maps. The R-7 zoning district required parcels to be created at a minimum lot size of 7,000 square feet. The R-7 description states: "The purpose of the R-7 District is to provide and protect residential land for families who desire to live in an environment of single and two family dwellings. These Districts may be established to protect the character of existing residentially developed areas." In 1987 the area was then zoned LC – Light Commercial with the update of the Land Use Code, Title 49.

PUBLIC INPUT

On March 1st, 2016 Community Development Department (CDD) staff held a neighborhood meeting in the library of Thunder Mountain High School to discuss the applicant's proposal to

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 4 of 14

rezone the lots from LC to MU. No members of the public were present at the neighborhood meeting. The applicants and one of the property owners of the subject parcel were in attendance at the meeting. Staff discussed the application and rezone process and spoke about the Table of Permissible Uses and the Table of Dimensional Standards found in the City and Borough of Juneau's Land Use Code Title 49.

Staff spoke with True North Credit Union to see if they would like to join in on the proposed rezone from LC to MU. True North Credit Union is located adjacent to the proposed rezone, on the corner of Clinton Drive, Vintage Boulevard, and Postal Way. Staff received a comment from True North (see Attachment D), that they have no objection to the rezone request and support the proposed projects, but are not interested in being rezoned from LC to MU.

AGENCY COMMENTS

City and Borough of Juneau (CBJ) Capital City Fire Rescue, General Engineering, Engineering Streets Division, and the Building Division have no issues with the rezone request (see Attachment D). General Engineering asked if the lots would be required to be consolidated. Staff's response to General Engineering's question is, if a building is proposed to cross property lines, a lot consolidation is required prior to Certificate of Occupancy for the building and building permit.

ANALYSIS

REZONE PROCEDURE

Title 49, the Land Use Code, establishes the following process for rezones:

CBJ 49.75.110 - Initiation.

A rezoning may be initiated by the director, the commission, or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

The rezone proposal was filed on January 28th, 2016, and public notices were mailed to property owners within 500 feet of the subject properties and to all neighborhood associations.

CBJ 49.75.120 - Restrictions on rezonings.

Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 5 of 14

substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

The parcels proposed for rezone are 4.19 acres as shown in Attachment A and B. Substantial conformance with the land use maps of the Comprehensive Plan will be discussed further in the report.

ZONING DISTRICTS

All zoning districts are established in Title 49 the CBJ Land Use Code. Attachment B indicates that the subject lots and neighboring lots are in the LC zoning district. The definitions of the MU and LC zoning districts are shown below.

CBJ 49.25.220 Mixed use districts

MU District:

The mixed use and mixed use 2 districts are established to accommodate a mix of appropriate commercial and residential uses.

- (a) The MU, mixed use district, reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged.

The MU district does not have a maximum density and allows for as many dwelling units that might fit a parcel and still meet other Title 49 requirements like parking, and vegetative cover requirements. Downtown Juneau is currently the only area in the borough that contains a MU zoning district. But, as described further in the report, the MU zoning district achieves the Traditional Town Center (TTC) land use map designation of the Comprehensive Plan.

CBJ 49.25.230 Commercial Districts

LC (Light Commercial) District:

The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in GC, general commercial district, they are listed as conditional uses in this district and therefore

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 6 of 14

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 in the light commercial district.

The LC District allows up to 30 dwelling units per acre.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

As discussed above and further in the report, the proposed zoning districts and the uses allowed therein must be found to substantially conform with the maps of the Comprehensive Plan. "Substantial" is commonly defined as: essentially, without material qualifications, in the main, in substance, materially, in a substantial manner.

2013 Comprehensive Plan

The introduction of the Comprehensive Plan states that the Plan should be "considered regularly and used by residents, the Planning Commission, and the Assembly to guide its' decisions and resource allocations and it must be kept current to reflect community values, resources, constraints and opportunities. Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. This is not to say that the Plan will be infallible or that it is cast in concrete. It should, however, bring into focus sufficient information and data so that the best possible considered and objective judgments can be made, using the most current data available when the data in the Plan is out of date."

The subject parcels are located in the Traditional Town Center (TTC) land use designation of the Comprehensive Plan, as shown in Attachment B.

TTC Definition:

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

The definition of TTC indicated mixed-use land uses, of both high density residential and non-residential land uses that are usually associated with urban or downtown areas. Both the LC

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 7 of 14

and MU zoning districts fit within the “18 or more residential units per acre” density description in the TTC definition. Currently there is no “TTC” zoning district.

The LC zoning district would permit the subject 14 lots, if combined, or 4.19 acres to be developed up to 126 dwelling units; and the MU zoning district would permit the subject parcels to develop to as many dwelling units as possible, when meeting other requirements of Title 49 the Land Use Code and Title 19 the Building Code.

The following Comprehensive Plan policies are related to the rezone proposal:

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.

3.1 – DG2 (Development Guideline) When considering rezoning applications of land located within the Urban Service Area from a non-residential zoning district to a residential or mixed use district; from a low-density residential district to a higher-density residential district; or from a lower building height district to a higher building height district, promote the development of new medium- (10 to 20 dwelling units per gross acre) to high-density (30 to 60 or more units per gross acre) residential developments that include dwelling units affordable to low-income households as a condition of the rezoning. The affordable units should be dispersed throughout the development, constructed at the same time as the market-rate units, and priced or rented to households with incomes no greater than 80 percent of the City and Borough of Juneau’s Median Family Income (MFI) level by household size, as established annually by the U.S. Department of Housing and Urban Development (HUD).

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

The subject parcels are within the Urban Service Area Boundary and are provided with public services such as utilities and transportation. The Comprehensive Plan promotes higher density within the Urban Service Area. Affordable housing should be considered where infill development is created.

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

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

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

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 DEVELOPMENT 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 10.4. 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 10.13. TO PROVIDE FOR AND ENCOURAGE MIXED USE DEVELOPMENT THAT INTEGRATES RESIDENTIAL, RETAIL AND OFFICE USE IN DOWNTOWN AREAS, SHOPPING CENTERS, ALONG TRANSIT CORRIDORS, AND IN OTHER SUITABLE AREAS.

Implementing Actions

10.13 – IA1 Rezone the land areas so designated in this Plan for appropriate mixed use designations.

Chapter 11 of the Comprehensive Plan, Land Use Maps, provides guidance on “considering rezoning requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.”

Planning Commission
 File No.: AME2016 0008
 March 14, 2016
 Page 9 of 14

The subject parcel is located on Map F of the Land Use Maps of the Comprehensive Plan. Map F is located within Subarea 4, East Mendenhall Valley & Airport.

Guidelines and Considerations for Subarea 4:

2. Provide for increased community commercial development close to existing commercial areas in the lower valley.

8. Expand the Mixed Use District in the Mendenhall Mall vicinity that would incorporate general commercial uses, high density residential use and public transit services. Make the most efficient use of parking by incorporating housing over a garage with retail shops wrapping around the ground floor. Student or senior housing with the Mall or over the garage should not be required to provide parking spaces.

Discussion

The rezone request would allow the owners of the property to develop the property into a mixture of residential and commercial development as proposed in their narrative. They are proposing senior housing, in apartments and assisted living facilities. The future proposed projects would achieve the above Comprehensive Plan policies.

Chapter 18: Implementation and Administration

The Comprehensive Plan as a Guiding Planning Document

“The Comprehensive Plan provides a rational and consistent policy basis for guiding all future CBJ government growth and development decisions. This requires that each land use decision, from the most minor variance to the development of a New Growth Area, be evaluated for its compliance with the policies, guidelines, standards and criteria established in the Plan. To ensure this, procedures must be followed to require that routine consultation of the Plan is an integral part of the land use decision making process.”

“The Plan contains 123 Policies, each of which may have an associated “Standard Operating Procedure,” “Development Guideline,” and/or “Implementing Action,” which are directives for how to carry out the policy. As a preliminary matter, the reviewer must determine which Policies are relevant to the subject at hand. Of course, the writers of the Plan cannot envision every sort of proposal that might one day be conceived and analyzed against the Policies. In that vein, such analyses are not conducted on an absolute basis. That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if

Planning Commission
 File No.: AME2016 0008
 March 14, 2016
 Page 10 of 14

conformance is shown with other policies of the Plan. Thus, the analysis is one of balancing the many relevant policies and looking holistically at the particular situation, site and its environs.”

COMPLIANCE WITH CBJ LAND USE CODE

The Table of Dimensional Standards and the Table of Permissible Uses of the Land Use Code establish the permitted standards and uses in zoning districts (see Attachment B).

Table of Dimensional Standards- CBJ 49.25.400	LC (30 du/acre)	MU (No Maximum du/acre)
Existing site 4.19 acres		
Number Units	126	No Maximum
Maximum Height Limit	45 feet	None
Maximum Lot Coverage	None	None
Vegetative Cover	15%	5%
Minimum Lot Size	2,000 sq. ft.	4,000 sq. ft.
Minimum Lot Width	20 ft.	50 ft.
Minimum Lot Depth	80 ft.	80 ft.

The current lots meet LC dimensional standards, but will not meet the minimum lot width for the MU zoning district if rezoned. The applicant is proposing to consolidate most of the lots to create lots for their proposed projects that would meet the MU zoning district standards.

The following page contains a list of different uses, from the Table of Permissible Uses, allowed within the LC and MU zoning districts. The list is not the complete Table of Permissible Uses, but only those items where the LC and MU districts differ.

Planning Commission
 File No.: AME2016 0008
 March 14, 2016
 Page 11 of 14

Table of Permissible Uses – CBJ 49.25.300	LC	MU
Mobile home parks	3	
Mobile home subdivision	3	
Medium Manufacturing		3
Marijuana product manufacturing facility		3
Coliseums, stadiums, and other facilities, seating more than 1,000 people		3
Recreational facilities such as golf, country clubs, swimming, tennis courts not associated with a school	3	
Auto fuel station	3	
Car wash	3	
Boat sales or rental	3	
Snow storage basin	3	
Kennel	3	
Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component	3	
Wild animal rehabilitation facilities without a visitor component	3	
Horseback riding stables, dog team yards	3	
Commercial agricultural operations excluding farm animals	3	
Stabling of farm animals	3	
Marijuana cultivation	3	
Sand and gravel operations	3	
Spring water bottling	3	
Military reserve, National Guard centers	3	
Public works facility	3	
Cemetery	3	

1- Department approval only 3- Conditional Use permit required Blank box- not allowed

The LC and MU zoning districts have similar allowed uses, though as staff has outlined above, the LC zoning district has more allowed uses due to its focus on more rural or suburban commercial characteristics.

Planning Commission
 File No.: AME2016 0008
 March 14, 2016
 Page 12 of 14

TRAFFIC

The proposed rezone request would allow the subject 4.19 acres of land to be developed up to as many dwelling units that could fit on the property. The applicants are proposing senior housing and assisted living. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual- 9th Addition, Senior Adult Housing - Attached (apartments) generates 3.44 daily weekday trips; and beds in an Assisted Living housing development, generates 2.74 daily weekday trips. The applicants are proposing 49 senior housing apartments and an 80 unit, 84 bed assisted living and member care community. These projects may generate 398.72 average daily trips (ADT).

Per CBJ Land Use Code Title 49.40.300(a)(3):

(a) A traffic impact analysis (TIA) shall be required as follows:

(3) A development projected to generate more than 250 ADT but fewer than 500 ADT shall be required to have a traffic impact analysis if the Community Development Department Director determines that an analysis is necessary based on the type of development, its location, the likelihood of future expansion, and other factors found relevant by the director.

(4) The applicant shall provide the traffic projections for the project, and the department will review and approve the final figures.

(5) A TIA must be prepared by a licensed engineer, or a transportation planner, with traffic analysis experience, approved by the director.

(b) The department shall require the applicant to contact the Alaska Department of Transportation and public facilities to determine whether a state permit or TIA will be required.

However none of these trips are triggered by a rezone; only the development or subdivision of the property would prompt the analysis for trip generation based upon a proposal. At the time of a specific development permit and/or Conditional Use Permit application for the subject parcel, the applicant may be required per code to provide a Traffic Impact Analysis (TIA) for their proposed development or subdivision on this parcel.

The subject parcels are approximately one quarter of a mile from a bus stop on Mendenhall Mall Road. The parcels are also within one quarter of a mile of the Safeway grocery store. There is a sidewalk on Clinton Drive and Vintage Boulevard to the parking lot and entrances to Safeway.

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 13 of 14

HABITAT

Anadromous Stream - The proposed rezone area is adjacent to the Mendenhall River, which is a cataloged anadromous water body; development along the stream 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;

Floodplain – Portions of the subject parcels near the Mendenhall River are within the flood way, the AE flood zone, with a Base Flood Elevation of 23 feet. The remaining portions of the subject parcels, not within the AE zone, are within the X flood zone with a 0.2% chance of flooding within a year.

SUMMARY

The requested rezone from LC to MU is consistent with the Land Use Maps of the Comprehensive Plan, as the Mixed-Use zoning district allows for over 18 units per acre, high density residential development, and a mix of commercial uses in an area “around shopping centers,...major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial” as described in the TTC definition. The policies outlined above from the 2013 Comprehensive Plan support the requested rezone and the proposed use as senior adult housing apartments and an assisted living and member care community facility.

FINDINGS

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

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.
2. MU zoning does not violate the land use maps of the Comprehensive Plan and is consistent with Map F. MU zoning substantially conforms with the Land Use maps of

Planning Commission
File No.: AME2016 0008
March 14, 2016
Page 14 of 14

the Comprehensive Plan in that it calls for high density residential of 18 units per acre or more and non-residential land uses.

3. The rezoning constitutes an area greater than two acres.

RECOMMENDATION

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly to rezone the subject parcels from LC to MU.

DEVELOPMENT PERMIT APPLICATION

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

PROJECT / APPLICANT	Project Description		
	Rezoned application for 14 lots, in the Vintage Park neighborhood from light commercial (LC) to mixed-use (MU) zoning.		
	PROPERTY LOCATION		
	Street Address See attached sheet	City/Zip	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name See attached sheet	Contact Person:	Work Phone:
	Mailing Address	Home Phone:	Fax Number:
	E-mail Address	Other Contact Phone Number(s):	
INFORMATION	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	See attached	1-28-16
		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 GMD Development LLC		Contact Person: Emily Breidenbach	
Mailing Address 520 Pike Street, Suite 1010 Seattle, WA 98101		Work Phone: (206) 745-3698	
E-mail Address emily@gmddev.net		Home Phone: n/a	
		Fax Number: n/a	
		Other Contact Phone Number(s): cell (206) 399-7526	
X			
	Applicant's Signature	Date of Application	

OFFICE USE ONLY BELOW THIS LINE					
STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		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			
	X	Zone Change Application	BMC	1-28-16	AME 16-008
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials
					BMC

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

1:FORMS\2010 Applications Revised November 2009

ZONE CHANGE APPLICATION

Project Number	Project Name (15 characters)	Case Number AME 20160008	Date Received 1-28-14																																										
LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED: See attached.																																													
IS THIS AN EXPANSION OF AN EXISTING ZONE? ☐ Yes ☒ No																																													
Total Land Area of Proposed Change 4.19 acres		Comp Plan Designation town center																																											
Current Zone(s) light commercial		Comp Plan Map F																																											
New Zone Requested mixed use																																													
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: See attached																																													
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): See attached																																													
DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE: STREETS: see attached WATER: see attached SEWER: see attached																																													
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="2">ZONE CHANGE FEES</th> <th>Fees</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$</td> <td>200.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Admin. of Guarantee</td> <td>\$</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td>\$</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$</td> <td>100.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$</td> <td>100.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td>\$</td> <td>750.00</td> <td>2626 2637</td> <td>C417567 C417566</td> <td>2/11/14</td> </tr> </tbody> </table>			ZONE CHANGE FEES		Fees	Check No.	Receipt	Date	Application Fees	\$	200.00				Admin. of Guarantee	\$					Adjustment	\$					Pub. Not. Sign Fee	\$	100.00				Pub. Not. Sign Deposit	\$	100.00				Total Fee	\$	750.00	2626 2637	C417567 C417566	2/11/14
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Revised March 17, 2011- I:\FORMS\Applications

Page 1 of 2

Attached Project/Application Information
Development Permit Application
Vintage Park Rezone

PROPERTY 1

Property Location

Street Address: N/A - on Clinton Drive
 Legal Description: Vintage II, Block C, Lots 26 through 38, inclusive
 Assessor's Parcel Number(s): 5B1601440260, 5B1601440270, 5B1601440280, 5B1601440290,
 5B1601440300, 5B1601440310, 5B1601440320, 5B1601440330,
 5B1601440340, 5B1601440350, 5B1601440360, 5B1601440370,
 5B1601440380,

Landowner

Name: William Bauer Living Trust & William J Bauer
 Address: PO Box 034139 Juneau, AK 99803
 Phone: (907) 586-1400
 Fax: (907) 586-3065
 Email: bsimpson@stsl.com

Signature: *William J. Bauer*
By: E. Budd Simpson 1/28/16
 William Bauer Living Trust and William J. Bauer
 By: E. Budd Simpson, Attorney-in-Fact

PROPERTY 2

Property Location

Street Address: 2797 Postal Way
 Legal Description: Vintage II, Block C, Lot 40A
 Assessor's Parcel Number(s): 5B1601440401

Landowner

Name: Jared Erickson
 Address: PO Box 032374 Juneau, AK 99803
 Phone: (907) 321-4167
 Fax: n/a
 Email: erickson_jared@yahoo.com

Signature: *J. Erickson*

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Lot Sizes

Vintage Park Rezone

LOT	SIZE	
26	262	
27	7,417	
28	8,340	
29	8,401	
30	10,329	
31	9,811	
32	20,430	
33	13,376	
34	9,293	
35	12,740	
36	19,536	
37	9,516	
38	12,615	
40A	40,601	
	<u>182,667</u>	Total SF
	4.19	Total Acres

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Application Narrative
Vintage Park Rezone Application

Legal Description

Vintage II, Block C, Lots 26 through 38, inclusive
 Vintage II, Block C, Lot 40A

Purpose for the requested change:

The purpose of this requested zone change from light commercial to mix-use is to allow for future land development that will reflect the goals of the comprehensive plan in this location. The Vintage Park neighborhood, located in the Mendenhall Valley, has some of the most opportune land development opportunities, with relatively flat land, easy transportation access, and presence of public infrastructure such as water and sewer. The requested zone change will help ensure that future developments have the land use flexibility required to create financial feasibility and promote development.

The City and Borough of Juneau Comprehensive Plan update of 2013, provides the long term vision and guidance for future development and land use in Juneau, the greater Mendenhall Valley, and specifically the location of the requested zone change.

On Comprehensive Plan Map F of SubArea 4, East Mendenhall Valley Airport, this land is designated as Traditional Town Center (TTC). TTC is defined as high density residential and non-residential uses. However, TTC is not currently a land use zoning code for CBJ. The next closed zoning code definition to TTC is mixed-use, which is defined as “mixed use development is one that provides space for two or more land use activities, typically for residential and non-residential uses. Typically a mixed use development will have vertical mixing of the uses with ground floor retail space, a second or more floors of office space and housing above.”

The current zoning of the land in the rezone is light commercial (LC) and per CBJ Title 49, “is less intensive than that permitted in general commercial district.” The general commercial district is “intended to accommodate most commercial uses”. General commercial does include allowance for housing, but it includes a greater allowance for commercial activities than MU, which would encourage commercial development without the housing component that an MU zone would encourage.

Further in the Comprehensive Plan, the following policies and implementing actions support a MU zone on the land in question.

Policy 10.13 To provide for and encourage mixed use development that integrates residential, retail and office use in the downtown areas, shopping centers, along transit corridors and in other suitable areas.

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10.13 – IA1 is to “rezone the land areas so designated in this Plan for appropriate mixed use designations.” This area has been identified as TTC in the subarea map, but given that there is no TTC zone and that MU has the closest/similar definition for TTC, we believe the Comprehensive Plan supports Vintage Park as one of the “other suitable” areas for MU development and rezone as identified in this policy.

Policy 3.2 – To promote compact urban development within and adjacent to existing urban areas to ensure efficient utilization of land resources and facilitate economic provisions of the urban facilities and services while balancing protection of natural resources, fish and wildlife habitat and scenic corridors.

The rezone will support this policy by allowing for compact, dense development in an existing urban area. The potential developments on this land will create users for existing services, which will help support the urban facilities and services.

3.2-SOP3 states to “Establish specific policies and land use categories and land use map designations for the full range of needed land uses and activities with emphasis on compact development of commercial and residential uses along express public transit corridors. The rezone will allow for better utilization of compact development, through lot coverage flexibility and density, of this land, which is located in close walking proximity to a public transit hub.

Policy 4.3 To designate on land use code maps an adequate supply of buildable land within the urban service area, and particularly along transit corridors, for residential use at densities that can produce housing affordable to all economic groups.

4.3-SOP1 notes that “a density of 30 dwelling units per acre, or greater, along major transit corridors is recommend to produce affordable housing and to make efficient use of transit services therein. LC zoning caps residential zoning at 30 units per acres. MU does not have a density limitation, which would allow for the greater recommended densities to produce additional housing supply.

Is there a proposed use of the land: yes & no

Proposed buffer to adjacent zones: no

Describe (including type and density of proposed development):

There are 14 lots proposed for rezone. Two projects are proposed certain lots. The remaining lots do not have a specific proposed development use, but Owners desire increased zoning flexibility to develop financial feasible projects that are compatible with Vintage Park neighborhood. Of the two proposed projects, one is multi-family senior apartment building with 49 units on approximately 1 acre, and the other is an 80 unit, 84 bed assisted living and member care community on approximately 2-3 acres.

Describe any impacts to the public infrastructure:

No impact is expected for public infrastructure beyond the connection to street, water and sewer.

