

**ASSEMBLY AGENDA/MANAGER'S REPORT  
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

November 5, 2018 7:00 PM

City Hall, Assembly Chambers  
Regular Meeting 2018-33

Submitted By:

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Duncan Rorie Watt  
City and Borough Manager

**I. FLAG SALUTE**

**II. ROLL CALL**

**III. SPECIAL ORDER OF BUSINESS**

A. **Special Recognition: Introduction of Exchange Students**

**IV. APPROVAL OF MINUTES**

- A. **August 9, 2018 Special Assembly Meeting #2018-23 Minutes**
- B. **August 20, 2018 Special Assembly Meeting #2018-25 Minutes**
- C. **August 28, 2018 Special Assembly Meeting #2018-27 Minutes**
- D. **August 29, 2018 Special Assembly Meeting #2018-28 Minutes**

**V. MANAGER'S REQUEST FOR AGENDA CHANGES**

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

**VII. CONSENT AGENDA**

- A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
- B. Assembly Requests for Consent Agenda Changes
- C. Assembly Action
  - 1. Ordinances for Introduction
    - a. **Ordinance 2018-11(P) An Ordinance Appropriating to the Manager the Sum of \$15,000 As Increased Funding for the Youth Scholarship Program; Funding Provided by the Juneau Community Foundation**

**and the Friends of Zach Gordon Youth Center.**

Friends of Zach Gordon Youth Center, the Juneau Community Foundation, and Juneau Parks and Recreation are piloting a project to increase the scholarship amounts available to help children participate in activities in Juneau. The Juneau Community Foundation has agreed to fund an additional \$10,000 to the Youth Scholarship Program. Currently, the Youth Scholarship Program, managed by Parks and Rec, is capped at \$10,000 and Friends of Zach Gordon Youth Center is matching this funding with an additional \$5,000. Special marketing and outreach will take place to reach families most in need throughout Juneau.

**The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

- b. **Ordinance 2018-49 An Ordinance Amending the Official Zoning Map to Rezone Lot 3, Block A, Sherwood Estates, Located at 2500 Sherwood Lane, from Industrial (I) to Light Commercial (LC).**

Rezoning is governed by 49.75.110-130. The owner of 2500 Sherwood Lane requested a rezone of a five-acre parcel from Industrial to Light Commercial. Staff reviewed the application, held a neighborhood meeting, and ultimately recommended to deny the proposed rezone. Staff primarily based its denial on its analysis that the residential and non-residential uses allowed in Light Commercial did not substantially conform to the Heavy Industrial designation of the Comprehensive Plan. On October 23, 2018, the Planning Commission disagreed with staff. The Planning Commission discussed whether a Comprehensive Plan map amendment was necessary first, but the Planning Commission ultimately decided to recommend the rezone. The Planning Commission's analysis is summarized in the Whereas clauses of this ordinance.

As this ordinance affects two potentially competing Assembly goals of creating more housing and protecting industrially zoned land, I recommend this be referred to the Committee of the Whole.

**As this ordinance affects two potentially competing Assembly goals of creating more housing and protecting industrially zoned land, the City Manager recommends this be referred to the Committee of the Whole.**

## 2. Resolutions

- a. **Resolution 2839 A Resolution Amending the City and Borough of Juneau Personnel Rules.**

This resolution would approve a change to the Personnel Rules, which along with the various collective bargaining agreements, govern the rights

and responsibilities of CBJ employees, supervisors, and managers.

In July 2018, the Assembly ratified an agreement with the Public Safety Employees Association that would permit a longevity bonus payment of \$10,000 to sworn officers on certain milestone years with a commitment from the sworn officer to remain employed at the Juneau Police Department (JPD). This provision was bargained to improve retention of sworn officers at JPD during a period where there is a shortage of sworn officers across the nation. This proposed change to the Personnel Rules will allow the City Manager to offer the same bonus payment to sworn officers who are not in the bargaining unit by increasing the authority to authorize cash awards from \$5,000 to \$10,000.

**The City Manager recommends this resolution be adopted.**

- b. **Resolution 2840 A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation & Public Facilities.**

The Alaska Department of Transportation and Public Facilities makes an annual mobility grant available. To be eligible for funding, communities must submit a list of prioritized mobility projects endorsed by the governing body. On October 16, 2018, the Juneau Coordinated Transportation Coalition voted to forward the following prioritized projects for FY20 mobility grant funding:

1. One lift-equipped taxi
2. Taxi voucher program

On October 22, 2018, the Public Works and Facilities Committee recommended this resolution of support to the full Assembly.

**The City Manager recommends this resolution be adopted.**

3. Bid Award

- a. **Contract No. BE19-116 Public Works Demuck and Wash Bay Addition**

Bids were opened on the subject project on October 30, 2018. The bid protest period expired on November 1, 2018. Results of the bid opening were as follows:

| Responsive Bidders        | Base Bid    | Additive Alternate<br>No. 1 | Total Bid   |
|---------------------------|-------------|-----------------------------|-------------|
| Dawson Construction, Inc. | \$1,932,000 | \$115,400                   | \$2,047,400 |
| Island Contractors, Inc.  | \$2,081,715 | \$139,330                   | \$2,221,000 |

|                                     |                    |                  |                    |
|-------------------------------------|--------------------|------------------|--------------------|
| Carver Construction, LLC            | \$2,214,876        | \$113,330        | \$2,328,206        |
| Alaska Commercial Contractors, Inc. | \$2,214,900        | \$199,500        | \$2,414,400        |
| F&W Construction Company, Inc.      | \$2,448,558        | \$154,140        | \$2,602,698        |
| <i>Architect's Estimate</i>         | <i>\$1,838,552</i> | <i>\$109,278</i> | <i>\$1,947,800</i> |

**The City Manager recommends award of this project to Dawson Construction, Inc. for the base bid amount of \$1,932,000.**

#### 4. Transfers

- a. **Transfer T-1006 A Transfer Request of \$21,988 from the Airport Revolving Capital Reserve Account (ARCRA) to the Construct Sand/Chemical/Fuel Facility Capital Improvement Project.**

This transfer provides the shortfall in local match; the bulk of the match has recently been appropriated from Passenger Facility Charges (PFC9). The ARCRA funding is temporary, and will be returned upon amendment of PFC9. This project constructs the second phase of the Snow Removal Equipment Building (SREB), and consists of a sand and chemical building, and fueling station.

At its August 14, 2018, meeting, the Airport Board approved this transfer.  
**The City Manager recommends this transfer be approved.**

### VIII PUBLIC HEARING

- A. **Ordinance 2018-46 An Ordinance Extending the Sunset Date Relating to Licenses to Use Certain Rights-of-Way for the Selling of Food and Beverages and Related Uses.**

This ordinance would extend the sunset date three more years for two CBJ codes. Ordinance 2017-02 authorized the Manager to issue licenses for food and beverage vendors to operate on pedestrian rights-of-way. Section 5 of Ordinance 2017-02 imposed a sunset clause that will automatically repeal that ordinance on December 31, 2018. Ordinance 2017-02 appears to be providing benefits for the community, and it should be extended three more years. This ordinance would allow the Manager to continue issuing licenses for food and beverage vendors until December 31, 2021.

**The City Manager recommends this ordinance be adopted.**

### IX. UNFINISHED BUSINESS

- A. **Church of the Nazarene v. CBJ Assessor**

On June 1, 2018, the CBJ Assessor denied a request from the Juneau Church of the Nazarene ("Church") for a complete religious use exemption for 4.3 acres of

property located at 3220 Mendenhall Loop Road. The Church filed a timely appeal. On June 25, 2018, the Assembly accepted the appeal and referred it to a hearing officer.

The CBJ Assessor had assessed the property because there was no evidence of religious use on the entire 4.3 acre parcel. Consistent with *Seal Trust I*, the Assessor considered evidence after the appeal was filed and determined that there was now evidence of religious use of the property to justify a complete tax exemption. The Assessor granted the religious exemption, which mooted the appeal.

On October 15, 2018, the Hearing Officer issued a proposed order that the appeal be dismissed and that the CBJ shall refund the Church its appeal costs and taxes paid plus interest (\$4,291.81) as provided by CBJ and State law.

CBJ 01.50.150(c) governs this process. Unless rejected or modified by an affirmative vote of the Assembly, the Hearing Officer's proposed order shall be deemed adopted by the Assembly. No testimony or evidence of any nature other than that contained in a timely filed objection may be received by the Assembly at this meeting.

## **X. NEW BUSINESS**

### **A. Juneau Composts! LLC application to lease City property at South Lemon Creek Material Source**

Juneau Composts! LLC proposes to lease CBJ property near Home Depot and adjacent to the South Lemon Creek Gravel Pit. The proposal states that it will help conserve limited landfill space and help promote recycling, which are both goals of the Assembly.

Title 53.09.260 states that "the proposal shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease."

On October 22, 2018, the Lands Committee reviewed the proposal and recommended leasing the CBJ property to Juneau Composts! LLC at fair market value. Copies of the October 22, 2018, Lands packet are in your binder or online at: <https://packet.cbjak.org/MeetingView.aspx?MeetingID=944&MinutesMeetingID=1042&doctype=Agenda>

**The City Manager recommends a motion to authorize the City Manager to negotiate a fair market value lease of the CBJ property with Juneau Composts! LLC.**

### **B. Alaska Sustainable Seafoods LLC dba Deckhand Dave's application to purchase Gunakadeit Park**

Alaska Sustainable Seafoods LLC dba Deckhand Dave's proposes to purchase Gunakadeit Park (Pocket Park) from the CBJ for a food court area.

Title 53.09.260 states that “The proposal shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the...sale...”

On October 8, 2018, the Parks and Recreation Advisory Committee recommended retaining Gunakadeit Park as a Special Use Area and requesting that staff develop options for future development or disposal.

On October 22, 2018, the Lands Committee recommended to decline Deckhand Dave’s proposal to purchase Gunakadeit Park and return the \$500 application fee, but that if using the lot for a food court is desired and is necessary, a temporary annual lease should be explored. Copies of the October 22, 2018, Lands packet are in your binder or online here: <https://packet.cbjak.org/MeetingView.aspx?MeetingID=944&MinutesMeetingID=1042&doctype=Agenda>

**The City Manager recommends a motion to return the \$500 application fee and to decline the application to sell Gunakadeit Park to Deckhand Dave’s. The City Manager also recommends a motion to authorize the City Manager to negotiate a temporary fair market value lease of Gunakadeit Park to Deckhand Dave’s.**

**C. Senior Citizen/Disabled Veteran Late Filed Hardship Exemption Application**

The Assessor received the below referenced Senior Citizen/Disabled Veteran Real Property Hardship Exemption application. The Assembly needs to determine whether to accept or reject the late-filed tax assessment appeal. Evidence on the assessment itself or the merit of the appeal is not relevant. The Assembly should consider each request separately and determine whether or not the property owner was unable to comply with the 30-day filing requirement.

**2018 Senior Citizen/Disabled Veteran Exemption**

- 1) Applicant: Emma C. Borbridge  
Parcel ID: 1C060C180010  
Physical Address: 603 W. 10th Street, Juneau

The burden of proof is upon the property owner to show the inability to file a timely appeal. In this context, the word “unable” does not include situations in which a property owner forgot about, or overlooked, the assessment notice, was out of town during the period for filing an appeal, or similar situations. Rather, it covers situations that are beyond the property owner’s control and would prevent a property owner from recognizing what is at stake and dealing with it. Examples of this would include physical or mental disability serious enough to prevent a person from dealing rationally with their private affairs. Disagreeing with the amount of

the assessment does not constitute inability to submit a timely appeal, nor does a notice of assessment being sent to a wrong address. The property owner is responsible for keeping a current, correct address on file with the assessor's office.

If the Assembly decides to accept one or more late-filed appeals, those assessment appeals will be referred to the Assessor for review and action.

#### **D. Harri Commercial Marine application to lease Auke Bay Boatyard**

Harri Commercial Marine proposes to continue leasing the Auke Bay Boatyard. Harri Commercial Marine leased the boatyard when it was at Statter Harbor and after it relocated to the Auke Bay Loading Facility. The ordinance authorizing the most recent lease recently expired.

Title 53.09.260 states that "the proposal shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease."

On August 30, 2018, the Docks and Harbors Board reviewed the proposal and recommended leasing the Auke Bay Boatyard to Harri Commercial Marine at fair market value.

**The City Manager recommends a motion to authorize the Port Director to negotiate a fair market value lease of the Auke Bay Boatyard with Harri Commercial Marine.**

### **XI. STAFF REPORTS**

### **XII. ASSEMBLY REPORTS**

- A. Mayor's Report
- B. Committee Reports, Liaison Reports, Assembly Comments and Questions
- C. Presiding Officer Reports

### **XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

### **XIV. EXECUTIVE SESSION**

- A. **Potential Legal/Financial Issue - Bartlett Regional Hospital**

### **XV. ADJOURNMENT**

### **XVI. SUPPLEMENTAL MATERIALS**

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: [city.clerk@juneau.org](mailto:city.clerk@juneau.org)

**SPECIAL ASSEMBLY MEETING  
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - August 9, 2018

**MEETING NO. 2018-23:** The Special Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 5:00 p.m. by Mayor Ken Koelsch.

**I. CALL TO ORDER / ROLL CALL**

Assemblymembers Present: Ken Koelsch, Mary Becker, Rob Edwardson, Norton Gregory, Loren Jones, Jesse Kiehl, Jerry Nankervis, Maria Gladziszewski.

Assemblymembers Absent: None. *(Clerk's Note: There was one vacant Assembly seat at this time due to former member Beth Weldon resigning effective July 31, 2018 in order to file candidacy for Mayor.)*

Staff present: City Manager Rorie Watt, Deputy Manager Mila Cosgrove, Municipal Attorney Amy Mead, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew; Chief Housing Officer Scott Ciambor; Housing/Homelessness Coordinator Irene Gallion

**II. AGENDA TOPICS**

- A. Ordinance for Introduction: Ordinance 2018-43: An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$7,000,000 to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 2, 2018.

This ordinance authorizes placing on the October 2, 2018 general election ballot the question of issuing \$7 million in fifteen-year general obligation bonds for the purpose of funding capital projects. The identified projects include: renovations to Centennial Hall, including upgrading the HVAC system, making improvements to the sound system, lighting system and technology, making improvements to the interior flooring, furnishings and wall systems and expanding the lobby area and construction of an enclosed and heated corridor between Centennial Hall and the potential new arts and culture center.

The temporary 1% sales tax approved by voters during the October 2017 general election will pay for \$2.5 million of the debt service. The remaining \$7 million of debt and interest would require .13 mills in property taxes for debt service payments. This amount of debt service would require an annual property tax levy of approximately \$13 (.13 mills) per \$100,000 of assessed

value or approximately \$51 for average single family home (estimated 2018 value \$393,000 per CBJ Assessor).

The annual payment funded by property taxes would be about \$635,000. The Assembly Finance Committee discussed this proposal at its July 25, 2018, meeting.

**The City Manager recommends that this ordinance be introduced, referred to the Committee of the Whole on August 20, 2018 to allow for public testimony and set for public hearing at the Special Assembly meeting also on August 20, 2018.**

Mr. Watt recommended Ordinance 2018-43 version (b) be introduced, and referred to the Assembly Committee of the Whole meeting on August 20 to allow for public testimony and set for public hearing at the Special Assembly meeting also on August 20.

Mr. Koelsch asked what the difference is between the initial version in the packet and version (b). Mr. Watt explained that at the request of the Assembly Finance Committee, version (b) now includes an additional "Whereas" clause which is the third whereas clause that provides intent language as follows:

*"Whereas, if this bond issuance is successful, it is in the intent of the Assembly to supplement the facility needs of the City and Borough by providing a two million dollar grant from sales tax previously allocated to Centennial Hall to the New JACC project that is under development by the non-profit Partnership Board that is affiliated with the Juneau Arts and Humanities Council; and," ...*

Mr. Gregory asked how much money has been raised for this project in total, what is the total cost and if the total amount has not been raised and this amount will not fulfill the amount will not fulfill the balance that needs to be funded, where is the balance of that money going to be coming from.

Mr. Watt indicated that since this ordinance is up for introduction, there should not be any discussion of the contents or merits of it until the August 20 meeting. Mayor Koelsch asked Ms. Mead to provide an opinion on that. Ms. Mead explained that is true, that normally an ordinance is simply introduced, referred to committee, or not introduced. She noted that while this meeting is not the time to go into those discussions, Mr. Gregory can ask his questions ask that the answers be brought back to the meetings on August 20.

Mr. Gregory noted that depending on the answers to those questions, he may not be voting in favor of introduction.

Mayor Koelsch asked for any further questions or objections. Mr. Gregory noted his objection.

Mr. Kiehl commented that in speaking to whether or not to introduce this ordinance, if it is not introduced, only the original plan with the larger dollar amounts would be before the body for consideration at the August 20 meeting.

**MOTION** by Mr. Kiehl to introduce Ordinance 2018-43(b), referred to the Assembly Committee of the Whole on August 20 and set for public hearing at the Special Assembly meeting, also on August 20.

Objection by Mr. Gregory was noted as previously stated.

### **Roll Call**

Ayes: Becker, Edwardson, Kiehl, Nankervis, and Koelsch

Nays: Gregory, Jones

Motion carried 5:2

### **B. Scheduling Consideration: Ordinances 2018-39 and 2018-40**

*Ordinance 2018-39: An Ordinance Increasing the Hotel-Motel Room Tax by Two Percent and Providing for a Ballot Question Ratifying the Increase.*

*Ordinance 2018-40: An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$12,000,000 to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 2, 2018.*

**Ordinance 2018-39 regarding an increase in Hotel/Bed Tax and Ordinance 2018-40 regarding bonds for Centennial Hall and the New JACC have been introduced and set for Public Hearing on August 13, 2018. The City Manager recommends that by motion the Assembly forward these Ordinances to the Committee of the Whole on August 20, 2018 and allow public testimony and set them for Public Hearing at the Special Assembly Meeting also on August 20, 2018.**

Mr. Watt explained that 2018-39 regarding an increase in the Hotel-Motel bed tax and Ordinance 2018-40 regarding bonds for Centennial Hall and the New JACC were introduced and set for public hearing on August 13. Mr. Watt recommended that by motion, the Assembly forward these ordinance to the Committee of the Whole (COW) on August 20 and allow for public testimony at the COW meeting

and set them for public hearing at the Special Assembly meeting on August 20.

*Ms. Gladziszewski joined the meeting at 5:05 p.m.*

**MOTION** by Mr. Edwardson to forward Ordinances 2018-39 and 2018-40 to the Assembly Committee of the Whole on August 20 and allow for public testimony and then set them for public hearing at the Special Assembly meeting also on August 20.

Objection noted by Mr. Gregory who stated that increasing the hotel-motel room tax and increasing the rate of our hotel costs in our community is not advantageous to our community for a project that has yet to prove that it will have a positive financial impact on our community. He said it is unwise use of hotel-motel bed tax funds.

Additional discussion took place as to whether the objection was to both ordinances being introduced and/or scheduled as noted in the motion. Mayor Koelsch ruled that the motion was to take both ordinances as one matter for the purposes of scheduling as specified in Mr. Edwardson's motion.

**Roll Call**

Ayes: Edwardson, Gladziszewski, Jones, Kiehl, Nankervis, and Koelsch

Nays: Becker, Gregory

Motion carried 6:2

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

*None.*

**IV. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting was adjourned at 5:10 p.m.

Signed: \_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Signed: \_\_\_\_\_  
Kendell D. Koelsch, Mayor

**SPECIAL ASSEMBLY MEETING  
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - August 20, 2018

**MEETING NO. 2018-25:** The Special Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 6:25 p.m. by Mayor Ken Koelsch.

**I. CALL TO ORDER / ROLL CALL**

Assemblymembers Present: Ken Koelsch, Mary Becker, Rob Edwardson, Loren Jones, Jesse Kiehl, Jerry Nankervis, Maria Gladziszewski.

Assemblymembers Absent: None. *(Clerk's Note: There were two vacant Assembly seats at this time due to former member Beth Weldon resigning effective July 31, 2018 and Norton Gregory resigning effective August 13 in order to file candidacy for Mayor.)*

Staff present: Deputy City Manager Mila Cosgrove, Interim Municipal Attorney Robert Palmer, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew, Deputy Clerk Diane Cathcart

**II. AGENDA TOPICS**

- A. Introduction of Ordinance 2018-11(J) An Ordinance Appropriating to the Manager the Sum of \$1,800,000 as Funding for the Juneau Housing First Collaborative (JHFC); Funding Provided by the Sales Tax Fund's Fund Balance, the Tobacco Tax Fund's Fund Balance and the General Fund's Fund Balance.

This funding is to provide match for the Alaska Housing Finance Corporation's FY2019 Special Purpose GOAL Round Notice of Funding Availability (NOFA) for supportive housing, issued May 24, 2018, with applications due on October 5, 2018. This funding opportunity was not anticipated and has a tight timeline for applications. This NOFA will provide grants, zero interest loans, tax credits and rental assistance to successful respondents who will acquire, rehabilitate, construct, or otherwise expand housing opportunities for Alaskans who have few, if any, housing options due to chronic homelessness, disability and / or histories that present barriers to accessing mainstream housing. These populations must require intensive support service delivery needs, though this is not a program to provide treatment or correctional facilities. The original Phase 2 request from Housing First included a \$1.5 million grant and a \$2.7 million loan. Based on experience from the first phase, the Assembly opted to provide a \$1.8 million grant.

This ordinance was requested by the Assembly Committee of the Whole at its meeting on August 9, 2018.

**The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

*Public Comment:* None.

*Assembly Action:*

-  
**MOTION** by Mr. Nankervis to introduce Ordinance 2018-11(J) and set it for public hearing at the next regular Assembly meeting and asked for unanimous consent. *Hearing no objection, the motion carried.*

- B. Public Hearing: Ordinance 2018-40 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$12,000,000 to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 2, 2018.

This ordinance authorizes placing on the October 2, 2018 general election ballot the question of issuing \$12 million in fifteen-year general obligation bonds for the purpose of funding a variety of capital projects. The identified projects include:

- Renovations to Centennial Hall, including upgrading the HVAC system and expanding the lobby area;
- Construction and equipping of a portion of a new arts and culture center; and
- Construction of an enclosed and heated corridor between Centennial Hall and the new arts and culture center.

The temporary 1% sales tax approved by voters during the October 2017 general election will pay for \$4.5 million of the debt service. Beginning in FY20 to pay off the remaining \$7.5 million of debt and interest would require .15 mills in property taxes for debt service payments for 15 years. This amount of debt service would require an annual property tax levy of approximately \$15 (.15 mills) per \$100,000 of assessed value or approximately \$59 for an average single family home (estimated 2018 value \$393,000 per CBJ Assessor). The annual payment funded by property taxes would be about \$719,000.

This proposal was discussed at the Assembly Finance Committee meeting on July 25, 2018 and at the Assembly Committee of the Whole meeting immediately preceding this August 20 Special Assembly meeting.

**Whether to invest further in Centennial Hall and whether to support the New JACC project are policy questions that are before the Assembly. The City Manager has no recommendation at this time.**

*Public Comment:* None.

*Assembly Action:*

**MOTION** by Mr. Jones to adopt Ordinance 2018-40 and asked for unanimous consent.

Objection was noted by Mr. Nankervis.

Assemblymembers debated the merits of this ordinance with Mr. Jones, Mr. Kiehl, Ms. Gladziszewski, and Mr. Edwardson speaking in favor of passing the ordinance so the question could be placed on the ballot.

Mr. Nankervis, Ms. Becker, and Mayor Koelsch spoke against placing the question on the ballot.

### **Roll Call Vote**

Ayes: Edwardson, Kiehl, Gladziszewski, Jones

Nays: Becker, Nankervis, and Koelsch

Motion failed: 4:3

*(Clerk's note: Even with only 7 members remaining on the Assembly, it still requires 5 votes in the affirmative for a motion to pass.)*

C. Public Hearing: Ordinance 2018-43(b): An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$7,000,000 to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 2, 2018.

This ordinance authorizes placing on the October 2, 2018 general election ballot the question of issuing \$7 million in fifteen-year general obligation bonds for the purpose of funding capital projects. The identified projects include: renovations to Centennial Hall, including upgrading the HVAC system, making improvements to the sound system, lighting system and technology, making improvements to the interior flooring, furnishings and wall systems and

expanding the lobby area and construction of an enclosed and heated corridor between Centennial Hall and the potential new arts and culture center.

The temporary 1% sales tax approved by voters during the October 2017 general election will pay for \$2.5 million of the debt service. The remaining \$7 million of debt and interest would require .13 mills in property taxes for debt service payments. This amount of debt service would require an annual property tax levy of approximately \$13 (.13 mills) per \$100,000 of assessed value or approximately \$51 for average single family home (estimated 2018 value \$393,000 per CBJ Assessor).

The annual payment funded by property taxes would be about \$635,000. This proposal was discussed at the Assembly Finance Committee meeting on July 25, 2018 and at the Assembly Committee of the Whole meeting immediately preceding this August 20 Special Assembly meeting.

**Whether to invest further in Centennial Hall and whether to support the New JACC project are policy questions that are before the Assembly. The City Manager has no recommendation at this time.**

*Public Comment:* None.

*Assembly Action:*

**MOTION** by Mr. Nankervis to adopt Ordinance 2018-43(b) and asked for a NO vote.

Mr. Jones objected.

### **Roll Call Vote**

Ayes: None.

