

# MEMORANDUM

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

**DATE:** June 27, 2014

**TO:** Planning Commission

**FROM:** Jonathan Lange, Planner *Jonathan Lange*  
Community Development Department

**FILE NO.:** USE2014 0007

**PROPOSAL:** A Conditional Use permit for the development of a floriculture farm on two lots in North Douglas.

## **BACKGROUND**

At the June 10, 2014 Regular Planning Commission Meeting the Commission moved to postpone USE2014 0007 to a future meeting in order for the case to meet full public notice requirements. The Commission received a few comments and public testimony from neighbors in the close proximity to the proposed development stating that they did not receive public notice. Staff indicated that public notice had been sent, but that they had only mailed notices to neighboring properties within 500 feet of the northern most property in the proposed development.

## **FINDINGS**

Please find attached the public notice mailing list and map that shows that public notice was sent to neighboring properties within 500 feet of the two Sunny Cape owned properties and the City and Borough of Juneau parcel where a public road access easement is provided to the applicant's properties. A Public Notice Sign was placed on the North Douglas Highway near the public road easement and the case was also advertised in the Juneau Empire's "Your Municipality" section in the June 27, 2014 and July 7, 2014 issues.

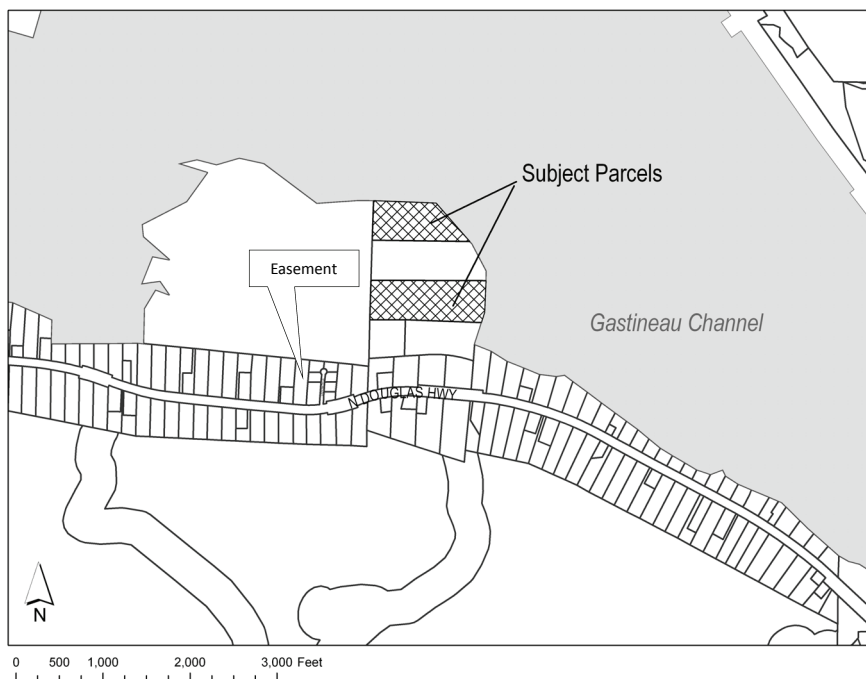
Staff finds that USE2014 0007 meets public notice requirements as outlined in City and Borough of Juneau Land Use Title 49.

## **ATTACHMENT**

Attachment A – Public Notice and Mailing List  
Attachment B – Staff Report from June 10, 2014 Regular Planning Commission Meeting



# NOTICE OF PUBLIC HEARING



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

**SHIP TO:**



**PROPOSAL:** A Conditional Use permit for the development of a floriculture farm to grow peonies on two lots in North Douglas.

<b>File No:</b>	<b>USE2014 0007</b>	<b>Applicant:</b>	<b>Sunny Cape, LLC</b>
<b>To:</b>	<b>Adjacent Property Owners</b>	<b>Property PCN:</b>	<b>6-D09-0-104-009-0 6-D09-0-104-007-0</b>
<b>Hearing Date:</b>	<b>July 8, 2014</b>	<b>Owner:</b>	<b>Sunny Cape, LLC</b>
<b>Hearing Time:</b>	<b>7:00 PM</b>	<b>Size:</b>	<b>23.61 Acres</b>
<b>Place:</b>	<b>Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801</b>	<b>Zoned:</b>	<b>D-1</b>
		<b>Site Address:</b>	<b>N. Douglas Highway</b>
		<b>Accessed Via:</b>	<b>Gastineau Channel by barge and CBJ road easement off of N. Douglas Highway</b>

## PROPERTY OWNERS PLEASE NOTE:

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

*If you have questions, please contact Jonathan Lange at [jonathan\\_lange@ci.juneau.ak.us](mailto:jonathan_lange@ci.juneau.ak.us) or at 586-0218.*



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at [www.juneau.org/plancomm](http://www.juneau.org/plancomm).