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Rezone Application Lots

Mendenhall River



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AGENDA

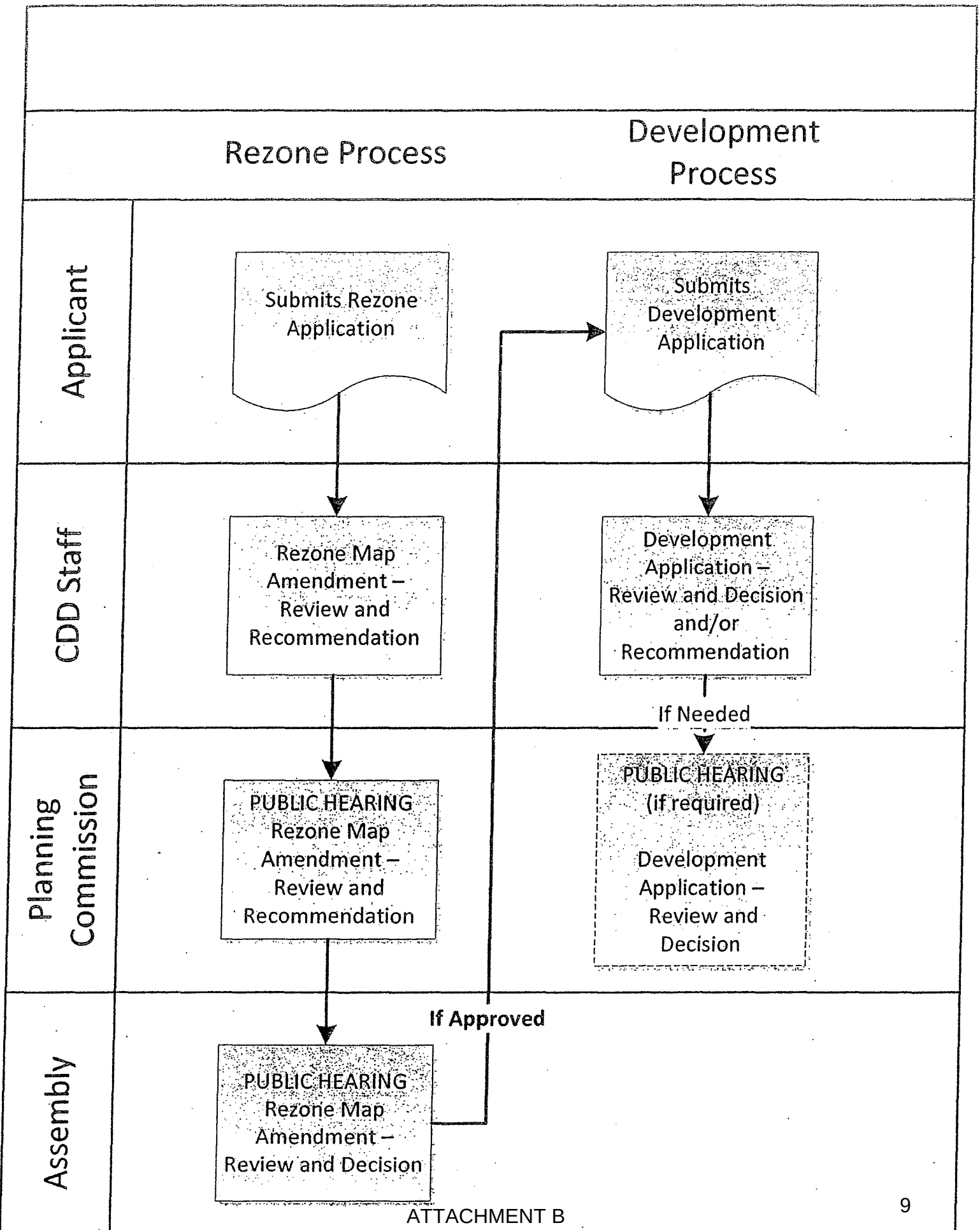
Neighborhood Meeting For Proposed Rezone of 14 Lots from LC to MU

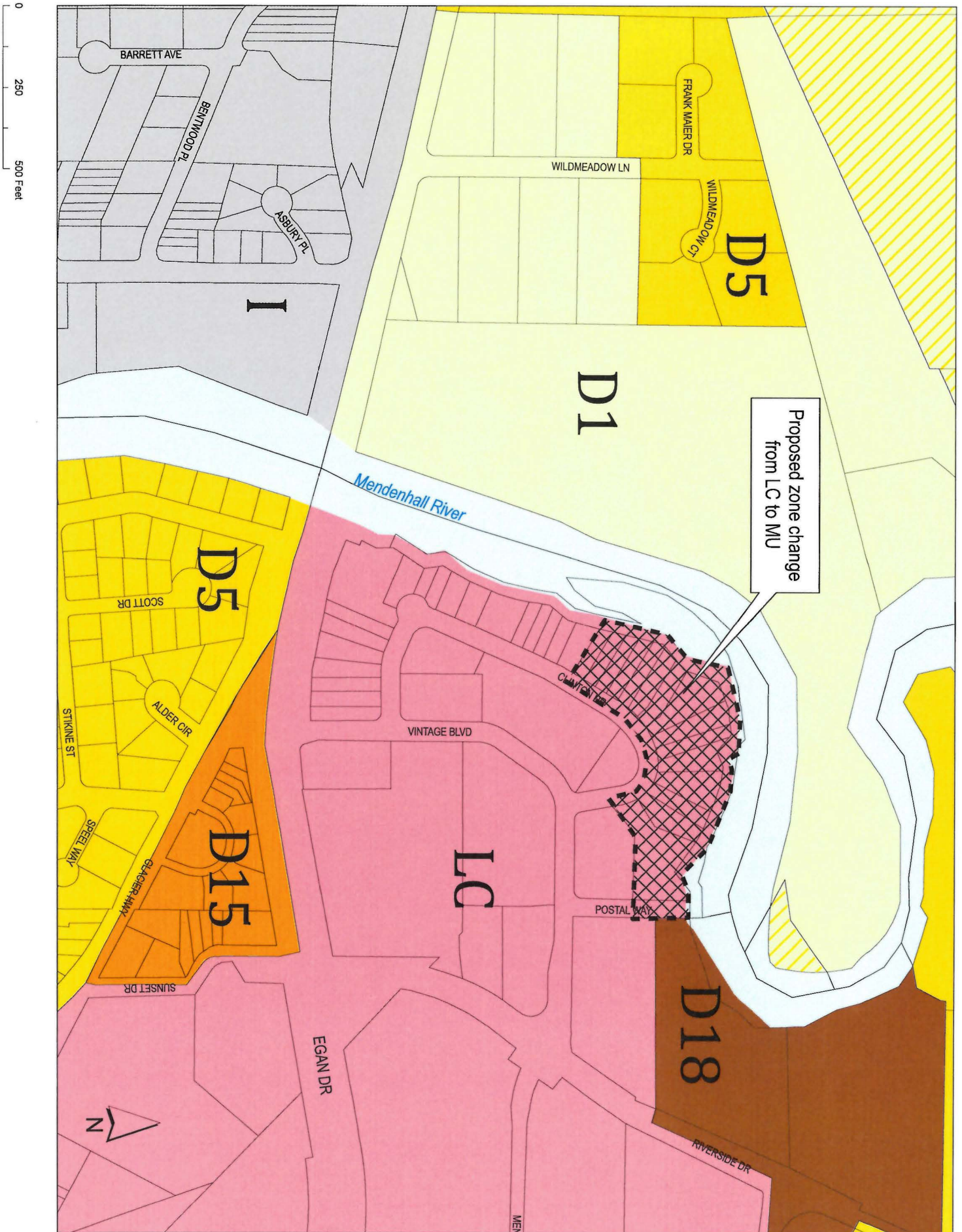
March 1st, 2016

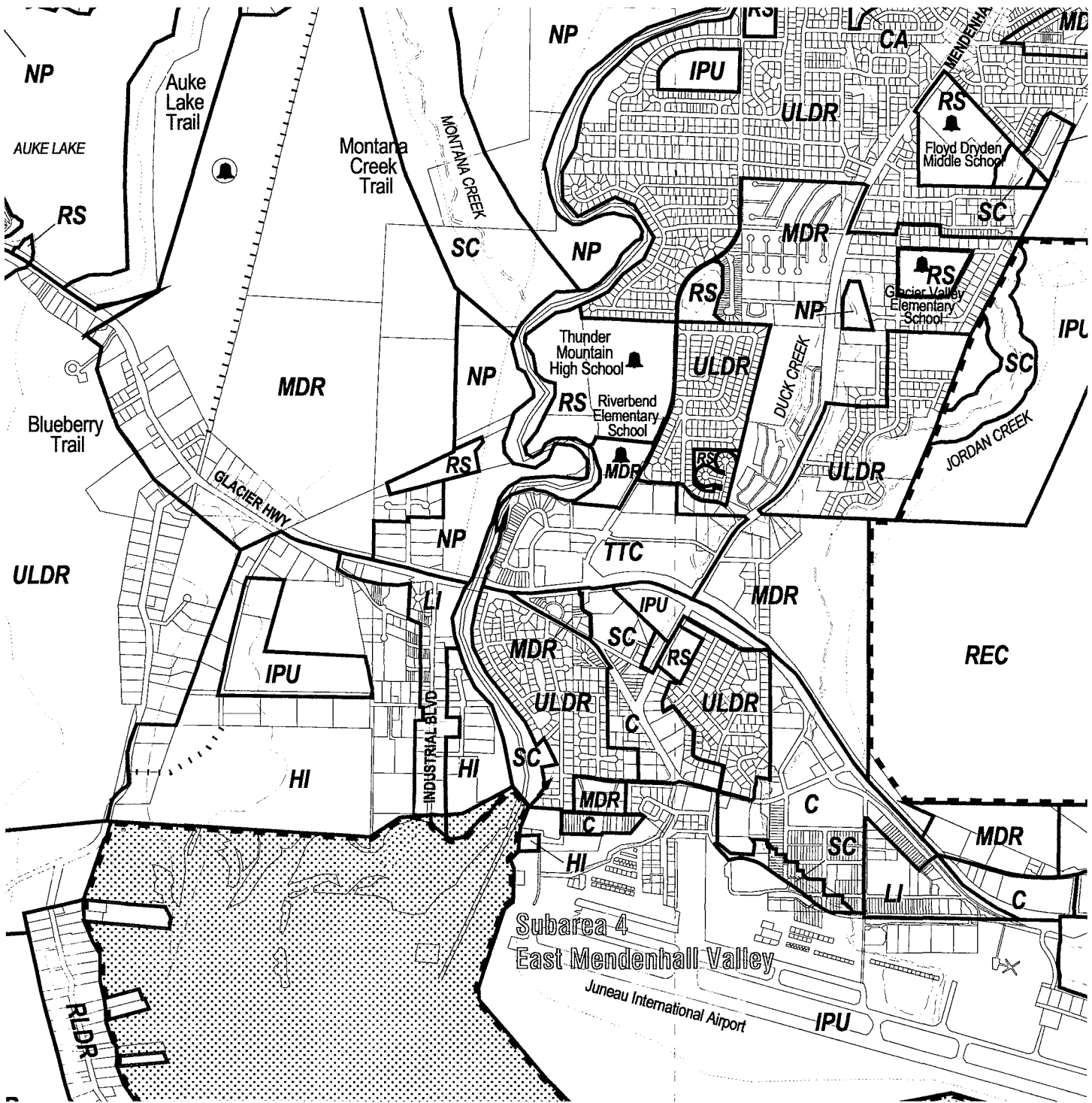
Thunder Mountain High School Library

6:30pm

- Welcome – Introductions
- Why we are here? – Application and Rezone Process
- Proposed Project –
 - Applicant
- What happens next? –
 - Staff Report – Please have comments in by Noon on March 8th
To: Jonathan Lange or jonathan.lange@juneau.org
155 S. Seward St.
Juneau, AK 99801
Ph: (907)586-0218
 - March 22nd at 7pm, Planning Commission Meeting –
City Hall, Assembly Chambers
 - Public Testimony
 - ~April 11th Regular Assembly Meeting – TBD
City Hall, Assembly Chambers
 - Public Testimony
- Questions, Comments, and Concerns -







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

COMMERCIAL INDUSTRIAL
C Commercial
MC Marine Commercial
WCI Waterfront Commercial Industrial
LI Light Industrial
HI Heavy Industrial

RESIDENTIAL
RDR Rural Dispersed Residential
RLDR Rural Low Density Residential
ULDR Urban Low Density Residential
MDR/SF Medium Density Residential- Single Family
MDR Medium Density Residential
HDR High Density Residential
TTC Traditional Town Center
M/MU Marine Mixed Use

PUBLIC
IPU Institutional and Public Use
 Existing School
 Potential School Location

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

OTHER
 New Growth Areas
 Mendenhall Wetlands
 State Game Refuge
 Subarea Boundary

Urban Service Area
 Beach Access
 Streams

City & Borough of Juneau
COMPREHENSIVE PLAN

City of Juneau
Alaska's Capital City
Adopted October 20th, 2008
Ordinance No. 2008-30

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

Prepared by: Community Development Department

ATTACHMENT B

11

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'					
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' ^{6,8}	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					

Notes:

1. Minimum lot size is existing lot or area shown on chart in square feet.
2. Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
3. Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
4. (Height Bonus) Reserved.
5. (Pedestrian Amenities Bonus) Reserved.
6. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and ten-foot setback for the remaining side yards of the lot.
7. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and five-foot setback for the remaining side yards of the lot.
8. On corner lots, buildings shall be set back 15 feet from a street intersection. The area in which buildings shall be prohibited shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 15 feet, then connecting the points.
9. Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.

ZONING DISTRICTS

49.25.400

ARTICLE III. - TABLE OF PERMISSIBLE USES

49.25.300 - Determining uses.

- (a) (1) *Listed uses.* There is adopted the table of permissible uses, table 49.25.300. The uses permitted in a zoning area shall be determined through the table of permissible uses by locating the intersection of a horizontal, or use axis and a vertical, or zone axis. The conditions and procedures applicable to the use in the zone thus located shall be as indicated thereat by the digits "1," "2" or "3" as more fully set out in this section and by letters of the alphabet as more fully set out by footnotes in the table. The absence of a digit at the intersection of use and zone axes means that the identified use is not permitted in the identified zone.
- (2) *Unlisted uses.* The allowability of a use not listed shall be determined pursuant to section 49.20.320.
- (3) *Uses listed more than once.* Where a use might be classified under more than one category, the more specific shall control. If equally specific, the more restrictive shall control.
- (4) *Accessory uses.* Uses constituting an incidental or insubstantial part of a permissible use and commonly associated with the permissible use may be allowed as an accessory use.
- (b) (1) When used in conjunction with a particular use in the table of permissible uses, the number "1" indicates that the use requires department approval pursuant to chapter 49.15, article III, in conjunction with the issuance of a building permit. The use is allowed in the district, but limited conditions may be attached to the approval.
- (2) The number "2" indicates the use requires an allowable use permit from the planning commission. Such uses are allowed in the district, but specified conditions may be attached to the allowable use permit by the commission. The permit procedure is outlined in chapter 49.15, article I.
- (3) The number "3" indicates the use requires a conditional use permit from the commission. The use may or may not be allowed at a particular location, depending on a determination of its compatibility with surrounding or proposed land uses. The planning commission may attach any condition to ensure the compatibility of the proposed use. The conditional use permit procedure is outlined in chapter 49.15, article I.
- (c) A combination of digits such as "1, 3" or "2, 3" indicates that the approval procedure for the identified use in the identified zone will vary depending on whether the project is a major or minor development.
- (1) If the project is a minor development the first number of the combination shall indicate the applicable procedure.
- (2) If the project is a major development the second number shall indicate the applicable procedure.
- (3) Minor development means development which is classified by zoning district as follows:
- (A) *Rural reserve district:* A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building totaling less than 10,000 square feet or using less than one acre of land in total.

	1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A	1 ^A
	1.120	Single-family detached, two dwellings per lot	1	1	1												
	1.130	Single-family detached, accessory apartments ^X	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
	1.140	Single-family detached, two dwelling per lot, accessory apartment ^X	1, 3	1, 3	1, 3												
1.200	Duplex		1	1	1	1		1	1	1	1	1	1	1	1		
1.300	Multifamily dwellings							1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3		
1.500	Child and Day care homes																
	1.510	Child; 12 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1			
	1.520	Reserved															
	1.530	Adult; 12 or fewer	1	1	1	1	1	1	1	1	1	1	1	1			

		private facilities															
1.700	Home occupations		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.800	Mobile homes																
	1.810	Residential mobile homes on individual lots ^E	3	3	3												
	1.815	Caretakers mobile homes on individual lots ^E	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	1.820	Mobile home parks ^E					3	3	3	3	3	3					
	1.830	Mobile home subdivision ^E				3	3	3	3	3	3	3					
	1.840	Recreational vehicle parks ^F	3 ^F	3 ^F	3 ^F												
1.900	Common wall development																
	1.910	Two dwelling units				1	1	1	1	1							
	1.911	Accessory apartments ^X	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
	1.920	Three or more dwelling units					1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			

2.300	Marijuana retail store	3								3	3	3	3	3	3	3
3.000	PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES ^G															
3.050	Offices of not more than 1,000 square feet		3	3	3	3	3	3	3	1	1	1	1	1 ^N		
3.100	Offices greater than 1,000 but not more than 2,500 square feet						3	3	3	1	1	1	1	3 ^N		
3.200	<i>Reserved</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	3 ^N	1 ^N , 3 ^N	1, 3
4.100	Heavy manufacturing	3 ^T	3 ^Q												3 ^N	3
4.150	Rock crusher	3 ^T	1 ^Q	1 ^Q											3 ^N	3

5.400	Social, fraternal clubs, lodges, union halls, yacht clubs		3 ^T								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT																
6.100	Indoor activity conducted entirely within building or substantial structure																
	6.110	Bowling alleys, billiard, pool halls									1, 3	1, 3	1, 3	1, 3			3
	6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			3
	6.130	Theaters seating for 200 or fewer	3 ^T						3	3	1	1	1	1	3 ^N		3
	6.135	Theaters seating from 201 to 1,000									3	1	1	1	3 ^N		3
	6.140	Coliseums, stadiums, and other facilities in the 6.100										3	3	3	3 ^N		

		highway vehicle parks															
	6.250	<i>Reserved</i>															
	6.260	Open space	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	6.262	Parks with improved facilities, not approved in conjunction with a major subdivision															
	6.264	Capacity for up to 20 people ^W	1 ^T	1	1	1	1	1	1	1	1	1	1	1	1	1	3 ^N
	6.266	Capacity for more than 20 people ^W	3 ^T	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N
	6.270	Aerial conveyances and appurtenant facilities	3	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N 3
	6.280	Shooting ranges	3														3
7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES																
7.100	Hospital										3	3	3	3			
7.150	Health care clinics, other medical treatment facilities								3	3	1, 3	1, 3	1, 3	1, 3			

9.100	Motor vehicle repair and maintenance, including body work									3					1
9.200	Automotive fuel station	3 ^T							3	1					1
9.300	Car wash								3	1					1
9.400	Boat sales or rental	3 ^T							3	1			1	1	1
9.450	Boat repairs and maintenance	3 ^T								3			1	1	1
9.500	Marine fuel, water sanitation	3 ^T											1, 3	1, 3	1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3											3	3	
10.000	STORAGE, PARKING, MOORAGE														
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3		1
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they														

	of the lot																	
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time		1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1 ^N	1	
10.500	Moorage																	
	10.510	Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3	
	10.520	Private	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	
10.600	Floating structures supporting seasonal, commercial recreation		3	3	3										3	3		
11.000	MATERIALS SALVAGE YARDS, WASTE MANAGEMENT																	
11.100	Recycling operations																	
	11.110	Enclosed collection structures ⁰ of less than 80 square feet total and less than six feet in height	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1	1	1 ^P	1 ^P	1	1	1
	11.120	Enclosed	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	3	3	1	1	1 ^P

Packet Page 253 of 336

	facilities with a visitor component															
12.310	Wild animal rehabilitation facilities without a visitor component	3	3	3	3					3	3			3 ^N		3
12.400	Horseback riding stables, dog team yards	3	3							3	3					3
13.000	EMERGENCY SERVICES															
13.100	Fire, police, ambulance	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	1, 3
14.000	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING															
14.100	Aquaculture	3	3	3						3	3	3	3	1	1	3
14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1
14.200	Commercial agricultural operations															
	14.210	Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3				1, 3
	14.220	Including farm animals ^M	1, 3	3												1, 3
	14.230	Stabling of farm animals ^M	3	3	3	3					3	3				1, 3

15.200	Airport		3														1, 3	
15.400	Military reserve, National Guard centers		3	3	3						3	3			3 ^N	3 ^N	3	
15.500	Heliports, helipads		3									3			3 ^N	3 ^N	3	
15.600	Transit facilities																	
	15.610	Transit center			3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3		1, 3	
	15.620	Transit station		1	1	1	1	1	1	1	1	1	1	1	1	1	1	
	15.630	Park and ride not associated with transit station	3	3	3	3	3	3	3	3	1	1	3	3			1	
15.700	Public works facility		3	3	3	3					3	3					1, 3	
16.000	DRY CLEANER, LAUNDROMAT																	
16.100	Drop off and pickup only, no onsite laundry or dry cleaning process										1, 3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
16.200	Full service onsite laundry and/or dry cleaning										3	1, 3	3	3	3 ^N	1 ^N , 3 ^N	1, 3	
17.000	UTILITY FACILITIES																	

Packet Page 255 of 336

	greenhouses																
	19.210	Retail sales	3	3	3	3	3	3	3	3	3	1, 3	1	1 ^V	1 ^V		1
	19.220	Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1 ^V	1 ^V		1
	19.230	Marijuana cultivation (500 square feet or more under cultivation)	3									3	3				3
	19.240	Marijuana cultivation (fewer than 500 square feet under cultivation)	3	3 ^{AB}								3	3				3
20.000	CEMETERY, CREMATORIUM, MORTUARY																
20.100	Cemetery	1, 3	3	3	3	3	3	3	3	3	3	3					
<u>20.200</u>	Crematorium	3															1, 3
20.300	Funeral home	3	3	3	3	3	3				1, 3	1	3	3			
21.000	VISITOR-ORIENTED, RECREATIONAL FACILITIES																

See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.

G. All uses subject to additional performance standards, chapter 49.65, article VIII.

H. *Reserved.*

I. *Reserved.*

J. Applies to over 2 acres of harvest area.

K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.

L. See special use regulations, chapter 49.65.200, article II.

M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.

N. Use must be water-dependent, water-related, or water-oriented.

O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.

P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.

Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.

R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.

S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.

T. Must be associated with a unique site specific feature in order to function. Example: glacier research station - Juneau Icefield location.

Name: _____

Phone: _____ Email: _____

Mailing Address: _____

Comments, Concerns, Questions:

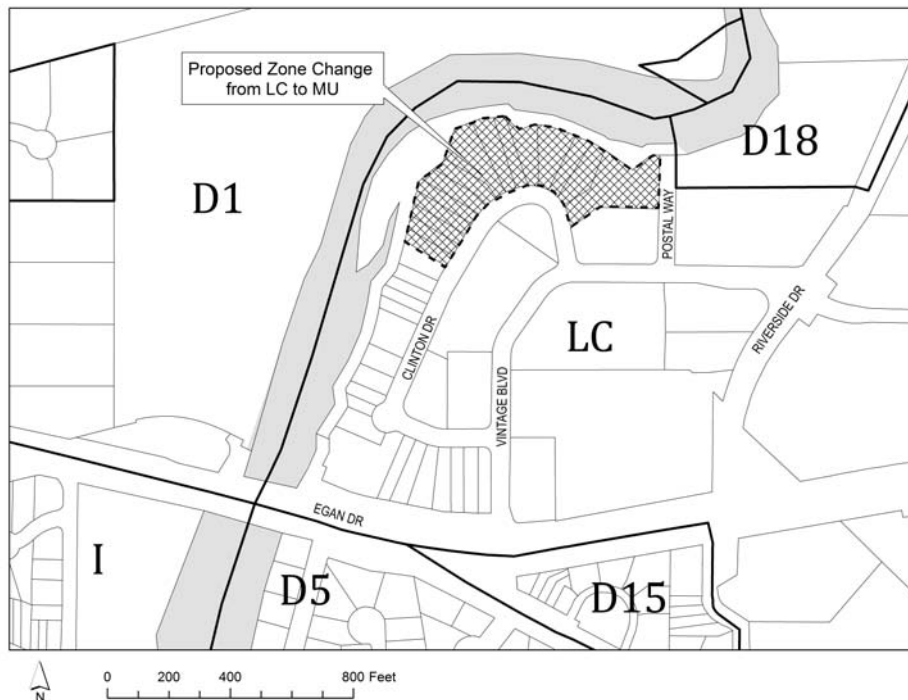
Please have comments submitted by Noon March 8th

Email comments to: jonathan.lange@juneau.org

586-0218



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

The Planning Commission has the discretion to consider and recommend alternative rezoning designations other than that being proposed by the applicant or recommended by staff.

File No:	AME2016 0008	Applicant:	GMD Development, LLC
To:	Adjacent Property Owners	Property PCN:	5-B16-0-144-026-0 through 038-0; and 5-B16-0-144-040-1
Hearing Date:	March 22, 2016	Owner:	William Bauer Living Trust
Hearing Time:	7:00 PM	Size:	4.19 acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	LC - Light Commercial
		Site Address:	Lots on Clinton Drive and 2797 Postal Way
		Accessed Via:	Clinton Drive and Postal Way

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 Jonathan Lange at Jonathan.Lange@juneau.org or 586-0218.