Nays: Nankervis, Edwardson, Gladziszewski, Jones, Kiehl, Becker, and Koelsch

Motion failed: 7:0

D. Public Hearing: Ordinance 2018-39 An Ordinance Increasing the Hotel-Motel Room Tax by Two Percent and Providing for a Ballot Question Ratifying the Increase.

This ordinance would place the question of increasing the hotel-motel room rental tax from seven to nine percent on the ballot at the next regular municipal election. In accordance with a request proposed by the Assembly Finance Committee at its meeting on June 13, 2018, the increase would be permanent, with an effective date of January 1, 2019.

The hotel-motel room rental tax was last increased in 1988. The increased rate authorized by this ordinance would initially generate an estimated \$440,000 per year in additional revenue. It is the intent of the Assembly to use this increase in the hotel-motel room rental tax to provide partial funding for the construction of capital improvements for the Juneau Arts & Culture Center and as funding for improvements to Centennial Hall, visitor information, marketing services, and other tourism and visitor services and facilities. Additionally, if approved by the voters, proceeds could be used to help pay for debt service relating to the new JACC or Centennial Hall.

This proposal was discussed at the Assembly Finance Committee meeting on July 25, 2018 and at the Assembly Committee of the Whole meeting immediately preceding this August 20 Special Assembly meeting.

**This ordinance is a tax policy issue. The City Manager has no recommendation at this time.**

*Public Comment:* None.

*Assembly Action:*

-  
**MOTION** by Mr. Jones to adopt Ordinance 2018-39 and asked for unanimous consent.

Objection was noted by Mr. Nankervis.

Assemblymembers debated the merits of the ordinance and the current uses of the CBJ hotel-motel bed tax and how it compares to other communities use of their hotel-motel bed taxes.

### **Roll Call Vote**

Ayes: Edwardson, Gladziszewski, Jones

Nays: Becker, Kiehl, Nankervis, and Koelsch

Motion failed: 3:4

E. [Documents provided at the meeting]

### **Documents handed out at the meeting included:**

- Ordinance 2018-43(b) red line version from Mr. Nankervis
- Resolution 2824 (b) with proposed amendment language from Ms. Gladziszewski

**MOTION** by Ms. Gladziszewski to bring up Resolution 2824 (b) under Reconsideration.

Resolution 2824(b) *A Resolution Calling for an Advisory Ballot Proposition on City and Borough Financial Support for Improving and Expanding Access for all Juneau Families to Affordable High Quality Child Care and Early Learning/Pre-school.*

Mayor Koelsch noted that it would take five votes in the affirmative to reconsider Resolution 2824(b). When Ms. Gladziszewski asked Mayor Koelsch how best to proceed, he noted that he would permit a less formal debate on the topic of reconsideration as well as the merits of the resolution and any amendments.

Ms. Gladziszewski asked the Clerk to distribute copies of the Resolution 2824(b) as well as a copy of a proposed amendment that she would like to have considered with the resolution. The suggested amendment that Ms. Gladziszewski provided was to delete the following text on page two of the resolution:

*"In accordance with the taxable value in the CBJ in 2018, a \$2.8 million expenditure would require the equivalent of 0.58 mill increase, resulting in a property tax increase of \$58 for each \$100,000 of assessed property value of property tax in 2018."*

and replace it by the following text:

*"The cost of the program is expected to increase over five years and at full funding is estimated to cost \$2.8 million annually. The Assembly could fund this program by increasing taxes, reducing existing city services, or a combination. For purposes of illustration only, if the Assembly were to choose one single funding source, the cost of a \$2.8 million program would be equal to an added 1/2 of 1% sales tax, 0.58 mills of property tax (\$58 per \$100,000 of assessed value), or the cost of operating both swimming pools. An increase in sales tax would require voter approval."*

Assemblymembers debated whether to take up reconsideration of Resolution 2824(b), with or without the amendment as noted above by Ms. Gladziszewski.

### **Roll Call Vote on Reconsideration of Resolution 2824(b)**

Aye: Kiehl, Jones, Gladziszewski, Edwardson

Nay: Nankervis, Becker, Koelsch

**Motion failed: 4:3**

### III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Tom Williams stated that at the August 13 Assembly meeting, the Assembly, upon the verbal advice of the City Attorney Amy Mead, declined to take up the matter of Appeal #2018-04 stating that the appeal was not appeal-able. He stated that he just provided a letter to the Clerk along with a handout requesting reconsideration. He reviewed the CBJ Code sections on the criteria for matters that are subject to appeal and while he is not an attorney, he believed that the appeal he made clearly meets those criteria. As a result, he requested the Assembly reverse their prior decision not to hear the appeal and to in turn accept the appeal.

Mayor Koelsch asked if there was a letter to be distributed to the Assembly. Interim City Attorney Robert Palmer noted that there was a letter submitted to the Clerk. Mr. Palmer said there was a letter but he advised the Assembly not to look at the letter at this time but they could if they wished to. He stated that his reason for providing that advice was that Mr. Williamson has an opportunity to appeal their decision to Superior Court at this time and he did not feel that reconsideration was ripe at this time for the Assembly on this matter. Mr. Palmer said that if they wanted to go down a different path, there may be a way do it but he is not currently aware of what that might be.

Mr. Williams stated that he was not asking the Assembly to make a decision at this meeting. He asked if the Assembly would forego the necessary legal action and put into place the merits of his appeal request. He said that the most critical part of this has to do with the fact that the City Attorney, in her verbal testimony, appeared to have dismissed this appeal by referring to it only as a disagreement of a policy decision. He stated that a significant policy decision is and must be subject to appeal to the Assembly. He gave the example of Planning Commission policy decisions that have historically been appealed. He said that if such decisions are not appealable, the Assembly has irrevocably delegated its authority and responsibility to members of an appointed but unelected enterprise board and other boards and he feels that is unacceptable public policy. He submitted the request and copied the City Manager and the City Attorney. He said there has not been a written decision relative to why the decision was not appealable from the City Attorney on August 13. He noted that it was a verbal discussion and nothing had been put on the public record in terms of the logic of that so he would find it very difficult to challenge it to the court without such a finding from the Department of Law.

Mr. Kiehl asked Mr. Palmer in regard to the appellant's right to take this to Superior Court, why it would be necessary for that to occur before the Assembly could take up the matter of whether or not to consider this matter on reconsideration. Mr. Palmer explained that he was not at the last meeting and that the Assembly already voted and chose not to accept the appeal. He said that there was no opportunity for reconsideration to be taken on that through a notice of reconsideration at this meeting. He stated that Mr. Williams' opportunity to challenge that decision is through court if it is a legal appeal. He

stated that it could come back to the Assembly if the court disagrees with the decision the Assembly made.

Mr. Edwardson asked Mr. Palmer about the customary process for follow-up documents that are provided to an appellant after the Assembly took action. Mr. Palmer explained that he wasn't at the meeting so couldn't speak to that particular decision of August 13. He stated that roughly 3-4 years ago, the Assembly made a similar decision on an appeal from the Planning Commission and while he doesn't recall the specifics in that case, that matter ended up being litigated all the way up to the Alaska Supreme Court. He said that the minutes of that meeting were provided to the appellant with a cover letter from the Clerk stating that was the decision of the Assembly.

Ms. Joy Lyon spoke to the economic impacts that a lack of child care has on the community and the benefits that additional child care would provide to the community. She explained that there are 2,000 children in the community under 5 years of age and 5,000 school aged children who cannot vote and what the Assembly has done is to bar all of their parents, teachers, and community members from voting on this issue. She said that even though this did not make it onto the ballot, they will be doing a major voter education drive to help continue the public discourse on this topic.

Mr. Kevin Ritchie expressed his disappointment in the Assembly not placing the question of Child Care on the upcoming ballot. He shared a quote from Winston Churchill that "Success depends on going from failure to failure without losing enthusiasm." He stated they cannot lose enthusiasm and their group will plan to move forward, albeit in a different way, but they will continue to work on this issue.

Mr. Jim Ayers expressed his disappointment of the child care issue not being placed on the ballot and spoke about the very real impact preschool has on preparing children for kindergarten.

Ms. Kristin Garot, Principal at Montessori School, said she started the first day of school with a Wisdom Day at the turf field at Marie Drake. She said they celebrated the privilege of going to school and she expressed her hope that the Assembly reconsiders its decision about placing the child care issue on the ballot in the future.

Mr. Kiehl asked for a brief recess to discuss the potential of taking up Mr. Williams' request for reconsideration on the appeal so that the Assembly might read Mr. Williams' letter.

Mr. Palmer stated that when he spoke earlier he was under the assumption that Mr. Williams was presenting this in the Assembly's capacity as a legislative body. He stated that he just had a conversation with Mr. Williams and there is a way to present this

through the CBJ appellate code, not in the Assembly's legislative capacity role. He said that there is a way to construe the decision on August 13 such that Mr. Williams could file a motion for reconsideration on that issue and the Assembly then has 30 days to decide it and through that capacity, Mr. Williams' letter could be handed out.

Mr. Kiehl stated that approach worked for him. Ms. Gladziszewski asked for clarification about reconsideration and said her understanding is that normally under legislative matters, the reconsideration would have to be taken up at this meeting, however under the appeals process, it follows different rules and was not constrained to be decided upon at this meeting.

Mr. Palmer said that Ms. Gladziszewski's interpretation was correct and that the CBJ appellate code 01.50.180 would apply to this instance.

#### **IV. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting was adjourned at 7:43 p.m.

|                                      |                           |
|--------------------------------------|---------------------------|
| Signed: _____                        | Signed: _____             |
| Elizabeth J. McEwen, Municipal Clerk | Kendell D. Koelsch, Mayor |

**SPECIAL ASSEMBLY MEETING  
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - August 28, 2018

**MEETING NO. 2018-27:** The Special Meeting of the City and Borough of Juneau Assembly, held in the Conference Room 224 of the Municipal Building, was called to order at 12:00 p.m. by Mayor Ken Koelsch.

**I. CALL TO ORDER / ROLL CALL**

Assembly Present: Ken Koelsch, Mary Becker, Jerry Nankervis, Maria Gladziszewski, Jesse Kiehl, Loren Jones, and Rob Edwardson

Assembly Absent: None.

Staff Present: Municipal Clerk Beth McEwen

**II. AGENDA TOPICS**

A. Approval of Minutes: August 13, 2018 Assembly Meeting DRAFT Minutes

**MOTION** by Ms. Becker to approved the minutes of the August 13, 2018 Assembly meeting with minor grammatical correction. Hearing no objection, the minutes were approved as corrected.

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

*None.*

**IV. EXECUTIVE SESSION**

A. City Attorney Replacement

**MOTION** by Mr. Kiehl to recess into Executive Session to discuss a matter, which by law may be confidential, specifically interviewing a candidate for City Attorney which may tend to prejudice or reputation of an individual.

*Hearing no objection, the Assembly recessed into Executive Session at 12:01 p.m.*

*The Assembly returned from Executive Session at 2:06 p.m.*

Mr. Nankervis reported that during executive session they discussed the hiring of the new City Attorney and direction to the City Attorney Hiring Committee to take the next steps to further the process.

## **V. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting was adjourned at 2:07 p.m.

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk Kendell D. Koelsch, Mayor

**DRAFT**

**SPECIAL ASSEMBLY MEETING  
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - August 29, 2018

MEETING NO. 2018-28: The Special Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 8:31 p.m. by Mayor Ken Koelsch.

**I. CALL TO ORDER / ROLL CALL**

Assemblymembers Present: Ken Koelsch, Mary Becker, Rob Edwardson, Loren Jones, Jesse Kiehl, Jerry Nankervis, Maria Gladziszewski.

Assemblymembers Absent: None. *(Clerk's Note: There were two vacant Assembly seat at this time due to former member Beth Weldon resigning effective July 31, 2018 and Norton Gregory resigning effective August 13 in order to file candidacy for Mayor.)*

Staff present: City Manager Rorie Watt, Deputy Manager Mila Cosgrove, Interim Municipal Attorney Robert Palmer, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew; HRRM Director Dallas Hargrave; Airport Manager Patty Wahto; Airport Architect Catherine Fritz; Police Chief Ed Mercer, JPD Deputy Chief David Campbell; CSO Bob Dilley; Community Development Director Jill Maclean; CDD Planning Manager Beth McKibben

**II. AGENDA TOPICS**

Mayor Koelsch changed the agenda to allow for Public Participation on Non-Agenda items to come before the Agenda Topic: City Attorney Replacement.

**A. City Attorney Replacement**

Mr. Jones, Chair of the City Attorney Replacement Committee reported that the committee, consisting of Mr. Nankervis, Ms. Weldon, and Mr. Jones met to discuss the salary and recruitment process. They advertised the City Attorney position at a minimum salary of \$140,000. After their interview held at the Special Assembly meeting on August 28, the instructions to Mr. Jones was to make that offer and that offer was accepted.

**MOTION** by Mr. Jones that the Assembly officially appoint Robert Palmer as City Attorney at a salary of \$140,000 annually and asked for unanimous consent.

Mayor Koelsch requested unanimous consent via roll call vote.

Roll call

Yeas: Becker, Edwardson, Gladziszewski, Kiehl, Nankervis, Jones, Koelsch

Nays: None.

Motion passed with unanimous consent.

### **III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

Mr. Rich Harris requested the Assembly take over his appeal of the Community Development Department's Director's decision APL2018-0003 under the grounds that they cannot receive a fair hearing through the Planning Commission. He stated that they have been prejudged by the Title 49 committee and the Subdivision Review Committee, one of which includes the presiding officer. He said that the Title 49 and Subdivision Review Committee members at the meeting of June 18, 2018 made comments prejudging his case. He said that his violation stems from the Subdivision Review Committee and the Title 49 Committee, all of whom serve on the Planning Commission which is now to hear his case. He stated that this is a conflict of interest and the Title 49 and Subdivision Review Committee and he believes those members are just as much a part of the decision to write a violation notice to him as the director herself. He asked that the Assembly take over the appeal so he can receive a fair and expedited hearing for what only consists of one question that needs answering which would then answer all the other questions and that one question is whether they are a condominium or a subdivision. He said his project is damaged and they are damaged and there is a cloud hanging over them and he'd like to get this resolved. He said the system and process he is currently going through before the Planning Commission is not a fair hearing. Mr. Harris said that his situation is different than all other appeals since the membership of all the committees he has been through are made up of Planning Commission members.

### **IV. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting was adjourned at 8:38 p.m.

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_  
 Elizabeth J. McEwen, Municipal Clerk Kendell D. Koelsch, Mayor

Presented by: The Manager  
Introduced: 11/5/2018  
Drafted by: Finance

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2018-11(P)**

**An Ordinance Appropriating to the Manager the Sum of \$15,000 As Increased Funding for the Youth Scholarship Program; Funding Provided by the Juneau Community Foundation and the Friends of Zach Gordon Youth Center.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is a noncode ordinance.

**Section 2. Appropriation.** There is appropriated to the manager the sum of \$15,000 for the increased funding of the Youth Scholarship Program.

**Section 3. Source of Funds.**

|                                     |                 |
|-------------------------------------|-----------------|
| Juneau Community Foundation         | \$10,000        |
| Friends of Zach Gordon Youth Center | <u>\$5,000</u>  |
| <b>Total</b>                        | <b>\$15,000</b> |

**Section 4. Effective Date.** This ordinance shall become effective upon adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager  
 Introduced:  
 Drafted by: R. Palmer III

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2018-49**

**An Ordinance Amending the Official Zoning Map to Rezone Lot 3, Block A, Sherwood Estates, Located at 2500 Sherwood Lane, from Industrial (I) to Light Commercial (LC).**

WHEREAS, the area of the proposed rezone, Lot 3, Block A, Sherwood Estates, located at 2500 Sherwood Lane, is currently zoned as Industrial; and

WHEREAS, surrounding industrial parcels have been developed for non-industrial uses such as offices; and

WHEREAS, 2500 Sherwood Lane is located between a residential area and an industrial area and is ideally positioned to serve as a buffer for the residential area; and

WHEREAS, the 2013 Juneau Comprehensive Plan policies supports buffer zones between residential and industrial areas; and

WHEREAS, the Heavy Industrial designation in the 2013 Comprehensive Plan prohibits office, retail, and residential uses except residential caretaker facilities on each Industrial lot, which have a minimum lot size of 2,000 square foot (49.25.400); and

WHEREAS, the minimum lot size of the Light Commercial district is also 2,000 square feet (49.25.400); and

WHEREAS, the Light Commercial district allows for 30 residential units per acre (49.25.500); and

WHEREAS, on a 2,000 square foot Light Commercial lot only 1 residential unit would be allowed (49.25.510(a)), which is the same residential density allowed on a 2,000 square foot Industrially zoned lot; and

WHEREAS, the Planning Commission determined the non-residential uses allowed in a Light Commercial district (49.25.300) were substantially similar to the uses allowed in the Heavy Industrial designation; and

WHEREAS, for these reasons the proposed rezone to Light Commercial and the uses allowed therein are in substantial conformance with the maps and policies of the 2013 Juneau Comprehensive Plan.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment to the Official Zoning Map.** The official zoning map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Lot 3, Block A, Sherwood Estates, located at 2500 Sherwood Lane, from Industrial (I) to Light Commercial (LC).

The described rezone is shown on the attached Exhibit "A" illustrating the area of the proposed zone change.

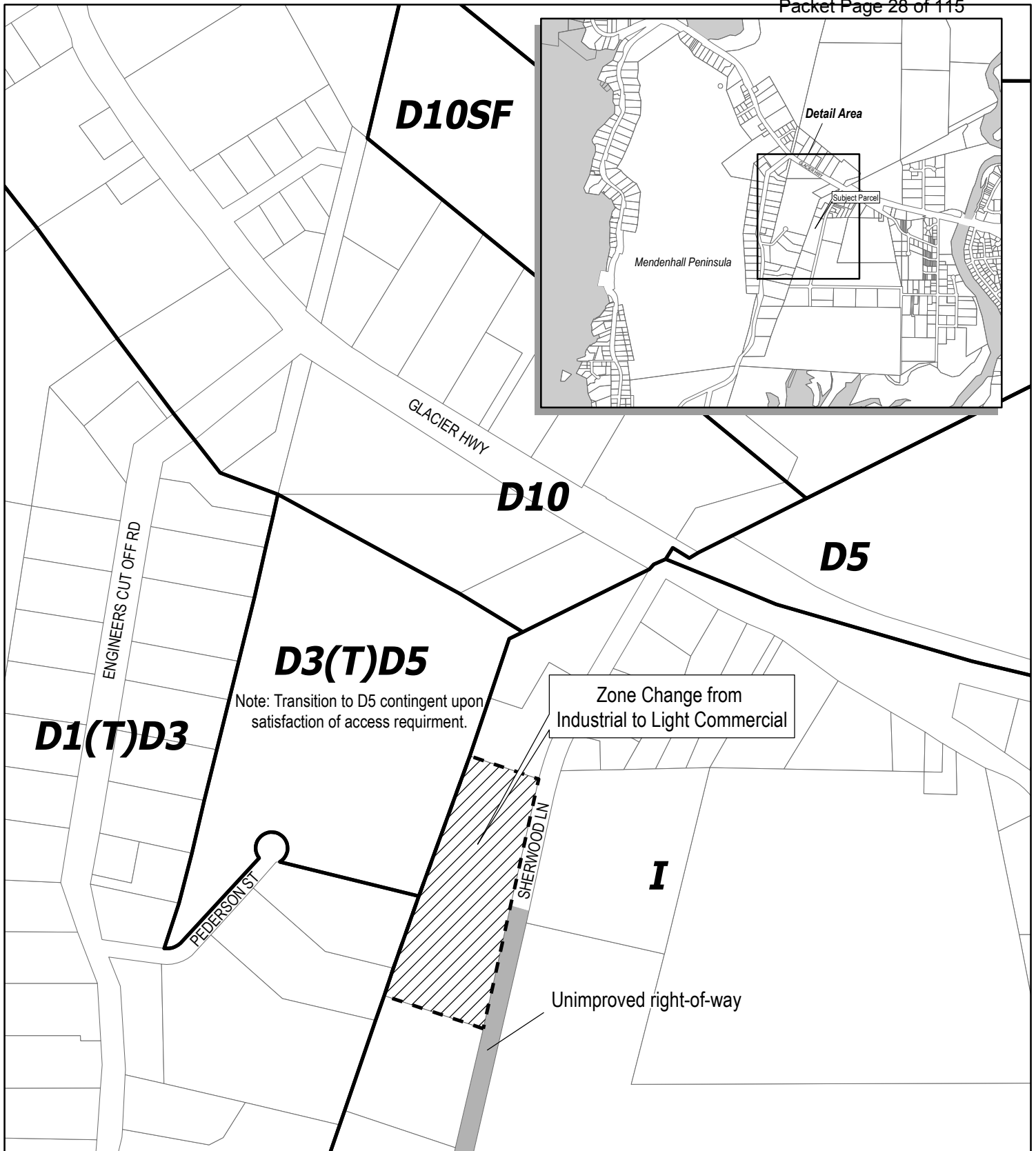
**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Beth A. Weldon, Mayor

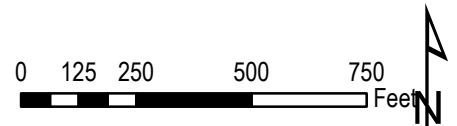
Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



## Exhibit A - Ord. No. 2018-49

Zone Change for  
SHERWOOD ESTATES BL A LT 3  
from I (Industrial) to LC (Light Commercial)





## Planning Commission

(907) 586-0715

PC\_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

### **PLANNING COMMISSION NOTICE OF RECOMMENDATION**

Date: October 25, 2018

Case No.: AME2018 0013

City and Borough of Juneau  
City and Borough Assembly  
155 South Seward Street  
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a request to rezone five acres of land from Industrial to Light Commercial

Property Address: 2500 Sherwood Lane

Legal Description: Lot 3, Block A, Sherwood Estates

Parcel Code Number: 4B1701100030

Hearing Date: October 23, 2018

The Planning Commission, at its regular public meeting, recommended that the City and Borough Assembly approve the request to rezone five acres of land from Industrial to Light Commercial at 2500 Sherwood Lane.

The Planning Commission adopted the following findings:

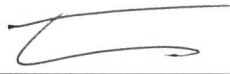
1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code, as the application was submitted timely, is not similar to a request made in the previous two years, and is greater than 2 acres.
2. Rezoning five acres from the Industrial to the Light Commercial zoning complies with the policies and guidelines of the Comprehensive Plan and substantially conforms to the land

City and Borough Assembly  
Case No.: AME2018 0013  
October 25, 2018  
Page 2 of 2

use maps of the Comprehensive Plan, because the Light Commercial and Industrial contain many common uses in the Table of Permissible Uses, because residential uses may be allowed in both districts, because the Light Commercial zoning district will provide a buffer between residential and industrial zoning districts, and because the subject property is a significant distance from heavy industrial activities

Attachments: October 15, 2018 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding AME2018 0013.

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

Project Planner:   
Teri Camery, Senior Planner  
Community Development Department

  
Paul Voelckers, Acting Chair  
Planning Commission

  
Filed With Municipal Clerk

10-30-2018  
Date

**cc: Plan Review**

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



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

**DATE:** October 15, 2018

**TO:** Planning Commission

**FROM:** Teri Camery, Senior Planner  
Community Development Department

A handwritten signature in black ink, appearing to be 'Teri Camery', is written over the 'FROM' line.