**ATTACHMENT A**

*Date notice was printed: June 13, 2014*

## Mailing List for USE2014 0007

Jonathan Lange's file copy, created June 13, 2014

PIN	FIRST_NAME	LAST_NAME	NAME_2	ADDRESS	CITY	STATE	ZIP_POSTAL
6D0901020120	RODNEY	AHLBRANDT	CHRISTINA M YEAROUS	8000 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901050050	HANS	BAERTLE		PO BOX 240266	DOUGLAS	AK	99824-0266
6D0901030130	MICHAEL	BAVARD		PO BOX 020327	JUNEAU	AK	99802-0327
6D1001010010	LARETTA	BEVEGNI	JULIO C BEVEGNI	8473 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901070060	JULIO	BEVEGNI	LORETTA J BEVEGNI	8463 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901070010	TODD	BORIS	NICOLE GREWE	8317 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901060020	MARY	CARGILL		24329 MIDDLETON RD	MIDDLETON	ID	83644
6D0901040020	WAYNE	CARNES	MERRY C ELLEFSON	PO BOX 240258	DOUGLAS	AK	99824-0258
6D0901070040	JOHN	CHAPMAN	CINDY A CHAPMAN	8437 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901030120	CHERYL	COOK	KATHERINE M HOCKER	7995 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901040060	HILDA	DARLIN		415 WILLOUGHY AVE APT 506	JUNEAU	AK	99801
6D0901060030	PAUL	DAVIS		1908 LADYSMITH LN	JUNEAU	AK	99801
6D0901050060	KAREN	DILLON		8267 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901070030	PAUL	DISDIER	JUNE E HALL	8393 N DOUGLAS HWY	JUNEAU	AK	99801
6D1001010020	CHRISTOPHER	FRARY	DOROTHY E FRARY	PO BOX 240158	DOUGLAS	AK	99824
6D0901060120	JACKSON	GITCHELL III	VICKI VAN FLEET	8470 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901060010	GERALD	GOTSCHALL		419 W 12TH ST	JUNEAU	AK	99801
6D0901030141	RICHARD	HALBIG	ERICA P HALBIG	8063 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901020140	JUNE	HALL	PAUL V DISDIER	8393 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901060101	EDWIN	HANEY JR	CATALINA HANEY	8438 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901060130	GRETCHEN	HARRINGTON		8480 N DOUGLA HWY	JUNEAU	AK	99801
6D0901040010	SALLY	HINZMAN		1366 OPPORTUNITY WAY	FAIRBANKS	AK	997-0
6D0901050070	WILLIAM	HODGE		8265 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901070020	JOSEPH	LILLY	BEATRICE M BROOKS	PO BOX 240008	DOUGLAS	AK	99824
6D0901050030	MICHAEL	LOCKRIDGE	CATHERINE CRANE	8163 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901040040	WALTER	MAJOROS	LORINDA BROTHERTON	8250 N DOUGLAS HWY	JUNEAU	AK	99801
6D1001000020	ROBERT	MEACHUM	FREDA M WESTMAN	8500 N DOUGLAS HWY	JUNEAU	AK	99801-7642
6D0901050010	BENJAMIN	MILLER	AMBER R MILLER	8143 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901020130	JACK	POULSON		636 HARRIS	JUNEAU	AK	99801
6D0901040050	MICHAEL	STARK	MARY J GRANDE	8270 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901050040	JOSEPH	TOMPKINS		8221 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901030140	GEORGENE	WALLIN		PO BOX 022375	JUNEAU	AK	99802
6D1001010030	MICHAEL	WALTERS		PO BOX 021038	JUNEAU	AK	99802
6D1001000031			C/O JEFFREY ALAN & DANITH DON WATTS JEFFREY	8530 N DOUGLAS HWY	JUNEAU	AK	99801
6D0901040070			SUNNY CAPE LLC	5730 N DOUGLAS HWY APT B	JUNEAU	AK	99801
6D0901040070			SUNNY CAPE LLC	5730 N DOUGLAS HWY APT B	JUNEAU	AK	99801
6D0901040080			SIERRA CLUB LEGAL DEFENSE FUND	50 CALIFORNIA ST STE 500	SAN FRANCISCO	CA	94111-4608
6D1001040010			CITY AND BOROUGH OF JUNEAU; LANDS AND RESOURCES	155 S SEWARD ST	JUNEAU	AK	99801

# MEMORANDUM

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

**DATE:** May 29, 2014

**TO:** Planning Commission

**FROM:** Jonathan Lange, Planner *Jonathan Lange*  
Community Development Department

**FILE NO.:** USE2014 0007

**PROPOSAL:** A Conditional Use permit for the development of a floriculture farm on two lots in North Douglas.

## GENERAL INFORMATION

**Applicant:** Sunny Cape, LLC, Brad Fluetsch

**Property Owner:** Sunny Cape, LLC

**Property Address:** North Douglas Highway

**Legal Description:** USS 1287 Tract B1 and Tract B3

**Parcel Code Number:** 6-D09-0-104-009-0; 6-D09-0-104-007-0

**Site Size:** 9.89 Acres; 13.90 Acres

**Comprehensive Plan Future Land Use Designation:** RDR – Rural Dispersed Residential

**Zoning:** D-1

**Utilities:** Irrigation pond and no sewer

**Access:** Gastineau Channel by barge and CBJ road easement off of North Douglas Highway

**Existing Land Use:** Vacant

**Surrounding Land Use:** North – Mendenhall Wetlands State Game Refuge north of Tract B1; Vacant - North of Tract B3  
South – D-1 – Vacant south of Tract B1; Single family home south of Tract B3  
East – Mendenhall Wetlands State Game Refuge  
West – D-1 – Vacant CBJ land

## **VICINITY MAP**



## **ATTACHMENTS**

- Attachment A – Development Permit and Conditional Use Applications
- Attachment B – Narrative, Site Plans, and Building Plans
- Attachment C – Department of the Army Letter, Alaska Department of Fish and Game Special Area Permit, and CBJ Lands and Resources Public Access Easement Letter
- Attachment D – Public Notice
- Attachment E – CBJ, external agency review comments, and public comments

## **PROJECT DESCRIPTION**

The applicant requests a Conditional Use permit for the development of a floriculture farm on two lots in North Douglas. The proposed development would include clearing the land and planting peony plants for the global cut flower market. The proposed development would also include a 120 square foot tool shed, a 300 square foot open tractor storage building, and a water retention pond.

The applicant proposes to do grading and clearing work of the land this year and plant a total of 15,500 plants in the spring of 2015. The plants would not be ready for commercial harvest until 2019. At that time the applicant is proposing to bring two 20 foot long freezer containers to the site by barge, for temporary, on site cold storage of the harvested peonies. Please see Attachment B for applicant's complete narrative.

## **BACKGROUND**

Peonies are perennial flowering plants that grow between 1.6 and 9.8 feet tall with large red to white or yellow, fragrant flowers. Due to its high latitude, Alaska is an ideal place to grow peonies, where they bloom and can be harvested later in the year than other places in the world.

## **ANALYSIS**

**Project Site and Design** – The applicant proposes to initially clear 6 of the 23.6 total acres on the north and east side of their property. The property contains wetlands. The initial clearing and planting would be in the uplands area of their property. The applicant will shape that portion of their land into fields with columns; each column would consist of 6 foot wide raised beds for planting, with 2 foot wide paths between the beds. The tool shed and the tractor storage building would be located on the northwest portion of the northern lot of the development. By 2023 the applicant is proposing to expand the farming operations to the remaining acres of the parcels.

**Traffic, Parking and Circulation** – The proposed development will not generate any significant traffic. Equipment and materials will be brought to the site by barge over the Mendenhall Wetlands State Game Refuge (MWSGR). Please see Attachment C for Special Area Permit from the Alaska Department of Fish and Game to barge and ground a landing craft in the intertidal area of the MWSGR.