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

ATTACHMENT C

Date notice was printed: February 25, 2016

Jonathan Lange

From: Dan Jager
Sent: Tuesday, February 16, 2016 12:55 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Jonathan, I do not see any fire code issues with this change request. Thanks.
 Dan

From: Jonathan Lange
Sent: Tuesday, February 16, 2016 12:39 PM
To: Charlie Ford; Ron King; Dan Jager; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Subject: Please review the attached documents related to a Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

Parcels: 5B1601440260; 0270; 0280; 0290
 5B1601440300; 0310; 0320; 0330; 0340; 0350; 0360; 0370;0380
 5B1601440401

Address: Clinton Drive and 2797 Postal Way



The proposal is to rezone the land (see above aerial; land with red star) from LC to MU.

Please see the attached application and proposed plans.

Please send me comments by February 26, 2016.

I look forward to receiving your comments.

Let me know if you require any additional information for this project or have any questions.

Jonathan Lange, CFM
 Planner II, Community Development Dept.
 City & Borough of Juneau, Alaska
 155 S. Seward St. Juneau, AK 99801
 Ph (907)586-0218
Jonathan.Lange@juneau.org



Jonathan Lange

From: Jonathan Lange
Sent: Tuesday, February 16, 2016 2:09 PM
To: Ron King
Cc: Eric Vogel
Subject: RE: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Thanks again for your quick response.

They will have to consolidate if proposed buildings are covering/crossing multiple lots.

Jonathan Lange, CFM
 Planner II, Community Development Dept.
 City & Borough of Juneau, Alaska
 155 S. Seward St. Juneau, AK 99801
 Ph (907)586-0218
Jonathan.Lange@juneau.org



From: Ron King
Sent: Tuesday, February 16, 2016 1:40 PM
To: Jonathan Lange
Cc: Eric Vogel
Subject: RE: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

General Engineering supports the rezone. Reserve comments for building permits. Will they be required to consolidate?

Ron King PLS

General Engineering
 907-586-0881

From: Jonathan Lange
Sent: Tuesday, February 16, 2016 12:39 PM
To: Charlie Ford; Ron King; Dan Jager; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Subject: Please review the attached documents related to a Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.

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 5B1601440300; 0310; 0320; 0330; 0340; 0350; 0360; 0370; 0380
 5B1601440401

Address: Clinton Drive and 2797 Postal Way

Jonathan Lange

From: Ed Foster
Sent: Tuesday, February 16, 2016 4:28 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Jonathan,
 The Streets Division has no issues with this request.

Ed

From: Jonathan Lange
Sent: Tuesday, February 16, 2016 12:39 PM
To: Charlie Ford; Ron King; Dan Jager; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Subject: Please review the attached documents related to a Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.
Parcels: 5B1601440260; 0270; 0280; 0290
 5B1601440300; 0310; 0320; 0330; 0340; 0350; 0360; 0370; 0380
 5B1601440401
Address: Clinton Drive and 2797 Postal Way

Jonathan Lange

From: Charlie Ford
Sent: Wednesday, February 17, 2016 7:53 AM
To: Jonathan Lange; Ron King; Dan Jager; Ed Foster; Ed Mercer; Greg Chaney
Subject: RE: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Jonathan,
 The Building Department has no issues with this application.
 Thank you,

Charlie Ford, Building Official
 Community Development Dept.
 City and Borough of Juneau
 Tel (907)586-0767 Fax(907)586-4529
 email Charlie.Ford@juneau.org
 Web page www.juneau.org/permits

From: Jonathan Lange
Sent: Tuesday, February 16, 2016 12:39 PM
To: Charlie Ford; Ron King; Dan Jager; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments - AME2016 0008, A Rezone Request for 14 lots in Vintage Park from LC to MU

Subject: Please review the attached documents related to a Rezone Request for 14 lots, 4.19 acres, in the Vintage Park neighborhood from LC - Light Commercial to MU - Mixed-Use.
Parcels: 5B1601440260; 0270; 0280; 0290
 5B1601440300; 0310; 0320; 0330; 0340; 0350; 0360; 0370; 0380
 5B1601440401
Address: Clinton Drive and 2797 Postal Way

Jonathan Lange

From: Lauren MacVay <lmacvay@truenorthfcu.org>
Sent: Thursday, March 03, 2016 8:55 AM
To: Jonathan Lange
Subject: Rezone for True North's Lot
Attachments: Lauren MacVay.vcf

Hi Jonathan,

While we appreciate the inquiry, we have no desire to participate in the rezone from Light Commercial to Mixed Use that is under consideration for the lots between us and the river. That said, we fully support the initiative underway and have no objection to the rezone request at hand. If you have any questions, please feel free to give me a call at 523-4720.

Thanks,
 Lauren



The information contained in this e-mail is confidential and is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, do not copy, use or disclose this e-mail, its contents or its attachments. If you have received this e-mail in error, please immediately notify us by telephone and delete all copies. Thank you.



Vacant Lots for Rezone Request



Looking south on Clinton Drive towards COEUR Mining office building on right and State office on left



Looking north on Clinton Drive towards rezone lots, with True North Credit Union on right and State offices on left



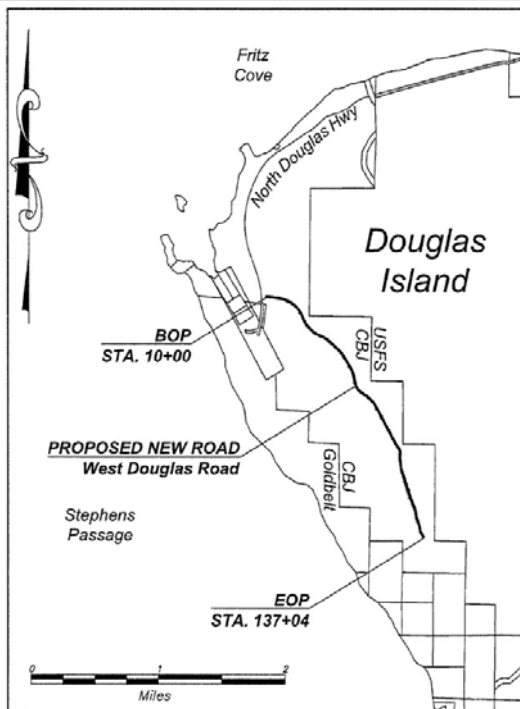
Looking south on Clinton Drive towards vacant lot and then Safeway Grocery store



Looking south towards True North Credit Union from Postal Way



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway.

File No:	CSP2016 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	3-D13-0-100-001-0
Hearing Date:	March 22, 2016	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	2,020 Acre Parcel 2.4 Mile Length of Road
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	RR - Rural Reserve
		Site Address:	North Douglas Highway
		Accessed Via:	North Douglas Highway

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 Jonathan Lange at Jonathan.Lange@juneau.org or 586-0218.



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



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: March 14, 2016

TO: Planning Commission

FROM: Jonathan Lange, Planner *Jonathan Lange*
Community Development Department

FILE NO.: CSP2016 0002

PROPOSAL: A City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway.

GENERAL INFORMATION

Applicant: City and Borough of Juneau

Property Owner: City and Borough of Juneau

Property Address: North Douglas Highway

Legal Description: T41S R66E, Copper River Meridian

Parcel Code No.: 3-D13-0-100-001-0

Site Size: 2,020 Acre Parcel; 2.4 Mile Length of Road

Comprehensive Plan Future Land Use Designation: RD – Resource Development; SC – Stream Protection Corridor

Zoning: RR – Rural Reserve

Utilities: Outside Urban Service Boundary

Access: North Douglas Highway

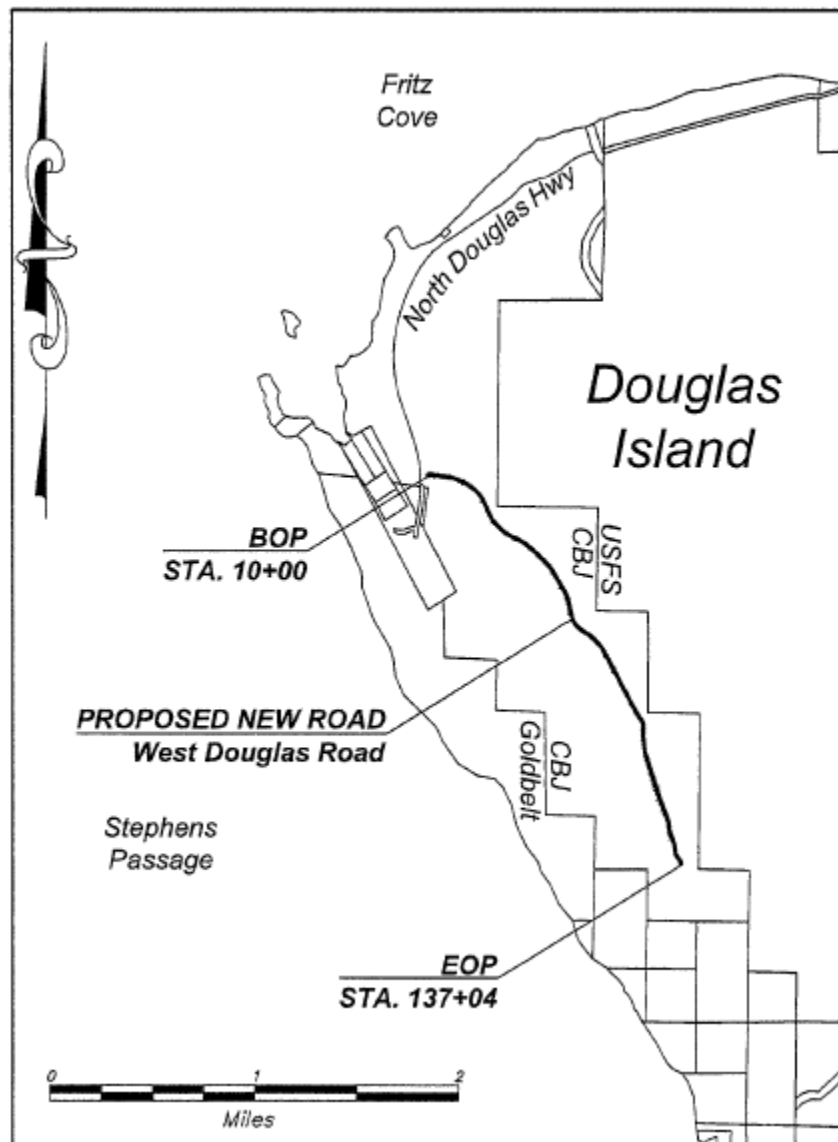
Existing Land Use: Vacant

Surrounding Land Use: North - RR; Vacant CBJ and Tongass National Forest Land
South - RR; Vacant Goldbelt Inc. Land

Planning Commission
File No.: CSP2016 0002
March 14, 2016
Page 2 of 9

East - RR; Vacant Tongass National Forest Land
West - RR; Vacant Goldbelt Inc. Land; North Douglas Highway and Peterson Creek Landowner's Association with Five Single-Family Residences

VICINITY MAP



Planning Commission
File No.: CSP2016 0002
March 14, 2016
Page 3 of 9

ATTACHMENTS

Attachment A – City Project Review Application and Narrative
Attachment B – Memorandum from AK Department of Fish and Game
Attachment C – Army Corps of Engineers Permit Letter
Attachment D – Agency and Public Comments
Attachment E – Public Notice

PROPOSAL

The applicant, City and Borough of Juneau (CBJ) Engineering and Public Works Department, is requesting a City Project Review of a proposed pioneer road through CBJ land on the west side of Douglas Island. The pioneer road is accessed via North Douglas Highway. The project would consist of the construction of a 2 ¼ mile long single lane rock-surfaced pioneer road with turnouts. At the start of the road, closest to North Douglas Highway, a small parking area for recreational users of the road and a gate for the road are proposed. Borrow areas along the route to quarry rock for the construction of the road are also proposed.

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

The CBJ and Goldbelt, Inc. are jointly 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 is accessible only by foot or by boat (See Project Narrative, Attachment A).

The West Douglas Concept Plan was created in 1997. The plan was adopted as part of the Comprehensive Plan by the Assembly. The 2013 Comprehensive Plan designates West Douglas as a “New Growth Area”. The West Douglas Concept Plan and Comprehensive Plan will be discussed further in the reports analysis.

The following are the purpose points of the pioneer road as outlined in the applicant’s narrative:

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

Planning Commission
 File No.: CSP2016 0002
 March 14, 2016
 Page 4 of 9

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 they will be commenting during the permitting of construction, through the Grading and Drainage permit. They also commented that at the time a Right-Of-Way (ROW) or street is proposed to be dedicated, a subdivision will need to be completed.

The CBJ Streets Division has no issues with the request.

The Alaska Department of Fish and Game (ADF&G) issued a trip report (Attachment B) after working in and visiting the project site with the CBJ Engineering Department. The report states that six Fish Habitat Permits will be required to be issued for the project area; two of the permits will require upstream fish passage. ADF&G stated that they do not have any additional concerns and are waiting for permit requests for crossing structures on fish streams.

The Alaska Department of Transportation and Public Facilities (DOT&PF) commented on the proposal. DOT&PF had two comments; first, that the proposed parking area will be required to be outside of the North Douglas Highway ROW. Secondly, confirmation will need to be made that existing culverts on DOT&PF ROW can handle the increase of drainage runoff from the proposed project, due to the fact that northern portions of the proposed roadway will drain to the DOT&PF ROW. DOT&PF stated that this may be accomplished by a post-construction hydrologic/hydraulic model showing impact to drainage structures.

The Engineering Department spoke with DOT&PF on their comments and stated that they will move the parking area inland and off the DOT&PF ROW.

U.S. Fish and Wildlife Services (USFWS) forwarded their comment letter in response to the Army Corps General Permit Agency Coordination notice for the proposed project, West Douglas Road extension. USFWS are concerned with the impacts downstream to fish habitat and that the project crosses high-quality deer habitat. USFWS believes that the full project, additional phases, should be evaluated in an Army Corps individual permit (see Attachment D).

The CBJ Wetlands Review Board at their March 3rd, 2016 meeting discussed the proposed road

Planning Commission
 File No.: CSP2016 0002
 March 14, 2016
 Page 5 of 9

project. The Board had concerns about the proposed roads alignment and how it might affect water quality from runoff to the anadromous streams. The Board also referred to the comments made by USFWS to the Army Corps. Alan Steffert, CBJ Engineering, explained the project and how the route was determined. The Board was split in their recommendation to support or not support the proposed project (see Attachment D for minutes). The Board wants to make sure that construction will strictly adhere to Stormwater Best Management Practices with the goal of water quality and fish passage maintenance.

The Juneau Commission on Sustainability (JCOS) discussed the proposed project at their March 9th, 2016 regular meeting. JCOS expressed concern about use of trees that are cleared as part of construction of the proposed road and how might the general public be able to use the trees cleared as fuel. JCOS also expressed concern about the development in the area at this time and if there is demand for the New Growth Area as outlined in the Comprehensive Plan. JCOS would like to encourage monitoring of the construction, that it may be conducted per the issued agency permits and may minimize impacts on the natural resources in the area. Please see Attachment D for JCOS meeting summary.

CONFORMITY WITH ADOPTED PLANS

The following sections of adopted plans relate to the proposal:

West Douglas Concept Plan (1997)

The General Goals outlined in the West Douglas Concept Plan are that the development 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

Planning Commission
File No.: CSP2016 0002
March 14, 2016
Page 6 of 9

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 extensively evaluated the area for a route for the proposed road in order to meet the above goals.

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.

Planning Commission
File No.: CSP2016 0002
March 14, 2016
Page 7 of 9

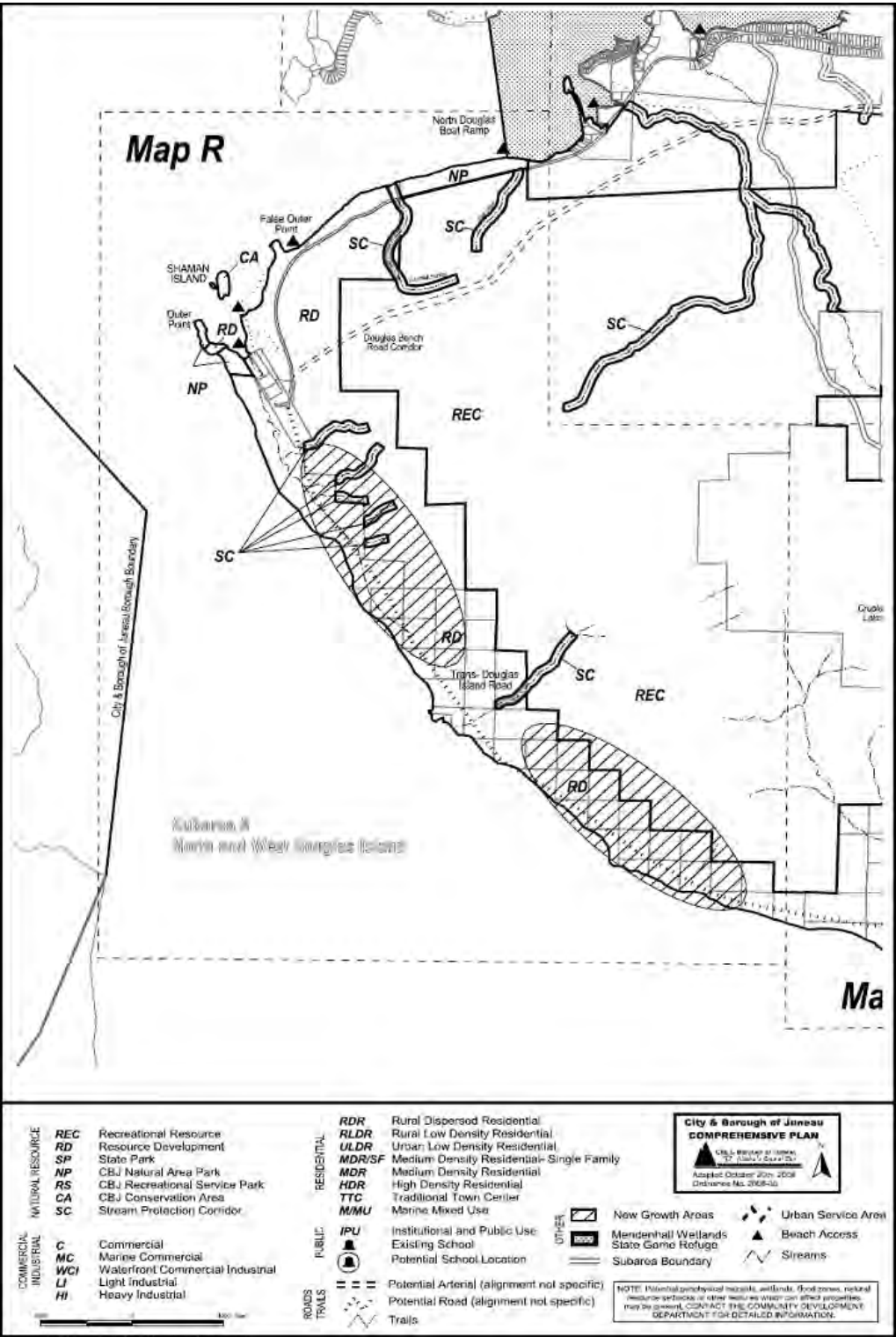


Figure 1 - The area is labeled as a New Growth Area in the Land Use Maps of the Comprehensive Plan

Planning Commission
 File No.: CSP2016 0002
 March 14, 2016
 Page 8 of 9

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.

Analysis -

The proposed development would provide for access to a New Growth Area, as outlined in the Comprehensive Plan. The CBJ has acquired the needed 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.

HABITAT

Anadromous Streams – The project area contains 37 streams requiring culverts or bridges, 11 of which are ephemeral or seeps. These are part of, and tributaries to, an unnamed cataloged anadromous water body; and a Peterson Creek tributary, which is a cataloged anadromous stream (See Attachment B). 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

Planning Commission
File No.: CSP2016 0002
March 14, 2016
Page 9 of 9

stream.

The CBJ proposes to build 2 bridges, 2 fish pass culverts, and 26 culverts for the remaining streams. The provision above allows for stream crossing bridges and culverts to be within the habitat buffers.

Wetlands – The CBJ has applied for wetlands fill of 25,039 cubic yards of shot rock in 1.65 acres of wetlands, through the Army Corps of Engineers for the road, road turnouts, and building of bridges and culverts (See Attachment A for site plan and areas of fill and Attachment C for Army Corps Letter). 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;

The Army Corps issued the CBJ a Nationwide Permit for the proposed wetlands fill.

FINDINGS

The proposed pioneer road through CBJ lands 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 the access into CBJ lands for future development. 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 to the Assembly that CSP2016 0002, City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway is consistent with Title 49, the 1997 West Douglas Concept Plan, and the 2013 Comprehensive Plan, with the following recommendations:

1. Development of the pioneer road shall strictly adhere to CBJ Manual of Stormwater Best Management Practices.
2. Prior to development of culverts and bridges in the proposed project, Fish Habitat Permits shall be acquired and approved.

DEVELOPMENT PERMIT APPLICATION

Packet Page 280 of 336

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 2/1/16
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Construct a 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	Work Phone: 586-0481
	Mailing Address 155 South Seward St, Juneau 99801	Home Phone:	Fax Number:
	E-mail Address alan.steffert@juneau.org	Other Contact Phone Number(s): 321-4934	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
PROJECT / APPLICANT	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		2-1-2016
		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	Work Phone: 586-0481
	Mailing Address CBJ 155 South Seward St Juneau 99801	Home Phone:	Fax Number:
	E-mail Address alan.steffert@juneau.org	Other Contact Phone Number(s): 321-4934	
X		2-1-2016	
	Applicant's Signature	Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	***SIGN	Date Received
		Building/Grading Permit		
	☒	City/State Project Review and City Land Action		2/1/16
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		09/16-002
		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	
			EC	

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
I:\FORMS\2010 Applications Revised November 2009

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number CSP 16-002	Date Received
-----------------------	-------------------------------------	----------------------------------	----------------------

TYPE OF PROJECT REVIEW:

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

DESCRIPTION OF PROJECT

Construct a single lane with turnouts, rock-surfaced pioneer road on CBJ lands on the west side of Douglas Island.
Road length to be 2-1/4 miles.

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.: _____

Capital Improvement Program # (CIP) D14-060

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: \$ 2 million

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;"> <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%; text-align: center;">Fees</th> <th style="width: 15%; text-align: center;">Check No.</th> <th style="width: 15%; text-align: center;">Receipt</th> <th style="width: 20%; text-align: center;">Date</th> </tr> <tr> <td>Application Fees</td> <td style="text-align: center;">\$ <u> </u></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td>Total Fee</td> <td style="text-align: center;">\$ <u> </u></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </table>	CITY/STATE PROJECT FEES						Fees	Check No.	Receipt	Date	Application Fees	\$ <u> </u>	_____	_____	_____	Total Fee	\$ <u> </u>	_____	_____	_____
CITY/STATE PROJECT FEES																					
	Fees	Check No.	Receipt	Date																	
Application Fees	\$ <u> </u>	_____	_____	_____																	
Total Fee	\$ <u> </u>	_____	_____	_____																	

**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**

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:

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.

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.
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 road extension and land development improvements will be constructed in phases, likely over many years. The proposed phase will extend approximately 2.4 miles to access development areas 1A and 1B as shown on the West Douglas Overall Conceptual Plan. This construction could begin in April of 2016 and be completed in September of 2017. Future phases include extending the road to access other development areas shown on this plan. However, there is no funding available at this time to do this and it is unknown when funding will be available for future phases.