**CASE NO.:** AME2018 0013

**PROPOSAL:** A request to rezone five acres of land from Industrial to Light Commercial

**Applicant:** Sherwood Lane Development LLC

**Property Owner:** Sherwood Lane Development LLC

**Property Address:** 2500 Sherwood Lane

**Legal Description:** Lot 3, Block A, Sherwood Estates

**Parcel Code No.:** 4B1701100030

**Site Size:** 5 acres

**Zoning:** Industrial (I)

**Comprehensive Plan  
Land Use Designation:** Heavy Industrial

**Utilities:** City water and sewer

**Access:** Sherwood Lane

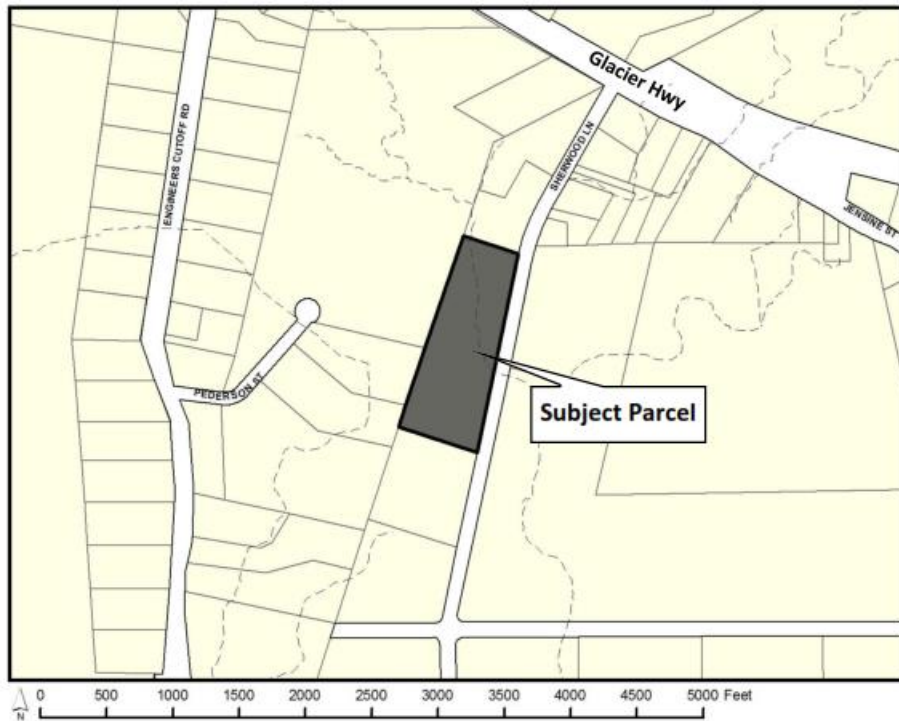
**Existing Land Use:** Contractor storage yard

**Surrounding Land Use:**

- North - Industrial, State DMV Office Building
- South - Industrial, vacant
- East - Industrial, CBJ Fire Training Center; and Industrial, vacant CBJ property
- West - D-3 (T) D-5 and D-1 (T) D-3 residential

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## **VICINITY MAP**



## **ATTACHMENTS**

|               |                                                                                                  |
|---------------|--------------------------------------------------------------------------------------------------|
| Attachment 1  | Application                                                                                      |
| Attachment 2  | Project Narrative                                                                                |
| Attachment 3  | Existing Conditions                                                                              |
| Attachment 4  | Proposed Site Plan                                                                               |
| Attachment 5  | Proposed Site Development                                                                        |
| Attachment 6  | Capital City Fire & Rescue 8-13-18 comment letter                                                |
| Attachment 7  | Capital City Fire & Rescue 8-27-18 comment email                                                 |
| Attachment 8  | Capital City Fire & Rescue 9-13-18 emails                                                        |
| Attachment 9  | Table of Permissible Uses with Industrial and Light Commercial zones highlighted                 |
| Attachment 10 | Saviers comment letter                                                                           |
| Attachment 11 | Alaska Department of Environmental Conservation correspondence                                   |
| Attachment 12 | July 20, 2012, memorandum to Assembly Lands Committee and July 23, 2012, Lands Committee minutes |

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## **INTRODUCTION**

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

## **PROPOSAL**

The applicant requests a rezone of five acres from Industrial to Light Commercial zoning at 2500 Sherwood Lane. The zone change is requested to “attain the highest and best use of the property” and to meet the applicant’s development goals for the property. These goals are to:

- Provide a buffer between the area’s residential and industrial zones;
- Continue to explore the potential for the property to help provide access from Sherwood Lane to the 22 acres of residential land directly to the west of the subject property;
- Provide land for development to fill the market demand in Juneau for commercial condominiums.

The applicant states that the real estate market has a proven demand for commercial condominium space with shop and/or storage space along with a well understood need for more residences and notes that the Light Commercial zoning district would allow for this. The applicant further explains that the subject property has been marketed for sale as industrial land for years with little interest (Attachment 2).

## **BACKGROUND**

The site is currently used as a contractor storage yard. The permit history for the site includes the following:

- USE2016-0016. Approved on June 15, 2016 - expired. *A Conditional Use Permit to establish an asphalt plant at an existing contractor storage and service yard for two construction seasons.*
- USE2004-0073. Approved on November 23, 2005. *An Allowable Use Permit for crushed rock stockpiles, heavy equipment storage, and a construction business office/shop.*
- USE2004-0072. Approved on October 12, 2005. *An Allowable Use Permit for a driveway in the Sherwood Lane right-of-way.*
- USE2004-0071. Withdrawn prior to the Planning Commission hearing. *A Conditional Use Permit application for a rock crusher.*

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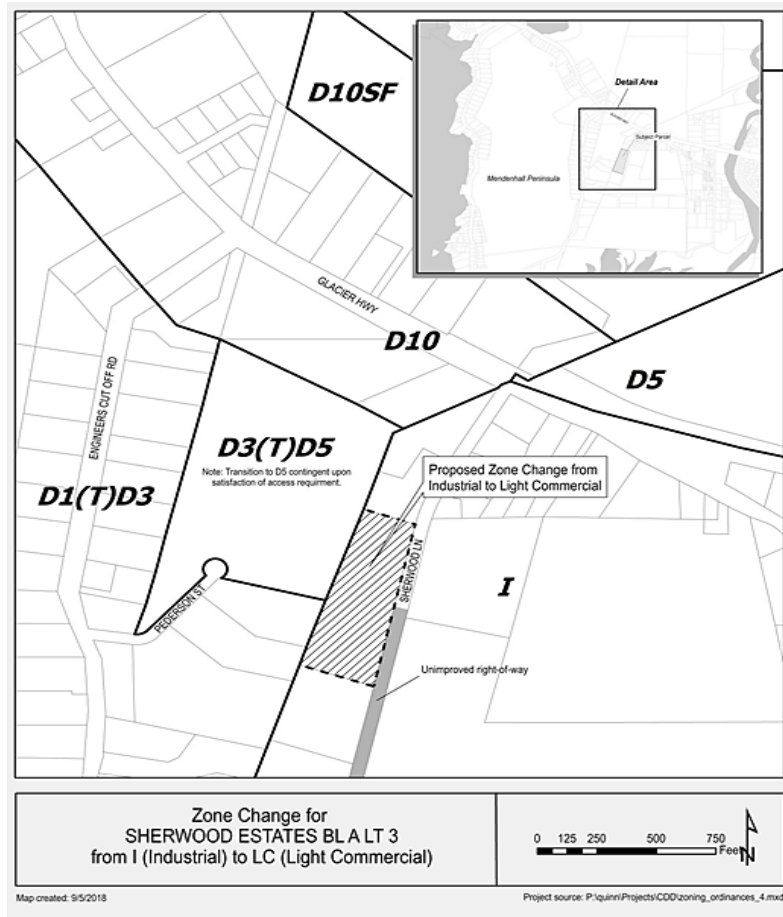
- CMR2004-0003. Approved on January 17, 2006. *Alaska Coastal Management Program review for discharge of 18,000 cubic yards of clean sand, rock, and gravel into 3.11 acres of wetlands for the construction of a construction yard.*

AME2016 0005, an adjacent rezone, may also be relevant to this proposal. AME2016 0005, approved on July 11, 2016, authorized a rezone from D-1 (T) D-3 to D-5 and D-1 (T) D-10 to D-1 to D-5, with a condition that:

*Prior to a transitional zone change to D-5, Pederson Street shall be improved to the standards required for streets as required by CBJ 49.35 Public Improvements, unless the Planning Commission determines alternative access meeting appropriate safety requirements equivalent or superior to the standards identified in CBJ 49.35 have been provided. The directors of the Community Development and Engineering and Public Works Departments shall provide a recommendation as to the adequacy of access under CBJ 49.35 to the Planning Commission.*

The AME2016 0005 property is shown in the map to the right, adjacent to the proposed rezone.

The applicant of this rezone request, Sherwood Lane LLC, has shown a possible access easement on the site plan that could potentially fulfill the access condition for AME2016 0005. This report does not evaluate the access easement shown on the proposed site plan, nor the “large shop commercial space with the potential of accessory living spaces” noted in the project narrative. The analysis and recommendation of the requested rezone is based on all potential development that could be permitted within the proposed zoning district for conformance with the Comprehensive Plan maps and the Land Use Code.



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### **Neighborhood Meeting and Agency Review**

A neighborhood meeting was held on September 12, 2018. No one from the public attended. An agency review period was conducted from August 6 through August 22, 2018. An additional meeting was held with the Community Development Department (CDD), the applicant, and Capital City Fire & Rescue on August 15, 2018. Public comments and agency comments are addressed in the Land Use Code section of this report.

### **ZONE CHANGE INITIATION**

CBJ 49.75.110. INITIATION. *A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.*

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

**Yes.** The application for the subject zone change was initiated by the property owner in July 2018.

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

**Yes.** A neighborhood meeting was held on September 12, 2018, with mailed notice to property owners within 1000 feet of the proposal. Notice was provided in the Juneau Empire's *Your Municipality* section on October 12 and October 22, 2018. A public notice sign was posted on the property, visible from the right-of-way, on Tuesday, October 9, 2018. An abutters notice was mailed to property owners within 1000 feet of the property on September 24, 2018.

### **RESTRICTIONS AND PROCEDURE**

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

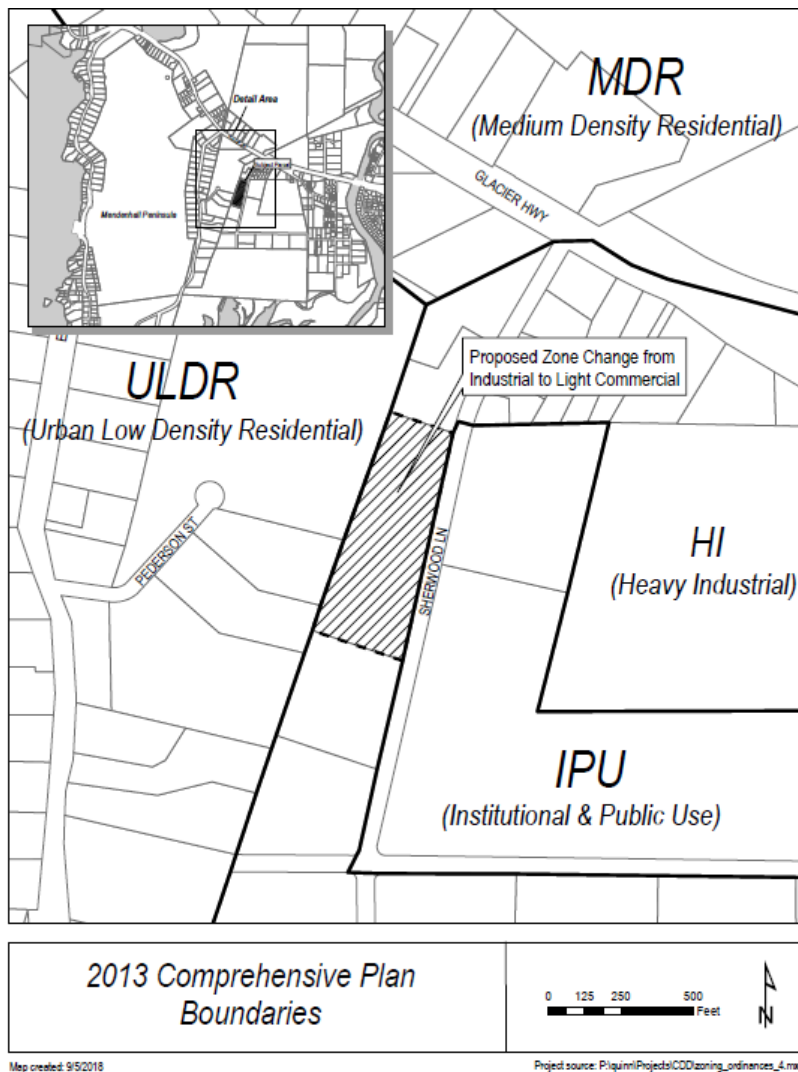
The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

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1. The request is for five acres, which exceeds the two acre minimum requirement.
2. No similar request has been made in the past year.

**COMPLIANCE WITH THE 2013 CITY AND BOROUGH OF JUNEAU COMPREHENSIVE PLAN**

Comprehensive Plan designations are shown in the map below:



In Chapter 11, Comprehensive Plan Land Use Maps, the following guidance is offered in regard to rezoning:

*In considering a re-zoning request, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the*

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*Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards (p.143).*

Chapter 1 of the Comprehensive Plan further supports the flexibility of the plan but emphasizes that said flexibility should be used when considering community growth, along with other current information. Specifically, the Plan states:

*Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. .... [The Plan] should...bring into focus sufficient information and data so that the best possible considered and objective judgments can be made, using the most current data available when the data in the Plan is out of date. [The Plan]....provides a logical, consistent, and purposeful approach to managing community growth and development (p. 1).*

In Chapter 18, Implementation and Administration, additional guidance is provided as follows:

*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 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. (Emphasis added)*

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When considering this request, it is important to understand what the Comprehensive Plan intends with land use designations. The Plan states that the descriptions should guide the development of Land Use Code zoning district permissible land uses, development standards and guidelines, and that the designations are intended to describe the overall character of development for each land use category. The Plan definitions are not intended to be firm or restrictive definitions. However, in contrast, zoning uses that are allowed outright, or allowed through a Conditional Use Permit, are firm and restrictive. The designations are to be used to guide the formation of zoning regulations. (Emphasis added) The land use designations and their allowed uses reflect cultural values and economic and societal needs, and over time, the Comprehensive Plan descriptions of land use categories will change to reflect changing values and circumstances (p. 144).

CBJ 49.75.120 partially incorporates those Comprehensive Plan policies and directs that, “A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the Comprehensive Plan.” Thus, the issue is whether this rezone request substantially conforms with the land use maps of the Comprehensive Plan.

“Substantial conformance with the land use maps of the Comprehensive Plan” means the proposed zoning district (Light Commercial) needs to substantially conform with the Comprehensive Plan land use map designation (Heavy Industrial). The term “substantial conformance” means that the proposed zoning district may deviate slightly from the Comprehensive Plan land use map designation but must be materially the same.

### **Comprehensive Plan Land Use Designations**

The rezone property is located in Subarea 3 of the 2013 Comprehensive Plan (Map F). The plan designates this property, as well as the lots north and south of the property, as HI, Heavy Industrial. Page 147 of the 2013 Comprehensive Plan describes HI as follows:

*Land to be developed for heavy industrial uses such as large scale food production and/or processing; large-scale or industrial-related repair activities; metal fabrication; wholesale trade; manufacturing processes; warehousing; outdoor storage; trucking; animal kennels; crematoria; repair and maintenance uses; resource extraction and processing such as gravel pits, rock crushing facilities, cement batch plants, asphalt plants, fuel tanks, stump dumps, salvage yards, landfill sites, aircraft facilities; and other similar large-scale or noisy and/or noxious industrial activities. Some recreational uses should be permitted, including sport vehicle, All Terrain Vehicle (ATV) or snowmobile motor-course facilities, shooting ranges, and other similar noise-generating uses. Residential, office, retail, and personal service uses are not to be allowed, except that residential caretaker facilities should be permitted.*

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The parcels immediately east and southeast of the subject parcel include the CBJ Fire Training Center and vacant CBJ property. These parcels are zoned Industrial, respectively, and are designated in the Comprehensive Plan as Institutional and Public Use (IPU). Page 146 of the 2013 Comprehensive Plan describes IPU as:

*Lands that are in public ownership and dedicated for a variety of public uses, such as the University of Alaska Southeast; local, state and federal governments uses; and for such public facilities as community gardens, schools, libraries, fire stations, treatment plants, and public sanitary landfills. Included are potential sites for future boar harbors, schools, parks, famers markets, publicly-supported arts events, permitted arts or food-service kiosks or sales activities, parking facilities and road and public transit system easements. Also included are public aircraft facilities. The public use so these lands will vary widely, so I\_U-designated lands can be under any zoning district, with the uses thereon appropriate for that zone as regulated in the Table of Permissible Uses (CBJ 49.25.300); the zone of any particular public uses should be the same district as the surrounding or abutting lands.*

Residential parcels west of the subject parcel are designated in the Comprehensive Plan as Urban Low Density Residential (ULDR). Page 147 of the 2013 Comprehensive Plan describes ULDR as:

*These lands are characterized by urban or suburban residential lands with detached single family-units, duplex, cottage or bungalow housing, zero-lot dwelling units and manufactured homes on permanent foundations at densities of one to six unties per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).*

The CBJ Land Use Code defines the proposed Light Commercial zoning district as follows:

*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 the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. (Emphasis added) 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 (49.25.230(a)).*

The proposed Light Commercial (LC) zoning district allows residential use at 30 units per acre, a 45-foot height limit, light manufacturing, and a broad range of commercial and retail uses. Most commercial uses in the LC zoning district require a Conditional Use Permit. Light Commercial

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uses will be addressed in detail in the Land Use Code section of this report. The Comprehensive Plan Heavy Industrial land use designation, in contrast, is not intended for residential use, except for caretaker units, and is not intended for typical commercial or retail businesses. Heavy Industrial is reserved for *large-scale or noisy and/or noxious industrial activities*.

“Large-scale or noisy and/or noxious industrial activities” described in the Heavy Industrial definition is not “materially the same” as “commercial development that is less intensive than that permitted in the general commercial district” described in the Light Commercial zoning district. However, Heavy Industrial also includes large scale food production and/or processing; large-scale or industrial-related repair activities; metal fabrication; wholesale trade; manufacturing processes; warehousing; outdoor storage; trucking; animal kennels; crematoria; repair and maintenance uses; resource extraction and processing such as gravel pits, rock crushing facilities, cement batch plants, asphalt plants, fuel tanks, stump dumps, salvage yards, landfill sites; aircraft facilities; and some recreational uses, although it excludes residential uses.

### **Comprehensive Plan Policies, Guidelines, and Considerations**

The language regarding substantial conformance was adopted into code with Ordinance 2012-31. Review of the July 2012 staff memo and Assembly Lands Committee minutes (Attachment 12) provides useful guidance regarding the intent of the ordinance change, which indicates that staff, the Commission, and the Assembly have considerably more discretion to base zone change findings on conformance with policies, as well as land use map designations.

The 2013 Juneau Comprehensive Plan contains many policies, implementing actions, and development guidelines that address industrial, commercial, and mixed-use developments relevant to the proposed rezone.

Policy 3.1 of the Comprehensive Plan states:

*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.*

Followed by Development Guideline 3.1-DG1:

*When considering rezoning applications of land located within the Urban Service Area from an industrial zoning district to a commercial, mixed use or residential district, ensure that there is an adequate supply of land suitable for manufacturing or heavy industrial use elsewhere in the Urban Service Area in an area that can provide heavy weight-carrying-capacity roads and sewers [see also 10.7 - DG2]. (Emphasis added)*

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**This guideline provides specific guidance regarding the proposed rezone from Industrial to Commercial.**

Development Guideline 10.7 DG2 describes the criteria for designating land as Heavy Industrial in the Comprehensive Plan. This guideline provides insight regarding why the subject property was designated Heavy Industrial when the Comprehensive Plan was written. 10.7 DG2 states:

*When designating land for heavy and light industrial uses on the Comprehensive Plan Land Use Maps and the Land Use Coe zoning maps, evaluate the sites based on the following criteria:*

- A. Physical site conditions. Industry needs flat, dry land with soils that can sustain heavy loads;*
- B. Access and capacity of adjacent streets with consideration for heavy-load-carrying capacity and wide turning radii to accommodate large truck turning movements.*
- C. Distance from sensitive receptors, such as homes, dust, fumes, odors and nighttime light glare; (Emphasis added)*
- D. Residential, retail, office, personal service and similar non-industrial uses should not be permitted within heavy industrial districts although light industry such as building contractors, repair services, storage yards, and similar business and household services would be compatible with heavy industrial uses; (Emphasis added)*
- E. In areas suitable for light industry but not for heavy industry due to proximity to sensitive receptors, retail, office, bars and restaurants, and personal services uses would be compatible uses; and (Emphasis added)*
- F. Residential uses, other than caretaker units, should be prohibited in industrial zones.*

These criteria illustrate the difficulty of finding suitable industrial properties within the Borough. The current situation also illustrates that Criteria C, D, and E have been undermined as residential, commercial and light industrial uses have populated the surrounding properties over the years. Comprehensive Plan Chapter Ten, pages 134-135, states that:

*Unfortunately, about half of the industrially-zoned lands within the Urban Service Area are or contain wetlands and are largely unsuitable for development. Unfortunately, too, the search for buildable lands conducted for the 2008 Plan Update identified very little potential industrial land suitable for development in the short-term; lands found to be suitable for development in the near future include current and former gravel extraction areas.*

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The above policies of the Comprehensive Plan articulate the need to maintain “sufficient and suitable land” for industrial uses. The only industrial property that has been added to the Borough since the 2008 Comprehensive Plan study was completed is the Honsinger Pond parcel near the airport. This rezone was conditionally approved subject to obtaining legal access from Maplesden Way (or other CBJ approved legal access).

The subject parcel is within the Urban Service Area Boundary, and is provided with public services, such as utilities. 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.*

In Chapter 5, Economic Development, the Comprehensive Plan discusses Commercial and Industrial Development. The plan states on page 57:

*Commercial and industrial activity requires sufficient and suitable land. Careful attention to the spatial requirements and locational considerations of potential uses is necessary to promote and maintain the local economy.*

As part of the 2008 update of this Plan, CBJ staff conducted a survey of all business types and found the following, which were still relevant and accurate in 2013:

1. *A need to expand the land available for retail and office uses, particularly in areas with high proximity to, and visibility from, major thoroughfares.*
2. *Industrially-zoned areas in Lemon Creek (near Costco) and near the airport have been encroached upon by non-industrial uses that have generated traffic congestion, higher land prices and lease rates, and commercial neighbors who are intolerant of the noise, odors, glare, dust, and other impacts of industry.*
3. *For industry to grow, including food processing and heavy material handling or manufacturing, a new industry-only zoning district category with parcels ranging in size from 5 to 20 acres each is needed at a location near utilities and heavy load-carrying capacity roads but distant from residential and general commercial uses.*

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Policy 5.10 of the Comprehensive Plan states:

*To designate sufficient and suitable land for anticipated commercial and industrial development as part of its overall economic development program.*

Policy 5.11 of the Comprehensive Plan states:

*To encourage the location and growth of locally-based basic sector industries that provide year-round, full-time employment and provide tax revenues that support public services.*

Followed by Development Guidelines and Implementing Actions:

**5.11 - DG1** *When requests are made to rezone industrially-zoned land to a non-industrial use district, assess and consider the impacts of the loss of this land for industry on Juneau's economy as a whole as well as on current needs for industrial land for expansion of existing industrial businesses.*

**5.11 – 1A4** *Create heavy industrial zoning areas appropriate for the basic industry sector, including fisheries, mining support services, forest products, and others.*

The applicant has stated that “the property has been marketed for sale as industrial for many years with very little interest.” Other industrial properties have been developed primarily with commercial uses. The Comprehensive Plan indicates a need for industrial properties and specifically notes a shortage of properties that meet the criteria for the Heavy Industrial designation. CBJ must plan for the future need for industrial land as well as current needs.

Policy 10.2 states:

*To allow flexibility and a wide range of creative solutions in residential and mixed use land development within the urban service area.*

Followed by Implementing Action:

**10.2 - IA3** *Seek the adoption of state and/or CBJ ordinances, regulations and operating procedures necessary to facilitate the redevelopment of underdeveloped properties, obsolete or substandard developments, or otherwise constrained or blighted lands located within the Urban Service Area for higher-density housing or mixed use projects, particularly those lands located within transit corridors that could provide affordable housing.*

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Comprehensive Plan Policy 10.4 states:

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. (Emphasis added)

Followed by Implementing Action:

**10.4 - IA2** *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.*

These policies generally support mixed-use development and could support Light Commercial zoning within the urban service area as a general policy. Additionally, housing is a concern and creating housing is a goal for the CBJ and the Comprehensive Plan. Light Commercial zoning provides for up to 30 units per acre. The proposed Light Commercial zoning on the subject property may create a buffer and potentially reduce conflicts between industrial uses and the adjacent residential area. The LC zoning could also increase conflicts with surrounding industrial properties, specifically the CBJ Fire Training Center. The policies quoted above state that consideration should be taken to minimize conflict between residential uses and industrial uses. Industrial uses create noise, odor and other impacts that have adverse effects on residential uses.

The applicant has stated that the proposed Light Commercial zoning could provide a buffer between the adjacent residential area and industrial areas. As noted in the background section, an adjacent property was recently approved for higher density zoning pending development of an alternative access. The potential buffering and screening would certainly take place if the subject property was developed for commercial uses. However, if the rezone is approved, any of the allowed or conditional uses could be developed with appropriate permits. To the northeast of the proposed rezone there are existing offices which are legally nonconforming. They were constructed in accordance with the zoning regulations of the time. If Light Commercial is to be considered, these parcels should be evaluated for rezoning as well. Rezoning would relieve their nonconforming status and extend the buffer between the residentially zoned property and the industrial zoned property. Additionally, new residential development in the Pederson Hill subdivision could increase the demand for Light Commercial services in the area.

Finally, the Comprehensive Plan promotes expansion of the Fire Training Center in the borough, in Policy 13.2:

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*To provide adequate and efficient fire protection and field emergency medical care for all. It is further the policy of the CBJ to maintain an incident response organization to effectively respond to large-scale events and disasters.*

**13.2 - SOP1** *Provide standardized training, procedures, equipment and response to all fire stations. Enhance training and provide equipment for volunteer teams.*

**13.2 - IA1** *Develop a plan through the appointed steering committee for the Southeast Regional Fire Training Center to provide extended training programs for Juneau and the southeast region.*

The Fire Training Center is one of only three in the country with its specific features and provides training 4-12 times per week during the summer months. The Capital City Fire Department is strongly opposed to the requested rezone because of concerns that the uses allowed in Light Commercial zoning will result in complaints about fire training center operations and force the center to change, reduce, or cease its training programs at this location. (Attachments 6, 7, 8) This issue will be addressed further in the Land Use Code section of this report.