The applicant will also use a Public Road Easement, ADL 32098, across CBJ vacant land to the west of their property to access the site from North Douglas Highway. Please see Attachments C and E in reference to the Public Road Easement. Per the email and letter from CBJ Lands and Resources Department, the following conditions of approval will be applied to this Conditional Use permit:

1. All clearing of the access easement must be restricted to within the easement boundaries. No clearing outside of the easement limits is allowed without land owner permission.
2. All brush and debris cut by the applicant in the access easement must be removed from the easement.
3. All work within the access easement may only take place between 8am and 5pm.
4. Any plans to place fill within the easement, or do work beyond what has been described within the application, must be approved by CBJ Lands and Resources Management prior to the start of work.
5. Permitting for access to the North Douglas Highway must be obtained from the Alaska Department of Transportation (DOT) prior to commercial use of the easement for access.
6. If DOT requires additional work within the CBJ easement as a condition of approval to use the North Douglas Highway for access, approval must be obtained from CBJ Lands and Resources Department prior to the start of work.

**Noise** – The applicant has stated that the initial clearing of the land will be done with an excavator and that ongoing operations will use a farm tractor, bobcat and or ATVs. The City and Borough of Juneau Penal Code applies to this project – CBJ 42.20.095 *Disturbing the Peace* (b) states:

*“(b) Construction of buildings and projects. It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m. Saturday and Sunday, unless such permit shall be obtained from the City and Borough building official. Such permit shall be issued by the building official only upon a determination that such operation during hours not otherwise permitted under this section is necessary and will not result in unreasonable disturbance to surrounding residents.”*

The applicant shall comply with the Penal Code.

**Public Health or Safety** - There are no public health or safety issues associated with the proposed development.

**Habitat** – The site of the proposed development contains category B wetlands. As outlined in the applicant’s site plan, the applicant proposes to begin development or clearing of their parcel in the areas of the parcels that do not contain wetlands, please see the Department of the Army letter in Attachment C. The State of Alaska Department of Fish and Game Special Area Permit, see Attachment C, allows the applicant to “ground a landing craft in the intertidal area of the MWSGR to

## ATTACHMENT B



transport a total of 100 cubic yards of sand to” the “agricultural plot” on the applicant’s parcels. The plan is to “transfer the sand from the vessel using a wheeled or tracked loader” by laying “down timber to reduce rutting within the refuge where practical”, see Attachment C.

Portions of the subject parcel are in a mapped Floodplain AE Zone with a base flood elevation of 24 feet. The floodplain affects the northern and eastern portion of the parcels that are adjacent to the MWSGR. The proposed development should not be in or affected by the floodplain.

The east portion of the northern parcel is within 330 feet of a mapped eagle’s nest. Per the CBJ Land Use Code Title 49 no development is allowed within 50 feet of an eagle’s nest. The proposed development is not within 50 of the eagle’s nest.

At the time of expansion of farming onto the remaining acres of land the applicant will be required to meet the following condition of approval:

8. Prior to expansion of farming into mapped wetland on their parcel, the applicant shall apply for a Grading and Drainage permit and submit to the Community Development Department an approved U.S. Army Corps wetland fill permit.

**Property Value or Neighborhood Harmony** – Staff has not found evidence that the proposed development of the subject parcels as a peony farm would negatively impact property values or neighborhood harmony.

**Conformity with Adopted Plans** – Staff reviewed the 2013 Comprehensive Plan for policies that may be relevant to the project:

**POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.**

**POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.**

The proposed development would help to diversify the economy and is a new business as encouraged by these policies.

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

As mentioned above the proposed development will comply with Fish and Game regulations on grounding a landing craft in the intertidal area of the MWSGR. The high-value wetland areas will be adequately protected.



The applicant plans to first develop the uplands area of their parcels staying out of the wetlands on their property. In the future the applicant will be required to receive approval from the U.S. Army Corps for any work or fill proposed in the wetlands. Should the permits to fill be obtained it will not change the use allowed under this permit. Therefore, the expansion onto areas now wetland in nature, will not require re-review by the CBJ Community Development Department unless there is a substantial change to the use or additional structures or activities are added to the development.

## **FINDINGS**

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;  
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area;  
or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

### ***1. Is the application for the requested conditional use permit complete?***

**Yes.** Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

### ***2. Is the proposed use appropriate according to the Table of Permissible Uses?***

**Yes.** The requested permit is appropriate according to the Table of Permissible Uses. The use is

listed at CBJ §49.25.300, Section 14.210 as allowed with a Conditional Use Permit in the D-1 zoning district.

***3. Will the proposed development comply with the other requirements of this chapter?***

**Yes.** The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 30, 2014 and June 9, 2014 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

***4. Will the proposed development materially endanger the public health or safety?***

**No.** As stated above there is no evidence that the proposed development will materially endanger the public health or safety.

***5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?***

**No.** As stated above the use, with conditions, should maintain values and will be in harmony with the neighboring area.

***6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?***

**Yes.** As stated above the proposed development generally conforms to the land use plan, thoroughfare plan, and adopted plans.

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

***7. Will the proposed development comply with the Juneau Coastal Management Program?***

**Yes.** As stated above the proposed development will comply with regulations that allow the applicant to ground a landing craft in the intertidal area of the Mendenhall Wetlands State Game Refuge.

## **RECOMMENDATION**

Based upon the proposed project (identified as Attachments A, B, and C), and the findings and conclusions stated above, the Community Development Department staff and Director **RECOMMENDS** the Planning Commission **APPROVE** the request with the following conditions.

Recommended conditions:

1. All clearing of the access easement must be restricted to within the easement boundaries. No clearing outside of the easement limits is allowed without land owner permission.
2. All brush and debris cut by the applicant in the access easement must be removed from the easement.
3. All work within the access easement may only take place between 8am and 5pm.
4. Any plans to place fill within the easement, or do work beyond what has been described within the application, must be approved by CBJ Lands and Resources Management prior to the start of work.
5. Permitting for access to the North Douglas Highway must be obtained from the Alaska Department of Transportation (DOT) prior to commercial use of the easement for access.
6. If DOT requires additional work within the CBJ easement as a condition of approval to use the North Douglas Highway for access, approval must be obtained from CBJ Lands and Resources Department prior to the start of work.
7. Prior to clearing of the subject parcel the applicant shall apply for a Grading and Drainage permit through the General Engineering Department.
8. Prior to expansion of farming into mapped wetland on their parcel, the applicant shall apply for a Grading and Drainage permit and submit to the Community Development Department an approved U.S. Army Corps wetland fill permit.