Nature of Activity

The West Douglas Road project proposes to construct 2.4 miles of single lane gravel road beginning near the end of North Douglas Highway and extending parallel and $\frac{3}{4}$ mile inland of the coast of Douglas Island. In addition to the road, there will be a small parking area at the start of the road to accommodate recreational users of the road as the road will be gated. There will also be vehicle turnouts and borrow areas along the route to quarry rock for the road construction.

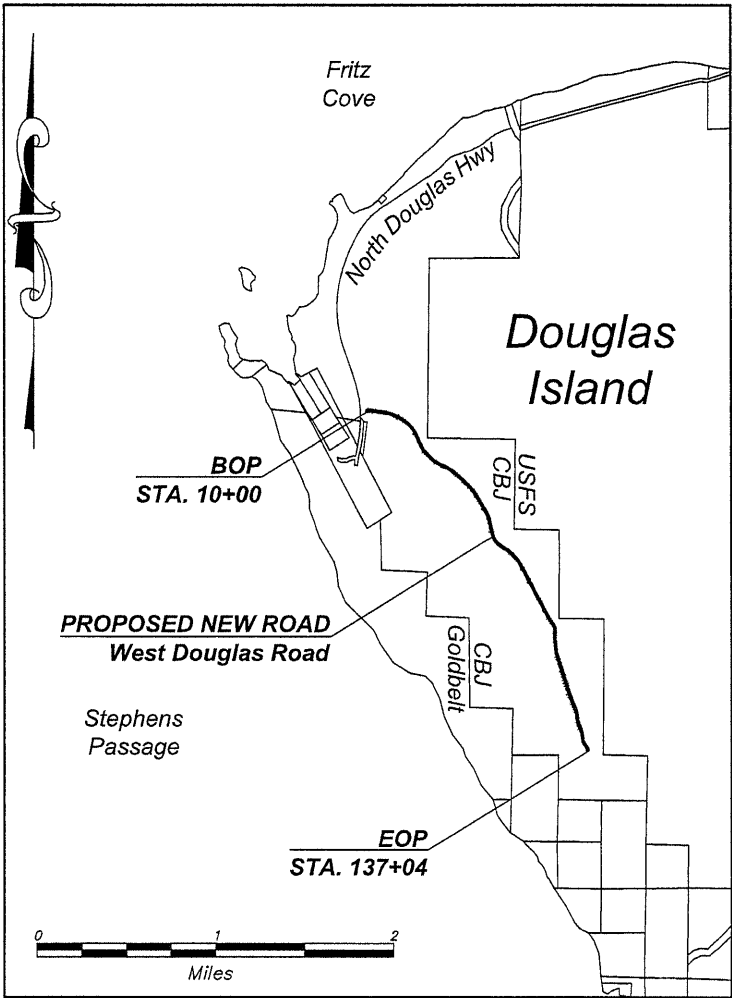
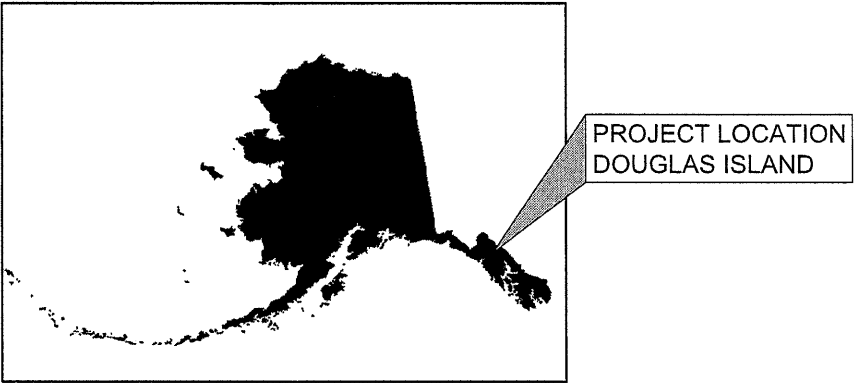
The road was designed based on a preliminary line (p-line) that was located on benches in the upper area. A wetland delineation was performed at typically 50' to either side of the preliminary line, at major stream crossings, and extended in potential rock material borrow areas as shown on the wetland maps. Based on the wetland delineation, field analysis and working with agencies, the final road location was determined based on avoiding and minimizing impact to the wetlands to the maximum extent practicable, allowing for a pioneer road that would in 10-20 years be the basis for a 40 mph highway through this area, and allowing for stream crossings that were buildable with the least amount of impact. Based on these goals, considerations for the design include vertical and horizontal curve limitations and maintaining a road that was buildable and drivable.

The road surface will be 14' wide 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 depth of 4'.

The parking area will be 50' by 64', accommodating 10 vehicles. The base will be 3' thick shot rock with 12" thick base course cap. The turnout areas will be 8' wide, located intervisibly along the road as shown on the plan. They will also be constructed of 4' shot rock.

There will be two 50 foot span bridges crossing large creeks as shown on the plan drawings. The bridges will be 14' wide modular steel bridges on spread footings. The abutments will be constructed above ordinary high water. Culverts and/or pipe arches will be placed at all other locations where streams cross the road. The cross culverts are typically 18" diameter and the stream culverts and/or pipe arches are typically 24" to 60" diameter.

The construction plan is to clear vegetation approximately 15' to either side of the road, excavate organic material within the excavation limits and stockpile organic soils and ground cover vegetation on site. Logs will be removed and slash and stumps disposed of by burning. Stripped organics will be windrowed and placed at the toe of fill slopes. 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. A gate will be installed at the beginning of the road that will prohibit the entry of unauthorized motorized vehicles but allow pedestrian and non-motorized access.

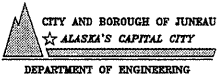


Wetlands area impacted = 1.63 acres
Resident fish streams crossed = 4

LEGEND

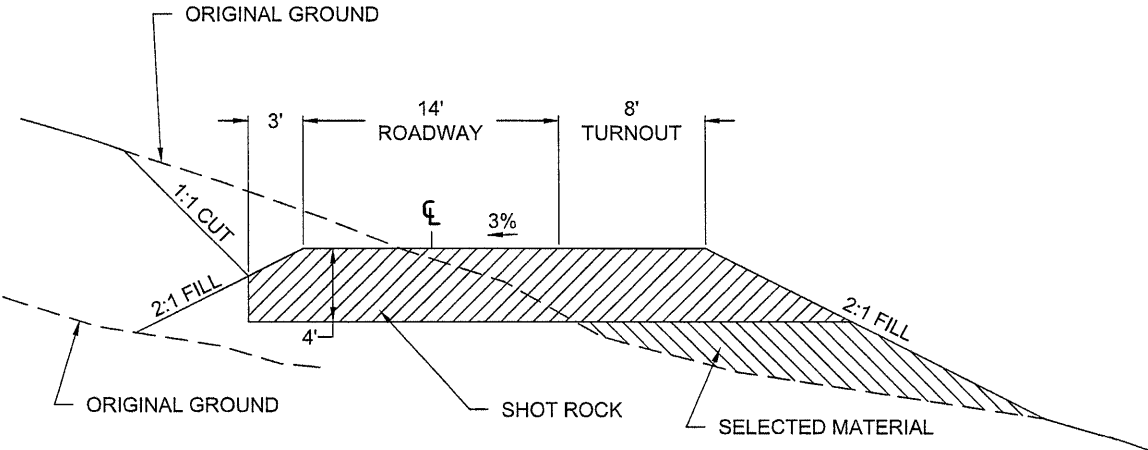
Proposed Alignment	-----
Slope Stakes	-----
Proposed Culvert	=====
Stream	-----
Borrow Source Edge	-----
P-Line	-----
Wetlands	
Disturbed Wetlands	

VICINITY MAP



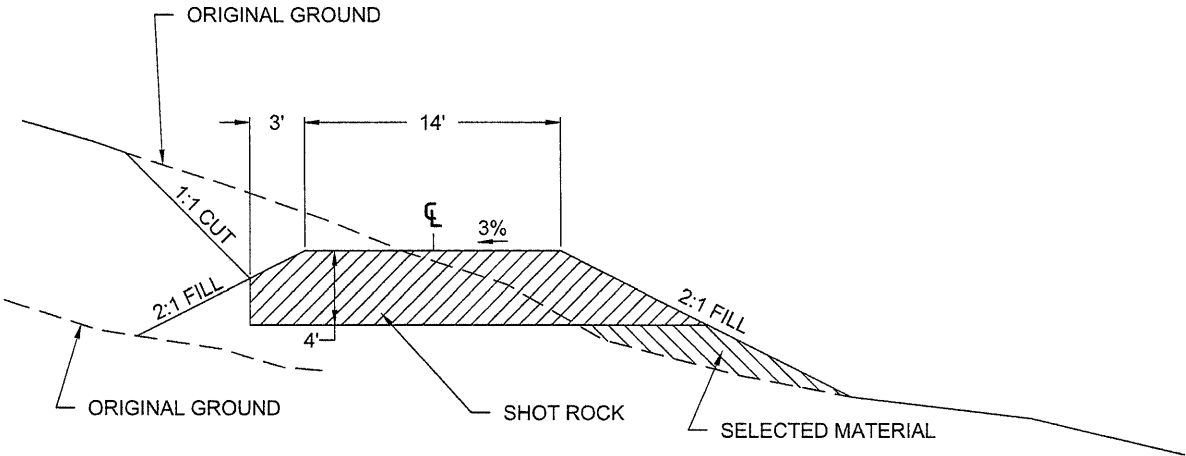
WEST DOUGLAS ROAD

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 1 of 10
Date: 3/24/2015



TYPICAL ROAD SECTION

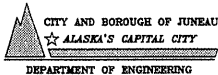
14' SINGLE LANE WITH 8' TURNOUT



TYPICAL ROAD SECTION

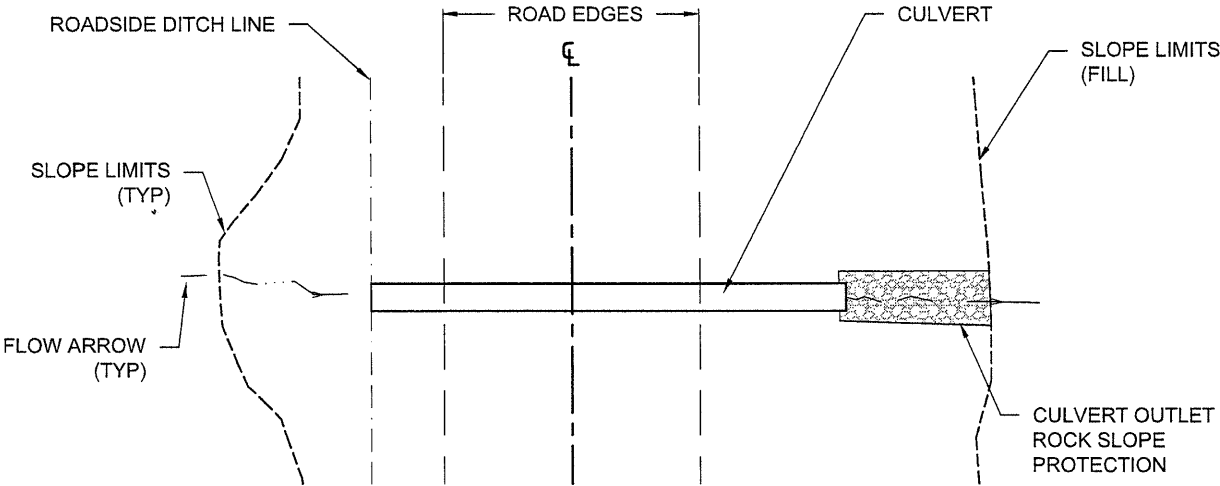
14' SINGLE LANE

Typical Sections

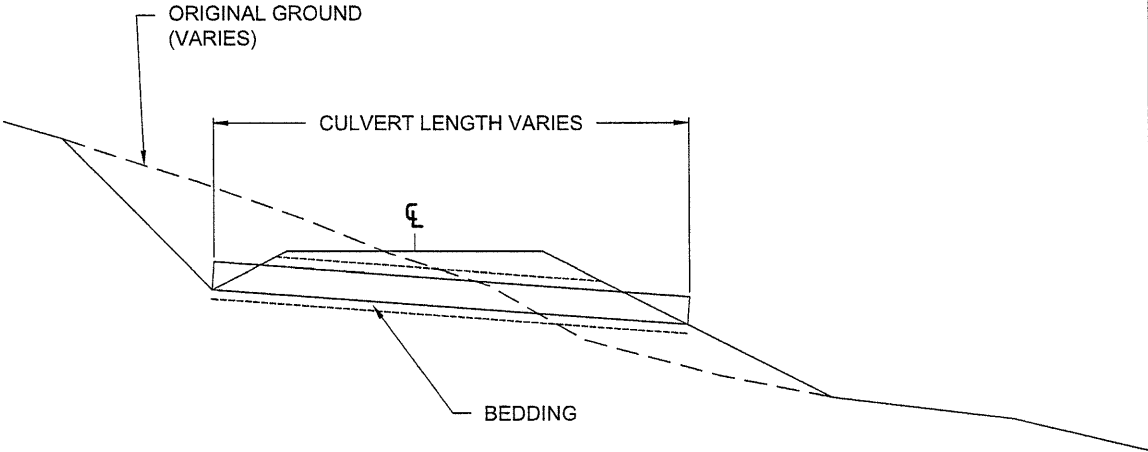


**WEST DOUGLAS
ROAD**

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 2 of 10
Date: 3/24/2015



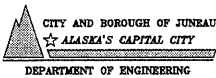
PLAN VIEW



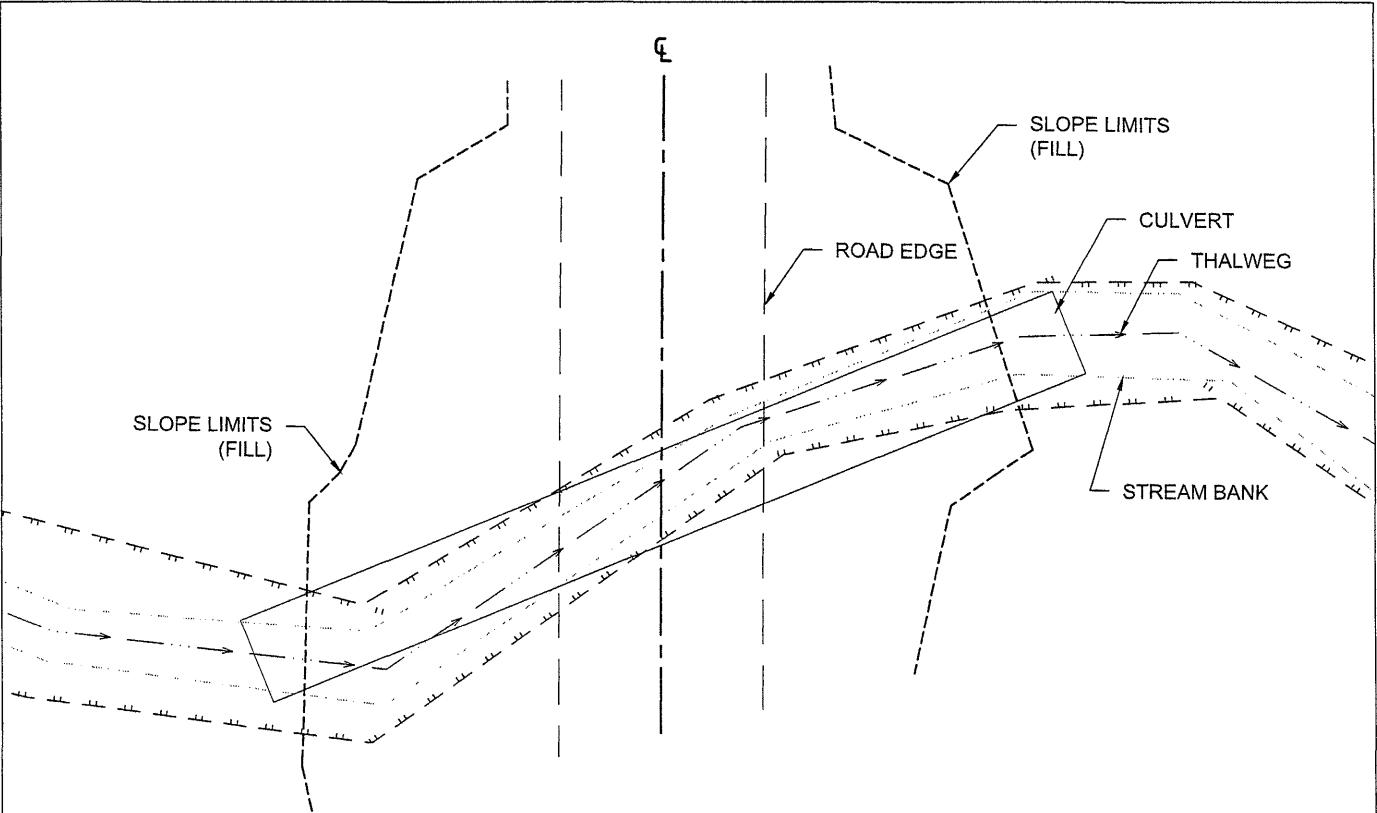
TYPICAL CULVERT SECTION

Culvert Stream Crossing Typical

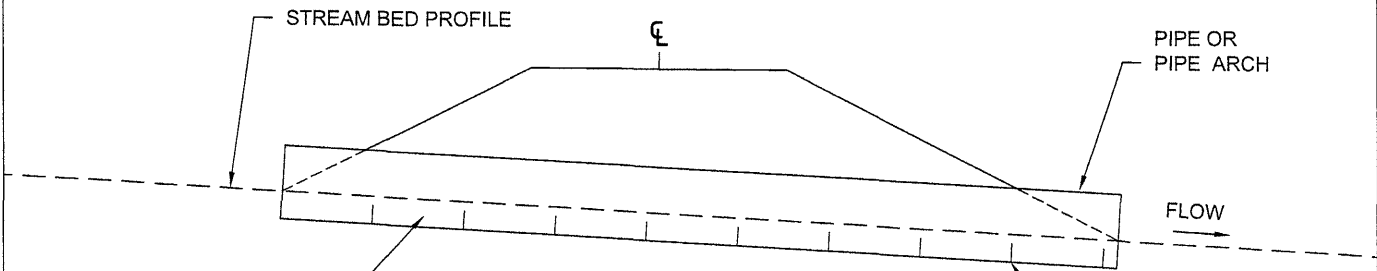
Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 3 of 10 Date: 3/24/2015



**WEST DOUGLAS
ROAD**



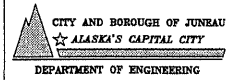
PLAN VIEW
NTS



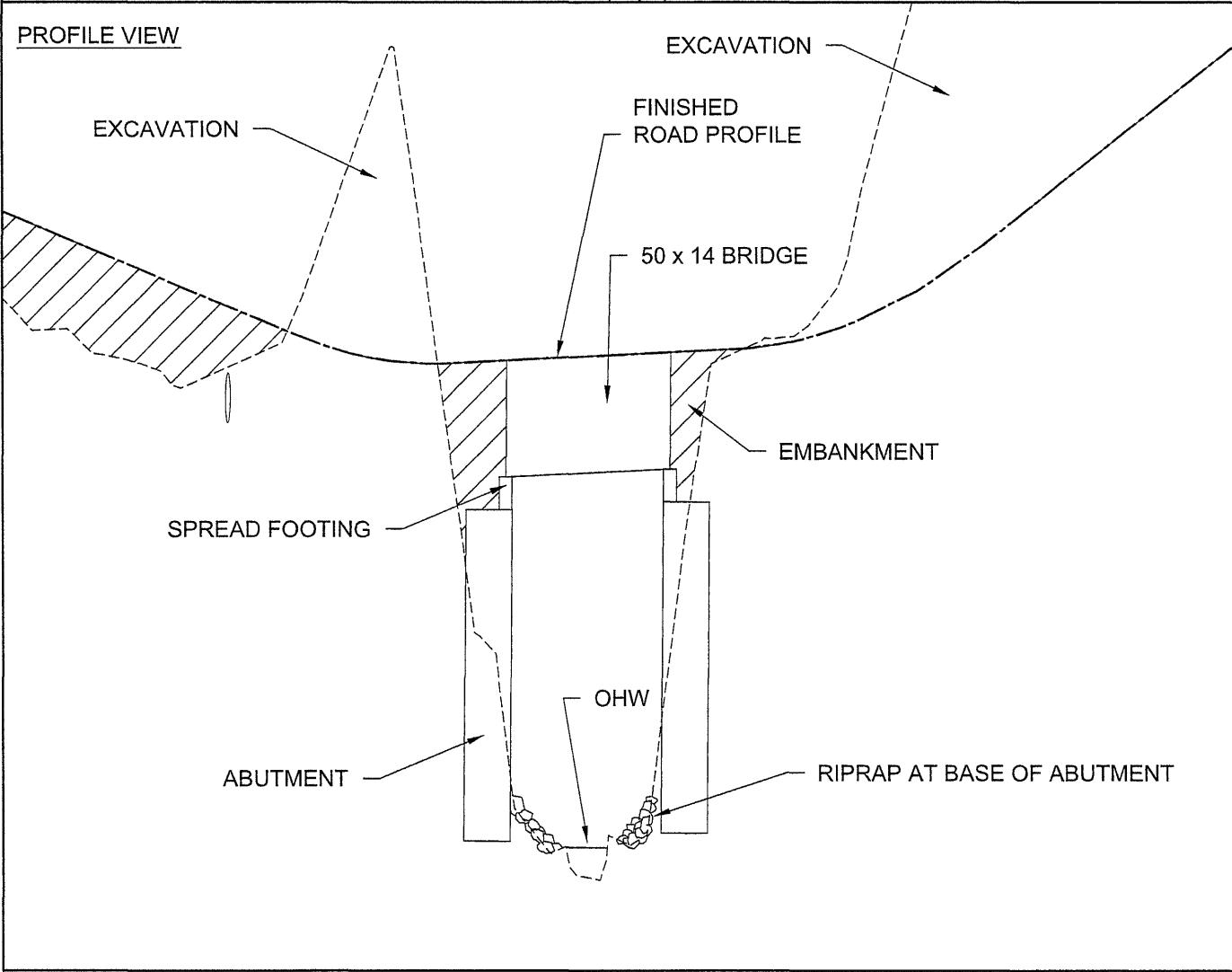
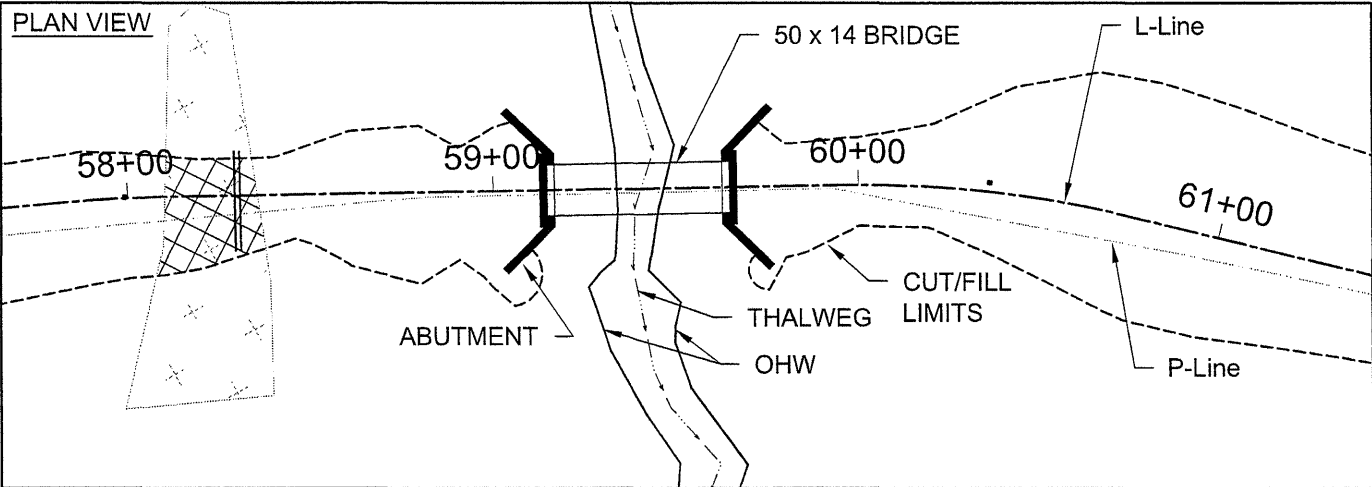
**TYPICAL FISH PASSAGE
BAFFLED CULVERT
SECTION**