In summary, the proposed rezone does not comply with specific development guidelines in the Comprehensive Plan (3.1 DG1 and 5.11 DG1) regarding the requirement to ensure an adequate supply of industrial land when evaluating rezones to change an industrial use district to a non-industrial use district. The requested rezone may compromise fire department training procedures at the Fire Training Center, which partially conflicts with Policies 10-4 and 13.2. The rezone to Light Commercial could potentially serve as a buffer between residential and industrial uses if additional parcels were added and if the properties were not developed for additional residential uses. This would comply with policies 10.2 and 10.4. In situations where there are competing or conflicting policies, the plan provides the following guidance: *That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if 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.*

## **2015 Juneau Economic Development Plan**

The 2015 Juneau Economic Development Plan is incorporated into the Comprehensive Plan in CBJ Code 49.05.200(b)(1)(N). The proposed rezone does not specifically address any of the eight economic development initiatives identified in the plan. However, the rezone indirectly addresses one of the economic development planning concepts and practices listed in Chapter Two, as follows:

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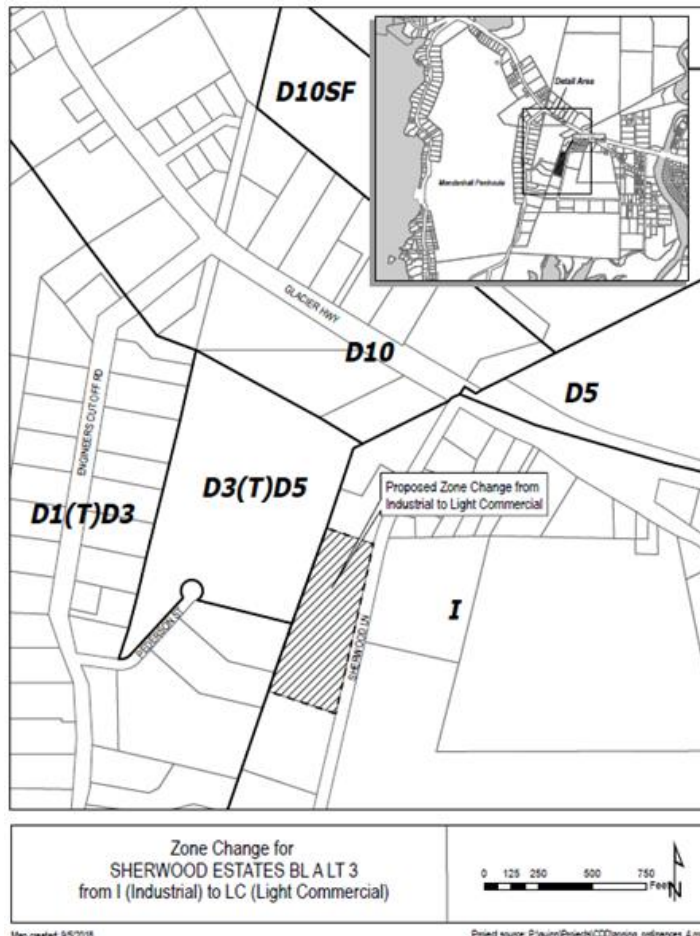
*Land availability - an adequate supply of appropriately zoned land is available for commerce and industry, as well as residential development. This includes access to the land needed to support commercial, industrial, and other development. This also includes zoning that supports neighborhood- based small business growth that creates jobs and provides services which area residents and the community need. This type of small business development and growth also supports quality of life and walkable mixed-use neighborhoods.*

The proposed rezone from Industrial to Light Commercial may create opportunities for small business growth and low impact commercial use. However, the proposed rezone would also remove five acres of Heavy Industrial property, which the Comprehensive Plan has identified as a public need.

### **COMPLIANCE WITH TITLE 49 LAND USE CODE**

The map, below, shows existing zoning in the area. The subject parcel is surrounded by Industrial zoning to the north, south, and east, and D-1 (T) D-3 and D-3 (T) D-5 residential zoning to the west. There is no Light Commercial or General Commercial zoning in the vicinity.

As noted earlier, the CBJ Land Use Code describes Light Commercial zoning as:



*The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district (49.25.230(a)).*

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Industrial zoning is defined as:

*The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing, and assembling goods. Because of noise, odors, waste, and other impacts inherent in industrial activity, performance standards are applied.*

### Agency Review

An agency review period was conducted from August 4, 2017, through August 25, 2017. Staff received the following comments:

- Alaska Electric Light & Power (AEL&P): "I don't see any issues from AELPs side with the zoning change."
- Alaska Department of Environmental Conservation: "The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with this re-zone application to change 5 acres from the Industrial zoning district to the Light Commercial zoning district at 2500 Sherwood Lane. We appreciate the adherence to the 50-foot stream setback noted in the applications and on the associated illustrations."
- CBJ Building Division: "Buildings has no issues with this application."
- CBJ Engineering and Public Works: "General Engineering has no issue with the rezone."
- CBJ Lands Division: "Lands does not object to this potential zoning designation. However, the Planning Commission should be aware that the Fire Training Center is nearby and occasionally the Fire Training Center is a high impact industrial use."
- CBJ Assessors Office: "The Assessor's office does not object to the zoning change, but questions the benefits of LC over I zoning in this location. The LC setbacks and structure heights are more restrictive and the property is surrounded by I zoning along Sherwood to the Glacier Highway Frontage. "
- Captial City Fire & Rescue: "CCFR has already expressed opposition to this change through Chief Etheridge's email a few weeks back and the proximity of our fire training center. I don't think our stance has changed," from Dan Jager, Fire Marshal.
- CCFR email from Chief Etheridge dated 7-17-18, from the zone change pre-application meeting notice: "CCFR's biggest concern is further restricting the use of the fire training center. The most current development has created problems where their buildings get covered in smoke, steam, water/foam spray. We started visiting the idea of rotating the use and moving more of the fire props to the other part of the property. This is however a multi-million dollar project with no current funding available. Without assurances new

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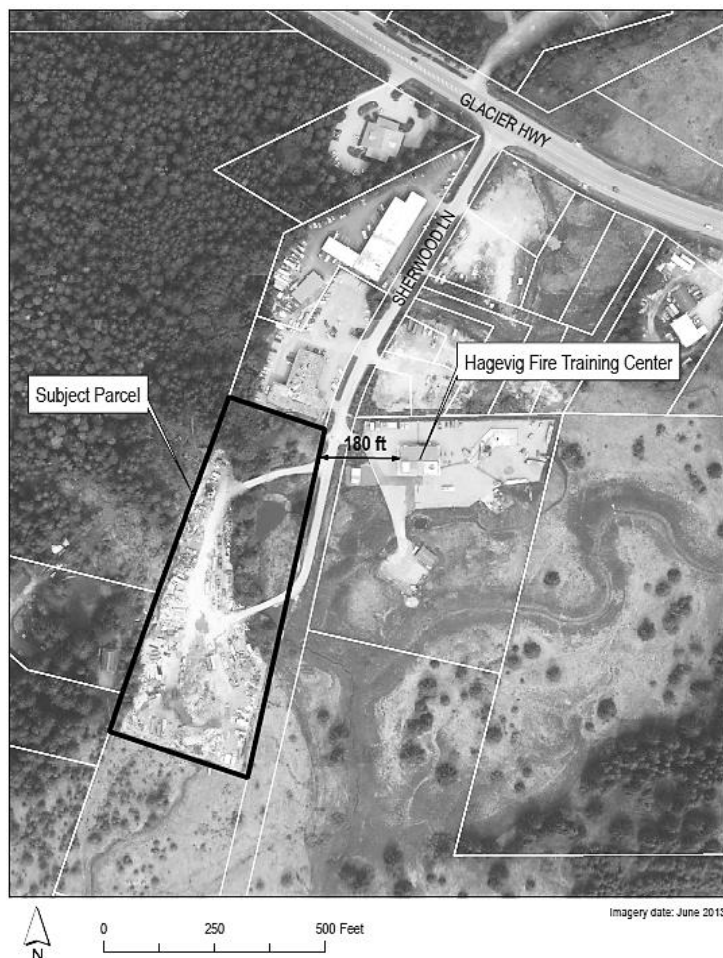
development won't further negatively impact the use of the facility, we are going to have to protest changes to zoning."

- CDD received two additional letters from the CCFR Assistant Fire Chief Tod Chambers, dated 8-13-18 and 8-27-18 and email correspondence dated 9-13-18 (Attachments 6-8)
- A meeting was held with CDD, the applicant, and the Capital City Fire & Rescue on August 15, 2018.

### Capital City Fire & Rescue Concerns

The CCFR has expressed strong opposition to the rezone due to potential constraints from surrounding property owners on the use of the CBJ Fire Training Station. CCFR has already significantly altered training procedures in response to complaints from adjacent property owners and is concerned that the change from Industrial to Light Commercial zoning will further compromise operations.

The map, below, indicates the location of the fire training center adjacent to the subject property.



CDD held a meeting with the applicant and the CCFR on August 15, 2018, however no conclusions were reached on how to resolve the issue. The applicant appreciates the fire department's concerns and has expressed a desire to develop solutions to the issue. However, even if an acceptable development proposal could be agreed upon, CDD cannot condition the rezone approval for specific uses and must evaluate all uses in the requested Light Commercial district. In addition, CDD cannot enforce private agreements and covenants and cannot otherwise prohibit public complaints about the fire training facility.

The CCFR's August 13, 2018, letter, signed by the Assistant Fire Chief, states, in part, the following:

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*The nature of the training necessary for first responders has an impact on the area surrounding the training center. Live fire training produces smoke, extinguisher training can release clouds of dry chemical agent, apparatus and equipment create noise. Training can be scheduled any day of the week and can last until 10:00 pm....[Further] development exposes more people to those impacts, and a real worry for CCFR is pressure from those property owners to cease use of the training center. Using the training center is vital to maintain qualifications and meeting regulatory requirements for the first responders in Juneau. It is also a regional facility available to Southeast communities to provide the opportunity to participate in training that requires infrastructure they do not have. Replacing the facility or moving it is not an option...and would be cost prohibitive. (Attachment 6)*

CDD requested additional information regarding how training center operations have been restricted due to complaints from adjacent property owners. The Assistant Fire Chief responded with a second comment letter dated August 27, 2018, and is excerpted as follows:

*Since the development of mixed-use building on the north side of the training center property we have had some complaints concerning noise, smoke, water spray, and dry-chemical extinguisher powder. There simply is not a simple solution for reducing these effects that using the training center has on its neighbors....In the past fuel-oil was used for this training, but we have switched over to propane to reduce the smoke and run-off contaminant hazard. The fuel-oil system has been capped off and we are working on removing the storage tanks....*

*We make everyone effort to minimize our impact on the community by using the cleanest materials possible for fire training, and by scheduling sessions at reasonable times. However a long-term solution of converting all of the props and training facility to propane is cost-prohibitive, and we must accommodate the real-life schedule of our volunteer members with training in the evenings and on weekends. We will continue to generate smoke from the facility, along with noise and the other items that generate complaints for the foreseeable future. It is for these reasons that I believe changing the zoning for the proposed development is the wrong decision. (Attachment 7)*

In email correspondence, CCFR Fire Chief Rich Etheridge explained that the training center is one of only three in the country with its specific features for specialized training. The facility trains the firefighting crews for most of the cruise ship companies in Alaska including Princess, Holland, and Disney. The classes occur 4 to 12 times a week during the summer months. Chief Etheridge concluded by saying:

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*This is a very valuable facility that trains a great number of emergency responders from not only across Alaska but from around the world. I would hate to see it made obsolete in my lifetime. (Attachment 8)*

The property north of the fire training center, whose owner complained, is zoned Industrial. Industrially-zoned property is therefore not a guarantee against complaints. Many uses allowed in industrial zones, such as retail, do not correspond to the Land Use Code definition of industrial zoning which describes activities such as “manufacturing, processing, repairing, and assembling goods” and activities creating “noise, odors, waste, and other impacts inherent in industrial activity.”

Nonetheless, property owners in industrial zones and adjacent to industrial zones may reasonably expect heavy industrial uses on these lands as intended, with associated noise and odor impacts. Adjacent high impact uses such as the Fire Training Center are to be expected in industrial zones and especially in areas designated as Heavy Industrial in the Comprehensive Plan.

Light Commercial zoning, in contrast, is intended to accommodate lower-intensity development adjacent to residential neighborhoods. The proposed Light Commercial zoning has the potential to allow 30 units per acre of residential housing next to the fire training center, in addition to many commercial and office uses. These uses may be incompatible with adjacent heavy industrial activities at the Fire Training Center and at other industrial properties in the area.

The parcels north of the subject lot are zoned industrial but include office uses that are normally prohibited in industrial zones. These uses are legally non-conforming because they were developed when offices were allowed in the industrial zone. Offices have not been allowed in the industrial zone since the 1987 code revision.

Additionally, the owner of the JCM Rentals office building, 2770 Sherwood Lane, appealed the approval of the temporary asphalt plant use at the subject property, USE2016-0016. Although the Planning Commission’s decision was upheld, the appeal provides an example of the conflicts that may occur when commercial and residential development is located next to industrial areas.

### **Alaska Department of Environmental Conservation**

Staff solicited additional feedback from the Alaska Department of Environmental Conservation (ADEC) to determine if new structures proposed under a Light Commercial zoning district would prohibit ADEC from issuing necessary permits for operation of the Fire Training Center. For example, ADEC cannot issue a permit for an asphalt plant if it is located within a certain distance of a residential building. ADEC confirmed that Fire Training Center uses would not be

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prohibited if residences or offices were located near the center, noting that the ADEC permit requires CBJ to notify adjacent property owners when there is a scheduled burn. ADEC correspondence is included in Attachment 11.

## **DISCUSSION**

The purposes of Title 49 are provided below.

- (1) To achieve the goals and objectives, and implement the policies, of the Juneau Comprehensive Plan, and Coastal Management Program;*
- (2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*
- (3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*
- (4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- (5) To provide adequate open space for light and air; and*
- (6) To recognize the economic value of land and encourage its proper and beneficial use.*

These six purpose statements are implemented by the establishment of zoning districts, which determine types of allowed and prohibited land uses, densities, housing types, commercial uses, parking, etc. The requested Light Commercial zoning allows for types of uses and densities some of which are not supported by the Heavy Industrial land use designation.

## **Uses in the Industrial and Light Commercial Zoning Districts**

The subject property is located at the end of Sherwood Lane. The State of Alaska DMV Office building is located immediately north of the subject property in the Industrial zoning district. As discussed, the office building is a legally non-conforming use. Offices are not allowed in the Industrial zoning district under current code. Residential properties lie to the west, while the CCFR Fire Training Center and vacant CBJ industrial land lie to the east and southeast.

The applicant states that the proposed Light Commercial zoning district would provide a buffer between the residential and industrial areas. The applicant further states that "having heavy industrial uses directly bordering residential land is ineffective land use and diminishes the value of both." (Attachment 2)

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Impacts to adjacent properties may depend on how the site is developed, and specific development cannot be required through the rezone process. Promoting the highest density use of the property in Light Commercial, for example, could allow commercial development and up to 30 residential units per acre, with a height limit of 45 feet. In addition, uses allowed in the Light Commercial zone may create conflicts with adjacent industrial uses, specifically the CCFR Fire Training Center. However, a different development plan under Light Commercial zoning could potentially serve as a buffer between the adjacent residential neighborhood and industrial properties. Additionally, expanding the Light Commercial zone to include the existing offices on Sherwood Lane could alleviate the nonconforming situation. Currently, in the Light Commercial zone a development of more than 12 residential units requires an approved Conditional Use Permit. This could provide the opportunity for buffers and screening from Industrial zoned land.

The table on the following page illustrates a variety of uses that might be permitted in the current Industrial zoning district, as well as the proposed Light Commercial zoning district. This table does not include all uses that may be permitted in these zoning districts. The full Table of Permissible Uses, CBJ Code 49.25.300, has been attached for reference with these zoning districts highlighted (Attachment 9).

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### A Sample of Permissible Uses in the Industrial and Light Commercial zones

|                               | Industrial (I) | Light Commercial (LC) |
|-------------------------------|----------------|-----------------------|
| Duplex                        |                | 1                     |
| Multifamily dwellings         |                | 1                     |
| Hotel                         |                | 1, 3                  |
| Light manufacturing           | 1,3            | 1, 3                  |
| Medium manufacturing          | 1,3            |                       |
| Heavy manufacturing           | 3              |                       |
| Restaurant/bar                | 3              | 1                     |
| Restaurant with drive-through | 3              | 1,3                   |
| General Retail                | 3              | 1                     |
| Marijuana Retail              | 3              | 3                     |
| Marijuana Cultivation         | 3              | 3                     |
| Gas station                   | 1              | 3                     |
| Motor vehicle sales           | 1,3            | 1,3                   |
| Veterinary clinic             | 1              | 3                     |
| Commercial greenhouse         | 3              | 1, 3                  |
| Health care clinic            |                | 1,3                   |
| Outdoor storage               | 1              | 3                     |

Blank space - Use not allowed

1 – Allowed with a building permit

3 – Allowed with an approved Conditional Use Permit

The table illustrates that many uses, including retail, are allowed in both zoning districts. However, the Industrial district emphasizes more intensive uses such as medium and heavy

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manufacturing, which are not allowed in a Light Commercial district. The Industrial district does not allow residential use except as caretaker units as an accessory use, while Light Commercial allows residential uses through the building permit process as well as through the Conditional Use Permit process for developments of 13 dwelling units or more.

The industrial zone is the only zoning district that allows heavy manufacturing, through the Conditional Use Permit process, without further constraints imposed by the Table of Permissible Uses. Specifically, Heavy Manufacturing may be allowed in the Rural Reserve zone, but only if the proposed use meets the criteria of Note T in the Table of Permissible Uses, which states, *Must be associated with a unique site specific features in order to function. Example: Glacier research station – Juneau Icefield location.*

Heavy manufacturing may also be located in the D-1 zoning district with an approved Conditional Use Permit but only if the proposed use meets the criteria of Note Q in the Table of Permissible Uses, which states, *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....*

The Industrial zoning district is the only district that allows heavy manufacturing without pre-existing restraints that typically stop developments from even reaching the Planning Commission for public review. If the property, in combination with other properties, was developed solely for commercial use without residential, it could potentially serve as a buffer zone between residential and industrial uses. However, the Light Commercial allowance of 30 units per acre of residential density directly adjacent to industrial uses may create unavoidable conflicts and result in excessive restrictions on limited industrial properties. There is no mechanism through the rezoning process that can restrict this use of the property differently than other LC zoned property. Residential development cannot be prohibited.

The Industrial district's primary distinction from the Light Commercial district is that it does not allow residential uses, other than the caretaker unit. In addition, industrial uses are heavy uses that often generate impacts, such as noise and odors that have a great adverse effect on residential uses.

Because of possible conflicts with surrounding industrial uses, staff concludes that the proposed rezone does not conform with the Land Use Code.

### **PUBLIC COMMENTS**

A neighborhood meeting was held on September 12, 2018, following written public notice to property owners within 1000 feet of the subject property. No one from the public attended the meeting.

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At this writing, one comment has been received from a resident in the area. (Attachment 10)  
The commenter stated:

*Hi. I would like to comment on the proposal first that written correspondence should be given all engineers cutoff and mendenhall peninsula households to comment on. That a written post be placed on the road with the proposal as it will affect...animal life. viewplanes. add additional traffic in the area. and the buffer is inadequate to other projects and finally that Pedersen road on engineers cutoff has been suggested as a possible builders road to access and use for future residents. The road and traffic cannot withstand this. Please look at this. It is also noteworthy that engineers cutoff cannot obtain city sewer nor is allowed to be redesignated and tjis will devalue our properties. Thanks Bob saviers*

### **ZONE CHANGE OPTIONS AND ALTERNATIVES**

The applicant has requested to have five acres rezoned from Industrial to Light Commercial.

Options are to approve the request as submitted, deny the request as submitted, or recommend an alternative to the Assembly.

### **FINDINGS**

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

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code, as the application was submitted timely, is not similar to a request made in the previous two years, and is greater than 2 acres.
2. Based on the preceding analysis, rezoning five acres from the Industrial to the Light Commercial zoning complies in part with the policies and guidelines of the Comprehensive Plan and does not substantially conform to the land use maps of the Comprehensive Plan, and is inconsistent with Map F.
3. The rezoning is larger than 2 acres.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **DENY** the proposed rezone request to change five acres from Industrial to Light Commercial, located at 2500 Sherwood Lane.

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If the Commission makes findings that rezoning to Light Commercial is in substantial conformance with the maps and policies of the comprehensive plan, staff recommends that additional properties be evaluated as well. Staff would contact the property owners and public notice, a staff analysis, and a Commission hearing would be required.



# DEVELOPMENT PERMIT APPLICATION

**NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.**

|                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                |                                       |                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------------|
| To be completed by Applicant                                                                                                                                                                                                                                                                                                                                                                                                           | <b>PROPERTY LOCATION</b>                                                                                                                                                       |                                       |                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                        | Physical Address<br>2500 Sherwood Lane, Juneau, AK 99801                                                                                                                       |                                       |                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                        | Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)<br>Sherwood Estates BL A LT 3                                                                                    |                                       |                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                        | Parcel Number(s)<br>4B1701100030                                                                                                                                               |                                       |                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> This property located in the downtown historic district<br><input type="checkbox"/> This property located in a mapped hazard area, if so, which _____ |                                       |                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>LANDOWNER/ LESSEE</b>                                                                                                                                                       |                                       |                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                        | Property Owner<br>Sherwood Lane Development LLC                                                                                                                                | Contact Person<br>Jesse Pollard       | Phone Number(s)<br><br>907.723.7777 - 907.789.2092 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                        | Mailing Address<br>PO Box 32811 Juneau, AK 99803                                                                                                                               |                                       |                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                        | E-mail Address                                                                                                                                                                 |                                       |                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>LANDOWNER/ LESSEE CONSENT</b> 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:<br>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.<br>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>FRED POLLARD PARTNER</u><br>Landowner/Lessee Signature                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                | <u>7/30/18</u><br>Date                |                                                    |
| X _____<br>Landowner/Lessee Signature                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                | _____<br>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.                                                                                                               |                                                                                                                                                                                |                                       |                                                    |
| <b>APPLICANT</b> If the same as OWNER, write "SAME"                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                |                                       |                                                    |
| Applicant same                                                                                                                                                                                                                                                                                                                                                                                                                         | Contact Person                                                                                                                                                                 | Phone Number(s)                       |                                                    |
| Mailing Address                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                |                                       |                                                    |
| E-mail Address                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                |                                       |                                                    |
| X <u>JESE AVIARA</u><br>Applicant's Signature                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                | <u>7/30/18</u><br>Date of Application |                                                    |

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



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

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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

Attachment A - Application E 18-015

|                          |
|--------------------------|
| Intake Initials<br>      |
| Case Number<br>E 18-015  |
| Date Received<br>7/30/18 |



# ZONE CHANGE APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

**NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.**

To be completed by Applicant

## PROJECT SUMMARY

Zone change of 5 acre parcel to allow a commercial condominium development with potential accessory residential use.