# DEVELOPMENT PERMIT APPLICATION

Project Number <b>USE20140007</b>	<b>CITY and BOROUGH of JUNEAU</b>	Date Received: <b>5/2/14</b>
Project Name (City Staff to Assign Name)		

<b>INFORMATION</b>	<b>Project Description</b> The project is to develop the non-wetland portions of USS 1287 Tract B-1 and B-3 as delineated by the Army Corp of Engineers letter to Sunny Cape, LLC, Exhibit 1, into a floriculture farm, growing Peonies for the global cut flower market.		
	<b>PROPERTY LOCATION</b>		
	Street Address	City/Zip	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 1287 Tracts B-1 and B-3		
	Assessor's Parcel Number(s) 6D0901040090 and 6D0901040070		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner's Name Sunny Cape, LLC	Contact Person: Brad Fluetsch	Work Phone: 523-1029
	Mailing Address 5730 N Douglas Hwy #A	Home Phone:	Fax Number:
	E-mail Address bjf@gci.net	Other Contact Phone Number(s):	
	<b>PROJECT / APPLICANT</b>	<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: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X		 Landowner/Lessee Signature	<b>5-1-14</b> Date
X		 Landowner/Lessee Signature	 Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
<b>APPLICANT</b> If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name Same		Contact Person:	Work Phone:
Mailing Address		Home Phone:	Fax Number:
E-mail Address		Other Contact Phone Number(s):	
X		 Applicant's Signature	 Date of Application

<b>STAFF APPROVALS</b>	<b>OFFICE USE ONLY BELOW THIS LINE</b>			
	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	✓ Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		<b>5/2/14</b>	<b>USE20140007</b>
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			
	***Public Notice Sign Form filled out and in the file.			
	Comments:			Permit Intake Initials <b>JKL</b>

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

## ATTACHMENT A

TO BE COMPLETED BY THE APPLICANT

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM**

ATTACHMENT B  
ATTACHMENT A

Sunny Cape, LLC  
5730 N Douglas Hwy #A  
Juneau, AK 99801  
(907) 523-1029

Sunny Cape, LLC a licensed business in the State of Alaska, in good standing, owns approximately 24 acres, USS 1287 Track B-1 and B-3 North Douglas. Currently the property is zoned D-1, and the most recent Comprehensive plan designates the property (RDR) Rural Dispersed Residential.

From the Table of Permissible Uses, in the D-1 zoning, Commercial Agriculture Operations, Excluding Farm Animals 14.210 requires a "Conditional Use Permit" for a Floriculture farm.

Project Description: North Douglas Peony Farm

Our plan is clear six of the 24 acres and plant five of those acres in Peonies for the global cut flower market. Peony from Wikipedia:

*The **peony** is a flowering plant in the genus **Paeonia**, the only genus in the family **Paeoniaceae**. They are native to Asia, Southern Europe and Western North America. Boundaries between species are not clear and estimates of the number of species range from 25 [2] to 40.[3]*

*Most are herbaceous perennial plants 0.5–1.5 metres (1.6–4.9 ft) tall, but some resemble trees 1.5–3 metres (4.9–9.8 ft) tall. They have compound, deeply lobed leaves and large, often fragrant, flowers, ranging from red to white or yellow, in late spring and early summer.*

The first step is to secure necessary permits from the CBJ, which we hope to obtain in early 2014. Following the permit issuance, clear and then shape the plot into a field made columns, each column would be made of mounds six feet wide with a two foot path between mounds. The entire planting area will be covered in landscape fabric, have drip irrigation, and will be covered in mulch.

The mounds will serve as raised beds and be created with existing material with local sand added.

A secure tool shed will be constructed on site (see plan) as well as staging areas for future freezer vans, mulch, water, fuel and sand storage, and a composting station.

Initial clearing will be done with an excavator, and ongoing operations will use a farm tractor, bobcat or ATVs. Equipment and materials will be brought to the site by barge or Public Road Easement ADL 32098.

ATTACHMENT B



In the Spring of 2015, Sunny Cape, LLC will acquire Peony "crowns" and plant, 3100 plants per acre for a total of 15,500 plants of various varieties of Peonies, install irrigation and cover with landscape fabric and mulch.

It takes four summers before Peonies reach production maturity, and no crop will be harvested in the first three years. In years one through three, there will be little activity with the plants:

- Pull mulch back from plant (April)
- Cut off flowers buds (May)
- Mulch roots (October)
- Irrigate as necessary

2019 will be the first harvest year and will start like the first three. In April or May, two 20' freezer containers will be brought in by barge for temporary, on site cold storage of harvested Peonies. Peony buds will be harvested during the months of May, June and July, stored in the freezer containers until they are taken off site to be packaged for distribution. 2019 will end like the first three with the plants being cut to six inches and mulched.

2019 will be repeated for more or less the next 25 years. After 2023, the existing farm will be financially stable and at that point time, expansion to the remaining acres will be pursued.

Peonies will serve as the vegetative cover.

No parking will be required, there is no road to the property.

Existing Physical Features:

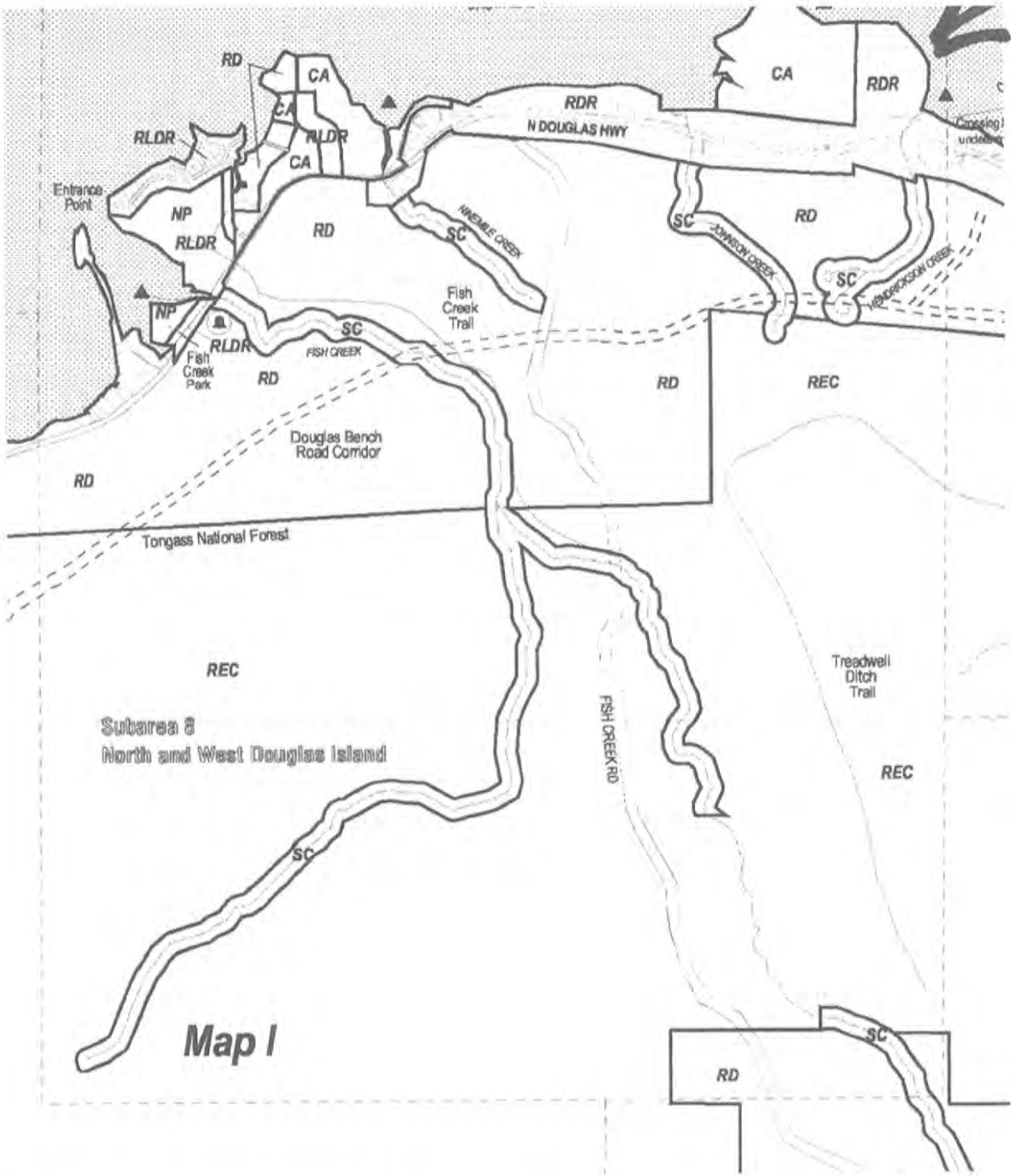
The land is relatively flat with a Spruce forest covering the non-wetlands areas all the way to waterfront. There are a couple of seasonal drainages, one will be used to develop irrigation pond. To call them creeks would be a massive overstatement. There is little vegetation under the mature Spruce forest, but as you approach the wetland portion of the property, vegetation builds rapidly and is very dense, mainly thick with young Hemlock, Blueberry and other plants. I have attached a Google Satellite print of the property.



Subarea 9:  
North and West Douglas  
Map 9B



Subject Property



Map I

NATURAL RESOURCES

- REC Recreational Resource
- RD Resource Development
- SP State Park
- NP CBJ Natural Area Park
- RS CBJ Recreational Service Park
- CA CBJ Conservation Area
- SC Stream Protection Corridor

INDUSTRIAL

- C Commercial
- MIC Marine Commercial
- WCI Waterfront Commercial Industrial
- LI Light Industrial
- HI Heavy Industrial

RESIDENTIAL

- RDR Rural Dispersed Residential
- RLDR Rural Low Density Residential
- ULDR Urban Low Density Residential
- MDR/SF Medium Density Residential- Single Family
- MDR Medium Density Residential
- HDR High Density Residential
- TTC Traditional Town Center
- M/MU Marine Mixed Use

PUBLIC

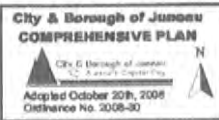
- IPU Institutional and Public Use
- Existing School
- Potential School Location

ROADS/ TRAILS

- == Potential Arterial (alignment not specific)
- Potential Road (alignment not specific)
- Trails

OTHER

- New Growth Areas
- Mendenhall Wetlands
- State Game Refuge
- Subarea Boundary
- Urban Service Area
- Beach Access
- Streams



NOTE: Potential geophysical hazards, wetlands, flood zones, natural resource setbacks or other features which can affect properties may be present. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR DETAILED INFORMATION.