Culvert Stream Crossing Typical

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 4 of 10 Date: 3/24/2015

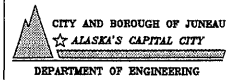


**WEST DOUGLAS
ROAD**

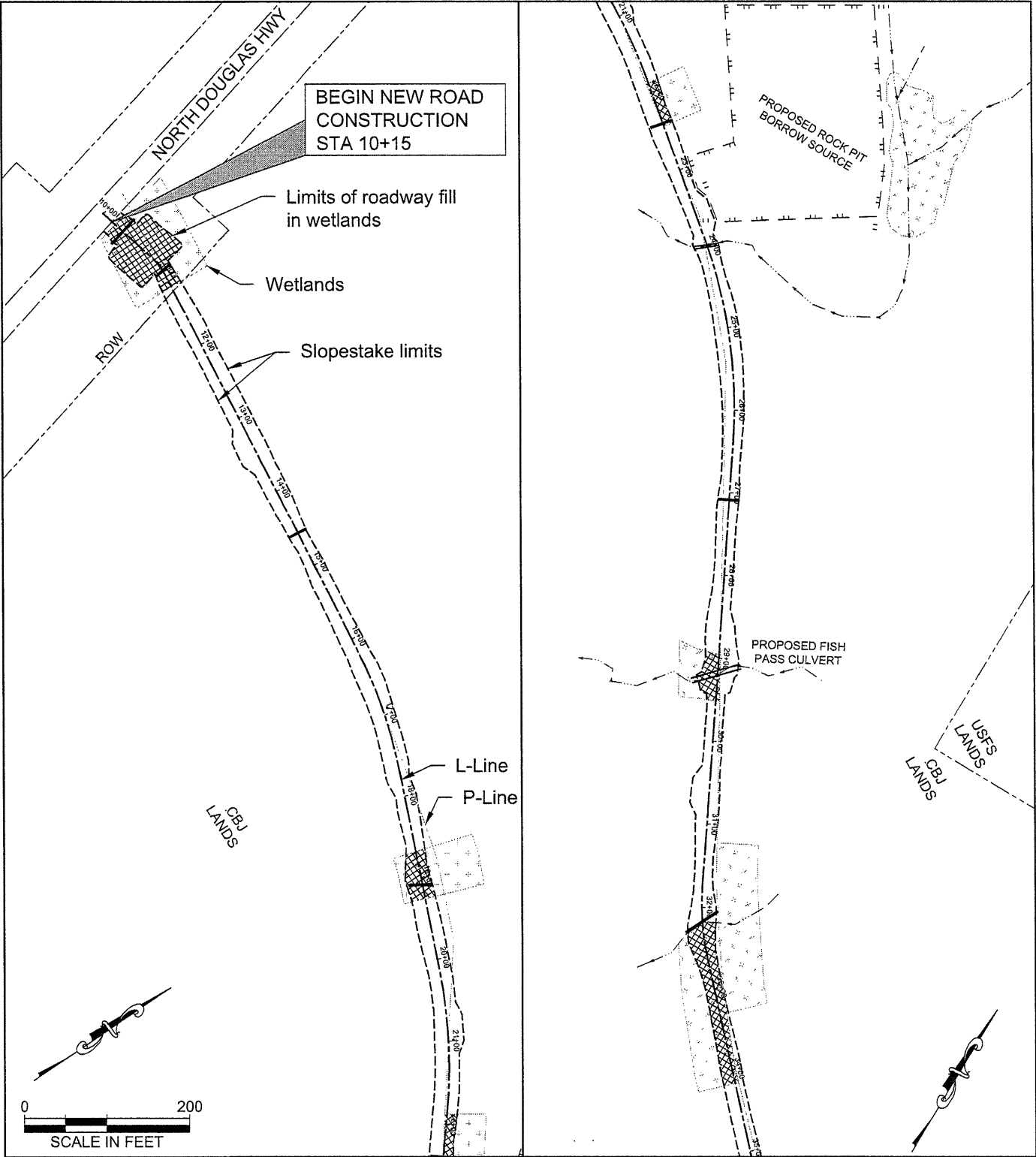


Bridge Stream Crossing Typical

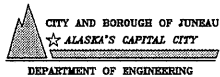
Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 5 of 10
Date: 3/24/2015



WEST DOUGLAS ROAD

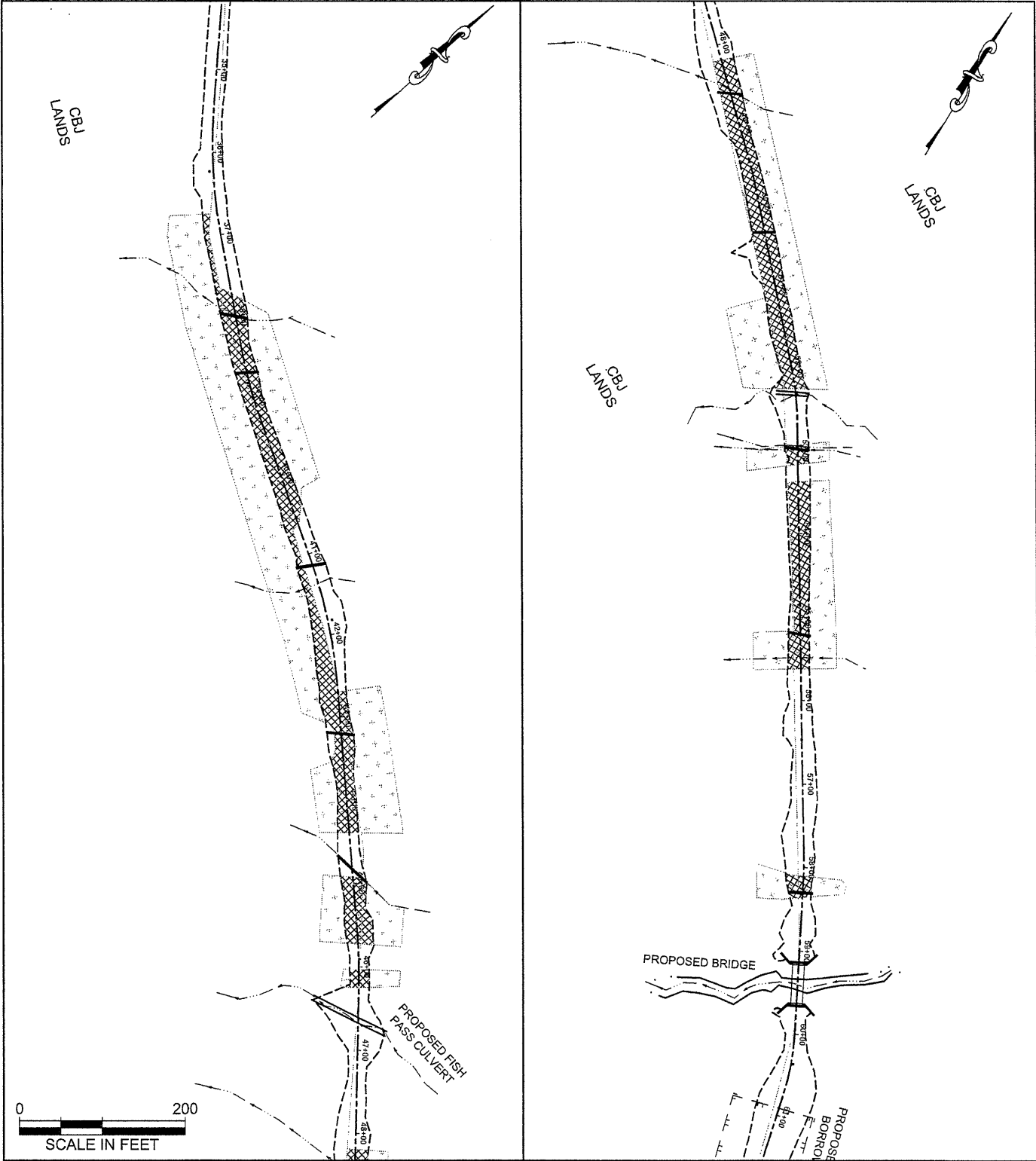


Plan View
Stations 10+00 (BOP) to 35+00

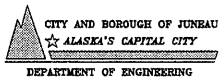


**WEST DOUGLAS
ROAD**

Applicant: City & Borough of Juneau
File No.: POA-
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Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 6 of 10
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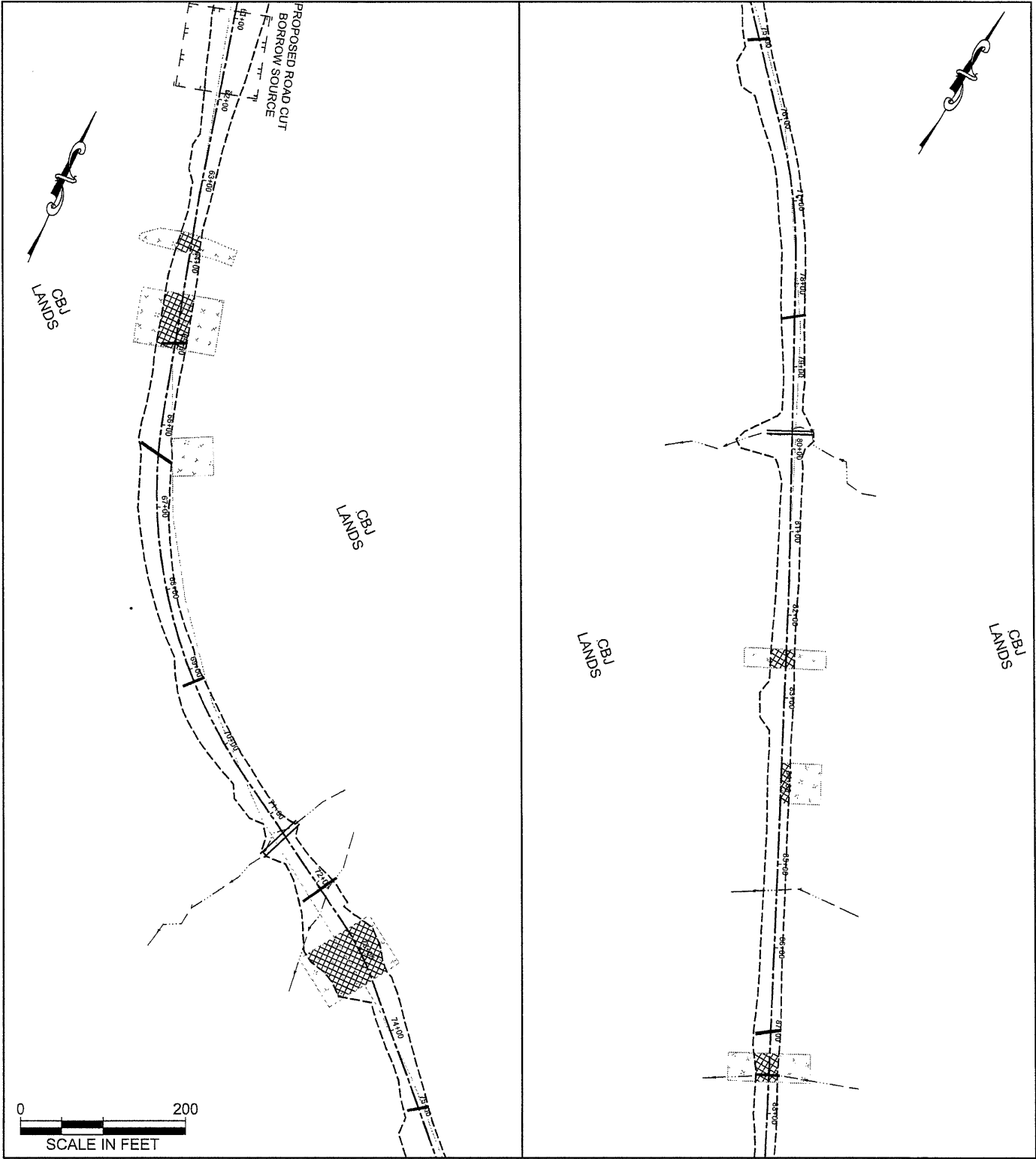


Plan View
Stations 35+00 to 61+00

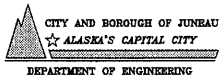


**WEST DOUGLAS
ROAD**

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 7 of 10
Date: 3/24/2015

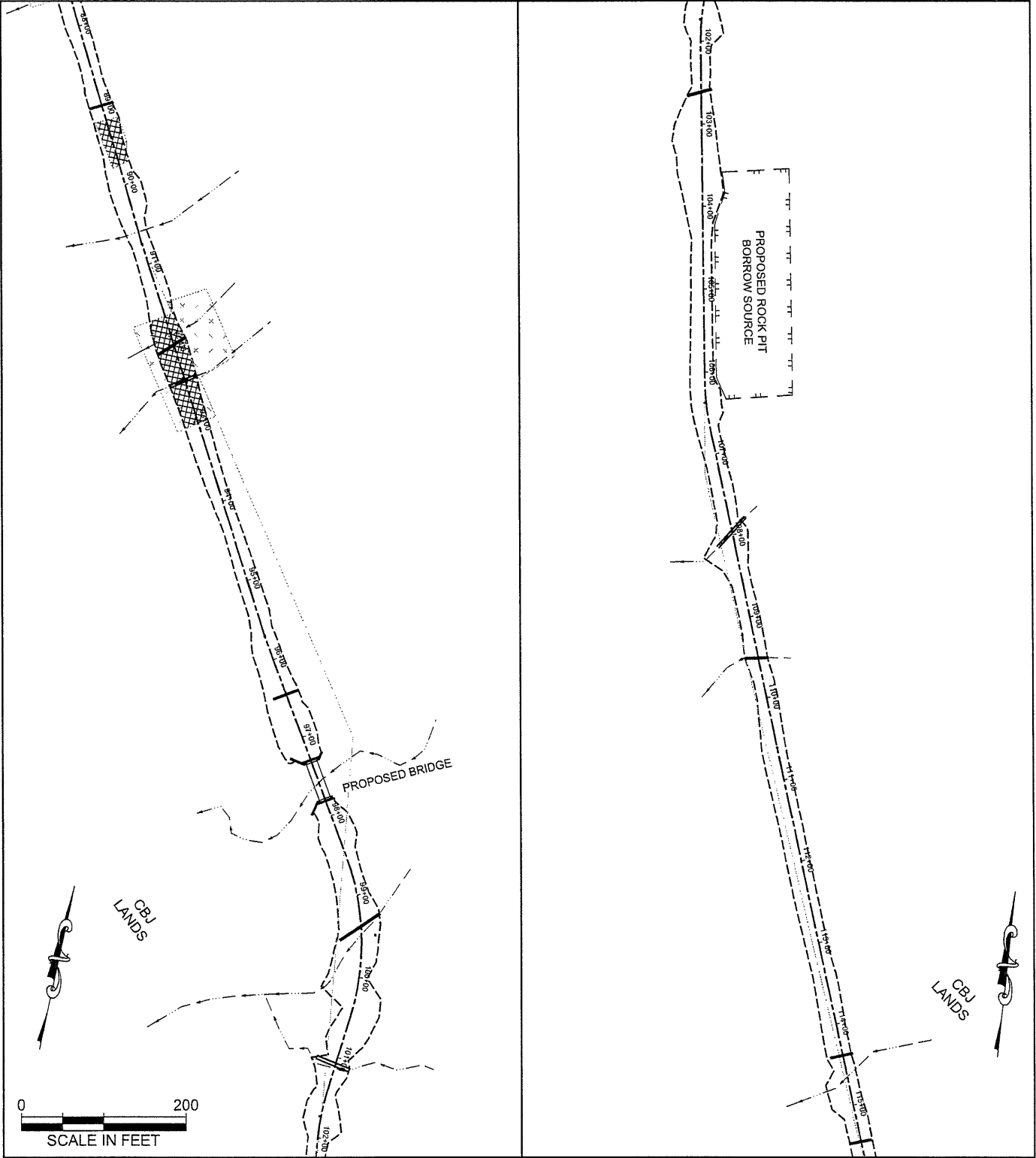


Plan View
Stations 61+00 to 88+00

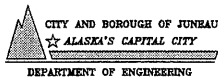


**WEST DOUGLAS
ROAD**

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 8 of 10
Date: 3/24/2015

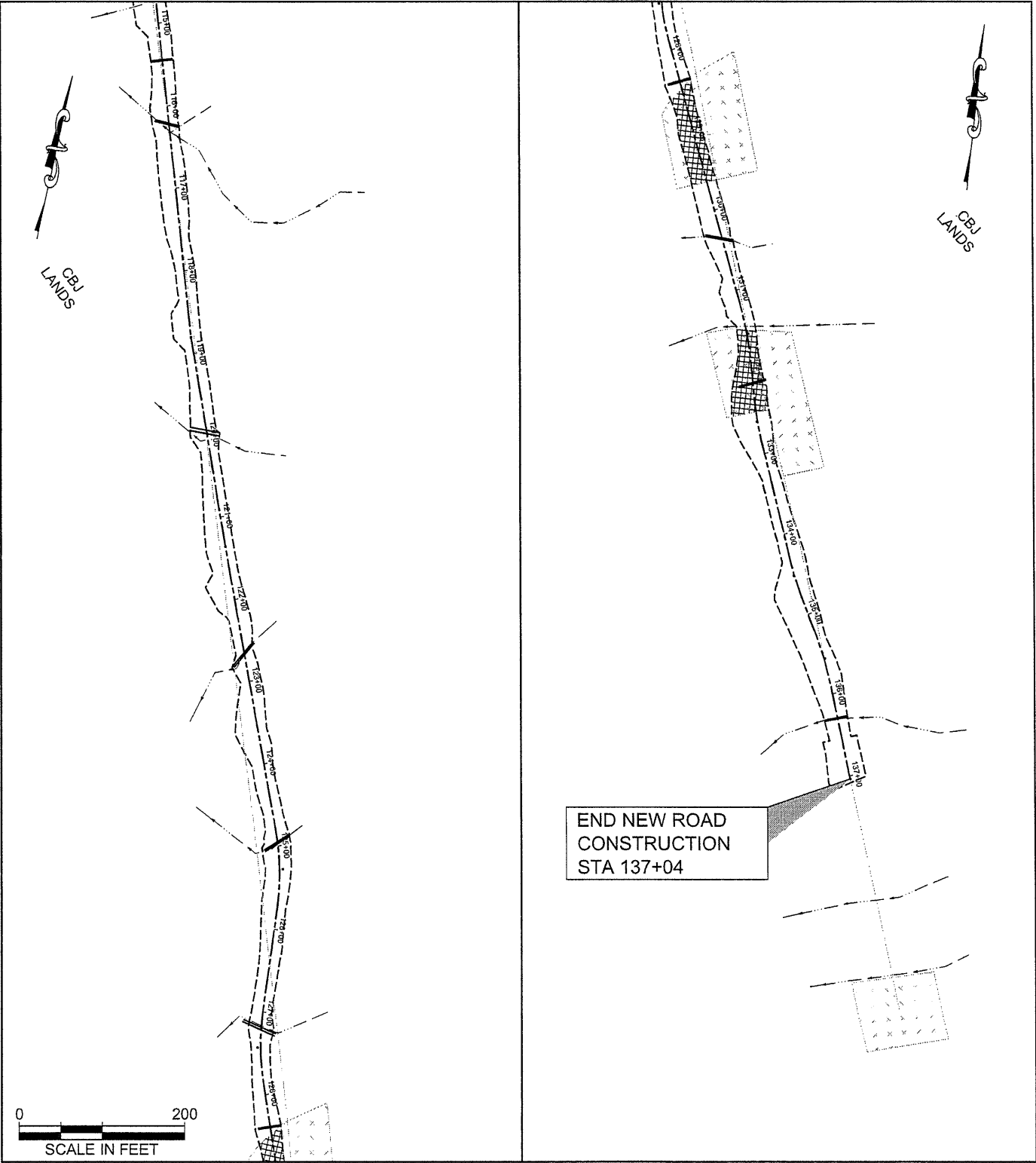


Plan View
Stations 88+00 to 115+00

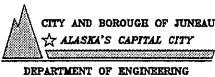


**WEST DOUGLAS
ROAD**

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 9 of 10
Date: 3/24/2015



Plan View
Stations 115+00 to 137+04 (EOP)



**WEST DOUGLAS
ROAD**

Applicant: City & Borough of Juneau
File No.: POA-
Waterway: Petersen Creek tributaries
Proposed Activity: New road construction
Sec.20,28-29,32-33 T.41S R.66E Copper River Meridian
Lat.:N58 17' 23.3677" Long.:W 134 40' 2.6619"
Sheet 10 of 10
Date: 3/24/2015

MEMORANDUM**State of Alaska**
Department of Fish and Game
Division of HabitatTO: Jackie Timothy
Southeast Regional Supervisor

DATE: December 31, 2015

FILE NO: 58.2935° N, 134.6661° W

SUBJECT: North Douglas Highway
Extension Trip Report
December 7–8, 2015FROM: Greg Albrecht 
Habitat Biologist

PHONE NO: (907) 465-6384

On December 7 and 8, 2015, I surveyed stream crossings on the City and Borough of Juneau's (CBJ) proposed North Douglas Highway road extension alignment with Habitat Biologist Nicole Legere and CBJ Engineer Alan Steffert. The road alignment runs along a bench between 54 and 100 m elevation for 3.8 km. CBJ plans show 37 streams requiring culverts or bridges, 11 of which are ephemeral or seeps. We evaluated the remaining 26 for fish habitat by making a visual determination based on gradient, stream flow, and width or by electrofishing (Figure 1, Appendix A).

Many historical nominations to the Anadromous Waters Catalog (AWC) in this area were made based on Dolly Varden char and cutthroat trout captures not confirmed to be anadromous. We began field verifying the area in 2012, making corrections and including additional anadromous fish habitat. Even so, the main stem of Peterson Creek remains incorrectly mapped near waypoint 917 with no documentation of fish captures. I will resurvey this stream and submit a correction to the AWC in the spring.

Since 2001, biologists have captured coho salmon, cutthroat trout and Dolly Varden char at five of the road/stream intersections. I will write fish habitat permits for these crossing structures and for the structure on the AWC mapped main stem of Peterson Creek, but will only require the structures provide upstream fish passage at waypoints 909 and 914 as described in the survey information below. Following construction, I will submit corrections to the AWC to terminate the upper extent of streams where barrier pipes are permitted.