## IS THIS AN EXPANSION OF AN EXISTING ZONE?

☐ Yes ☒ No

Total Land Area of Proposed Change 5 acres

Comprehensive Plan Land Use Designation heavy industrial (HI)

Current Zone(s) industrial (I)

Comprehensive Plan Map Letter F

New Zone Requested light commercial (LC)

## TYPE OF ZONE CHANGE REQUESTED

☒ Regular ☐ Transition

## Has this or a similar zone change been requested in the previous 12 months?

☐ Yes Case # \_\_\_\_\_ ☒ No

## UTILITIES AVAILABLE

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

## ALL REQUIRED MATERIALS ATTACHED

- ☒ Complete application
- ☒ Pre-Application Conference notes *on 1 drive*
- ☒ Narrative including:
  - ☒ Purpose of the requested zone change
  - ☒ Any potential impacts to public infrastructure (streets, water, & sewer)
  - ☒ How the requested zone change comply with the maps and policies of the Comprehensive Plan
- ☒ Site Plan and/or map of proposed zone change (details on reverse side)

DEPARTMENT USE ONLY BELOW THIS LINE

| ZONE CHANGE FEES       | Fees                 | Check No.            | Receipt              | Date |
|------------------------|----------------------|----------------------|----------------------|------|
| Application Fees       | \$ <u>600.00</u>     |                      |                      |      |
| Admin. of Guarantee    | \$ _____             |                      |                      |      |
| Adjustment             | \$ _____             |                      |                      |      |
| Pub. Not. Sign Fee     | \$ <u>50</u>         |                      |                      |      |
| Pub. Not. Sign Deposit | \$ <u>100</u>        |                      |                      |      |
| <b>Total Fee</b>       | <b>\$ <u>750</u></b> | <b><u>09260A</u></b> | <b><u>155556</u></b> |      |



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

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

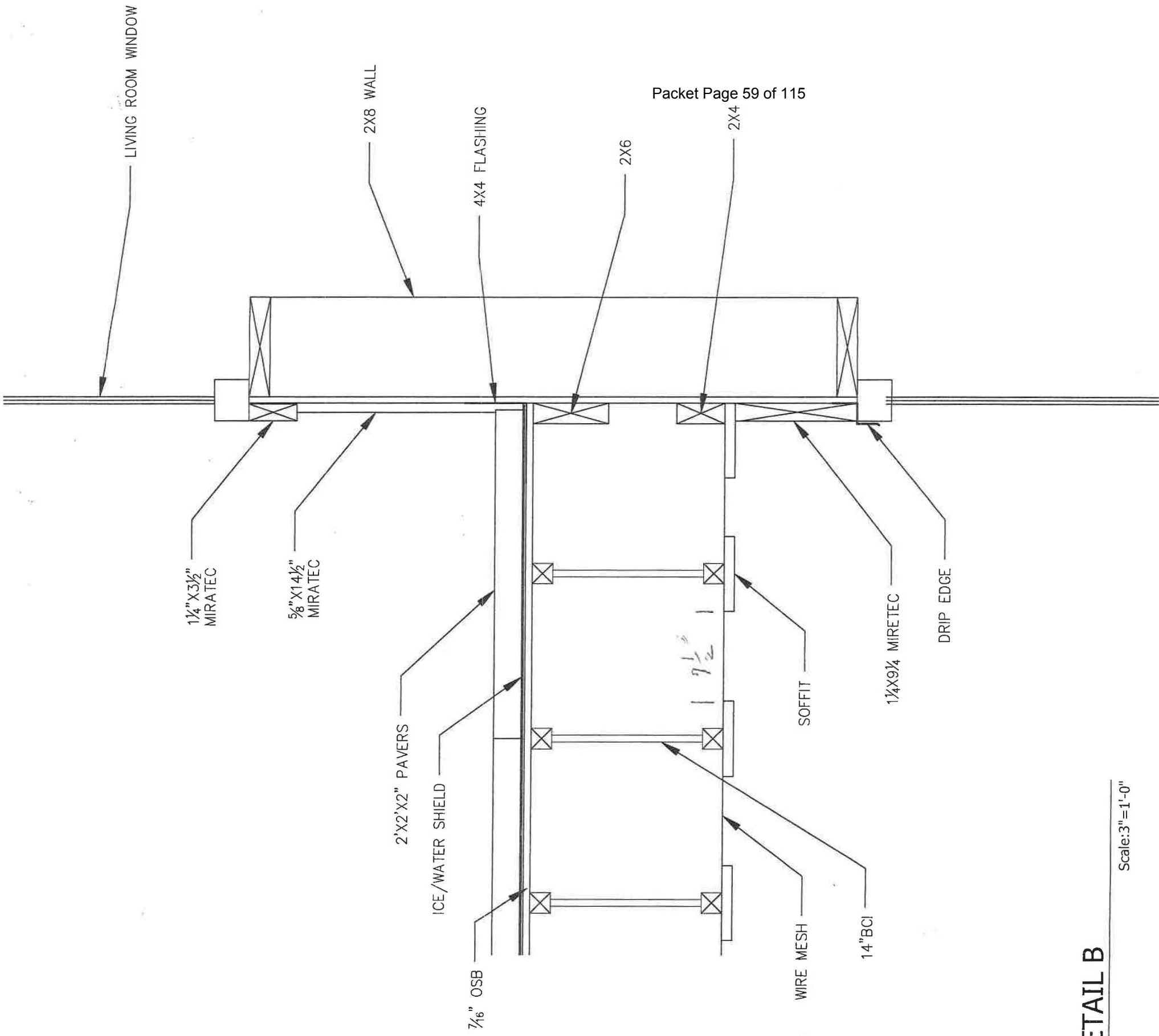
For assistance filling out this form, contact the Permit Center at 586-0770.

Attachment A - Application 18-013

Case Number

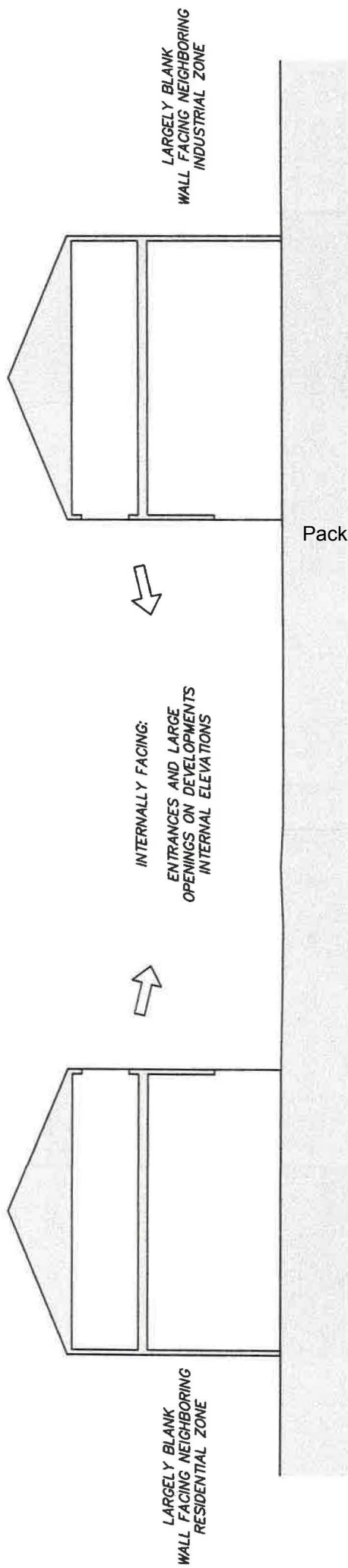
Date Received

7/30/18  
AL



DETAIL B

Scale: 3" = 1'-0"



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SITE SECTION A - A

7.29.2018      SCALE: 1:30      SHEET : 4 of 4

TO: CBJ Community Development Department

DATE: July 30, 2018

Project: 2500 Sherwood Lane, Juneau, Alaska

Subject: **Rezone Application Narrative**

### **Purpose of Zone Change**

Sherwood Lane Development LLC (SLD) wishes to rezone the five acre parcel at 2500 Sherwood Lane, Juneau, AK from its current zoning of Industrial (I) to Light Commercial (LC). The purpose of this requested zone change is to convert the parcel into a land use that best suites the area in which it is located, attains the highest and best use of the land, and meets SLD's development goals for the property.

The subject parcel has been marketed for sale as industrial land for multiple years with very little interest and lack of feasible offers from potential purchasers. This indicates to SLD a low viability for the land in its current industrial use. Factors for this are:

- Proximity to current and future residences.
- Other parcels on Sherwood Lane being used in a more office /commercial manner than industrial.
- Having an anadromous fish spawning stream located on the property. Which complicates its use as industrial land.

SLD has identified a number of goals for the property that a rezoning would significantly support. These goals are:

- Provide a buffer between the areas residential and industrial zones.
- Continue to explore the potential for the property to help provide access from Sherwood Lane to the 22 acres of residential land directly to the west of the subject property.
- Provide land for development to fill the market demand in Juneau for commercial condominiums.

Light commercial zoned land by definition is typically located adjacent to residential areas and provides a buffer from residences and more intensive land uses. This is an ideal application for that land use strategy. The residential land that borders all of the west boundary of the subject parcel is currently zoned (D1(T)D3) and has a comprehensive plan designation as Urban Low Density Residential (ULDR). Having heavy industrial uses directly bordering residential land is ineffective land use and diminishes the value of both.

To further the residential discussion, SLD's goal of potentially providing access for neighboring property to Sherwood Lane and helping open up residential land for development has greater potential if the residential access is not going through industrial land.

The Juneau real estate market has proven demand for commercial condominium space with shop and/or storage space along with a well understood need for more residences. SLD's vision for development on this property of large shop commercial space with the potential of accessory living spaces provides for these market needs. A light commercial zoning would allow for this.



### **Potential Impacts to Public Infrastructure**

There are not any major impacts to public infrastructure. Most of the impacts with this change would be positive such as the potential for less heavy truck traffic, less noise, etc. The traffic impacts would not rise to warrant a signal at Glacier Highway and Sherwood Lane. Sewer and water utilities would be extended to service the lot.

### **Compliance with the Comprehensive Plan**

The subject property has a Comprehensive Plan designation of Heavy Industrial (HI).

A stated goal of the Comp. Plan is to retain industrial land. As stated above it is SLD's understanding and experience that the industrial viability of this land is questionable. This is further bore out in neighboring parcels, 4B1701100021 and 4B1701100011 which current use would be described as commercial even though situated on industrial land.

In Chapter 13 of the 2013 Comprehensive Plan it is noted some commercial and industrial developments are sometimes found in clusters within suburban areas. The plan states those areas provide land areas that serve as buffer zones between their operations and adjacent residential uses.

It is also a stated goal of the Comp. Plan to facilitate further residential development. It is SLD's desire to provide potential residential use if allowed to proceed with this zone change and subsequent further development. With the adjacent residential zoning this location makes a good fit for potential residential use from a land use perspective.

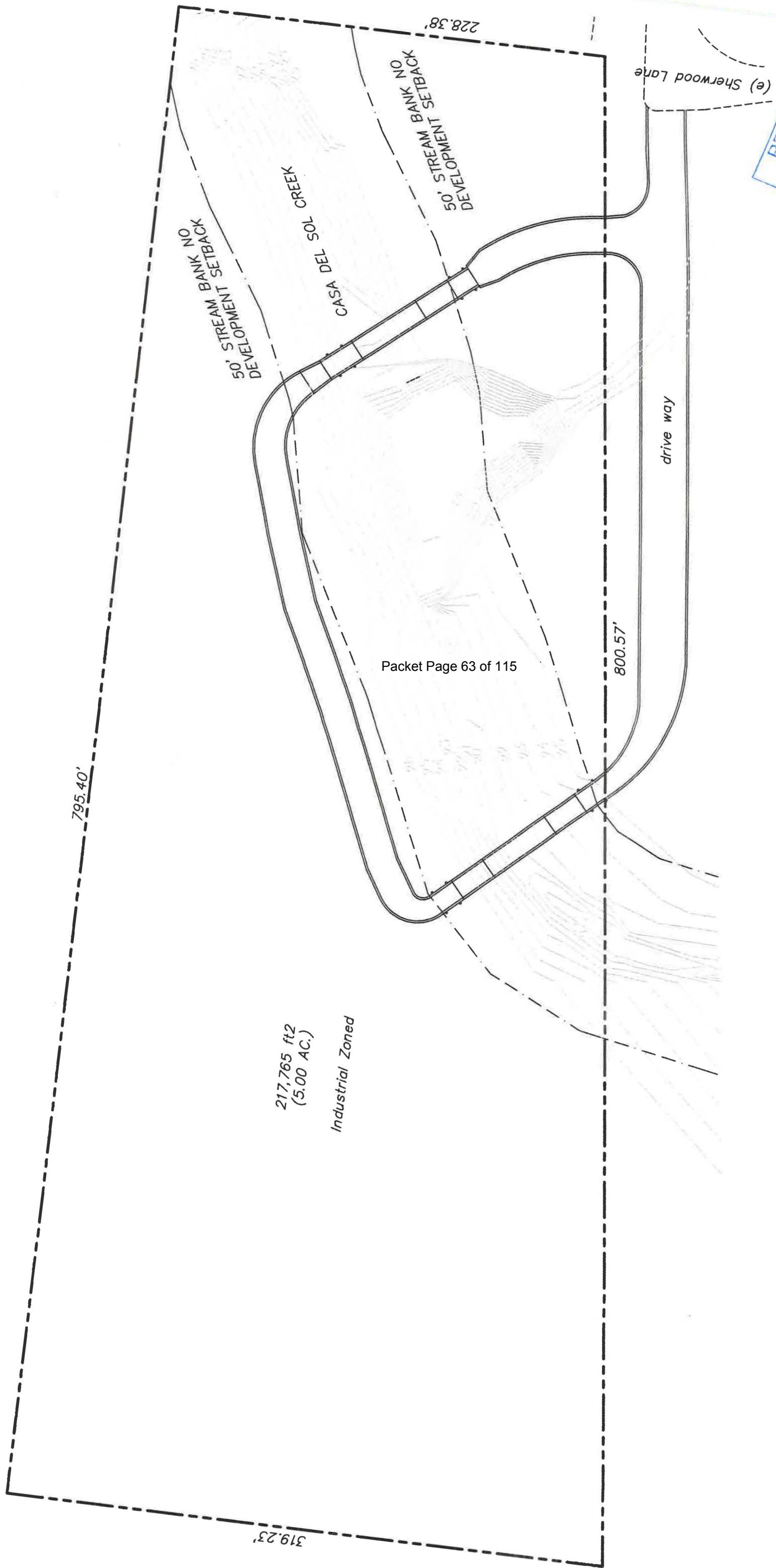
### **Fire Training Center**

It is SLD's understanding that the Fire Training Center (CCFR) has experienced issues with new development in the Sherwood Lane area and has stated concern over this proposed rezone.

SLD is sympathetic and understands the concerns of CCFR, as well as respects the important role it has in the larger community. SLD is eager to work with CCFR and start a conversation on ways to mitigate any issues and provide assurances against any impacts on their faculty.

Further it is SLD's stance that any issues CCFR has experienced with new development is largely due to that developments close proximity the training grounds. The subject property is much further away and on the opposite side away from these training grounds.





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RECEIVED  
JUL 30 2018  
PERMIT CENTER/CDD

**EXISTING CONDITION**

7.29.2018

SCALE: 1:50

SHEET : 1 of 4



NEIGHBORING RESIDENTIAL ZONE

Possible  
access easement  
to vacant residential  
parcel 4B1701130020

795.40'

(n) drive way extinction

217,765 ft<sup>2</sup>  
(5.00 AC.)

Proposed Light Commercial Zoned

319.23'

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800.57'

(e) drive way

50' STREAM BANK NO  
DEVELOPMENT SETBACK

CASA DEL SOL CREEK

50' STREAM BANK NO  
DEVELOPMENT SETBACK

228.38'



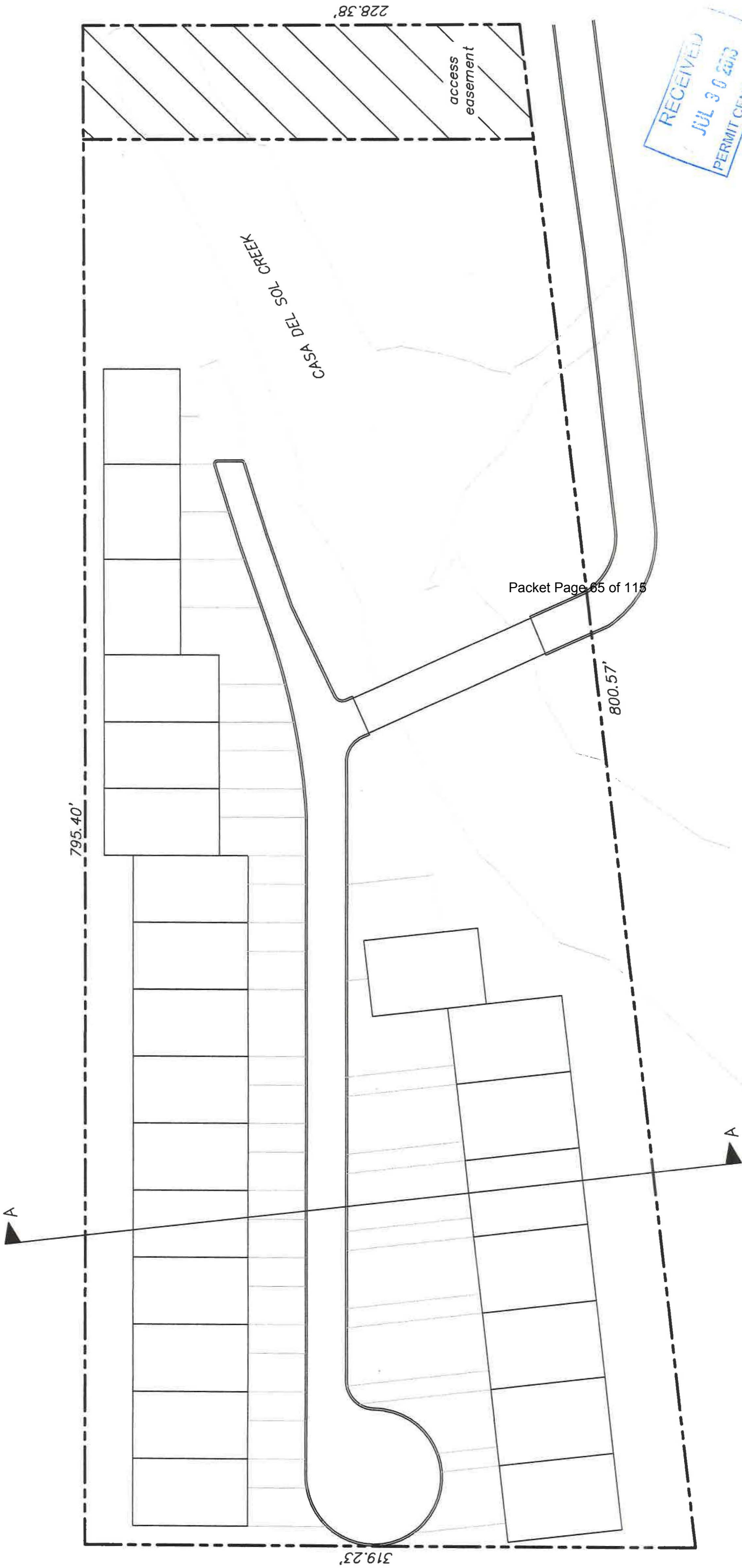
PROPOSED SITE PLAN

7.29.2018

SCALE: 1:50

SHEET : 2 of 4





Attachment 5 - Proposed Site Development

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PROPOSED SITE DEVELOPMENT

7.29.2018 SCALE: 1:50 SHEET : 3 of 4





820 Glacier Ave., Juneau, AK 99801  
Telephone (907) 586-5322  
Fax (907) 586-8323

Teri Camery, Senior Planner  
City and Borough of Juneau  
Community Development Department  
155 S. Seward  
Juneau, AK 99801

August 13, 2018

Dear Teri,

In response to the application submitted by Sherwood Lane Development LLC I would like to enter my concerns regarding the request to change the zoning property listed in the application.

Capital City Fire Rescue operates the Hagevig Regional Fire Training Center located at 2601 Sherwood Lane. The training center is owned and maintained by the City and Borough of Juneau. It has consistent use from multiple user groups to conduct emergency response training for fire, rescue, EMS, law enforcement, and natural disaster operations. There are a variety of user groups including CCFR, CERT, JPD, the State of Alaska, and private and non-profit organizations.

The nature of the training necessary for first responders has an impact on the area surrounding the training center. Live fire training produces smoke, extinguisher training can release clouds of dry chemical agent, apparatus and equipment create noise. Training can be scheduled on any day of the week and can last until 10:00pm.

The recent construction of buildings near the training center was less than optimal; there is simply no effective way to mitigate all of the impacts produced. Increasing the number of properties through further development exposes more people to those impacts, and a real worry for CCFR is pressure from those property owners to cease use of the training center.

Using the training center is vital to maintain qualifications and meeting regulatory requirements for the first responders in Juneau. It is also a regional facility available to Southeast communities to provide the opportunity to participate in training that requires infrastructure they do not have. Replacing the facility or moving it is not an option under consideration at this time, and would be cost prohibitive.

I urge CDD to closely examine all of the effects that this approving this application can have on the community, and to include the impacts on the first responders as well. Please feel free to contact me if any further information on the training center is desired.

Sincerely,

A handwritten signature in black ink, appearing to read "Tod Chambers".

Tod Chambers  
Assistant Fire Chief

**From:** [Tod Chambers](#)  
**To:** [Teri Camery](#)  
**Cc:** [Dan Jager](#); [Sven Pearson](#); [Rich Etheridge](#)  
**Subject:** HAgevig Regional Fire Training Center - Changes and Concerns  
**Date:** Monday, August 27, 2018 9:47:21 AM

---

Hi Teri,

My apologies for the tardiness in follow-through; Dan had asked me to reply and I let it fall off my radar.

Since the development of mixed-use buildings on the north side of the training center property we have had some complaints concerning noise, smoke, water spray, and dry-chemical extinguisher powder. There simply is not a simple solution for reducing these effects that using the training center has on its neighbors.

The training areas are static, in particular the outdoor pit area that is used for aircraft-rescue firefighting (ARFF) and industrial fire training. Those props are plumbed in to fuel supplies and have a diked area with drains to capture run-off. In the past fuel-oil was used for this training, but we have switched over to propane to reduce the smoke and run-off contaminant hazard. The fuel-oil system has been capped off and we are working on removing the storage tanks. In all other areas we use wood, paper, and cardboard for live fire training.

We make every effort to minimize our impact on the community by using the cleanest materials possible for fire training, and by scheduling sessions at reasonable times. However a long-term solution of converting all of the props and training facility to propane is cost-prohibitive, and we must accommodate the real-life schedule of our volunteer members with training in the evenings and on weekends. We will continue to generate smoke from the facility, along with noise and the other items that generate complaints for the foreseeable future. It is for these reasons that I believe changing the zoning for the proposed development is the wrong decision.

Respectfully,

***Tod Chambers***

**Assistant Chief**

**Capital City Fire Rescue**

820 Glacier Ave.

Juneau, AK 99801

907-586-5322 Main

907-586-0918 Direct

[Tod.Chambers@juneau.org](mailto:Tod.Chambers@juneau.org)

*Readiness, Dedication, Service*



**From:** [Teri Camery](#)  
**To:** [Teri Camery](#)  
**Subject:** Fire Training Center correspondence  
**Date:** Thursday, September 13, 2018 11:53:56 AM

---

**Teri Camery | Senior Planner**

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Office: 907.586.0755



---

**From:** Rich Etheridge  
**Sent:** Thursday, September 13, 2018 11:50 AM  
**To:** Teri Camery  
**Subject:** RE: question on Fire Training Center

Let me know if you need anything else. This is a very valuable facility that trains a great number of emergency responders from not only across Alaska but from around the world. I would hate to see it made obsolete in my lifetime.

---

**From:** Teri Camery  
**Sent:** Thursday, September 13, 2018 11:49 AM  
**To:** Rich Etheridge; Dan Jager; Tod Chambers  
**Subject:** RE: question on Fire Training Center

Thank you so much. That's just what I needed and I will add this information to the staff report.

**Teri Camery | Senior Planner**

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Office: 907.586.0755



---

**From:** Rich Etheridge  
**Sent:** Thursday, September 13, 2018 11:47 AM  
**To:** Teri Camery; Dan Jager; Tod Chambers  
**Subject:** RE: question on Fire Training Center

The training center is one of three designed like this in the country. Florida and Boston both have private facilities for marine firefighter training. Juneau Alaska is the only one on the West Coast that is publicly owned. The last one we are aware of for specialized training like this is in Warsach England.

The facility trains the firefighting crews for most of the cruise ship companies in Alaska, Princess, Holland, Disney. The Classes occur at least 4 to 12 times a week during the summer months. Firefighters are able to fight live fires in the simulated ship with reals tools and situations.

This generates smoke from the training as well as the diesel engine running for the fire pump. These classes have been going on for the last 25+ years. Revenue from these classes fund fire training across Alaska for municipal and village fire departments.

---

**From:** Teri Camery  
**Sent:** Thursday, September 13, 2018 11:41 AM  
**To:** Dan Jager; Tod Chambers; Rich Etheridge  
**Subject:** question on Fire Training Center

Hi there,

I am working on my staff report regarding the Sherwood Lane rezone to Light Commercial, and I am making a recommendation of denial based on the Heavy Industrial designation in the Comprehensive Plan and also because of the fire department's concerns.

Laurel Bruggeman recalled that at the pre-application meeting she heard that the fire training center is one of only two in the world. Is that correct, and if so, could you elaborate please, so I can include that information in my staff report?

