

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: May 10, 2013

TO: Planning Commission

FROM: Beth McKibben, Planner *BME*
Community Development Department

FILE NO.: AME2013 0007

RE: **Findings for Notice of Decision**

PROPOSAL: Amend the Comprehensive Plan map – “Map G” from *Resource Development* to mix of *Industrial*, *General Commercial*, and *Resource Development* in the area of Honsinger Pond.

The City and Borough of Juneau Land Use Code 49.10.170 *et seq* authorizes the Planning Commission to review, and make recommendations to the Assembly on proposed changes to the Comprehensive Plan maps, and to make recommendations to the Assembly on all proposed amendments to Title 49, and on zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

Applicant: Bicknell Inc.

Property Owner: Bicknell Inc.

Property Address: Glacier Hwy

Legal Description: USS 1568 TR B

Parcel Code No.: 5-B14-0-102-007-0

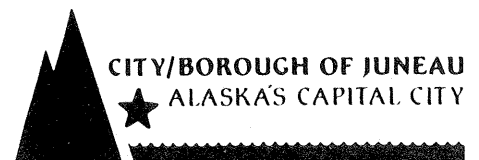
Site Size: 82.66 Acres

Zoning: RR (Rural Reserve)

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

Utilities: City Water & Sewer

Access: Yandunkin Way/Egan Drive



At the regular Planning Commission meeting on April 9, 2013, the Planning Commission held a public hearing and considered the above referenced map amendment request. At that meeting, eight Planning Commissioners were present. Two Commissioners stepped down for conflict of interest reasons, leaving six Commissioners to deliberate on the request. Because the two conflicted Planning Commissioners were present, the prevailing vote required for official action was reduced by one, pursuant to CBJ Charter 3.16, so that the prevailing vote of four members was required for official action. In the proceeding, a motion was made to approve AME2013 0007 as proposed by the Applicant (both General Commercial and Industrial), with the conditions recommended by staff, with the following exceptions:

That General Commercial is not appropriate for the area.

The southern boundary between the area that would remain Resource Development and those changed to General Commercial and Industrial would be adjusted from what was shown by the applicant to align with the east/west berm as recommended by staff.

The motion failed on a vote of three to three. No other motions or motions to reconsider were made, no further action was taken on AME2013 0007, and consequently the request for the map amendment has been denied.

While CBJ Title 49 does not include procedures for requesting a map amendment or procedures for appealing a Planning Commission decision not to recommend to the Assembly a proposed map amendment, the CBJ Law Department has advised that it would be reasonable to apply and proceed under the procedures for as a request for re-zone. (Under CBJ §49.75.130a Planning Commission decision for approval of a re-zone is only a recommendation to the Assembly and a Commission decision not to make the requested recommendation is a final agency decision, unless it is properly appealed to the Assembly in accordance with CBJ §49.20.120.)

A Notice of Decision to memorialize the Planning Commission's April 9, 2013 determination on AME2013 0007 is needed at this time. As with any decision subject to an administrative appeal "on the record," the Planning Commission's Notice of Decision needs to incorporate or include specific findings (or reasons) so that, if an appeal is filed and accepted, the basis of the decision is evident or readily ascertainable to the Assembly or Hearing Officer hearing the appeal. Since the Commission did not adopt findings (through a staff report or otherwise) here, the Law Department has recommended that staff return and ask the Commission to specifically adopt findings to support its Notice of Decision in this matter. Staff has made an attempt to draft the attached proposed findings based on the recorded deliberations of the Commission at the April 9, 2013 public hearing, for the Commission's review and consideration.

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Please note that only the six Planning Commissioners who participated in the deliberations on April 9, 2013 should discuss and vote on the findings, and no public testimony should be taken on either the map amendment request, at this juncture, or on the proposed findings.

1. The parcel, as it is zoned today, has development opportunities. The current zoning does not prohibit it from being used or developed. Current uses can include resource extraction, recreation, visitor-oriented, and residential uses.
2. The City has missed an opportunity by not purchasing the property to maintain the scenic and habitat values.
3. Industrial uses so close to a sensitive habitat area is a concern.
4. General commercial is not appropriate for the area.
5. Working with the situation we can maintain the view shed.
6. The Comprehensive Plan shows the need for industrial land and also shows intent to acquire the land for public purposes, for a park and viewshed protection.
7. This parcel of land is an important scenic corridor and iconic viewshed that defines the community.
8. The wetlands and the parcel have value to the community of Juneau. We can't allow further degradation of the wetlands. The loss of 39 percent of the wetlands over time, per public comment, is credible and concerning.
9. This parcel of land, as it is currently zoned, has social, environmental, and financial value to future generations.
10. There has been a significant amount of public comment in opposition to both this map amendment and the prior withdrawn rezoning proposal. There hasn't been any public support shown for this development concept.
11. Large water fowl create safety concerns for the airport, but there is a float plane pond adjacent to the airport. Also, there is a water canal system that has been developed between the airport and the airport dike trail. These water systems also attract birds and are very close to the airport.
12. The Wetlands Review Board recommended the best use of this parcel would be to restore the developed portions to their natural state and to not disturb the undeveloped area. The benefits of this approach would be to increase the safety of the airport by removing the pond that attracts large birds and also to provide an additional buffer for the Mendenhall State Game Refuge.