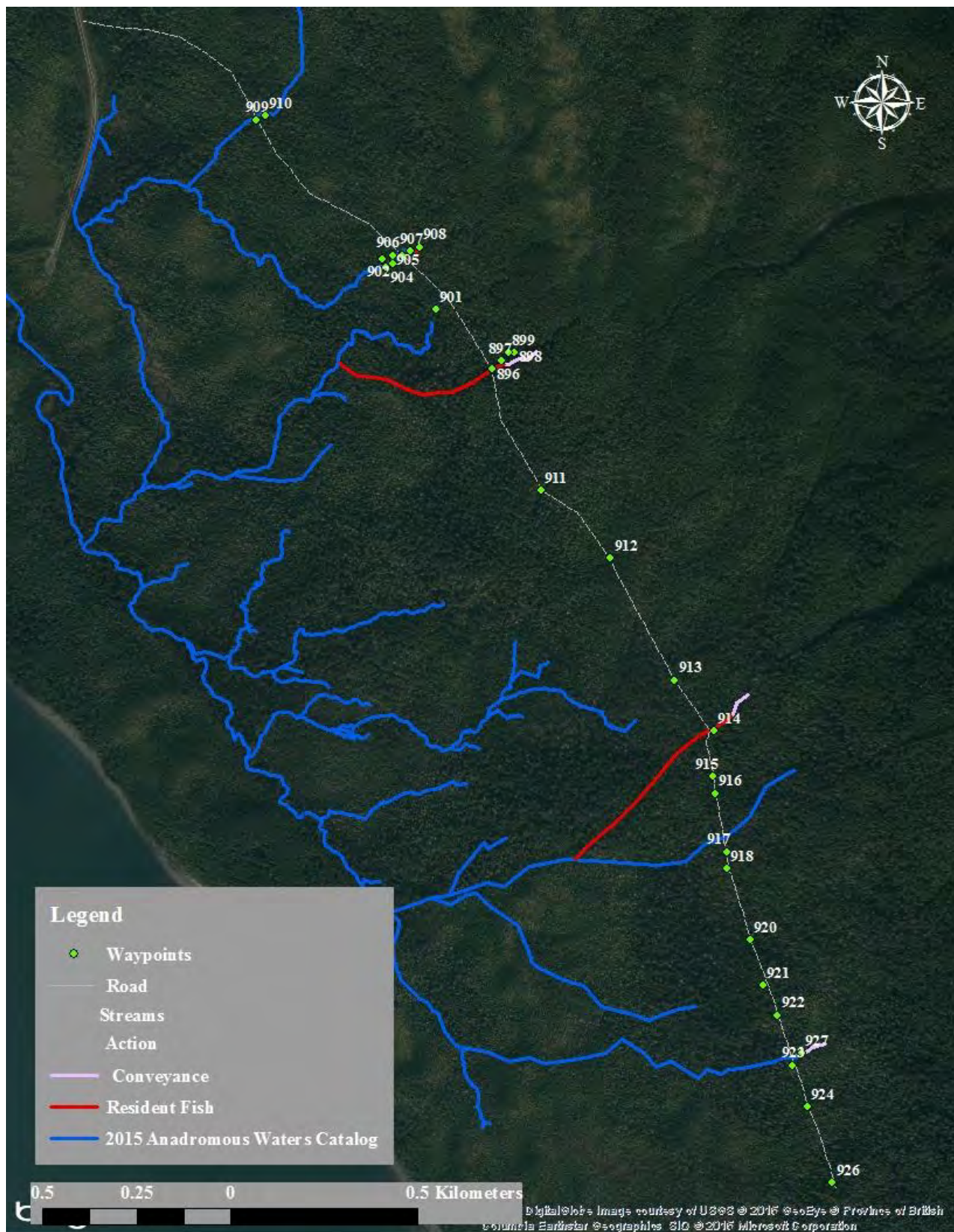


Figure 1.—Road extension map.

Station 29+00 (waypoint 909)

Stream no. 111-50-10750-2027-3031, cataloged for coho salmon, cutthroat trout and Dolly Varden char, is about 3% gradient through the crossing with 360 m of anadromous habitat upstream (Figure 2). Cutthroat trout, Dolly Varden char and coho salmon have been captured upstream of the proposed crossing. I will issue a fish habitat permit that requires upstream fish passage.



Figure 2.–Station 29+00 (waypoint 909) map.

Station 46+70 (Waypoint 903)

Stream no. 111-50-10750-2027, cataloged for coho and pink salmon, cutthroat trout and Dolly Varden char, varies between 11 and 15% average gradient downstream of the crossing (Figure 3). There is 23 m of step pool habitat at a 12% average gradient upstream of the road centerline (Figure 4). Upstream of this reach, the creek flows through a series of chutes with a 0.9 and 1.8 m falls forming a complete barrier. I captured one cutthroat trout in the plunge pool at the base of the 1.8 m falls (Figure 5). Historical records show Dolly Varden char and cutthroat trout captures near this area and coho salmon captured 173 m downstream where average gradient is ~7%. Bedrock is exposed at the 10% gradient crossing location. I will issue a fish habitat permit that does not require fish passage and submit a correction to end the AWC at the barrier culvert.

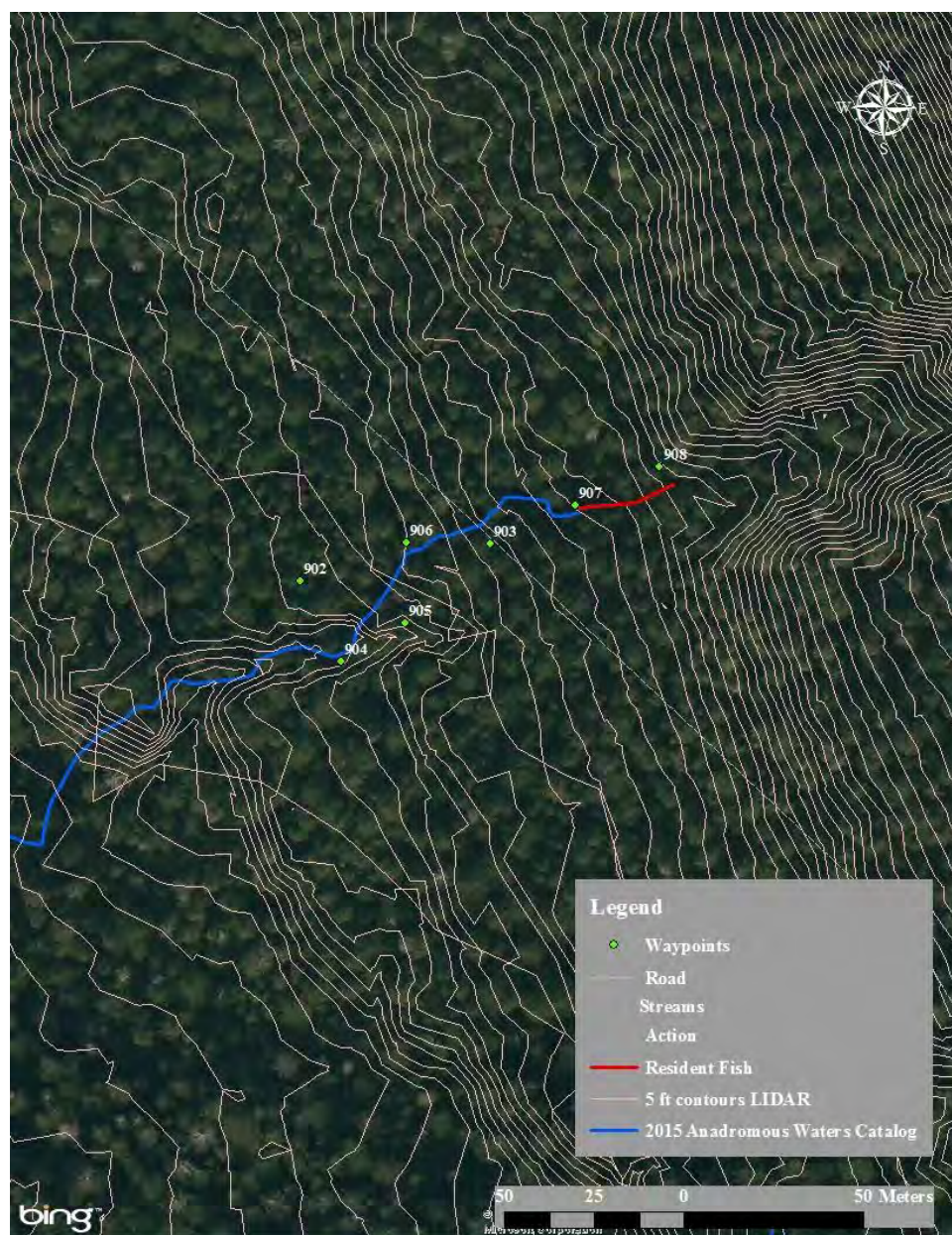


Figure 3.–Station 46+70 map.



Figure 4.–View of the habitat upstream of the crossing.



Figure 5.–0.9 m falls (left) and 1.8 m falls (right) with 145 mm cutthroat trout captured in plunge pool.

Station 59+50 (Waypoint 896)

This stream is not listed in the anadromous waters catalog and supports resident Dolly Varden char near the proposed road crossing. Downstream of the crossing the creek flows subsurface through a rock and woody debris jam caused by a fallen tree. Average gradient is between 15-23% through three 15 m reaches downstream (Figure 6). Upstream, gradient is 14% for 25 m, then increases to >25% (Figures 7, 8). I captured two Dolly Varden char 25 m upstream of the road centerline in the last deep pool prior to the gradient increase to 25% and found no fish or fish habitat upstream of that point. I will issue a fish habitat permit that does not require fish passage.

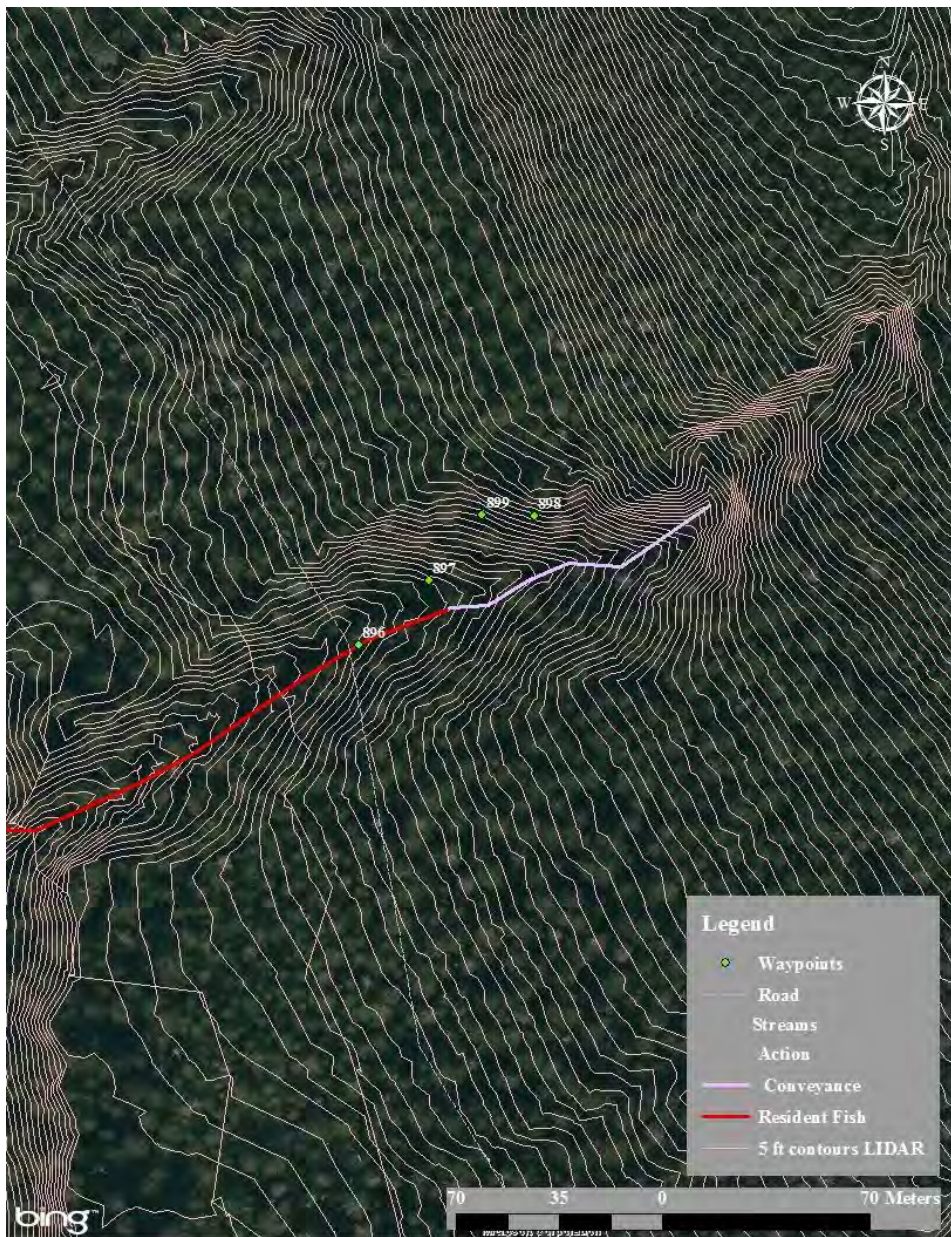


Figure 6.-Station 59+50 map.



Figure 7.—Looking upstream through the crossing location.

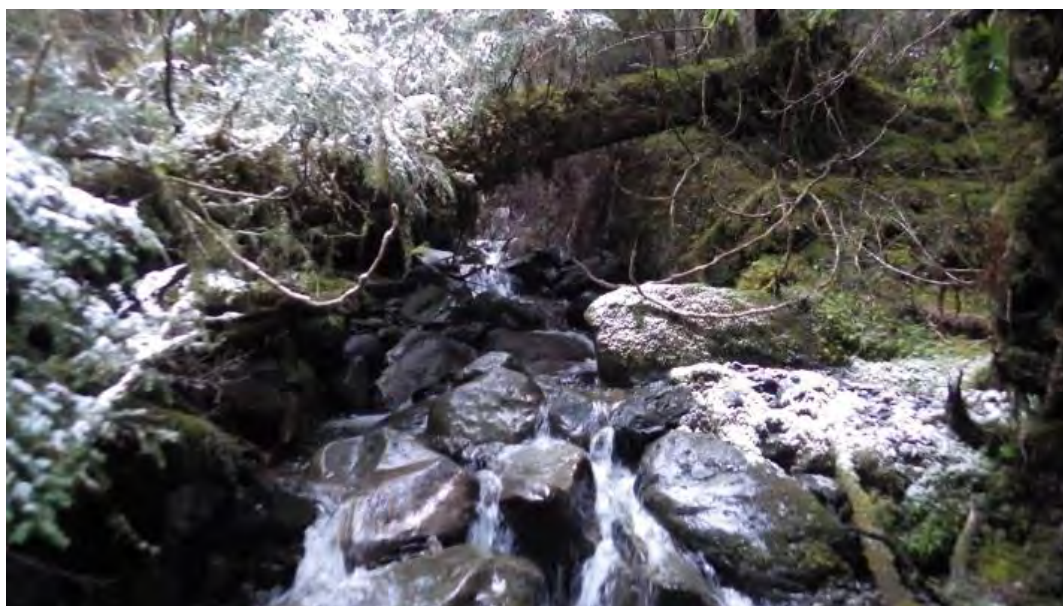


Figure 8.—Upstream view of creek above the last fish capture (waypoint 897).

Station 97+50 (Waypoint 914)

Based on flow volume, I suspect this stream is the main stem of Peterson Creek (Stream no. 111-50-10750; cataloged for chum, pink and coho salmon, cutthroat trout, and Dolly Varden char), though it is not mapped as such in the AWC.¹ 2015 surveys show cutthroat trout and Dolly Varden char at the proposed crossing with the nearest coho capture 630 m downstream in 2013. Average gradient is 10% over 60 m downstream of the crossing. Upstream, gradient across step pool habitat increases to an average of 13% for 60 m and 16% for the last 16 m (Figures 10, 11). Above that point, gradient increases to 21% and fall heights between step pools exceed 0.9 m, a barrier to juvenile fish. I will issue a fish habitat permit that requires upstream fish passage.

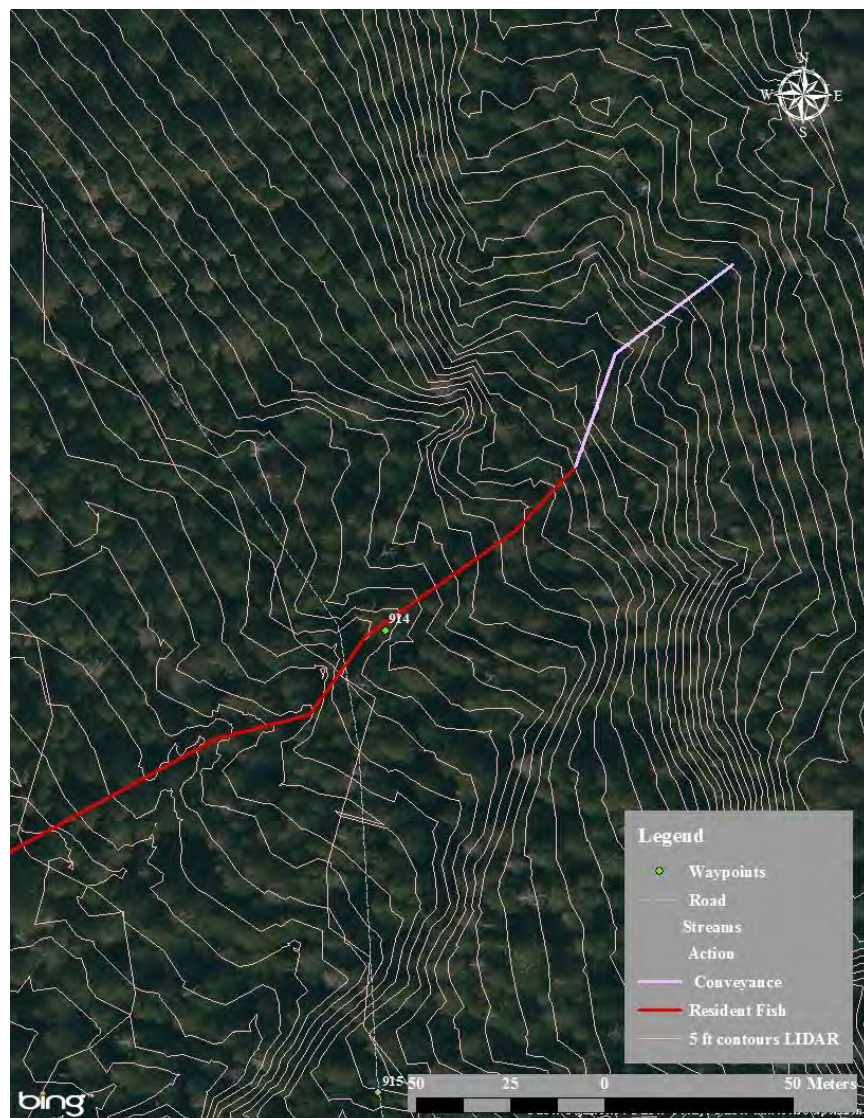


Figure 9.—Station 97+50 map.

¹ The 1984 nomination for the main stem of Peterson Creek (111-50-10750) was for observations of adult coho spawning in a drainage 280 m to the south near the proposed road elevation and was submitted on a hand drawn map with inaccurate elevations. A route correction was submitted in 2001; however, a mapping error was generated in this process, resulting in the stream being mapped where no fish have been observed. The drainage originally nominated in 1984 was tracked in 2013 and was documented to be intermittent. I will conduct another survey and submit a nomination for correction.



Figure 10.—Fish habitat directly upstream of the crossing location.



Figure 11.—Transition into >21% average gradient.

Station 108+40 (Waypoint 917)

This stream is the closest drainage to the AWC mapped Peterson Creek (stream no. 111-50-10750). Gradient at the crossing is 48% over 35 m and is an upstream migration barrier (Figure 12). Drainages at waypoints 916 and 918 had 28 and 19% gradients and did not appear to contain enough water to support fish. The drainage at waypoint 915 was 23% gradient through the crossing with a 1 m falls barrier 9 m upstream of the road centerline and we captured no fish here (Figures 13, 14). I will issue a fish habitat permit that does not require upstream fish passage, resurvey the stream, and submit a correction to the AWC when road construction is complete.

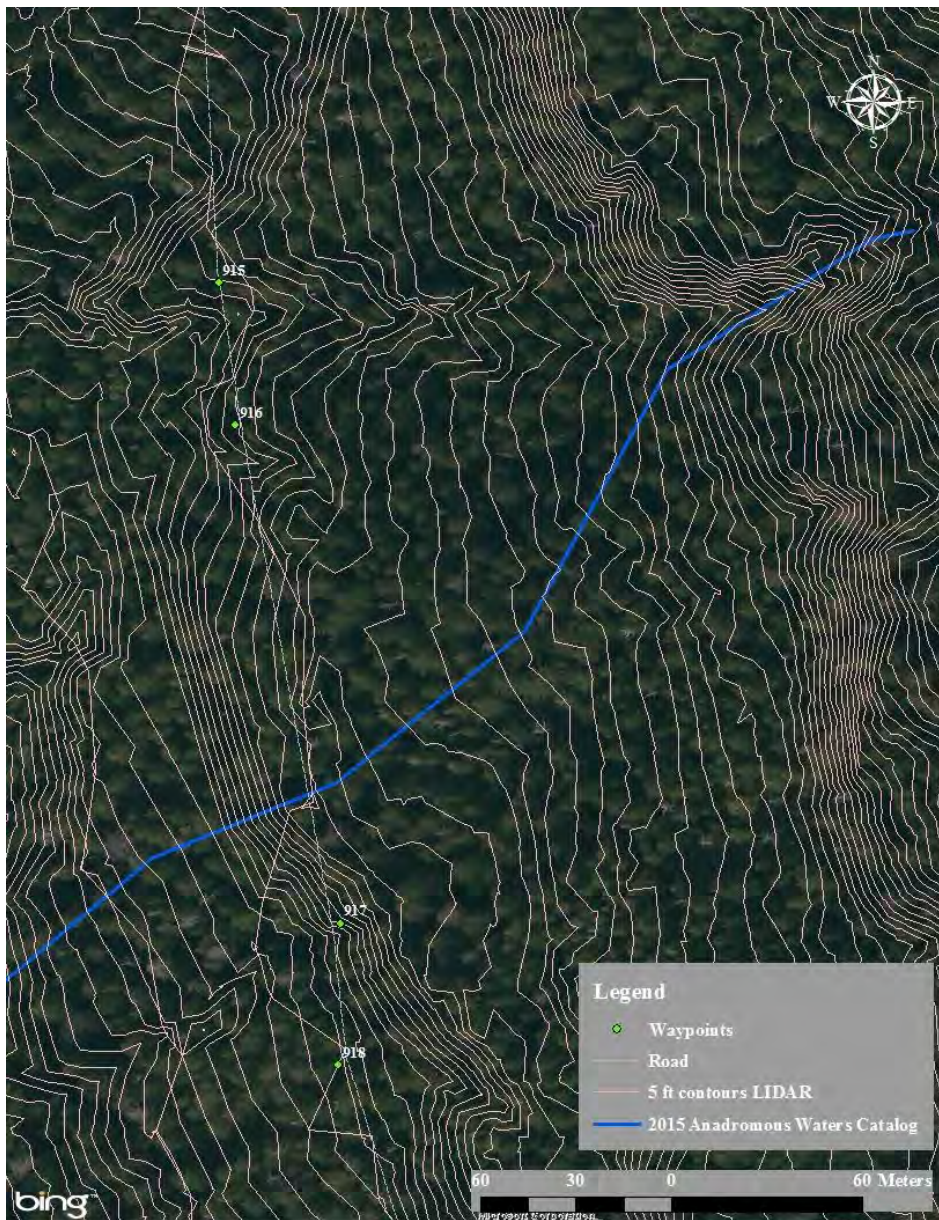


Figure 12.–Station 108+40 map.