Thanks very much,  
Teri

**Teri Camery | Senior Planner**

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Office: 907.586.0755

TABLE OF PERMISSIBLE USES - CBJ [49.25.300](#)

|       |                                                                                                                                                                                   | Zones   |         |         |         |                |                |          |         |         |      |      |      |                |                |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------|---------|---------|----------------|----------------|----------|---------|---------|------|------|------|----------------|----------------|
|       | Use Description                                                                                                                                                                   | RR      | D-<br>1 | D-<br>3 | D-<br>5 | D-<br>10<br>SF | D-<br>10<br>15 | D-<br>18 | LC      | GC      | MU   | MU2  | WC   | WI             | I              |
| 1.000 | RESIDENTIAL                                                                                                                                                                       |         |         |         |         |                |                |          |         |         |      |      |      |                |                |
| 1.100 | Single-family dwellings                                                                                                                                                           |         |         |         |         |                |                |          |         |         |      |      |      |                |                |
| 1.110 | Single-family detached, one dwelling per lot                                                                                                                                      | 1       | 1       | 1       | 1       | 1              | 1              | 1        | 1       | 1       | 1    | 1    | 1    | 1 <sup>A</sup> | 1 <sup>A</sup> |
| 1.120 | Single-family detached, two dwellings per lot                                                                                                                                     | 1       | 1       | 1       |         |                |                |          |         |         |      |      |      |                |                |
| 1.130 | Single-family detached, accessory apartment <sup>x</sup>                                                                                                                          | 1,<br>3 | 1,<br>3 | 1,<br>3 | 1,<br>3 | 1,<br>3        | 1,<br>3        | 1,<br>3  | 1,<br>3 | 1,<br>3 | 1, 3 | 1, 3 | 1, 3 |                |                |
| 1.140 | Single-family detached, two dwellings per lot,<br>accessory apartments <sup>x</sup>                                                                                               | 1,<br>3 | 1,<br>3 | 1,<br>3 |         |                |                |          |         |         |      |      |      |                |                |
| 1.200 | Duplex                                                                                                                                                                            | 1       | 1       | 1       | 1       |                | 1              | 1        | 1       | 1       | 1    | 1    | 1    |                |                |
| 1.300 | Multifamily dwellings                                                                                                                                                             |         |         |         |         |                | 1,<br>3        | 1,<br>3  | 1,<br>3 | 1,<br>3 | 1, 3 | 1, 3 | 1, 3 | 3              |                |
| 1.500 | Child and Day care homes                                                                                                                                                          |         |         |         |         |                |                |          |         |         |      |      |      |                |                |
| 1.510 | Child; 12 or fewer children under the age of 12                                                                                                                                   | 1       | 1       | 1       | 1       | 1              | 1              | 1        | 1       | 1       | 1    | 1    | 1    |                |                |
| 1.520 | Reserved                                                                                                                                                                          |         |         |         |         |                |                |          |         |         |      |      |      |                |                |
| 1.530 | Adult; 12 or fewer people, 12 years and older                                                                                                                                     | 1       | 1       | 1       | 1       | 1              | 1              | 1        | 1       | 1       | 1    | 1    | 1    |                |                |
| 1.540 | Reserved                                                                                                                                                                          |         |         |         |         |                |                |          |         |         |      |      |      |                |                |
| 1.550 | Child care residence, 6 to 9 children under 18 years of age                                                                                                                       |         | 3       | 3       | 3       | 3              | 3              | 3        | 3       | 3       | 3    | 3    | 3    |                |                |
| 1.600 | Miscellaneous, rooms for rent situations                                                                                                                                          |         |         |         |         |                |                |          |         |         |      |      |      |                |                |
| 1.610 | Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site. | 3       | 3       | 3       | 3       | 3              | 1,<br>3        | 1,<br>3  | 1,<br>3 | 1,<br>3 | 1    | 1    | 1    | 3 <sup>N</sup> |                |

|       |                                                                                                                      |                |                |                |      |      |      |      |      |      |      |      |      |      |                |                |
|-------|----------------------------------------------------------------------------------------------------------------------|----------------|----------------|----------------|------|------|------|------|------|------|------|------|------|------|----------------|----------------|
| 1.620 | Hotels, motels                                                                                                       | 3              |                |                |      |      |      |      |      |      | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 <sup>N</sup> | 3 <sup>N</sup> |
| 1.630 | Single room occupancies with private facilities                                                                      |                |                |                |      |      |      |      | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 |                |                |
| 1.700 | Home occupations                                                                                                     | 1              | 1              | 1              | 1    | 1    | 1    | 1    | 1    | 1    | 1    | 1    | 1    | 1    | 1              | 1              |
| 1.800 | Mobile homes                                                                                                         |                |                |                |      |      |      |      |      |      |      |      |      |      |                |                |
| 1.810 | Residential mobile homes on individual lots <sup>E</sup>                                                             | 3              | 3              | 3              |      |      |      |      |      |      |      |      |      |      |                |                |
| 1.815 | Caretakers mobile homes on individual lots <sup>E</sup>                                                              | 3              | 3              | 3              | 3    | 3    | 3    | 3    | 3    | 3    | 3    | 3    | 3    | 3    | 3              | 3              |
| 1.820 | Mobile home parks <sup>E</sup>                                                                                       |                |                |                |      |      |      |      | 3    | 3    | 3    | 3    | 3    |      |                |                |
| 1.830 | Mobile home subdivision <sup>E</sup>                                                                                 |                |                |                |      |      |      |      | 3    | 3    | 3    | 3    | 3    |      |                |                |
| 1.840 | Recreational vehicle parks <sup>F</sup>                                                                              | 3 <sup>F</sup> | 3 <sup>F</sup> | 3 <sup>F</sup> |      |      |      |      |      |      |      |      |      |      |                |                |
| 1.900 | Common wall development                                                                                              |                |                |                |      |      |      |      |      |      |      |      |      |      |                |                |
| 1.910 | Two dwelling units                                                                                                   |                |                |                | 1    | 1    | 1    | 1    | 1    | 1    |      |      |      |      |                |                |
| 1.911 | Accessory apartments <sup>X</sup>                                                                                    | 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 |      |                |                |
| 1.930 | Two dwelling unit structures allowed under special density considerations, subsections <a href="#">49.25.510(h)</a>  |                |                | 3              | 3    | 3    | 3    | 3    | 3    | 3    | 3    | 3    | 3    | 3    |                |                |
| 2.000 | SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT <sup>G</sup>                                                        |                |                |                |      |      |      |      |      |      |      |      |      |      |                |                |
| 2.100 | With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods  |                |                |                |      |      |      |      |      |      |      |      |      |      |                |                |
| 2.110 | Reserved                                                                                                             |                |                |                |      |      |      |      |      |      |      |      |      |      |                |                |
| 2.120 | Miscellaneous                                                                                                        |                |                |                |      |      |      |      |      |      | 1    | 1    | 1    | 1    | 3 <sup>N</sup> | 3 <sup>N</sup> |
| 2.130 | Marine merchandise and equipment                                                                                     | 3 <sup>T</sup> |                |                |      |      |      |      |      |      | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 <sup>N</sup> | 3 <sup>N</sup> |
| 2.200 | Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of |                |                |                |      |      |      |      |      |      | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 <sup>N</sup> | 3 <sup>N</sup> |

[illegible]

|       |                                                                                                                                                            |                |   |   |   |   |   |   |   |      |      |                                 |                   |   |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---|---|---|---|---|---|---|------|------|---------------------------------|-------------------|---|
| 5.130 | Colleges, universities                                                                                                                                     | 3 <sup>T</sup> | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3    | 3    | 3 <sup>N</sup>                  | 3 <sup>N</sup>    | 3 |
| 5.200 | Churches, synagogues, temples                                                                                                                              | 3 <sup>T</sup> | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1 <sup>N</sup> , 3 <sup>N</sup> | 1, 3 <sup>N</sup> | 3 |
| 5.300 | Libraries, museums, art galleries                                                                                                                          | 3 <sup>T</sup> | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 3 <sup>N</sup>                  |                   |   |
| 5.400 | Social, fraternal clubs, lodges, union halls, yacht clubs                                                                                                  | 3 <sup>T</sup> |   |   |   |   |   |   |   | 1, 3 | 1, 3 | 1 <sup>N</sup> , 3 <sup>N</sup> | 1, 3 <sup>N</sup> | 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                            | 3                 |   |
| 6.120 | Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges                                                     |                |   | 3 | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3                            | 3                 |   |
| 6.130 | Theaters seating for 200 or fewer                                                                                                                          | 3 <sup>T</sup> |   |   |   |   |   |   | 3 | 3    | 1    | 1                               | 3 <sup>N</sup>    | 3 |
| 6.135 | Theaters seating from 201 to 1,000                                                                                                                         |                |   |   |   |   |   |   |   | 3    | 1    | 1                               | 3 <sup>N</sup>    | 3 |
| 6.140 | Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people                                                       |                |   |   |   |   |   |   |   |      | 3    | 3                               | 3 <sup>N</sup>    |   |
| 6.150 | Indoor shooting range                                                                                                                                      | 1, 3           |   |   |   |   |   |   |   |      | 3    |                                 |                   | 3 |
| 6.200 | Outdoor activity conducted outside enclosed buildings or structures                                                                                        |                |   |   |   |   |   |   |   |      |      |                                 |                   |   |
| 6.210 | Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school | 3              | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3    | 1, 3 | 3 <sup>N</sup>                  | 3                 |   |
| 6.220 | Miniature golf courses, skateboard parks, water slides, batting cages                                                                                      | 3              | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3    | 1, 3 | 3 <sup>N</sup>                  | 3                 |   |
| 6.240 | Automobile, motorcycle racing tracks; off-highway vehicle parks                                                                                            | 3              |   |   |   |   |   |   |   |      | 3    |                                 |                   | 3 |



| 9.000  | BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS                                                              |                |                |                |                |                |                |                |                |                |                |                |                                 |                                 |                                 |      |
|--------|------------------------------------------------------------------------------------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|---------------------------------|---------------------------------|---------------------------------|------|
| 9.050  | Motor vehicle, mobile home sale or rental                                                                        |                |                |                |                |                |                |                |                | 1, 3           | 1, 3           | 3              | 3                               |                                 |                                 | 1, 3 |
| 9.100  | Motor vehicle repair and maintenance, including body work                                                        |                |                |                |                |                |                |                |                |                | 3              |                |                                 |                                 |                                 | 1    |
| 9.200  | Automotive fuel station                                                                                          | 3 <sup>T</sup> |                |                |                |                |                |                |                |                | 3              | 1              |                                 |                                 |                                 | 1    |
| 9.300  | Car wash                                                                                                         |                |                |                |                |                |                |                |                |                | 3              | 1              |                                 |                                 |                                 | 1    |
| 9.400  | Boat sales or rental                                                                                             | 3 <sup>T</sup> |                |                |                |                |                |                |                |                | 3              | 1              |                                 | 1                               | 1                               | 1    |
| 9.450  | Boat repairs and maintenance                                                                                     | 3 <sup>T</sup> |                |                |                |                |                |                |                |                |                | 3              |                                 | 1                               | 1                               | 1    |
| 9.500  | Marine fuel, water sanitation                                                                                    | 3 <sup>T</sup> |                |                |                |                |                |                |                |                |                |                |                                 | 1, 3                            | 1, 3                            | 3    |
| 9.600  | Marine commercial facilities including fisheries support, commercial freight, passenger traffic                  | 3              |                |                |                |                |                |                |                |                |                |                |                                 | 3                               | 3                               |      |
| 10.000 | STORAGE, PARKING, MOORAGE                                                                                        |                |                |                |                |                |                |                |                |                |                |                |                                 |                                 |                                 |      |
| 10.100 | Automobile parking garages or parking lots not related to a principal use on the lot                             |                |                |                |                |                |                |                |                |                | 3              | 1              | 1, 3                            | 1, 3                            |                                 | 1    |
| 10.200 | Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored |                |                |                |                |                |                |                |                |                |                |                |                                 |                                 |                                 |      |
| 10.210 | All storage within completely enclosed structures                                                                | 1, 3           | 3              |                |                |                |                |                |                |                | 3              | 1              | 1 <sup>U</sup> , 3 <sup>U</sup> | 1 <sup>U</sup> , 3 <sup>U</sup> | 1 <sup>N</sup> , 3 <sup>N</sup> | 1    |
| 10.220 | General storage inside or outside enclosed structures                                                            | 1, 3           | 3              |                |                |                |                |                |                |                |                | 1, 3           |                                 | 1 <sup>N</sup> , 3 <sup>N</sup> | 1 <sup>N</sup>                  | 1    |
| 10.230 | Snow storage basin                                                                                               |                |                |                |                |                |                |                |                |                |                |                |                                 |                                 |                                 |      |
| 10.232 | Neighborhood, less than ½ acre                                                                                   | 3              | 3              | 3 <sup>Z</sup> | 3 <sup>Z</sup> | 3 <sup>Z</sup> | 3 <sup>Z</sup> | 3 <sup>Z</sup> | 3 <sup>Z</sup> | 3 <sup>Z</sup> | 3 <sup>Z</sup> | 1              |                                 | 3 <sup>Z</sup>                  | 1                               | 1    |
| 10.235 | Regional, ½ to 1 acre                                                                                            | 3              | 3              | 3 <sup>Z</sup> |                |                |                |                |                |                | 3 <sup>Z</sup> | 3              |                                 | 3 <sup>Z</sup>                  | 1                               | 1    |
| 10.237 | Area wide, over 1 acre                                                                                           | 3              | 3 <sup>Z</sup> | 3 <sup>Z</sup> |                |                |                |                |                |                |                | 3 <sup>Z</sup> |                                 |                                 | 3                               | 3    |

|        |                                                                                                                                                                                                         |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                                                                   |                |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|-------------------------------------------------------------------|----------------|
| 10.300 | Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot | 1, 3               |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    | 1 <sup>N</sup> , 1 <sup>N</sup> , 3 <sup>N</sup> , 3 <sup>N</sup> | 1              |
| 10.400 | Temporary contractor's storage connected with construction project off-site for a specified period of time                                                                                              | 1, 3               | 3                  | 3                  | 3                  | 3                  | 3                  | 3                  | 3                  | 3                  | 3                  | 3                  | 1, 3               | 3                  | 3                  | 3                  | 3                  | 1 <sup>N</sup>                                                    | 1              |
| 10.500 | Moorage                                                                                                                                                                                                 |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                                                                   |                |
|        | 10.510 Public, commercial                                                                                                                                                                               | 3                  | 3                  | 3                  |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    | 3                  | 3                  | 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               | 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 <sup>0</sup> of less than 80 square feet total and less than six feet in height                                                                                   | 1 <sup>P</sup>     | 1 <sup>P</sup>     | 1 <sup>P</sup>     | 1 <sup>P</sup>     | 1 <sup>P</sup>     | 1 <sup>P</sup>     | 1 <sup>P</sup>     | 1 <sup>P</sup>     | 1 <sup>P</sup>     | 1 <sup>P</sup>     | 1 <sup>P</sup>     | 1                  | 1                  | 1 <sup>P</sup>     | 1 <sup>P</sup>     | 1                  | 1                                                                 | 1              |
|        | 11.120 Enclosed structures for recyclable materials collection                                                                                                                                          | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup> , 3 | 1 <sup>P</sup>                                                    | 1 <sup>P</sup> |
|        | 11.130 Sorting, storage, preparation for shipment occurring outside an enclosed structure                                                                                                               |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    | 1 <sup>N</sup>                                                    | 1              |
| 11.200 | Reclamation landfill not associated with a specific use                                                                                                                                                 | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1, 3               | 1 <sup>N</sup> , 3 <sup>N</sup>                                   | 3              |
| 11.300 | Sanitary landfill                                                                                                                                                                                       | 3                  |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                                                                   | 3              |
| 12.000 | SERVICES AND ENTERPRISES RELATED TO ANIMALS                                                                                                                                                             |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                                                                   |                |
| 12.100 | Veterinary clinic                                                                                                                                                                                       | 3                  | 3                  | 3                  |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    | 3                  | 1, 3               | 3                  | 1 <sup>N</sup> , 1 <sup>N</sup> , 3 <sup>N</sup> , 3 <sup>N</sup> | 1              |
| 12.200 | Kennel                                                                                                                                                                                                  | 3                  | 3                  |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    |                    | 3                  | 3                  |                    |                                                                   | 1, 3           |

|        |                                                                                             |         |                 |         |         |         |         |         |         |         |         |         |         |         |         |                               |         |
|--------|---------------------------------------------------------------------------------------------|---------|-----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------------------------------|---------|
| 12.250 | Day animal services, grooming, walking, day care                                            | 3       | 3               | 3       | 3       | 3       | 3       | 3       | 3       | 3       | 3       | 3       | 3       | 3       | 3       | 3                             | 1,<br>3 |
| 12.300 | Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component            | 3       | 3               |         |         |         |         |         |         |         |         |         |         | 3       | 3       | 3 <sup>N</sup>                | 3       |
| 12.310 | Wild animal rehabilitation facilities without a visitor component                           | 3       | 3               | 3       | 3       | 3       |         |         |         |         |         |         |         | 3       | 3       | 3 <sup>N</sup>                | 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       | 3       | 3 <sup>N</sup> 3 <sup>N</sup> | 1,<br>3 |
| 14.000 | AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING |         |                 |         |         |         |         |         |         |         |         |         |         |         |         |                               |         |
| 14.100 | Aquaculture                                                                                 | 3       | 3               | 3       |         |         |         |         |         |         |         |         |         | 3       | 3       | 3                             | 1 1 3   |
| 14.150 | Weirs, channels, and other fisheries enhancement                                            | 1,<br>3 | 1,<br>3         | 1,<br>3 | 1,<br>3 | 1,<br>3 | 1,<br>3 | 1,<br>3 | 1,<br>3 | 1,<br>3 | 1,<br>3 | 1,<br>3 | 1,<br>3 | 1,<br>3 | 1,<br>3 | 1 1 1                         | 1       |
| 14.200 | Commercial agricultural operations                                                          |         |                 |         |         |         |         |         |         |         |         |         |         |         |         |                               |         |
| 14.210 | Excluding farm animals                                                                      | 1,<br>3 | 1,<br>3         | 3       | 3       | 3       | 3       | 3       | 3       | 3       | 3       | 3       | 3       | 3       | 3       |                               | 1,<br>3 |
| 14.220 | Including farm animals <sup>M</sup>                                                         | 1,<br>3 | 3               |         |         |         |         |         |         |         |         |         |         |         |         |                               | 1,<br>3 |
| 14.230 | Stabling of farm animals <sup>M</sup>                                                       | 3       | 3               | 3       | 3       |         |         |         |         |         |         |         |         | 3       | 3       |                               | 1,<br>3 |
| 14.240 | Marijuana cultivation (500 square feet or more under cultivation)                           | 3       |                 |         |         |         |         |         |         |         |         |         |         | 3       | 3       |                               | 3       |
| 14.245 | Marijuana cultivation (fewer than 500 square feet under cultivation)                        | 3       | 3 <sub>AB</sub> |         |         |         |         |         |         |         |         |         |         | 3       | 3       |                               | 3       |
| 14.250 | Personal use agriculture                                                                    |         |                 |         |         |         |         |         |         |         |         |         |         |         |         |                               |         |
| 14.253 | Hens, 6 maximum                                                                             | 1       | 1               | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 1 1 1                         | 1       |
| 14.300 | Silviculture and timber harvesting <sup>J</sup>                                             | 3       | 3               |         |         |         |         |         |         |         |         |         |         |         |         |                               | 3       |

|                        |                                                                     |                      |   |   |   |   |   |   |   |   |   |   |         |         |      |      |                                    |                                    |                      |
|------------------------|---------------------------------------------------------------------|----------------------|---|---|---|---|---|---|---|---|---|---|---------|---------|------|------|------------------------------------|------------------------------------|----------------------|
| 14.400                 | Mining operations                                                   | 2,<br>3 <sup>k</sup> | 3 | 3 |   |   |   |   |   |   |   |   |         |         |      |      | 3 <sup>N</sup>                     | 3 <sup>N</sup>                     | 2                    |
| 14.500                 | Sand and gravel operations <sup>1</sup>                             | 3                    | 3 | 3 |   |   |   |   |   |   |   |   | 3       | 3       |      |      | 3 <sup>N</sup>                     | 3 <sup>N</sup>                     | 3                    |
| 14.800                 | Spring water bottling                                               | 3                    | 3 |   |   |   |   | 3 | 3 | 3 | 3 | 3 | 3       | 3       |      |      |                                    |                                    | 1,<br>3              |
| 15.000                 | MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES                      |                      |   |   |   |   |   |   |   |   |   |   |         |         |      |      |                                    |                                    |                      |
| <a href="#">15.100</a> | Post office                                                         | 3                    | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1,<br>3 | 1,<br>3 | 1, 3 | 1, 3 | 1, 3                               | 3 <sup>N</sup>                     | 3 <sup>N</sup>       |
| 15.200                 | Airport                                                             | 3                    |   |   |   |   |   |   |   |   |   |   |         |         |      |      |                                    |                                    | 1,<br>3              |
| 15.400                 | Military reserve, National Guard centers                            | 3                    | 3 | 3 |   |   |   |   |   |   |   |   |         | 3       | 3    |      | 3 <sup>N</sup>                     | 3 <sup>N</sup>                     | 3                    |
| 15.500                 | Heliports, helipads                                                 | 3                    |   |   |   |   |   |   |   |   |   |   |         |         | 3    |      | 3 <sup>N</sup>                     | 3 <sup>N</sup>                     | 3                    |
| 15.600                 | Transit facilities                                                  |                      |   |   |   |   |   |   |   |   |   |   |         |         |      |      |                                    |                                    |                      |
|                        | 15.610 Transit center                                               |                      |   |   | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 1,<br>3 | 1, 3    | 1, 3 | 1, 3 | 3                                  |                                    | 1,<br>3              |
|                        | 15.620 Transit station                                              |                      |   | 1 | 1 | 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 | 3 | 3 | 3 | 1       | 1       | 3    | 3    |                                    |                                    | 1                    |
| 15.700                 | Public works facility                                               | 3                    | 3 | 3 | 3 |   |   |   |   |   |   |   |         | 3       | 3    |      |                                    |                                    | 1,<br>3              |
| 16.000                 | DRY CLEANER, LAUNDROMAT                                             |                      |   |   |   |   |   |   |   |   |   |   |         |         |      |      |                                    |                                    |                      |
| 16.100                 | Drop off and pickup only, no onsite laundry or dry cleaning process |                      |   |   |   |   |   |   |   |   |   |   | 1,<br>3 | 1,<br>3 | 1, 3 | 1, 3 | 1 <sup>N</sup> ,<br>3 <sup>N</sup> | 1 <sup>N</sup> ,<br>3 <sup>N</sup> | 1,<br>3              |
| 16.200                 | Full service onsite laundry and/or dry cleaning                     |                      |   |   |   |   |   |   |   |   |   |   |         | 3       | 1, 3 | 3    | 3                                  | 3 <sup>N</sup>                     | 1,<br>3 <sup>N</sup> |
| 17.000                 | UTILITY FACILITIES                                                  |                      |   |   |   |   |   |   |   |   |   |   |         |         |      |      |                                    |                                    |                      |
| 17.100                 | Minor                                                               | 1                    | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1       | 1       | 1    | 1    | 1                                  | 1                                  | 1                    |
| 17.150                 | Intermediate                                                        | 3                    | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3       | 3       | 1, 3 | 3    | 1, 3                               | 1                                  | 1                    |
| 17.200                 | Major                                                               | 3                    | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3       | 3       | 3    |      | 3                                  | 3                                  | 3                    |

|                        |                                                                                  |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |                                                 |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
|------------------------|----------------------------------------------------------------------------------|-----------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|-----------------------------------|-------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|---|---|--|--|--|-------------------------------------------------|----------------------------------------------------------------------|---|---|---|---|---|---|---|---------|---|------|------|------------------------------------|---------|--|
| 17.300                 | Driveways and private roads                                                      |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |                                                 |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
| 18.000                 | TOWERS AND RELATED STRUCTURES                                                    |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |                                                 |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
| 18.100 <sub>AA</sub>   | Towers and antennas 35 feet or less                                              |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 1                                 | 1                                                                 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |  |  |  |                                                 |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
| 18.200 <sub>AA</sub>   |                                                                                  |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  | Towers and antennas 35 to 50 feet |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  | 1                                               | 3                                                                    | 3 | 3 | 3 | 3 | 3 | 3 | 1 | 1       | 1 | 1    | 1    |                                    |         |  |
| 18.300 <sub>AA</sub>   |                                                                                  |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  | Towers and antennas more than 50 feet in height |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
| 18.400                 | Amateur (ham) radio towers and antennas more than 35 feet in height <sup>R</sup> |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |                                                 |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
| 18.500                 |                                                                                  |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  | Wireless Communication Facilities |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |                                                 |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
| 19.000                 |                                                                                  |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  | OPEN AIR MARKETS, NURSERIES, GREENHOUSES        |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
| 19.100                 | Open air markets (farm, craft, flea, and produce)                                |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  | 1,<br>3                                         | 1,<br>3                                                              |   |   |   |   |   |   |   | 1,<br>3 | 1 | 1, 3 | 1, 3 | 1 <sup>N</sup> ,<br>3 <sup>N</sup> | 1,<br>3 |  |
| 19.200                 |                                                                                  |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  | Nurseries, commercial greenhouses |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |                                                 |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
|                        |                                                                                  |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  | 19.210                                          | Retail sales                                                         |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
|                        | 19.220                                                                           | Nonretail sales |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  | 1,<br>3                                         |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
|                        | 19.230                                                                           |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   | Marijuana cultivation (500 square feet or more under cultivation) |   |   |   |   |   |   |   |   |   |   |   |  |  |  |                                                 |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
|                        | 19.240                                                                           |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |                                                 | Marijuana cultivation (fewer than 500 square feet under cultivation) |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
| 20.000                 | CEMETERY, CREMATORIUM, MORTUARY                                                  |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |                                                 |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
| 20.100                 | Cemetery                                                                         |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 1,<br>3                           | 3                                                                 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |   |   |   |  |  |  |                                                 |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |
| <a href="#">20.200</a> |                                                                                  |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  | Crematorium                       |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  | 3                                               |                                                                      |   |   |   |   |   |   |   |         |   |      |      | 1,<br>3                            |         |  |
| 20.300                 |                                                                                  |                 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                                   |                                                                   |   |   |   |   |   |   |   |   |   |   |   |  |  |  | Funeral home                                    |                                                                      |   |   |   |   |   |   |   |         |   |      |      |                                    |         |  |



structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.

P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.

Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.

R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.

S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.

T. Must be associated with a unique site specific feature in order to function. Example: Glacier research station - Juneau Icefield location.

U. No storage permitted on the first floor of a building.

V. Primarily intended for rooftop locations in urban areas.

W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.

X. Special requirements apply to accessory apartment applications. See CBJ [§ 49.25.510\(k\)](#).

Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.

AA. Does not apply to wireless communication facilities.

AB. Use is prohibited in the urban service area but allowed outside the urban service area. An owner or manager must live on site.

AC. Use is prohibited within 1,000 feet of recognized neighborhood association established in accordance with CBJ [chapter 11.35](#).