2000 0 2000 Feet

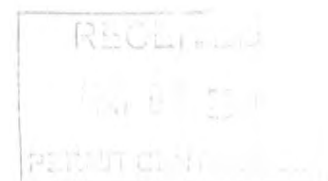
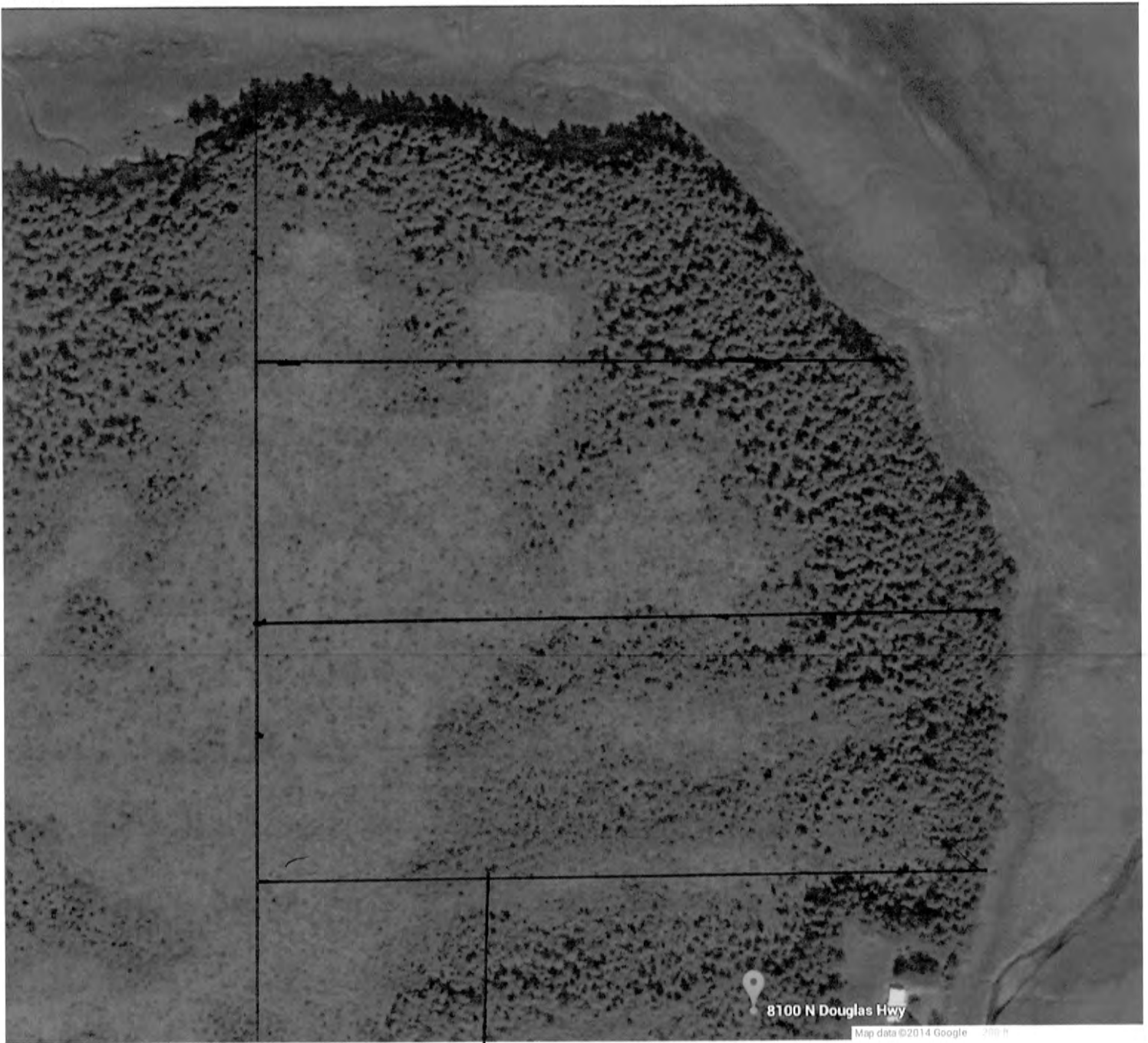
ed by: Community Development Department



1000 201  
PERMIT CENTER CDD

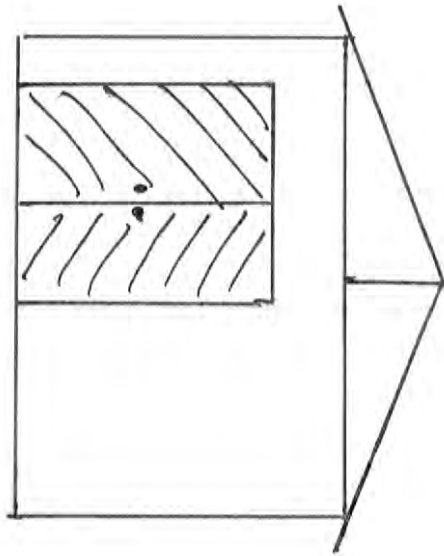
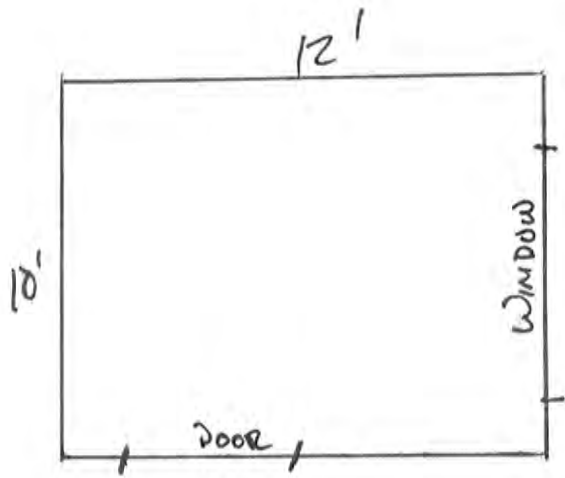