Figure 13.—View looking upstream through the crossing at waypoint 915.



Figure 14.—1 m falls 9 m upstream of the waypoint 15 crossing centerline.

Station 127+33 (Waypoint 923)

Stream no. 111-50-10750-2042, cataloged for coho and pink salmon, cutthroat trout and Dolly Varden char, is 6 to 10% average gradient downstream and increases to 22% gradient immediately upstream of a debris jam at the crossing location (Figure 15). The stream is 10% gradient at the crossing and flows through debris and becomes intermittent upstream of this point (Figures 16, 17). ADF&G staff recorded 1 Dolly Varden char captured at the road crossing location, 2 cutthroat trout captured 29 m upstream, and 9 cutthroat trout captured 160 to 250 m downstream in 2001. On our visit we captured no fish using an electrofisher. A 2013 ADF&G survey crew observed spawning pink salmon 3000 m downstream at the base of a narrow cascade, possibly forming a barrier, above which no salmon have been documented (Figure 18). I will issue a fish habitat permit that does not require upstream fish passage, resurvey the stream, and submit a correction to the AWC after road construction is complete.



Figure 15.–Station 127+33 map.



Figure 16.—Looking upstream towards the crossing location.



Figure 17.—View looking through the crossing location and debris jam.

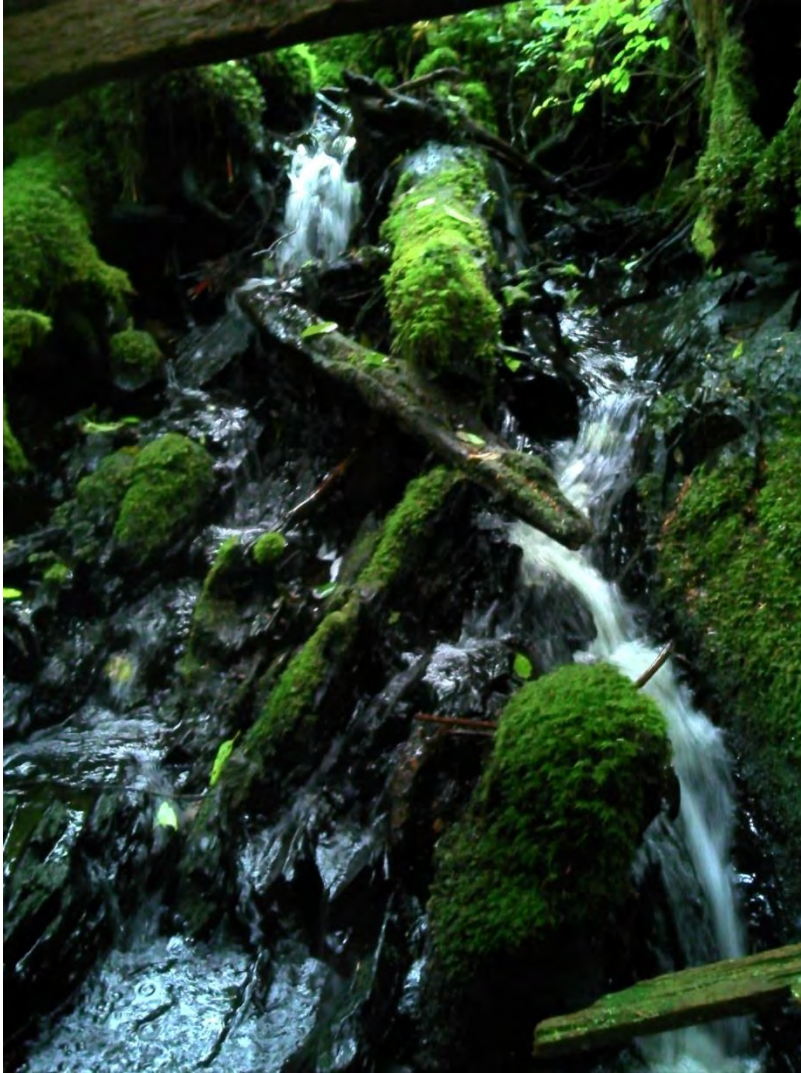


Figure 18.—Potential cascade falls barrier where 2013 survey was ended.

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
ADF&G Habitat Staff, Juneau
Dan Teske, ADF&G/SF, Juneau
Dave Harris, ADF&G/CF, Juneau
Stephanie Sell, ADF&G/WC, Juneau
Scott Ayers, ADF&G/SF, Anchorage
Gillian O'Doherty, ADF&G/SF, Anchorage
Alan Steffert, CBJ Engineer, Juneau
Teri Camery, CBJ, Juneau
Steve Brockmann, USFWS, Juneau
Linda Speerstra, USACE, Sitka
Cindy Hartmann Moore, NMFS, Juneau

Appendix A

Waypoint	Latitude	Longitude	Notes	Sample Effort	Sample Results
896	58.287	-134.6476	Station 59+00: 45-15 m DS of xing = 19% grad. Fished 8 pools. 15-0 m DS of xing = 23% gradient, barrier where flow goes subsurface through fallen tree and bed load back up.	EF	
897	58.2872	-134.6472	Station 59+00: 0-25 m US of xing = 15% grad. 2 DV at this point.	EF	2 DV
898	58.2874	-134.6466	Station 59+00: 33% grad US of here and no suitable rearing pools.	EF	
899	58.2874	-134.6469	Station 59+00: 25-50 m US of xing = 25% grad and no rearing pools.	EF	
901	58.2884	-134.6502	Station 53+00: 50 m DS of xing = 7 m waterfall barrier. No fish captured from here through xing.	EF	
902	58.2896	-134.6527	Station 47+00: begin DS survey here.		
903	58.2897	-134.6518	Station 47+00: xing location, 1 CT caught here previously. 0-60 m DS of xing from here = 15% grad with two 40 cm falls. Bedrock exposed at this location where 30 m CMP would be installed. Bridge not practical due to steep approach. Possibly arch?	MT	1 CT
904	58.2894	-134.6525	Station 47+00: 155-120 m DS of xing = 12% grad.		
905	58.2895	-134.6522	Station 47+00: 120-95 m DS of xing = 11% grad.		
906	58.2897	-134.6522	Station 47+00: 95-60m DS of xing = 13% grad.	EF	

Waypoint	Latitude	Longitude	Notes	Sample Effort	Sample Results
907	58.2898	-134.6514	Station 47+00: 0-23m US of xing = 12% grad, no fish. Start of bedrock chutes and barrier falls.	EF	
908	58.2899	-134.651	Station 47+00: 30m US of xing 145mm CT in plunge pool at base of 180 cm vertical bedrock falls.	EF	1 CT
909	58.2929	-134.6585	Station 29+30: xing location here. 3 CT captured with EF, 3% grad US of xing for 20 m. 2 CT and 1 DV captured previously in MT.	EF, (MT)	3 CT (2 CT, 1 DV)
910	58.293	-134.6581	Station 29+30: top of survey, grad appears <3% for at least 100 m US of here. LIDAR shows average 3.5% gradient for 360 m remainder of AWC arc.		
911	58.2841	-134.6453	Station 71+00: fish not previously captured here. 14% grad US with high bed load, lower flow than 914, stream flow lost into substrate, no fish captured.	EF	
912	58.2825	-134.6421	Station 78+87: fish not previously captured here. Too small and steep to support fish.		
913	58.2796	-134.6391	Station 91+75: fish not previously captured here. Too small and steep to support fish.		

Waypoint	Latitude	Longitude	Notes	Sample Effort	Sample Results
914	58.2784	-134.6373	Station 97+50: main stem of Peterson Creek. 9 DV and 3 CT previously captured here. 1 DV captured at xing. 12% grad DS of xing. 0-30 m US of xing = 14% with no barriers, 30-53m US of xing = 16% and no barriers, step pools, 53-76 m US xing = 16% and no barriers, 76-99m US xing = 21% with barriers.	EF, (MT)	2 DV, (9 DV, 3 CT)
915	58.2773	-134.6373	Station 101+08: no fish captured. 23% grad, 20-50 cm step falls, 100 cm falls barrier 10 m US xing.	EF	
916	58.2769	-134.6372	Station 102+50: high grad low flow, no fish habitat.		
917	58.2755	-134.6366	Station 106+40: high grad low flow, no fish habitat.		
918	58.2751	-134.6366	Station 109+85: intermittent flow, no fish habitat.		
920	58.2734	-134.6355	Station 116+43: no fish, 10% grad DS of xing and 13% US with no rearing pools.	EF	
921	58.2723	-134.6349	Station 119+87: no fish present, too small and steep to support fish.	EF	
922	58.2716	-134.6342	Station 122+91: ephemeral drainage.		
923	58.2704	-134.6335	Station 127+33: 10% grad DS of xing, no fish.	EF	
924	58.2694	-134.6328	Station 132+00 ephemeral drainage.		
926	58.2676	-134.6316	Station 138+73: did not fish, no road proposed here.		
927	58.2707	-134.6331	Station 127+33: Fish capture waypoint from 2001 AWC nomination		



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
JUNEAU FIELD OFFICE
44669B STERLING HIGHWAY
SOLDOTNA, ALASKA 99669

August 5, 2015

Regulatory Division
POA-2015-0234

Mr. Alan Steffert
City and Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Dear Mr. Steffert:

This is in response to your May 29, 2015, application for a Department of the Army (DA) permit discharge 25,039 cubic yards of shot rock impacting 1.65 acres of wetlands, 25 culvert stream crossings, and two bridged stream crossings during the construction of a 2.4 mile single lane (14' wide) "West Douglas Road" project. The proposed action would result in 30 independent crossings of waters of the United States (U.S.). This project has been assigned file number POA-2015-234. Please refer to this number during all future correspondence regarding this project. The project site is located within Sections 20, 28-29, and 32-33, Township 41 South, Range 66 East, Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.2948° North, Longitude 134.6660° West; along the west slope of Douglas Island, City and Borough of Juneau, Alaska.

Based on our review of the information you furnished and available to us we have determined the above project area contains waters of the U.S. under the Corps' regulatory jurisdiction. DA permit authorization is necessary because your project would involve work in and placement of fill material into waters of the U.S. under our regulatory jurisdiction.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan (sheets 1 - 9), dated June 2015, is authorized by Nationwide Permit (NWP) No. 14, Linear Transportation Projects. NWP No. 14 and its associated Regional and General Conditions can be accessed at our website at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>.

Regional Conditions **E, F, G, H, and J** apply to your project. You must comply with all terms and conditions associated with NWP No. 14, as well as with the special condition listed below:

1. The project limits shall be clearly identified in the field (e.g. survey markers, fencing, etc.) prior to any work in wetlands to ensure avoidance of impacts to the

wetlands beyond project footprints. The identification shall be maintained until construction is complete. No heavy equipment or work (e.g. filling, clearing, etc.) is permitted in wetland areas outside of the project area.

2. If human remains, historic resources, or archaeological resources are encountered during construction, all ground disturbing activities shall cease in the immediate area and you shall immediately (within one business day of discovery) notify the U.S. Army Corps of Engineers (Corps), Alaska District, Regulatory Office at 907-753-2670. The Corps shall then notify the appropriate THPO(s) and SHPO. Based on the circumstances of the discovery, equity to all parties, and consideration of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.
3. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain on site at all times during construction.

Further, please note General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to us.

This verification is valid until March 18, 2017, unless the NWP is modified, reissued, or revoked. It is incumbent upon you to remain informed of changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

You may contact me via email at jamie.r.hyslop@usace.army.mil, by mail at the address above, or by phone at (907) 753-2670 if you have questions or to request paper copies of the jurisdictional determination, regional and/or general conditions. For additional information about our Regulatory Program, visit our web site at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,



Jamie R. Hyslop
Project Manager

Enclosures
Compliance Certification

SOUTH BRANCH – SOUTHEAST Sitka

USFWS, Juneau	Juneau@fws.gov
	john_hudson@fws.gov
	neil_stichert@fws.gov
ADEC	james.rypkema@alaska.gov
ADNR-DMLW	sero@alaska.gov

ADNR-SHPO	oha_revcomp@alaska.gov
EPA	becky.farvour@epamail.epa.gov
NMFS, Juneau	HCD.juneau@noaa.gov
	Kate.savage@noaa.gov
ADF&G-DH	Jackie.timmothy@alaska.gov
ADF&G	mark.minnillo@alaska.gov
AK DOT&PF	taylor.horne@alaska.gov
ADEC	shannon.dewandel@alaska.gov
Juneau	city.clerk@juneau.org
	teri.camery@juneau.org
	christine.mcnally@juneau.org

Enclosure



**US Army Corps of Engineers
Alaska District**

Permit Number: POA-2015-0234
Name of Permittee: Mr. Alan Steffert, City and Borough of Juneau
Date of Issuance: August 5, 2015

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Mr. Hyslop at the following address:

U.S. Army Corps of Engineers
Alaska District
Regulatory Division
44669B Sterling Highway
Soldotna, Alaska 99669

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Jonathan Lange

From: Ron King
Sent: Tuesday, February 16, 2016 11:17 AM
To: Jonathan Lange
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

“Build it and they will develop”

Good project, all my comments relate to the permitting of the construction. It will require a subdivision to dedicate ROW

Ron King PLS

General Engineering
 907-586-0881

From: Jonathan Lange
Sent: Tuesday, February 16, 2016 11:11 AM
To: Ed Mercer; Dan Jager; marie.heidemann@alaska.gov; Ed Foster; Ron King; Greg Chaney; jackie.timothy@alaska.gov; 'randal.p.vigil@usace.army.mil'
Subject: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Subject: Please review attached documents related to a City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island at the end of Douglas Highway.
File: CSP2016 0002
Location: West Douglas Island – End of North Douglas Highway

Jonathan Lange

From: Ed Foster
Sent: Tuesday, February 16, 2016 4:19 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Jonathan,
 The Streets Division has no issues with this request.

Ed

From: Jonathan Lange
Sent: Tuesday, February 16, 2016 11:11 AM
To: Ed Mercer; Dan Jager; marie.heidemann@alaska.gov; Ed Foster; Ron King; Greg Chaney; jackie.timothy@alaska.gov; 'randal.p.vigil@usace.army.mil'
Subject: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Subject: Please review attached documents related to a City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island at the end of Douglas Highway.
File: CSP2016 0002
Location: West Douglas Island – End of North Douglas Highway

Jonathan Lange

From: Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>
Sent: Monday, February 22, 2016 9:49 AM
To: Jonathan Lange
Cc: Epstein, David B (DOT); Haynes, Emily R (DOT); Buck, Joseph T (DOT); Lindh, Hilary K (DOT)
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Hi Jonathan,

Please accept these comments from ADOT&PF Southcoast Region

- The parking area needs to be outside the North Douglas Highway ROW.
- Northern portions of the proposed roadway will drain to our ROW. We will need confirmation that the existing culverts on DOT ROW can handle the proposed increases to offsite runoff generated by the construction of the new project. This can be in the form of a post-construction hydrologic/hydraulic model showing the impacts to DOT drainage structures.

Thanks for the opportunity to comment.

Marie Heidemann
 Transportation Planner
 Southcoast Region, ADOT&PF
 465-1775

From: Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]
Sent: Tuesday, February 16, 2016 11:11 AM
To: Ed Mercer; Dan Jager; Heidemann, Marie E (DOT); Ed Foster; Ron King; Greg Chaney; Timothy, Jackie L (DFG); 'randal.p.vigil@usace.army.mil'
Subject: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

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Jonathan Lange

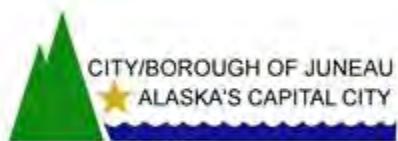
From: Alan Steffert
Sent: Tuesday, February 23, 2016 2:02 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Joe Buck and I are on the same page... I'll just move the parking inland and off the ROW (and wetlands as it turns out). I'll just need to clear more trees between the Hwy and the parking area so everything is visible from the road. I don't want vehicles parking out of sight.

From: Jonathan Lange
Sent: Tuesday, February 23, 2016 11:59 AM
To: Alan Steffert
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Hey Alan,
 The Land Use Code, Title 49, does not have a minimum number of parking spots for a "trailhead", or this type of use. But, there are dimensional standards for spaces, 49.40.210(b)(1) and (2), 8 ½ feet by 17 feet, parallel spaces 6 ½ feet by 22 feet. (3)(A) requires 1 handicapped accessible space per 25 spaces. There are also standards for circulation in 49.40.230.
 Let me know how your conversation goes with DOT.

Jonathan Lange, CFM
 Planner II, Community Development Dept.
 City & Borough of Juneau, Alaska
 155 S. Seward St. Juneau, AK 99801
 Ph (907)586-0218
Jonathan.Lange@juneau.org



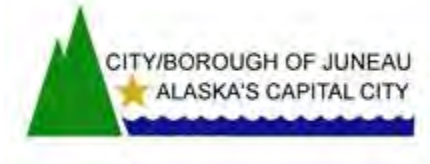
From: Alan Steffert
Sent: Monday, February 22, 2016 11:11 AM
To: Jonathan Lange
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

I will be meeting with DOT ROW section shortly to go over their comments. It shouldn't be too hard to resolve their concerns. I may have to reduce the parking area/number of slots a bit though as I move the parking further "inland" off the ROW. That will probably mean cutting more trees so we have open sight lines to the Hwy. Does CDD have any guidelines for minimum parking requirement?
 Alan

From: Jonathan Lange
Sent: Monday, February 22, 2016 9:52 AM
To: Alan Steffert
Subject: FW: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

FYI – DOT comments.
I will include these in my staff report.
Thanks.

Jonathan Lange, CFM
Planner II, Community Development Dept.
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218
Jonathan.Lange@juneau.org



From: Heidemann, Marie E (DOT) [<mailto:marie.heidemann@alaska.gov>]
Sent: Monday, February 22, 2016 9:49 AM
To: Jonathan Lange
Cc: Epstein, David B (DOT); Haynes, Emily R (DOT); Buck, Joseph T (DOT); Lindh, Hilary K (DOT)
Subject: RE: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Hi Jonathan,

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Thanks for the opportunity to comment.

Marie Heidemann
Transportation Planner
Southcoast Region, ADOT&PF
465-1775

From: Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]
Sent: Tuesday, February 16, 2016 11:11 AM
To: Ed Mercer; Dan Jager; Heidemann, Marie E (DOT); Ed Foster; Ron King; Greg Chaney; Timothy, Jackie L (DFG); 'randal.p.vigil@usace.army.mil'
Subject: Request for Review Comments CSP2016 0002 - West Douglas Pioneer Road

Subject: Please review attached documents related to a City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island at the end of Douglas Highway.
File: CSP2016 0002



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Juneau Satellite Office
Anchorage Fish and Wildlife Field Office
3000 Vintage Boulevard, Suite 201
Juneau, Alaska 99801



In Reply Refer To:
FWS/AFES/AFWFO

July 24, 2015

EMAILED TO:

Mr. Jamie Hyslop
U.S. Army Corps of Engineers
44669 B Sterling Highway
Soldotna, Alaska 99669

Subject: POA-2015-234, West Douglas Road, City and Borough of Juneau

Dear Mr. Hyslop:

Staff of the U.S. Fish and Wildlife Service (Service) has reviewed the General Permit Agency Coordination (GPAC) notice for the proposed West Douglas Road extension. The applicant, City and Borough of Juneau (CBJ), proposes to construct 2.4 miles of single lane road into an otherwise un-roaded area on the west side of Douglas Island between Outer Point and Middle Creek. The stated purpose is to open CBJ and Goldbelt Corporation lands for development and recreational access in accordance with adopted community plans. The Corps of Engineers proposes to authorize construction of the proposed road using Nationwide General Permit 14 for linear projects.

Service biologists have walked the proposed alignment with CBJ staff, and we have evaluated potential impacts to fish and wildlife from the proposed alternative, as well as other alternatives described in the applicant's mitigation statement. We offer the following comments and recommendations in an effort to minimize impacts from this project.

Impacts to aquatic resources from the proposed road, as described in the notice, include 1.65 acres of fill in wetlands and 30 crossings of Peterson Creek tributaries. Alaska Department of Fish and Game has recently updated maps of fish distribution in the watershed (Quinn 2015), which contains approximately half of all anadromous fish habitat on Douglas Island (Enclosure 1, Douglas Fish and Deer Habitat). The proposed road has been designed to stay upstream of anadromous fish occurrence, but all tributaries that would be crossed by the road drain into anadromous reaches of the Peterson Creek system, which supports pink and coho salmon, cutthroat trout, and Dolly Varden char. The road would cross four stream reaches that support resident fish.

Mr. Jamie Hyslop

2

Construction and use of the road would likely result in delivery of fine sediment to the streams throughout the project area, primarily from roadside ditches that concentrate runoff and drain into streams at road crossings. This sediment has potential to impact downstream fish habitat (particularly spawning reaches) if it is excessive.

A lower-elevation route (across Goldbelt Corporation lands) has been evaluated that would have much lower potential to impact fish habitat by crossing the main channel of Peterson Creek at a single location, much lower in the drainage.

We have mapped winter habitat for black-tailed deer on Douglas Island using a computer model developed by The Nature Conservancy which uses a combination of factors including elevation, aspect, and vegetation cover. The proposed alignment would bisect the highest quality deer habitat in this part of the island (Enclosure 2-Terrestrial Habitat). The lower alignment crosses an area with lower canopy closure and lower-quality deer habitat.

Several eagle nests are located along the marine shoreline near the potential alignment of the lower route, but impacts to nesting eagles would likely be temporary, and associated primarily with construction rather than long-term use of the road. Considering all these factors, we recommend the lower route as an alternative with lower overall environmental impacts.

The General Permit Agency Coordination (GPAC) notice describes the project purpose as opening lands for development and recreational access. The area is currently used by deer hunters and others, who access the area on foot, mainly from the end of the existing North Douglas Highway. It is not clear what additional recreation is envisioned, as the proposed road would not provide access to existing or proposed trails, fishing areas, campgrounds or other recreational developments or assets. It is likely that construction of a road through the best deer habitat will have a negative impact on the recreation that currently occurs in the area.

We have reviewed West Douglas Conceptual Plan and note that the proposed road would access two areas designated for development (1-A and 1-B). The conceptual plan envisions a mix of housing and commercial development, with beach access (Minch Ritter Voelckers, 1997, Plate 7). This development would require construction of additional spur roads, clearing, and grading, which would create significant additional impacts. Development of adjacent private lands held by Goldbelt Corporation would also likely generate impacts, but the nature and extent of any private development is not known. We understand from our discussions with CBJ staff that the currently proposed, single-lane road would require substantial upgrades to accommodate the development envisioned in the conceptual plan. The development itself, though, is not anticipated for at least 10 to 20 years, according to a meeting notes attached to a 2011 memorandum from the CBJ Lands and Resources manager (Marlow, 2011).

It appears that the single-lane road proposed in the GPAC would have very limited utility, independent of the development described in the conceptual plan for CBJ land, or on adjacent private land. Yet potential impacts from the road, to fish habitat and to current recreational users of the area, could be substantial. We recommend that impacts of the full project, including the envisioned residential and commercial development described as a primary purpose of the road,

Mr. Jamie Hyslop

3

be considered as part of the requested permit. We also recommend that the Corps offer the public (including those who currently use the area for recreation) an opportunity to comment on the requested permit, through a public notice. The GPAC process does not adequately provide that opportunity. We believe that opening this productive and largely undisturbed area to development, as proposed, would have more than "minimal" impacts, and should not, therefore, be permitted under a nationwide, general permit.