**From:** saviers  
**To:** [Teri Camery](#)  
**Date:** Wednesday, September 12, 2018 5:53:59 PM

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Hi. I would like to comment on the proposal first that written correspondence should be given all engineers cutoff and mendenhall peninsula households to comment on. That a written post be placed on the road with the proposal as it will affect...animal life.viewplanes. add additional traffic in the area.and the buffer is inadequate to other projects and finally that Pedersen road on engineers cutoff has been suggested as a possible builders road to access and use for future residents. The road and traffic cannot withstand this. Please look at this. It is also noteworthy that engineers cutoff cannot obtain city sewer nor is allowed to be redesignated and tjis will devalue our properties. Thanks Bob saviers  
Sent from my Samsung Galaxy smartphone.

**From:** Pikul, Gretchen M (DEC)  
**To:** [Teri Camery](#)  
**Cc:** [Beth McKibben](#)  
**Subject:** FW: DEC permits required for the CBJ Fire Training Center?  
**Date:** Friday, September 28, 2018 10:12:13 AM  
**Attachments:** [image002.png](#)  
[image004.png](#)

Hi Teri,  
 I believe Jim's response below answers your question.  
 Please call/email if you need further assistance.



Gretchen Pikul  
 Division of Water  
 (907) 465-5023

**From:** Plosay, James R (DEC)  
**Sent:** Friday, September 28, 2018 10:04 AM  
**To:** Pikul, Gretchen M (DEC) <[gretchen.pikul@alaska.gov](mailto:gretchen.pikul@alaska.gov)>  
**Cc:** Olds, Jason R (DEC) <[jason.olds@alaska.gov](mailto:jason.olds@alaska.gov)>  
**Subject:** RE: DEC permits required for the CBJ Fire Training Center?

Gretchen – Our open burning regulations that contain the firefighting training provisions do not contain any requirement for setbacks, only (a) a review of the permit application by Air Quality if certain triggers are met such as total fuel to be burned, and (b) a responsibility for the “permittee” (even if a permit is not required) to public notice any planned burns and for them to respond to public complaints. Nominally the FTC uses natural gas (if I recall correctly) for the interior structure burns in their training building so the burning is much cleaner. There is also an open pit burning area that I believe uses straight diesel. But the requirement for public notice of a burn for training only triggers if more than 20 gallons of fuel is burned, and the CBJ would handle that public notice process without our involvement.

Since the regulation has no provisions for setbacks, AQ would not use that as a criteria to approve or disapprove any permit applications. We do consider wind directions and the seasonal burn-bans if in effect for application approval, if a permit is sought for more burning than is already allowed without consent. It would be CBJ's handling of the public notice process that would seek to dispel any “distance” effects from residents who have moved in next to the FTC.

*Jim Plosay*  
 Manager, Air Permits Program

**From:** Pikul, Gretchen M (DEC)  
**Sent:** Friday, September 28, 2018 9:29  
**To:** Plosay, James R (DEC) <[jim.plosay@alaska.gov](mailto:jim.plosay@alaska.gov)>

**Subject:** FW: DEC permits required for the CBJ Fire Training Center?

Last question Jim. Please see below.

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**From:** Teri Camery [<mailto:Teri.Camery@juneau.org>]  
**Sent:** Friday, September 28, 2018 9:21 AM  
**To:** Pikul, Gretchen M (DEC) <[gretchen.pikul@alaska.gov](mailto:gretchen.pikul@alaska.gov)>  
**Cc:** Beth McKibben <[Beth.McKibben@juneau.org](mailto:Beth.McKibben@juneau.org)>  
**Subject:** RE: DEC permits required for the CBJ Fire Training Center?

Thanks Gretchen. We just want to be sure that new construction nearby, whether it's residential, commercial, etc. will not result in DEC not being able to issue permits for the fire training center. I don't mean to beat this issue to death, but could you ask Mr. Plosay that specific question, just to be super clear? Thanks so much for your help.

**Teri Camery | Senior Planner**

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Office: 907.586.0755



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**From:** Pikul, Gretchen M (DEC) [<mailto:gretchen.pikul@alaska.gov>]  
**Sent:** Friday, September 28, 2018 9:16 AM  
**To:** Teri Camery  
**Cc:** Beth McKibben  
**Subject:** FW: DEC permits required for the CBJ Fire Training Center?

Jim's explanation is below.

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**From:** Plosay, James R (DEC)  
**Sent:** Friday, September 28, 2018 9:14 AM  
**To:** Pikul, Gretchen M (DEC) <[gretchen.pikul@alaska.gov](mailto:gretchen.pikul@alaska.gov)>  
**Subject:** RE: DEC permits required for the CBJ Fire Training Center?

The Fire Training Center used to be back there on Sherwood Lane almost by itself. Now there are industrial/residential structures being built in (very) close proximity. It will be hard to discount public complaints, but the process is akin to building your house under a pre-existing airport flight path, and then complaining about the noise. We are beginning to experience that with the gradual reduction in available lands in Juneau.

*Jim Plosay*

Manager, Air Permits Program

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**From:** Pikul, Gretchen M (DEC)  
**Sent:** Friday, September 28, 2018 9:10  
**To:** Plosay, James R (DEC) <[jim.plosay@alaska.gov](mailto:jim.plosay@alaska.gov)>  
**Subject:** FW: DEC permits required for the CBJ Fire Training Center?

Jim, can clarify the sentence below. Thanks.

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**From:** Teri Camery [<mailto:Teri.Camery@juneau.org>]  
**Sent:** Friday, September 28, 2018 8:55 AM  
**To:** Pikul, Gretchen M (DEC) <[gretchen.pikul@alaska.gov](mailto:gretchen.pikul@alaska.gov)>  
**Cc:** Beth McKibben <[Beth.McKibben@juneau.org](mailto:Beth.McKibben@juneau.org)>  
**Subject:** RE: DEC permits required for the CBJ Fire Training Center?

Thank you Gretchen, this is very helpful and I appreciate the quick response. Could you ask Mr. Plosay to clarify what he means by “although construction encroachment may become an issue in the future.” What is construction encroachment?

**Teri Camery | Senior Planner**

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Office: 907.586.0755



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**From:** Pikul, Gretchen M (DEC) [<mailto:gretchen.pikul@alaska.gov>]  
**Sent:** Friday, September 28, 2018 8:38 AM  
**To:** Teri Camery  
**Cc:** Beth McKibben  
**Subject:** RE: DEC permits required for the CBJ Fire Training Center?

This additional note is from Jim Plosay to clarify why CBJ doesn't currently have a permit.

A side note, the FTC may burn less than 250 gallons of uncontaminated fuel daily and up to 600 gallons of fuel annually *without* a permit from ADEC/AQ. 18 AAC 50.065(i). So unless they wanted to burn more than those amounts, no permit is needed as long as they follow regulations.

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**From:** Pikul, Gretchen M (DEC)  
**Sent:** Friday, September 28, 2018 7:45 AM  
**To:** 'Teri Camery' <[Teri.Camery@juneau.org](mailto:Teri.Camery@juneau.org)>  
**Cc:** Beth McKibben <[Beth.McKibben@juneau.org](mailto:Beth.McKibben@juneau.org)>  
**Subject:** RE: DEC permits required for the CBJ Fire Training Center?

Good morning,  
Please see the 3 email attachments to answer your question regarding what DEC permits are needed for activities at the CBJ fire training center.  
Call/email with further questions/concerns.



Gretchen Pikul  
Division of Water  
(907) 465-5023

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**From:** Teri Camery [<mailto:Teri.Camery@juneau.org>]  
**Sent:** Thursday, September 27, 2018 2:36 PM  
**To:** Pikul, Gretchen M (DEC) <[gretchen.pikul@alaska.gov](mailto:gretchen.pikul@alaska.gov)>  
**Cc:** Beth McKibben <[Beth.McKibben@juneau.org](mailto:Beth.McKibben@juneau.org)>  
**Subject:** DEC permits required for the CBJ Fire Training Center?  
**Importance:** High

Hello Gretchen,

Can you tell me what DEC permits are needed for activities at the CBJ fire training center, and if those permits have any requirements for distances from other buildings or residences? I need this information no later than Monday if possible. Please cc Beth McKibben on your response.

I'm sorry for the rush and I appreciate your help!  
Teri

**Teri Camery | Senior Planner**

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Office: 907.586.0755





# COMMUNITY DEVELOPMENT DEPARTMENT

230 South Franklin Street, Marine View Center, Fourth Floor  
*Mailing Address: 155 South Seward Street, Juneau, Alaska 99801*

## INTEROFFICE MEMO

**DATE:** July 20, 2012

**TO:** Mary Becker, Chair  
 Assembly Lands Committee

**FROM:** Ben Lyman, Senior Planner

**FAX #** (907)586-3365  
**VOICE #** (907)586-0758

**SUBJECT:** Serial Number 2012 – Rezoning Restrictions

The proposed ordinance would amend CBJ 49.75.120 to clarify that rezonings must be in substantial conformance with the land use maps of the Comprehensive Plan, but that rezonings need not exactly match the designations or the boundaries of the land use maps of the Comprehensive Plan. The purpose of this Ordinance is to improve the ability of staff, the Planning Commission, and the Assembly to consider the intent of the Comprehensive Plan land use maps in rezoning requests without requiring strict application of those maps to the zoning map set.

This amendment was requested by the Planning Commission in the wake of AME2011 0002 and Ordinances 2011-18 and 2011-23, wherein a property was re-zoned and then subsequently un-re-zoned after a legal opinion that the re-zoning was illegal, as it violated the Comprehensive Plan land use maps.

During their Regular Meeting of May 22, 2012, Planning Commissioners discussed rezonings and the Comprehensive Plan land use maps; Chair Satre stated that “Title 49 has to be revised because the Commissioners would never be able to review the Comp Plan maps in enough detail to ensure that they could take into account every potential rezone consideration. They need to look at the Comp Plan maps in sufficient detail for potential conflicts in terms of boundaries within zoning districts.”

The Comprehensive Plan states (Page 1): “This is not to say that the Plan will be infallible or that it is cast in concrete”. Staff has interpreted this to mean that land use designation boundaries shown on the Comprehensive Plan land use maps are general in their boundaries, and that zoning district boundaries will differ from Comprehensive Plan land use map boundaries as needed to accommodate existing development and to recognize the intricate pattern of development that is generally expected on the ground, and that cannot be described exactly on maps intended to be as general as those of the Comprehensive Plan land use maps.

The Planning Commission forwarded the draft ordinance to the Assembly for review on June 12, 2012.

**Draft Minutes**  
**Assembly Lands Committee**  
Monday, July 23, 2012, 5:00 p.m.  
Assembly Chambers

**I. Call to Order**

Chair Becker called the meeting to order at 5:00 p.m.

Members Present: Mary Becker, Jesse Kiehl, Carlton Smith.

Members Absent: Johan Dybdahl

Also attending: Karen Crane, Ruth Danner.

Liaisons Present: Jeff Wilson, Parks and Recreation Advisory Committee;  
Nathan Bishop, Planning Commission.

Liaisons Absent: Mike Williams, Docks and Harbors.

Staff Present: Heather Marlow, Lands & Resources Manager; Rob Steedle, Deputy City Manager; Brent Fischer, Parks and Recreation Director, Greg Chaney, Acting Community Development Director; Ben Lyman, Senior Planner; John Vowell, Interim CEO, Bartlett Regional Hospital; Laurie Sica, Municipal Clerk.

**II. Agenda Changes – None.**

**III. Approval of minutes**

Hearing no objection, the minutes of July 2, 2012 were approved.

**IV. Public Participation – non-agenda items.**

No one from the public requested an opportunity to speak. Ms. Marlow asked the committee if it would like Brent Fischer, Parks and Recreation Director, to follow up on the public testimony at the previous meeting about the funding for a second ice rink. Chair Becker asked Mr. Fischer to speak to the committee.

Brent Fischer said he understood that Steve Baseden discussed his concerns about the need for conversations between Parks and Recreation and the Juneau Community Foundation about land use at Dimond Park and its availability for an ice rink. Mr. Fischer had a discussion with Reed Stoops and Eric Kueffner of the Juneau Community Foundation (JCF) regarding the current CBJ projects and the negotiations with the Juneau School District (JSD). Under review are location of a new valley library, the valley Parks and Recreation operations shop, and the questions about use and maintenance of the ball fields with the JSD. With resolution of those issues, he could give JCF more information about a site for an

ice rink. Mr. Fischer also spoke with Cathy Munoz and JCF has applied for the grant for the designated state funds.

Ms. Crane asked if CBJ had committed itself to providing a location at Dimond Park for this project. Mr. Fischer said no. The JCF would accept a grant to look at the design and a feasibility study for an ice arena to be located at Dimond Park. CBJ's first step would be to say if there was room, where it would be. Whether or not the JCF would then move forward with getting money for construction and who would manage the facility was a separate issue. We will review user groups, the type of rink they are looking for, and if there is space available.

Ms. Becker asked about Mr. Kiehl's previous comment about a five-year time span for the project funding. Mr. Fischer said he thought that five years was correct and JCF was moving forward with the grant paperwork. JCF understands our needs and that the entire Assembly would be involved before moving forward.

Mr. Wilson asked if the state funding was restricted to the Dimond Park area, or if other valley locations could be considered. Mr. Fischer said the grant paperwork specifically referred to the "Dimond Park Complex." He did not know if there was another site in the valley with the space needed.

Ms. Becker asked Mr. Fischer how much time he needed to do his study. Mr. Fischer said he had to resolve issues with the JSD regarding the ball fields first. He is moving forward with JCF as if there is property available to keep the project moving forward and it was the top priority for his office.

Ms. Crane asked if Mr. Fischer would also do a cost analysis of siting a second sheet of ice adjacent to the Treadwell Arena. Mr. Fischer said his staff would do a comparison of all scenarios, and he would provide that information to the Assembly.

## **V. Action Items**

### **A. Treadwell Mine Historic Park – Ordinance 2012-20(C)**

Ms. Marlow said that staff was looking for a motion from the Lands Committee to support this appropriating ordinance.

Mr. Gillette said that former City Manager Rod Swope had appointed him as liaison for CBJ to the Treadwell Historic Preservation and Restoration Society. There were many improvements to the Treadwell area – new signs were installed throughout the complex and the next proposed project is a shelter to protect the 5 Stamp Mill as an entryway into the historic mine park. The Juneau Historic Resources Advisory Committee would review draft and final product of the project. The total cost was estimated to be \$27,500. Sixty percent of that would

be provided by a grant from the Federal Historic Preservation Fund and the balance would be in-kind services by the volunteers of the Historic Society. The grant appropriating ordinance would be before the Assembly at the next regular meeting.

*MOTION, by Kiehl, to support the grant ordinance and move it forward to the Assembly.* Hearing no objection, it was so ordered.

## B. Rezoning Restrictions

Ben Lyman reviewed a proposed Ordinance, 2012-31, and asked the Lands Committee for a motion to forward to the full Assembly with a recommendation for adoption. He said this ordinance was in the wake of Ordinance 2011-18 and 2011-23 in which a property on the corner of Atlin Drive and Loop Road was a medium-density residential designation in the comprehensive plan, applied for rezoning from D-5 to Light Commercial. The Planning Commission recommended against the rezoning. The Assembly approved the rezoning, and following a legal interpretation by the Law Department that the rezoning could not be approved because it was not consistent with the Comprehensive Plan Land Use maps; a subsequent ordinance repealed that rezoning. This ordinance is meant to open up the language in Title 49 to allow the Planning Commission and the Assembly to consider more factors beyond just the Comprehensive Plan Land Use maps when looking at rezoning.

Mr. Lyman showed an example by explaining the Comprehensive Plan Land Use maps and the zoning maps in downtown Douglas, and a mock application for a rezoning could be affected by the current interpretation of the code and an interpretation based on the application of Ordinance 2012-31.

Mr. Smith asked about the term “substantial conformance” in Ordinance 2012-31. Mr. Lyman explained that this allows the Assembly to handle “gray areas” in code and to make a decision based on many factors, more than just the Comprehensive Plan Land Use map. He provided examples of a rezoning regarding a lot near the Federal Building for a union office and rezoning to allow a buffering commercial corridor on Old Dairy Road that was previously zoned industrial, which had spurred significant new development.

Mr. Kiehl said he was concerned about the term “substantial conformance” and said he understood the interest in getting away from hard and fast rules for more discretion, but he was concerned that it was “mushy” language

Ms. Danner asked how this change in the code would protect property owners who had purchased property and expected the rules to be applied consistently. She said with more discretion, what would provide the decision makers with the knowledge to make a change that might benefit one property owner over another.

Mr. Lyman said most of the review regarding a zone change happened before the matter was before the Assembly and he explained the rezoning process from the beginning with staff review, public notice, Planning Commission review, and public hearing, and then Assembly action.

Ms. Crane asked if a zoning change could start a chain reaction with the zoning district boundaries extending beyond the original designations. Mr. Lyman said that would be allowed to be a call of the Assembly who represented their constituents.

Greg Chaney said the wording in Ordinance 2012-31 was not a radical change but it was codifying the way the Community Development staff and the Planning Commission had been applying the rules up until the recent opinion from the Law Department regarding the Comprehensive Plan Land Use maps. This ordinance would not give the Assembly untold power to make a decision that was out of compliance with the Comprehensive Plan.

Mr. Bishop said the Planning Commission reviewed Ordinance 2012-31 and was unanimous in support of the ordinance. This did not substantially change the code. The Planning Commission would like to allow a level of gray in order for public discourse to take place on projects. The Planning Commission did not want to see a planning document ruling the situation and binding the political body to a course of action.

*MOTION, by Smith, to forward Ordinance 2012-31 to the full Assembly for review.*  
Hearing no objection, it was so ordered.

## **VI. Information Item**

### **A. Bartlett Regional Hospital – Acquisition Proposal**

Bartlett Regional Hospital (BRH) Board Members Linda Thomas and Nathan Piemann, and Interim BRH CEO John Vowell spoke about BRH's interest in purchasing the Juneau Medical Center Building. BRH is interested in this property as it is the last space on the hospital campus with development potential. There is an existing lease of the building on the property, which extends out by 20 years. BRH was moving toward greater outpatient services and this property would give them room to expand those services. The present owners were willing to divest themselves of the property and they spoke about the benefits of purchasing the property now rather than in the future.

Ms. Becker asked about BRH doctors renting off campus space. Ms. Thomas said that BRH did employ doctors that used off campus rental space and this site could be a place for their relocation.

Mr. Wilson asked about the projected life of the building and asked if BRH anticipated removing the building in the future. Ms. Thomas said there were two appraisals that provided a serviceable life of the facility ranging from 15 – 25 years. The Board anticipated removing the building in the future and building outpatient facilities.

Mr. Kiehl asked about the situation of the present tenants. Ms. Thomas said the Board did not anticipate asking them to leave immediately, and a few would be retiring. Their plans are 5 – 10 years out at this point. In response to questions from Mr. Kiehl, Mr. Vowell discussed the rental rates of the property and said that there was a shortage of this type of rental space in the community.

Ms. Crane asked about the current undesignated cash balance of \$17.2 million and if the money for the new youth treatment facility was included in those funds or had been set aside separately. Mr. Vowell said that the undesignated funds had not been slated for a purpose.

Ms. Marlow said this was an opportunity for BRH to present their information and if there were an interest in seeing this item move forward it would be introduced as an Assembly appropriating ordinance for the purchase of the property. Otherwise, this could come back to the Lands Committee as an action item on the next meeting's agenda.

Hearing no objection, the Lands Committee forwarded the matter to the Assembly for introduction of an appropriating ordinance, for the amount identified in the memo from BRH.

## **VII. Liaison Reports**

Mr. Wilson reported that the Parks and Recreation Advisory Committee (PRAC) had met with the whale sculpture committee, which would like to locate the sculpture at the “under bridge” park site.

PRAC also reviewed Dock Project 16b and was looking for ways to increase recreational opportunities within the project.

PRAC heard a presentation from the “Chair Project” which would like to locate a bronzed chair sculpture in Capital Park to honor the Japanese community which were removed from Juneau during WWII. The sculpture would have names of those citizens engraved on the chair.

PRAC reviewed snowmobile issues on Mt. Troy and conflicts with skiers. This situation was similar to ATV users and hikers, boaters, and swimmers, the PRAC was reviewing motorized and non-motorized uses and how to establish and enforce boundaries.

Mr. Bishop said the Planning Commission was continuing its review of the Comprehensive Plan. The economic development section continues to take up a significant portion of time and the Assembly should expect a letter from the Planning Commission recommending that the city develop an economic development plan.

**VIII. Next Meeting**

August 20, 2012, 5:00 p.m., Assembly Chambers

**VIX. Adjournment – 6 p.m.**

Submitted by  
Laurie Sica, MMC  
Municipal Clerk

Presented by: The Manager  
Introduced:  
Drafted by: R. Palmer III

**RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2839**

**A Resolution Amending the City and Borough Personnel Rules.**

WHEREAS, CBJ 44.05.050 authorizes the Assembly to amend the City and Borough of Juneau Personnel Rules by resolution; and

WHEREAS, the City and Borough Personnel Rules govern the rights and responsibilities of City and Borough employees, supervisors, and managers; and

WHEREAS, the Personnel Rules should reflect modern human resource management practices; and

WHEREAS, from time to time, the Personnel Rules require review and update; and

WHEREAS, the Human Resources / Risk Management Department has reviewed and revised the Personnel Rules to provide clarification and general housekeeping, and to include new policies and procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Amendment of the Personnel Rules.** The CBJ Personnel Rules are amended by the revision shown in the attached Exhibit "A". All other CBJ Personnel Rules remain unchanged.

**Section 2. Effective Date.** This resolution shall be effective immediately after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

---

Beth A. Weldon, Mayor

Attest:

---

Elizabeth J. McEwen, Municipal Clerk

**RULE 18**  
**COMPENSATION AND REIMBURSEMENTS**

**Section**

**005. Pay Schedules**

**010. Daily Pay Rate for Salaried Employees**

**015. Shift Differentials**

**020. Standby Rate**

**025. Increased Responsibilities Differential**

**026. Temporary Supervision Pay**

**027. Health Benefits and Employee Wellness**

**030. Uniforms**

**035. Tool Allowance**

**037. Repayment to Employer**

**040. Travel Reimbursement**

**045. Mileage and Vehicle Allowance**

**050. Awards**

**055. Reimbursement of Interview Travel Expenses**

**060. Relocation Expense**

\*\*\*

**18 PR 050. Awards.**

The City Manager may authorize cash awards or gifts not to exceed ~~\$5,000.00~~ \$10,000.00 in value for employee suggestions, ~~or~~ in recognition of outstanding employee performance or service, or in conjunction with an established recruitment or retention program where there are significant demonstrated recruitment challenges. (*Res. No. 2370, 2006; 2839, 2018*)

\*\*\*



**Department of Human Resources / Risk Management**

**Human Resources**

155 Municipal Way Suite 101, Juneau, AK 99801

907-586-5250 <phone> 907-586-5392 <fax>

Email: Dallas.Hargrave@juneau.org

# MEMORANDUM

DATE: October 17, 2018

TO: CBJ Assembly

FROM: Dallas Hargrave, HRRM Director

RE: Personnel Rule Changes

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## **Background:**

In July 2018, the Assembly ratified an agreement with the Public Safety Employees Association that would permit a longevity bonus payment of \$10,000 to sworn officers on certain milestone years with a commitment from the sworn officer to remain employed at the Juneau Police Department (JPD). This provision was bargained to improve retention of sworn officers at JPD during a period where there is a shortage of sworn officer across the nation. This proposed change to the Personnel Rules will allow the City Manager to offer the same bonus payment to sworn officers who are not in the bargaining unit by increasing the authority to authorize cash awards from \$5,000 to \$10,000.

## **Fiscal Impact:**

It is expected that any recruitment or retention bonus paid under this provision would be absorbed within existing personnel services costs.

## **Modified Rules:**

### **18 PR 050. Awards.**

The City Manager may authorize cash awards or gifts not to exceed \$10,000.00 in value for employee suggestions, in recognition of outstanding employee performance or service, or in conjunction with an established recruitment or retention program where there are significant demonstrated recruitment challenges.

Presented by: The Manager  
Introduced:  
Drafted by: R. Palmer III

**RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2840**

**A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation and Public Facilities.**

WHEREAS, the City and Borough adopted the 2015 Juneau Coordinated Human Services Transportation Plan, to identify available transportation services and to identify strategies to address gaps in transportation services provided to those who are elderly, have disabilities, or who qualify as low-income and use public transportation for traveling to and from work; and

WHEREAS, the Alaska Department of Transportation and Public Facilities (ADOT&PF) makes available grant funding for mobility projects; and

WHEREAS, to be considered for grant funding, each community must prioritize their projects and that priority list must be endorsed by the local government; and

WHEREAS, the Juneau Coordinated Transportation Coalition is a coalition of community partners working to improve the effectiveness and efficiency of transportation in Juneau; and

WHEREAS, one of the Coalition's main roles is to rank funding requests from member agencies proposing transportation and mobility projects and submit those recommendations to the Assembly; and

WHEREAS, the Juneau Coordinated Transportation Coalition and related agency representatives held a regular Juneau Coordinated Transportation Coalition meeting on October 16, 2018, and voted on the priority list for FY20 DOT&PF grant funding as follows:

1. One lift-equipped taxi
2. Taxi voucher program

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1.** The City and Borough endorses the following prioritized list to be considered for Alaska Department of Transportation and Public Facilities grant funding:

- 1. One lift-equipped taxi
- 2. Taxi voucher program

**Section 2. Effective Date.** This resolution shall be effective immediately after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

# MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 SOUTH SEWARD STREET, JUNEAU, ALASKA 99801

TO: Rorie Watt  
City and Borough Manager

DATE: October 31, 2018

FROM: Greg Smith  
Contract Administrator

File No.: 1953

SUBJ: BID RESULTS: Public Works Demuck & Wash Bay Addition  
Contract No. BE19-116

Bids were opened on the subject project on October 30, 2018. The bid protest period expired at 4:30 p.m. on November 1, 2018. Results of the bid opening are as follows:

| RESPONSIVE BIDDERS                    | BASE BID           | Additive<br>Alternate<br>No. 1 | TOTAL BID          |
|---------------------------------------|--------------------|--------------------------------|--------------------|
| Dawson Construction, Inc              | <b>\$1,932,000</b> | \$115,400                      | \$2,047,400        |
| Island Contractors, Inc               | \$2,081,715        | \$139,330                      | \$2,221,000        |
| Carver Construction, LLC              | \$2,214,876        | \$113,330                      | \$2,328,206        |
| Alaska Commercial<br>Contractors, Inc | \$2,214,900        | \$199,500                      | \$2,414,400        |
| F&W Construction<br>Company, Inc      | \$2,448,558        | \$154,140                      | \$2,602,698        |
| <i>Architect's Estimate</i>           | <i>\$1,838,552</i> | <i>\$109,278</i>               | <i>\$1,947,800</i> |

Project Manager: Steve Tada

Project Description: The work includes excavation, site preparation and installation of sub grade reclaim tanks, piping and equipment for new wash bay equipment, erection of approximately 2,995 square foot area Pre-Engineered metal building, in slab hydronic heating system, installation of specified vehicle wash equipment, accessories, mechanical and electrical work per the plans and specifications.