ATTACHMENT B  
ATTACHMENT B



ATTACHMENT B  
ATTACHMENT B

Tool Shed  
Floor Plan



Tractor Storage

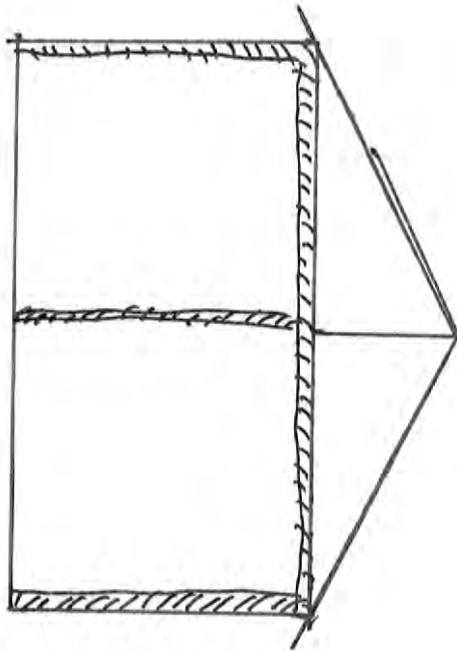
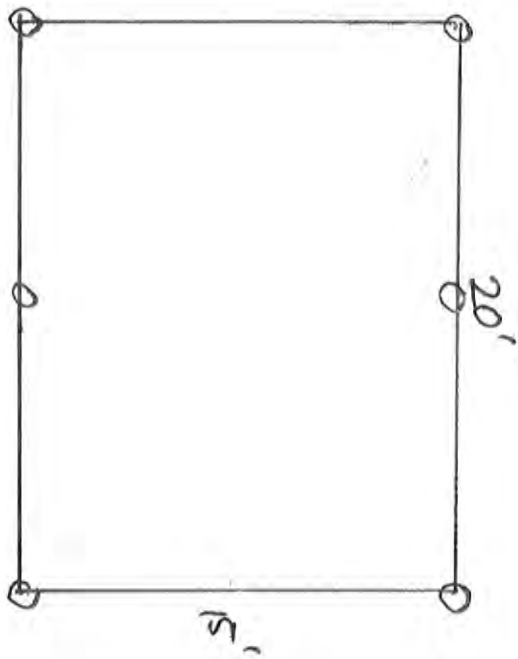
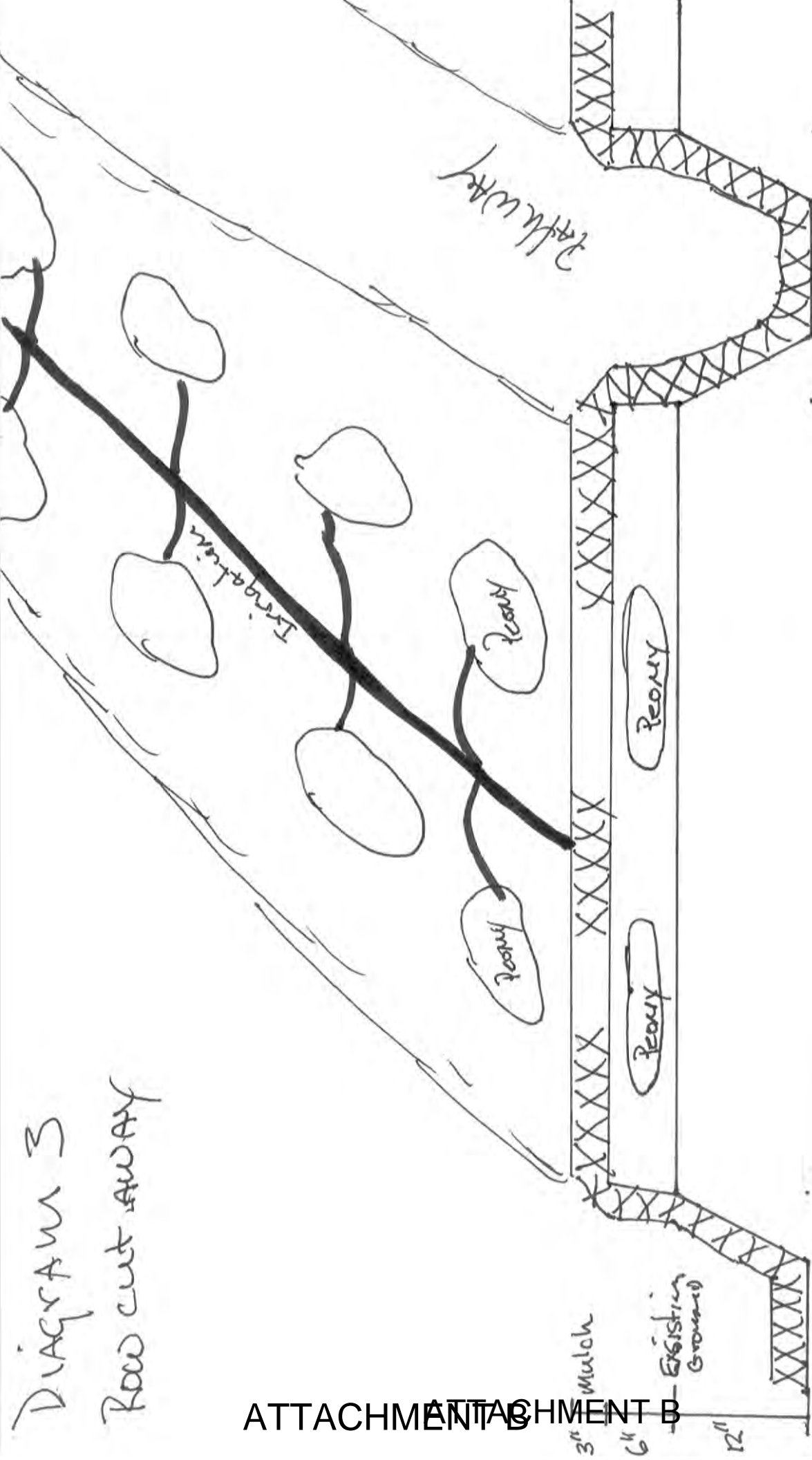




Diagram 3  
Row cut away



ATTACHMENT B



DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, ALASKA  
REGULATORY DIVISION  
805 FRONTAGE ROAD, SUITE 200C  
KENAI, ALASKA 99611-7755

REPLY TO  
ATTENTION OF:

March 12, 2014

Regulatory Division  
POA-2014-95

Mr. Bradley Fluetsch  
Sunny Cape, LLC  
5753 North Douglas Highway, #A  
Juneau, Alaska 99801

Dear Mr. Fluetsch:

This letter responds to your January 27, 2014, request for a Department of the Army (DA) permit for your proposed commercial floriculture farm identified as "North Douglas Peony Farm". It has been assigned number POA-2014-95, Gastineau Channel, which should be referred to in all correspondence with us. The project site is located within Section 6, Township 41 S., Range 67 E., Copper River Meridian; USGS Quad Map AK-Juneau B-2; Latitude 58.34384° N., Longitude -134.52813° W.; Tax Parcel ID #6D0901040070 and #6D0901040090; Juneau Borough; in Juneau, Alaska.

Based on our review of the information you provided and available to us, we have determined the project site referenced above contains waters of the U.S., including wetlands, under the Corps' regulatory jurisdiction. However, you have indicated the proposed work can be accomplished entirely within uplands, and there would be no wetland impacts as a result of the project. As such, a DA permit is not required for your proposal. Please be advised, a DA permit may be required if you alter the method, scope, or location of your proposed work. The enclosed exhibit illustrates your proposed work area in uplands. You should contact us immediately if you make any changes to your project.

Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including jurisdictional wetlands (33 U.S.C. 1344). The Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for structures or work in or affecting navigable waters of the U.S. (33 U.S.C. 403). Section 10 waters are those waters subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or other waters identified by the Alaska District.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at [michael.t.setering@usace.army.mil](mailto:michael.t.setering@usace.army.mil), by mail at the address above, or by phone at (907) 283-3518, if you have questions. For more information about the Regulatory Program, please visit our website at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>.

ATTACHMENT B  
ATTACHMENT C

BASEMAP SERIES

CASTINEAU

CHANNEL

ADDITIONAL WETLANDS STATE GAIN STUDY

NORTH DOUGLAS HIGHWAY

111-40-10980

DE3

DE3

DE4

DE2

DE4

DE2

DE2

The yellow highlighted portion indicates the proposed work area in uplands. No work shall occur in Wetlands labeled DE2.