In summary, we recommend against authorization of this project under Nationwide Permit 14. We believe that there may be less damaging, practicable alternatives to accomplish the stated project purposes of opening municipal and private lands to development and recreational access (although no potential route is without impacts to important resources). We believe that the full project (which includes additional phases and impacts not described in the current notice) would have more than minimal impacts, and might be better accommodated under an individual permit.

Thank you for the opportunity to provide these comments. If you have any questions, please contact Mr. Steve Brockmann at (907) 780-1181, or via email at steve_brockmann@fws.gov.

Sincerely,



Sohecata Lor, Ph.D.
Field Supervisor

Enclosures

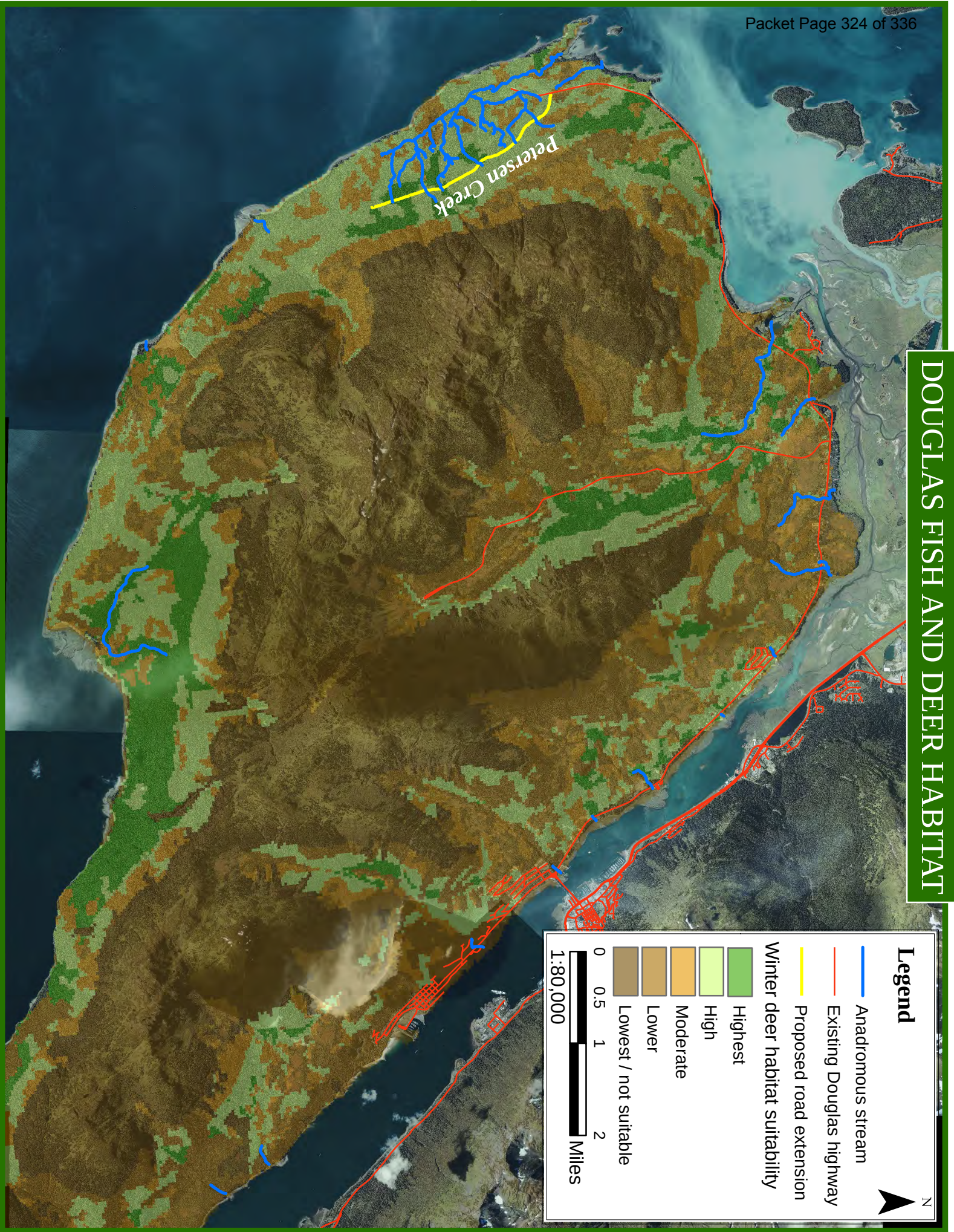
cc: Becky Fauver, EPA, Anchorage
Linda Shaw, NOAA, Juneau
Jackie Timothy, ADF&G, Juneau
Ryan Scott, ADF&G, Juneau

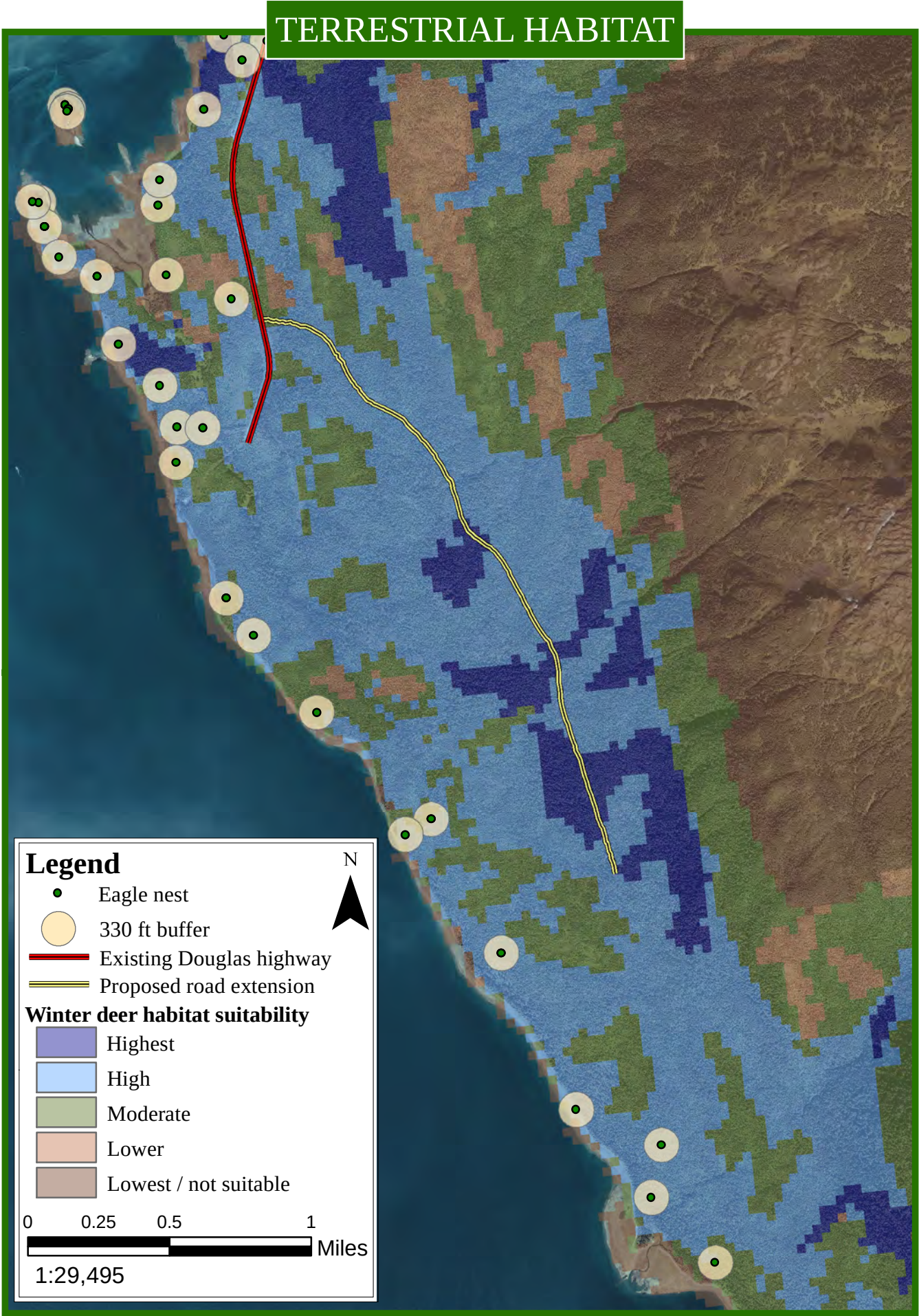
Literature Cited:

Marlow, H. 2011. West Douglas Road Extension. Memorandum to Assembly Lands Committee, City/Borough of Juneau. Lands and Resources Office, June 23, 2011.

Quinn, T. 2015. Peterson Creek stream surveys. Memorandum to Jackie Timothy, Southeast Regional Supervisor, Alaska Dept. of Fish and Game, Division of Habitat, Juneau, AK. 62 pp.

DOUGLAS FISH AND DEER HABITAT





DRAFT MINUTES
WETLANDS REVIEW BOARD

March 3, 2016, 5:15 p.m. Marine View 4th Floor Conference Room

Meeting Summary

Roll Call

Board Members Present: Amy Sumner, Brenda Wright, Lisa Hoferkamp, Percy Frisby, Irene Gallion, Nina Horne, Andrew Campbell

Board Members Absent: Hal Geiger, Ben Haight

A quorum was present.

Staff Members Present: Teri Camery, Senior Planner; Jonathan Lange, Planner II

Public Present: Alan Steffert, CBJ Engineering; Richard Harris; Art Dunn

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

II. January 21, 2016 minutes approved as written

III. Agenda approved

IV. Public Participation on Non-Agenda Items.
None

V. Board Comments.
None

VI. **Agenda Items**

1) SMP 2016 0001 Major Subdivision Review

Ms. Gallion explained that she had a conflict of interest due to her firm's interest in the proposal, and recused herself from the discussion and the vote.

Staff presentation

Ms. Camery explained that the Board was reviewing this major subdivision in its advisory role, and that comments would be incorporated into the planner's staff report to the Planning Commission. Mr. Lange provided an overview of the subdivision proposal for 26 lots, and explained that the proposal affects 1.6 acres of wetlands but no anadromous streams. He referred

to a letter from the U.S. Fish and Wildlife Service regarding stormwater, and explained the applicant's stormwater proposal.

Applicant presentation

Mr. Harris said he would answer any questions from the Board.

Board/staff discussion

Ms. Wright and Mr. Campbell asked Mr. Harris questions regarding the routing of stormwater and the effect on anadromous waters in the Mendenhall State Game Refuge across the road. Mr. Campbell said that a final stormwater management plan would be required from the CBJ at the final plat stage; the current plat review was for the preliminary plat when full details are not yet required.

Dr. Hoferkamp proposed the following motion:

The Wetlands Review Board supports the project with the understanding that the CBJ Stormwater Manual of Best Management Practices will be strictly adhered to and appropriately enforced.

The Board approved the motion unanimously.

2) CSP2016 0002 City Project Review for West Douglas Pioneer Road

Staff presentation

Ms. Camery said that she had strong personal views on the project and needed to recuse herself from the discussion for this reason. She said she would respond only to questions regarding the Board's role. She said that the board was again reviewing the project in its advisory role, and that Board comments and motions would be included in planner's staff report to the Planning Commission.

Ms. Gallion explained that she had a conflict of interest due to her firm's interest in the proposal, and recused herself from the discussion and the vote.

Mr. Lange provided an overview of the project, a 2 ¼ mile long single lane road equivalent to a driveway, which would not be platted as a city street at this time. He explained that the area is designated as a New Growth Area in the Comprehensive Plan. He said that the road corridor goes only through CBJ property; Goldbelt property is located along the coast. He said the project impacts 1.65 acres of wetlands, and referred to the Corps Permit in the packet. He also referred to comments from the U.S. Fish and Wildlife Service that address habitat impacts, specifically sediment impacts on downstream fish habitat and high quality deer habitat.

Ms. Wright expressed concerns that ADFG did not conduct their field work at the time of year when cutthroat trout would be found in the drainages there, therefore this resource was omitted

from their studies. Board members asked the applicant questions regarding the final alignment and the alternatives considered. Mr. Steffert reviewed the three alternatives that were considered and explained the process of comparing impacts between them. He explained that CBJ chose the upper alignment to stay within CBJ Land and to stay out of the fish zone. He said he had walked the route with the U.S. Fish and Wildlife Service and integrated their concerns into the design. He explained that Goldbelt Inc. supports the project for access to their property from city land, however Goldbelt is opposed to a road on their land.

Ms. Wright asked who would use the road, and Mr. Steffert explained that it's a policy decision that is up to the Assembly. Mr. Campbell inquired about whether the proposal would be the final right-of-way location, and Mr. Steffert said yes.

Ms. Horne asked about the public process. Mr. Steffert explained that the CBJ Assembly appropriated the funds for the development through a public process. Mr. Lange explained the CSP review process.

Mr. Campbell and Dr. Hoferkamp asked about ADFG permits, which Mr. Steffert reviewed with the Board.

Mr. Campbell said it was unfortunate that pristine habitat would be violated but he felt that options had been well-explored and he didn't see a better alternative. He suggested a recommendation to approve the project with Best Management Practices to ensure that the development is conducted in the least obtrusive fashion.

Ms. Wright proposed the following motion:

The Wetlands Review Board does not approve the building of this road. If the road is constructed, Best Management Practices and proper hydrological practices must be strictly adhered to

Dr. Hoferkamp seconded the motion.

Mr. Campbell said he could support the second half of the motion, but not the first half.

Roll Call vote:

Yes: Horne, Wright, Hoferkamp

No: Campbell, Frisby

Abstained: Sumner

Motion failed.

Ms. Hoferkamp proposed a new motion:

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. Wright second the motion:

Roll call vote:

Yes: Campbell, Frisby, Sumner, Hoferkamp

No: Wright

Abstained: Horne

Motion failed.

Ms. Wright said she is still opposed to the project. Mr. Steffert said that the Board's comments would be carefully noted.

3) Juneau Wetlands Management Plan Update

Ms. Camery said that she has received the second draft of the JWMP, which is undergoing internal review and comment. She said that the final draft of the JWMP from the consultants would be presented to the Board, Habitat Mapping Working Group, Planning Commission, and Assembly Lands Committee in a final series of meetings in April and May before the grant and contract expire on June 1. She said that the latest draft follows the board's guidance for a plan that can be adopted as is, to promote use of the information, with goals and policies that will lead to development of wetland categories in the future.

VII. Pending Permits and Updates

1) Lemon Creek Gravel Extraction

Ms. Camery said that CDD has received an application for mining in the Lemon Creek streambed farther upstream in Hidden Valley. This application will come to the board for their advisory review at the March 24 regular meeting.

2) Wetlands Review Board Wetland Methodology Workshops

Ms. Camery referred to the board meeting list and reviewed the agenda for the upcoming workshop, Saturday March 12, 8:30-5:30 in the Assembly Chambers.

3) Southeast Alaska Fish Habitat Partnership wetland methodology peer review

Ms. Camery explained that SEAKFHP would be undertaking a technical peer review of the WESPAK-SE wetland methodology, with the goal of establishing "confidence intervals" for various functions and values assessed by the methodology. She said that SEAKFTP partners

might be attending the Wetlands Review Board workshop to gain a better general understanding of the methodology. She said that Debbie Hart, SEAKFHP Coordinator, would be also be facilitating the Wetlands Review Board wetland methodology workshops.

VIII. Planning Commission Liaison Update.

No update was given.

IX. Next meeting: Wetland Methodology Workshop, Saturday March 12, 8:30-5:30 pm
Assembly Chambers

The meeting was adjourned at approximately 7:20 p.m.

Jonathan Lange

From: Rob Steedle
Sent: Monday, March 07, 2016 9:32 AM
To: Allison Eddins; Beth McKibben; Christine Steadman; Eric Feldt; Jill Maclean; Jonathan Lange; Laura Boyce; Teri Camery; Tim Felstead
Subject: FW: Pioneer Rd? and North Douglas Plan

From: Merry Ellefson / Wayne Carnes [<mailto:merrywayne@gmail.com>]
Sent: Monday, March 7, 2016 9:29 AM
To: Borough Assembly; Rob Steedle; Rorie Watt; Kim Kiefer
Cc: Ben Haight
Subject: Pioneer Rd? and North Douglas Plan

Mayor, Assembly, and City Planners,

As you know (and know and know), we've come before you asking for a plan for North Douglas (the #1 recommendation in our sub-area for years) for over 20 years as we work to protect the values of our neighborhood-- with an eye to the future as relates to transportation, green spaces, non-motorized routes, residential growth, Eaglecrest, trail systems, tour expansions, etc. The North Douglas Neighborhood Association was resurrected in the early 90's for this very reason.

Last week we received notice that the Pioneer Rd near the end of North Douglas will be discussed, by the CBJ on March 22. (See below) Thank you for the notice. We are both out of town for work. We have already talked briefly with Mr. Steedle about the project but would like you to send us more information. How far is the City in the process? We realize the conceptual plan for West Douglas exists and wonder why extend- now?

We encourage you to widen your scope and ask yourself questions about how this project will impact North Douglas. We would like to see your exploration of these impacts.

Further, please give us the reasons the City is considering this now as well, in light of the absence of a comprehensive plan for our neighborhood, which includes transportation, as well as in light of the budget challenges both City and State officials agree we are facing.

How do you prioritize, and how do we fit in?

We do not understand why the neighborhood's request for a plan is discarded again and again as the CBJ moves forward in making decisions that DO have many and various impacts on our residential area.

Merry will be attending the Lemon Creek planning session this Thursday and we would appreciate your consideration of placing North Douglas next in light behind Lemon Creek for a comprehensive plan.

Thank you.

Merry Ellefson and Wayne Carnes

8170 North Douglas

On March 5th my neighborhood association emailed this information:

CBJ Project Review for pioneer road near the end of Douglas Highway March 22

Wednesday, March 22, 7 pm, Assembly Chambers

File CSP2016 0002 Applicant is City and Borough of Juneau 2.4 mile length of road

that's about all we know right now..the NDNA received a printed paper copy of the notice dated Feb 25, 2016, I haven't found it on the city website

Jonathan Lange

From: Tim Felstead
Sent: Thursday, March 10, 2016 2:57 PM
To: Jonathan Lange
Subject: FW: West Douglas Road
Attachments: Attachments CSP16 02.pdf; STF_CSP16-02.docx

From: Tim Felstead
Sent: Thursday, March 10, 2016 10:42 AM
To: askilbred@gci.net; Beth McKibben; Bob Deering; Clint Gundelfinger; Darrell Wetherall; Duff Mitchell; Gregoir Smith; John Smith; Kate Bevegne; Kate Troll; Megan Daniels; Percy Frisby (Percy.Frisby@juneau.org); Rob Steedle; Sara Truitt; Steve Behnke
Subject: West Douglas Road

Dear all,

Please find attached Jon Lange's Staff Report on the West Douglas Road. I will submit a summary of last night's comments (please comment on the notes below) but additional comments can always be submitted as a Blue Folder item.

Thanks

Tim

Summary

JCOS had concerns regarding the use of trees cleared as part of construction of the pioneer road. JCOS understands CBJ intends to allow the contractor to remove or dispose of trees as they see fit and is convenient. JCOS is concerned is that a significant amount of logs which could provide heat for the Community would be collectively disposed of in burn piles or left in inaccessible locations – this would prevent the community being able to access this resource. Based on the materials available it does not appear a tree inventory has been undertaken to understand the quantity of species of trees to be cleared in road construction. Without such an inventory, CBJ has no ability to understand the value of the timber to the area. Whilst there are logistical and operational concerns for CBJ regarding use of the timber by the community, these are not insurmountable and the economics of using the felled trees should be examined.

JCOS acknowledges that the West Douglas area has been identified as a 'new growth area' within the Comprehensive Plan and is identified as a key action in the Juneau Economic Development Plan. It also recognizes the primary intent of the pioneer road is to better access the area so the impacts and feasibility of future developments to be more easily and economically assessed. Whilst JCOS notes the intention of new growth areas is for self-contained, higher density, energy-efficient communities with public transport to and through the areas, it would like to see recent evidence for the need to develop these areas at this time. The State is considering significant cuts which in may turn constrain any demand for expansion of the developed areas within the City and Borough of Juneau. As called for in the Comprehensive Plan, a market demand and financial feasibility study should be conducted by the CBJ government or private developers.

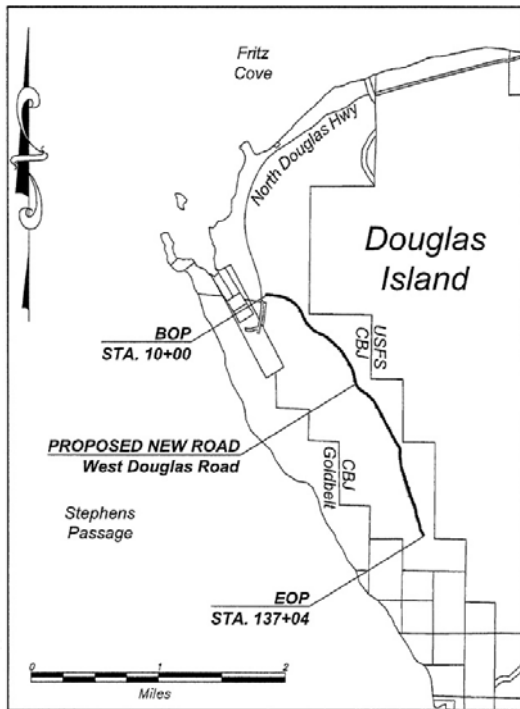
JCOS would also encourage the development of a monitoring plan to ensure the construction is undertaken as per issued agency permits and impacts on the natural resources minimized.

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/>

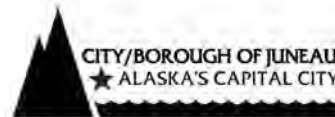


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A City Project Review for construction of a pioneer road through CBJ lands on the west side of Douglas Island near the end of Douglas Highway.

File No:	CSP2016 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	3-D13-0-100-001-0
Hearing Date:	March 22, 2016	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	2,020 Acre Parcel 2.4 Mile Length of Road
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	RR - Rural Reserve
		Site Address:	North Douglas Highway
		Accessed Via:	North Douglas Highway

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 Jonathan Lange at Jonathan.Lange@juneau.org or 586-0218.



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



To Be Built

DRAFT JUNEAU HOUSING ACTION PLAN PUBLIC MEETINGS

**MAR 30, 2016 6-8 PM @
KTOO 360 NORTH**

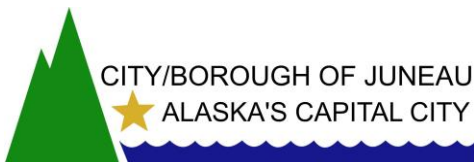
**MAR 31, 2016 6-8 PM @
VALLEY PUBLIC LIBRARY**

The City and Borough of Juneau recently completed a six month project with a national consultant to create an action-oriented Housing Action Plan to address Juneau's longstanding affordable housing problem. This plan will have major impacts throughout the community. Two public meetings will be held which will include an overview of the plan, discussion of the strategies recommended, a Q&A session. Public input will be solicited to inform the final version of the plan and help set priorities for implementation. The plan will be presented by the Affordable Housing Commission and CBJ staff. Copies of the draft Housing Action Plan are available at the Permit Center (4th Floor Marine View) and all CBJ Libraries and online at:

<http://www.juneau.org/cddftp/documents/FinalDRAFTReportHAPrev031116.pdf>

Please come give your input

For more info: contact **Beth McKibben @ 907-586-0770**
beth.mckibben@juneau.org



Learn about the
challenges and
opportunities in
Juneau's housing
market

Hear about CBJ's
Housing Action
Plan

Get answers and
give input about
the CBJ Housing
Action Plan
strategies and
priorities

Meet Juneau's
new Chief Housing
Officer