Funding Source: F 215 Sales Tax; Vehicle Replacement Fund

Total Project Funds: \$2,500,000

CIP No. D12-095

Construction Encumbrance: \$1,932,000

Construction Contingency: \$193,200

Consultant Design: \$195,000

Contract Administration/Inspection: \$70,400

CBJ Administrative costs: \$64,000

Staff recommends award of this project to Dawson Construction, Inc for the Base Bid amount of \$1,932,000.

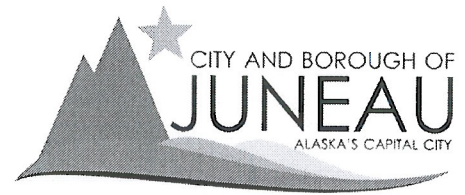
Approved: \_\_\_\_\_

Duncan Rorie Watt, City & Borough Manager

Mr. Duncan Rorie Watt  
Bid Recommendation Letter  
Page two

\_\_\_\_\_  
Date of Assembly Approval:

C: CBJ Purchasing



Presented by: The Manager  
Introduced: 11/5/2018  
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,  
ALASKA

SERIAL NUMBER T-1006

It is hereby ordered by the Assembly of the City and Borough of Juneau,  
Alaska, that \$21,988 be transferred:

From: CIP

|         |                                           |          |
|---------|-------------------------------------------|----------|
| A50-033 | Airport Revolving Capital Reserve Account | \$21,988 |
|---------|-------------------------------------------|----------|

To: CIP

|         |                                  |          |
|---------|----------------------------------|----------|
| H50-097 | Construct Sand/Chemical/Fuel CIP | \$21,988 |
|---------|----------------------------------|----------|

The \$21,988 consists of:

|                            |          |
|----------------------------|----------|
| Passenger Facility Charges | \$21,988 |
|----------------------------|----------|

Moved and Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
D. Rorie Watt, City Manager

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager  
Introduced:  
Drafted by: R. Palmer III

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2018-46**

**An Ordinance Extending the Sunset Date Relating to Licenses to Use Certain Rights-of-Way for the Selling of Food and Beverages and Related Uses.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is a non-code ordinance.

**Section 2. Sunset Date Extended.** The sunset date initially imposed by Section 5 of Ordinance 2017-02, is extended three years. The amendments made in Sections 2-4 of Ordinance 2017-02 shall be automatically repealed on December 31, 2021.

**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager  
Introduced: 02/13/2017  
Drafted by: A. G. Mead

## **ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2017-02**

### **An Ordinance Amending the City and Borough of Juneau Code Relating to Licenses to Use Certain Rights of Way for the Selling of Food and Beverages and Related Uses.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Section.** CBJ 29.25.080 Public possession and consumption of intoxicating liquor, is amended to read:

#### **20.25.080 Public possession and consumption of intoxicating liquor.**

(a) Except in the area and for the period authorized by the manager in conjunction with a valid license issued under CBJ 53.09.350 or special event street closures, no person may consume intoxicating liquor on any public street, alley, sidewalk, easement, trail or other way dedicated or held for public vehicular or pedestrian use, including parking lots owned and operated by the municipality.

(b) Except in the area and for the period authorized by the manager in conjunction with a valid license issued under CBJ 53.09.350 or special event street closures, no person may have in his or her physical possession on any public area described in subsection (a) of this section, intoxicating liquor in a glass, mug, open can, open bottle or other open container. A can, bottle or other container is open if it would not contain its contents when turned on its side or upside down.

...

**Section 3. Amendment of Article.** The title of Article V of Chapter 53.09 Easements, Use Permits, Resource Removal Permits, and Camping, is amended to read:

Article V      Easements, Licenses, Use Permits, Resource Removal Permits, and Camping.

**Section 4. Amendment of Article.** Article V of Chapter 53.09 is amended by adding a new section to read:

**53.09.350 License to use pedestrian ways for the sale of food and beverages and related uses.**

(a) An annual license authorizing the non-exclusive use of up to five hundred square feet of City and Borough owned pedestrian way for the purpose of engaging in the business of the selling of food and beverages, or for purposes related to the selling of food and beverages such as the provision of tables and chairs, may be granted by the manager in accordance with this section. Vending from food trucks and vending carts are not authorized by this section but are governed by CBJ 62.10.050 and CBJ 62.10.070, respectively.

(b) Applications for a pedestrian way license are exempt from the requirements of CBJ 53.20. Applications shall be filed with the manager on a form designated by the manager and accompanied by a non-refundable application fee of \$250.00. The application must include a description of the requested location and proposed use, a site plan delineating the proposed placement and number of any tables and chairs or other moveable fixtures to be used within the license area, the hours of operation, and such other information as the manager may request. Prior to issuance, the applicant shall submit to the manager a certification by the finance department that the applicant has met the requirements of the sales tax code. An application will not be approved unless the applicant has a current state business license, has all necessary permits in order to operate in the manner proposed, and the operation meets applicable state and local health and sanitation requirements.

(c) Licenses are valid for the calendar year and shall expire on December 31<sup>st</sup> of each year. License applications will be accepted between September 1 and December 1 each year for the following calendar year, except that license applications for calendar year 2017 shall be accepted between the effective date of this ordinance and May 1. Licenses shall be issued on a first-come, first-served basis except that priority shall be given to those applicants who operated for at least three months during the previous year under a license issued for the same location as the one applied for.

(d) Prior to October 1 of each year, the manager shall evaluate possible license locations and shall designate those available during the following calendar year. Upon the request of an applicant, the manager may consider additional locations after October 1.

(e) The license fee, payable in advance, shall be the fair market value of the property as determined by the manager.

(f) Each licensee must obtain at least \$1,000,000.00 of public liability insurance naming the City and Borough as an additional insured. Prior to beginning operation, a licensee must provide the City and Borough with a broker's certificate of insurance and copy of the amendatory policy endorsement, which must include a provision for notification to the City and Borough if the policy is modified, canceled, or terminated.

(g) Permanent improvements may not be installed in the licensed area. Movable fixtures, such as tables and chairs, must be placed in the licensed area in such a manner as to leave not less than five feet of unobstructed sidewalk space between the fixture and the face of the curb or edge of the sidewalk if there is no curb. Movable fixtures may not be placed in any manner that blocks the view by pedestrians of advertising on a building or of goods displayed in the window of a business unless the licensee has obtained the permission of the affected business. Licensees shall use the licensed area in such a manner as to create the least amount of interference with pedestrian traffic.

(h) Licenses must be placed in the window of the licensee's primary place of business in such a way as to be viewable from the pedestrian way.

(i) The manager may adopt standards for the use and appearance of any allowable movable fixtures and the issuance and renewal of licenses, and may impose the time, place, method of operation, and such other restrictions on the license as may be necessary to ensure the safe and convenient use of pedestrian ways.

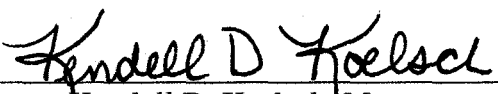
(j) Licenses may not be assigned or transferred without manager approval.

(k) Licenses may be revoked by the manager for violation of this section, upon a determination that the operation of the permittee is causing a hazard or a significant disruption of pedestrian or vehicular traffic, that the area affected by the permit is required for a public purpose, or for other good cause as determined by the manager. The licensee shall be given an opportunity to be heard by the manager before any revocation. The decision of the manager may be appealed to the assembly in accordance with CBJ 01.50.

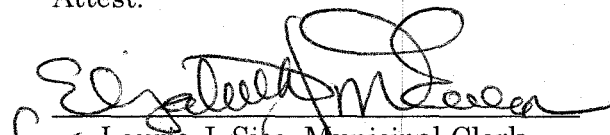
**Section 5. Sunset Date.** This ordinance shall be automatically repealed on December 31, 2018.

**Section 6. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 6<sup>th</sup> day of March, 2017.

  
Kendell D. Koelsch, Mayor

Attest:

  
for Laurie J. Sica, Municipal Clerk

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL  
BY THE CITY AND BOROUGH OF JUNEAU**

In the Matter of,

JUNEAU CHURCH OF THE NAZARENE

OAH No. 18-0717-MUN

*KL* **~~PROPOSED~~ ORDER ON MOTION TO DISMISS**

Upon considering the CBJ's Assessor's Motion to Dismiss, which identified that the CBJ Assessor has granted the requested exemption for the property in dispute, and any response thereto from the Church of the Nazarene, this appeal is dismissed. Additionally, consistent with CBJ 69.10.090(c) and AS 29.45.500(a), the CBJ is ordered to pay Church of the Nazarene \$4,291.81 for the costs, interest, and refund of taxes paid.

By:

*Karen L. Loeffler*  
Karen L. Loeffler  
Administrative Law Judge

The undersigned certifies that this is a true and correct copy of the original and that on this date an exact copy of the foregoing was provided to the following individuals:

*Jane Mores,*  
*Teresa Bowen,*  
*Danielle Rogers,*  
*[Signature]*  
Signature

*email*  
*10/15/18*  
Date

# MEMORANDUM

## CITY/BOROUGH OF JUNEAU

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

**TO:** Assembly Lands Committee  
**FROM:** *Dan Bleidorn*  
Dan Bleidorn, Deputy Lands and Resources Manager  
**SUBJECT:** Juneau Composts! LLC request to lease City Property  
**DATE:** October 16<sup>th</sup>, 2018

### Attachments:

- Attachment 1 - Juneau Composts! Request
- Attachment 2 - Juneau Composts! Operating Plan
- Attachment 3 - Juneau Composts! Lease Site Diagram

The Division of Lands and Resources has received an application to lease City property from Juneau Composts! LLC for an area of land adjacent to the South Lemon Creek Material Source (gravel pit) which is located on the City property north of the Home Depot. The purpose and need for this lease states that it will help conserve limited landfill space and help promote recycling; both of which are goals of the City Assembly. Originally the applicant requested a lease for



another location but after discussing the application with the Gravel Pit and Rock Quarry Manager and the Recycle Works Operations Manager the proposed lease location was moved to the Lemon Creek location.

### **53.09.260 - Negotiated sales, leases, and exchanges.**

(a) *Application, initial review, assembly authority to negotiate.* Upon application, approval by the manager, and payment of a \$500.00 fee a person or business entity, may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and

Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered

and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

(b) *Planning commission review, final assembly approval.* Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, and after review by the planning commission and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, or exchange or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

If a favorable motion to work with the original applicant is provided by the Assembly, this lease application will be forwarded to the Planning Commission for review. Upon review by the Planning Commission this lease will be brought back before the full Assembly for consideration by ordinance.

As directed by CBJ§53.09.260(a) at this stage in the review of Juneau Composts! LLC's application to lease a portion of the old Lemon Creek gravel pit, the Lands Committee needs to provide a recommendation to the Assembly concerning whether it would be appropriate to negotiate directly with the original applicant, Juneau Composts!, or to seek further proposals through a competitive process.

**Staff's Recommendation:**

Due to the proven track record of the applicant to operate a composting facility and the important opportunity to divert food waste from the landfill, it seems appropriate to work directly with the original applicant to develop a lease.

**Lands staff recommend that the Lands Committee pass a motion of support to work with the original applicant to develop a lease of City property at the South Lemon Creek Material Source to Juneau Composts! LLC for fair market value.**



## **A. Juneau Composts! Application to Lease City at South Lemon Creek Material Source**

Mr. Bleidorn introduced the application from Juneau Composts! LLC; submitted by Lisa Dougherty, who was available to answer questions. Mr. Bleidorn noted that the area is just under an acre of land, is adjacent to the South Lemon Creek Material Source (Gravel Pit), is relatively unused, and doesn't have water, sewer, or electricity and thus is not very desirable for other leases. Mr. Bleidorn continued that the application states that the project will help divert waste from the landfill and promote recycling which are both goals of the Assembly. There have been no objections from CBJ Pits and Quarries Manager and RecycleWorks Manager. The application states that the facility will likely be open to the public on Saturdays, and there will be no permanent structures so it would be easy to return the property to its current condition after the terms of the lease are completed.

Mr. Bleidorn outlined the options that are available via Title 53 to the Committee: *work with the original applicant; do not lease the property; or open it up for other lease options*. Mr. Bleidorn stated the staff recommends that:

The Lands Committee pass a motion of support to work with the original applicant to develop a lease of City property at the South Lemon Creek Material Source to Juneau Composts! LLC for fair market value.

Ms. Hale asked for some clarification as there was a street name discrepancy on the application. Mr. Bleidorn noted that the applicant initially requested a lease on Fish Creek Road but it was determined that the Lemon Creek area was more desirable through discussions internally and with the applicant.

Mr. Bryson asked what lease term will be offered. Mr. Bleidorn stated that staff hasn't made a recommendation on this yet as the Lands Division must receive authority from the Assembly before negotiating leases. Noting that the terms, value, and timeframe have not been discussed, he continued that an appropriate timeframe for this lease could easily be around 5 years.

Ms. Hale asked if there has been any other recent interest in leasing this property. Mr. Bleidorn stated that there has been interest in other areas of the rock and gravel pit, but not for this specific area, he added that this helped lead to the conclusion that this would be a preferred spot.

### **Mr. Bryson moved to:**

Pass the motion to lease the property to the original applicant to develop a lease of City property at the South Lemon Creek Material Source to Juneau Composts! LLC.

### **Motion Passed Unanimously**

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

October 22, 2018 5:00 P.M.  
City Hall, Assembly Chambers

**I. ROLL CALL**

Chair Mary Becker called the meeting to order at 5:00 pm.

**Members Present:** Mary Becker, Chair; Michelle Hale; Wade Bryson;

**Members Absent:** Maria Gladziszewski

**Liaisons Present:** None

**Other Assembly Members Present:** Loren Jones

**Staff Present:** Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager;  
Bhagavati Braun, Lands & Resources Specialist

**II. APPROVAL OF AGENDA**

Hearing no objection, the agenda was approved as presented.

**III. APPROVAL OF MINUTES**

The August 27, 2018 minutes were approved as written.

**IV. PUBLIC PARTICIPATION**

There was no public participation on non-agenda items.

**V. AGENDA TOPICS**

**A. Alaska Sustainable Seafoods LLC dba *Deckhand Dave's* Application to Purchase Gunakadiet Park**

Mr. Chaney noted that the Applicant, Dave McCasland, was in attendance and will give a brief presentation. Mr. Chaney introduced the location of the park, at the corner of Front Street and South Franklin, and gave some history of the park stating that it was once an improved park and has since been graded. Mr. Chaney noted that the park is located next to a large vacant property and it could be advantageous for the two to be purchased by the same buyer though that is not the question tonight. Mr. Chaney noted that the Lands Committee heard this issue on August 6th and sent the issue to the Parks and Recreation Advisory Committee (PRAC). The PRAC issued their recommendation on October 8. The PRAC unanimously approved a motion on October 8 recommending the Lands Committee:

Retain Gunakadeit Park as a Special Use Area and request that staff develop options for future development or disposal.

Mr. Chaney noted that there is an active application from Mr. McCasland that the Lands Committee is reviewing and that the Assembly will have to make a determination about this topic, he then introduced Mr. McCasland.

Mr. McCasland introduced himself as the owner of *Deckhand Dave's Fish Tacos*, he noted that he is requesting that the Lands Committee forward a recommendation preferably to sell or secondarily to lease the parcel to Mr. McCasland. He stated that his intention is to create a space for a food truck park area to replace the one that has been located in the Archipelago Lot which he and other vendors have been told will no longer be available for food vendors starting summer 2019. Mr. McCasland stated that this opportunity would create a community area where people can gather and eat and drink together, noting other communities where this model has proven successful. Mr. McCasland noted how difficult it was to set up his food truck initially and stated that the "plug-and-play" infrastructure that he is proposing would bring economic opportunities and ease the startup hassle for businesses. He stated that if this moves forward it will create a place for gathering that will provide a hub and an attraction to bring more tourists further north to locations where more local businesses are.

Mr. Bryson asked about the measurements on the diagram, noting that the 12'x16' and 12'x20' spaces might be small for both the business and room for customers. He also asked if the restrooms will be permanent with hand washing facilities. Mr. McCasland noted that the diagrams were worked up by Northwind Architects and are to scale, and may be subject to change. He noted that his truck is smaller than the space on the diagram and that there would be a gathering/eating area in the center for customers. He also noted that the restrooms would be permanent with handwashing facilities.

Mr. Bryson asked if the entire Archipelago Lot (where food trucks are currently) will be closed to food trucks starting next summer. Mr. McCasland answered as a tenant that the property manager told him that they would have to be off the property. Mr. Chaney added that the City hasn't had final confirmation but it is clear that that is the direction they are headed in, noting that the exact timeline is unclear to the City.

Ms. Hale asked if the project images show Gunakadiet Park as well as the adjacent vacant lot. Mr. McCasland answered that the concept relies on having both properties.

Mr. Chaney continued, noting that the Parks & Recreation Department is creating a new Parks & Recreation Comprehensive Plan that has not yet been finalized; additionally the Downtown Blueprint is a new plan that is underway through the Community Development Department, both of these plans may have something to say about the disposal or retention of Gunakadiet Park. Mr. Chaney noted that having these plans in process, it is not a good time to sell park land in the downtown area. He stated that staff's recommendation is that:

The Assembly decline Alaska Sustainable Seafoods LLC dba *Deckhand Dave's* application to purchase Gunakadiet Park and return the \$500 application fee. If using the lots for a food court is desired, a temporary annual lease should be explored.

Mr. Chaney noted that if the Assembly decides to sell the lot, it will be sold. Noting that doing so while planning efforts are underway might be short-sighted.

Ms. Hale stated her concern about the lack of food cart areas in the downtown area, noting that this might not be the correct time to bring this concern up. Ms. Becker stated that she heard the lot would continue to have spaces for food trucks ongoing, noting that she might have misheard.

Mr. Bryson asked if restrooms are available at the Gunakadiet Park lot. Staff noted that there are no restrooms. Mr. Bryson asked if the City were to do a lease, how long would the lease be for. Mr. Chaney responded that the City has a range of lease options, all of which would have to be approved by the Assembly, a lease could be as short as a few months to years.

Ms. Becker noted that she has other concerns, but would be willing to postpone discussion of them to a meeting with the full Assembly.

Ms. Hale moved:

The Lands Committee recommends that the Assembly decline Alaska Sustainable Seafoods LLC dba *Deckhand Dave's* application to purchase Guna-ka-deit Park and return the \$500 application fee. Emphasizing that if using the lot for a food court is desired and is necessary, a temporary annual lease should be explored.

**Motion Passed Unanimously.**

## **~~B. Juneau Composts! Application to Lease City at South Lemon Creek Material Source~~**

~~Mr. Bleidorn introduced the application from Juneau Composts! LLC; submitted by Lisa Dougherty, who was available to answer questions. Mr. Bleidorn noted that the area is just under an acre of land, is adjacent to the South Lemon Creek Material Source (Gravel Pit), is relatively unused, and doesn't have water, sewer, or electricity and thus is not very desirable for other leases. Mr. Bleidorn continued that the application states that the project will help divert waste from the landfill and promote recycling which are both goals of the Assembly. There have been no objections from CBJ Pits and Quarries Manager and RecycleWorks Manager. The application states that the facility will likely be open to the public on Saturdays, and there will be no permanent structures so it would be easy to return the property to its current condition after the terms of the lease are completed.~~

~~Mr. Bleidorn outlined the options that are available via Title 53 to the Committee: work with the original applicant; do not lease the property; or open it up for other lease options. Mr. Bleidorn stated the staff recommends that:~~

~~The Lands Committee pass a motion of support to work with the original applicant to develop a lease of City property at the South Lemon Creek Material Source to Juneau Composts! LLC for fair market value.~~

~~Ms. Hale asked for some clarification as there was a street name discrepancy on the application. Mr. Bleidorn noted that the applicant initially requested a lease on Fish~~

# MEMORANDUM

## CITY/BOROUGH OF JUNEAU

Lands and Resources Office  
155 S. Seward St., Juneau, Alaska 99801  
Greg.Chaney@juneau.org  
(907) 586-0205

**TO:** The Assembly Lands Committee

**FROM:** Greg Chaney, Lands Manager

**SUBJECT:** Request to Purchase City Property Located at 139 S Franklin St.

**DATE:** October 17, 2018

### Attachments:

- Attachment 1 - Land Sale Application
- Attachment 2 - Memo from City Manager Rorie Watt

The Lands and Resources Office received an application from Alaska Sustainable Seafoods LLC DBA Deckhand Dave's to purchase Guna-ka-deit Park also known as downtown's "Pocket Park" across from the clock (Attachment 1). The description of the proposal states that the area will be used for a "food court area to foster economic development for new business opportunities as well as displaced existing (businesses) from Archipelago lot."

After the fires that destroyed the Gastineau Apartments, Guna-ka-deit Park features were removed and this property was graded so it could be used as a staging area for the demolition and removal of the remnants of the apartment building.

Prior to disposal, as required by CBJ§53.260(a) the Assembly will be asked if selling the property is desirable and, if so, whether it is appropriate to negotiate directly with the original applicant, Deckhand Dave's, or to seek further proposals through a competitive process. If the Assembly makes a motion determining



that selling the lot to the original applicant is in the best interest of the City, the Planning Commission will review the proposal and provide a recommendation to the Assembly. Once the Planning Commission makes a recommendation, the disposal will then go before the full Assembly for consideration by Ordinance.

This application was considered at the August 6, 2018 Lands Committee meeting. Lands Committee members advised staff to forward this topic to the Parks and Recreation Advisory Committee (PRAC) to provide a recommendation to the Assembly whether this property should remain a City park. The Lands Committee further commented that they were not requesting a recommendation concerning the use of the land if it was not going to be under Parks management.

At the October 8th 2018 Parks and Recreation Advisory Committee meeting the PRAC unanimously passed the following motion:

The Parks and Recreation Advisory Committee recommends to the Lands Committee retaining Gunakedeit Park as a Special Use Area and request that staff develop options for future development or disposal.

As stated in the above motion, the PRAC expressed the desire to retain the property under Parks and Recreation Department management while also expressing interest in leasing the parcel for a food court. The Parks Department is currently developing a master plan for the entire Parks system and the PRAC was interested in finalizing this process before making a final determination about whether Guna-ka-deit Park should remain a park in the long term.

At the same time, the Assembly has an adopted goal of increasing the supply of housing in the downtown region. The Housing Action Plan contains 16 implementing actions for increasing housing specifically in downtown. Prior to being irreparably damaged by fire, the Gastineau Apartments used to be located on the parcel adjacent to Guna-ka-deit Park and provided over forty dwelling units. There may be an opportunity to jointly market the Guna-ka-deit Park parcel with the adjacent vacant property to provide a relatively large site for future housing development. Considering this future opportunity, it would be premature to sell this the Guna-ka-deit Park lot at this time. The City Manager provided a memo to Lands that addressed this topic at the August 6, 2018 Lands Committee meeting (Attachment 2).

As directed by CBJ§53.09.260(a) at this point in the review of the Deckhand Dave's application to purchase Guna-ka-deit Park, the Lands Committee needs to provide a comment to the Assembly concerning whether it would be desirable to sell the property and, if so, whether it is appropriate to negotiate directly with the original applicant, Deckhand Dave's, or to seek further proposals through a competitive process.

**Staff's Recommendation:**

Due to the unique nature of this parcel as a City park and considering that a new Parks and Recreation Comprehensive Plan and the Downtown Blueprint plan are currently under development, it would not be prudent to sell this property at the current time. If the Assembly determines that use of this property for a food court would be desirable, leasing the property until these plans are adopted would be appropriate. If an opportunity to jointly market this parcel with adjacent property for a housing development become available, it may be appropriate to re-evaluate retaining the parcel.

**Recommended Motion:**

The Lands Committee recommends that the Assembly decline Alaska Sustainable Seafoods LLC DBA Deckhand Dave's application to purchase Guna-ka-deit Park and return the \$500 application fee. If using the lot for a food court is desired, a temporary annual lease should be explored.