RECEIVED

MAY 02 2014

PERMIT CENTER/CDD

111-50-10880

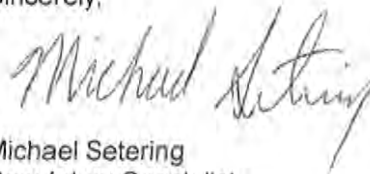
C.B.J. - BASEMAP SE



WETLANDS CLASSIFICATION  
DE2-B(1)  
DE3-A(1)  
DE4-A(1)  
DE7-B(1)(S)  
DE8-FEDERAL

ATTACHMENT B  
ATTACHMENT C

Sincerely,



Michael Setering  
Regulatory Specialist

Enclosure

CF:

ADF&G – [Jackie.timothy@alaska.gov](mailto:Jackie.timothy@alaska.gov)  
ADF&G – [mark.minnillo@alaska.gov](mailto:mark.minnillo@alaska.gov)  
ADNR-DMLW – [sero@alaska.gov](mailto:sero@alaska.gov)  
ADNR-OHA, SHPO – [oha.revcomp@alaska.gov](mailto:oha.revcomp@alaska.gov)  
ADEC – [james.rypkema@alaska.gov](mailto:james.rypkema@alaska.gov)  
EPA – [acoaru.r10@epamail.epa.gov](mailto:acoaru.r10@epamail.epa.gov)  
NMFS, Juneau – [hcd.juneau@noaa.gov](mailto:hcd.juneau@noaa.gov)  
USFWS, Juneau – [FW7\\_POANotices@fws.gov](mailto:FW7_POANotices@fws.gov)  
City Clerk, Juneau – [City\\_clerk@ci.juneau.ak.us](mailto:City_clerk@ci.juneau.ak.us)  
City Planner, Juneau – [Christine\\_McNally@ci.juneau.ak.us](mailto:Christine_McNally@ci.juneau.ak.us)  
Teri Camery – [Teri\\_Camery@ci.juneau.ak.us](mailto:Teri_Camery@ci.juneau.ak.us)  
USCG, Juneau – [d17-pf-dpw-acoe@uscg.mil](mailto:d17-pf-dpw-acoe@uscg.mil)  
Central Council Tlingit & Haida Indian Tribes of AK. – [dduncan@ccthita.org](mailto:dduncan@ccthita.org)  
Douglas Indian Association – [emorrison-dia@gci.net](mailto:emorrison-dia@gci.net)  
Juneau Empire – [Patrick.forgey@juneauempire.com](mailto:Patrick.forgey@juneauempire.com)

RECEIVED

MAY 02 2014

PERMIT CENTER/CDD

ATTACHMENT B  
ATTACHMENT C



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of  
Fish and Game**

DIVISION OF HABITAT  
Southeast Region Office

802 3rd Street  
Douglas, AK 99824-5412  
P.O. Box 110024  
Juneau, Alaska 99811-0024  
Main: 907.465.4105  
Fax: 907.465.4759

**SPECIAL AREA PERMIT FH14-I-0005-SA**

**ISSUED: January 23, 2014**

Brad Fluetsch  
5730 North Douglas Hwy, #A  
Juneau, AK 99801

RE: **Landing craft grounding**  
Mendenhall Wetland State Game Refuge  
Sec 6, T 41 S, R 67E, CRM (Juneau B2)  
58.3419 N, 134.5226 W

Dear Mr. Fluetsch:

Pursuant to Alaska Statute (AS) 16.20 and 5 AAC 95.700, the Alaska Department of Fish and Game (ADF&G), Divisions of Habitat and Wildlife Conservation have reviewed your proposal to ground and unload a large landing craft in the intertidal area below your property near Hendrickson Creek within the Mendenhall Wetlands State Game Refuge (MWSGR).

**Project Description**

You may ground a landing craft in the intertidal area of the MWSGR to transport about 100 cubic yards of sand to your agricultural plot directly upland. You plan to transfer the sand from the vessel using a wheeled or tracked loader and will lay down timber to reduce rutting within the refuge where practical.

**Mendenhall Wetland State Game Refuge**

The MWSGR was established pursuant to 16.20.034 to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife. This activity will not impact fish or wildlife habitat.

Therefore, in accordance with AS 16.20.060 and 5 AAC 95.710 (a), this activity is approved subject to the project description and terms of this permit.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Division of Habitat, at the above letterhead address or telephone number, and obtain

ATTACHMENT B  
ATTACHMENT C

RECEIVED

MAY 02 2014

PERMIT CENTER/CDD



written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of the terms of this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.20.050 and 16.20.060 and a copy must be retained when conducting the permitted activity. Please be advised that this determination applies only to activities regulated by the Division of Habitat. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

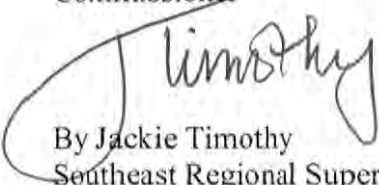
In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use that the commissioner determined may be expected to result from the permittee's failure to: 1) comply with a permit condition or provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

Any questions or concerns about this permit may be directed to Habitat Biologist Greg Albrecht at (907) 465-6384 or emailed to [greg.albrecht@alaska.gov](mailto:greg.albrecht@alaska.gov).

Sincerely,  
Cora Campbell  
Commissioner

  
By Jackie Timothy  
Southeast Regional Supervisor

Email cc:

Al Ott, ADF&G Habitat, Fairbanks  
Tammy Massie, ADF&G Habitat, Anchorage  
All, ADF&G Habitat, Juneau  
Dan Teske, ADF&G/SF, Juneau  
Dave Harris, ADF&G/CF, Juneau

RECEIVED  
MAY 02 2014  
ERMIT CENTER/CD

ATTACHMENT B  
ATTACHMENT C

Special Area Permit FH14-I-0005-SA  
Landing Craft Grounding / Fluetsch

- 2 -

Issued: January 23, 2014

Ryan Scott, ADF&G/WC, Juneau  
Teri Camery, CBJ, Juneau  
Steve Brockmann, USFWS, Juneau  
Randy Vigil, USACE, Juneau  
NMFS-HCD, Juneau

RECEIVED

MAY 02 2014

PERMIT CENTER/CDI

ATTACHMENT CB



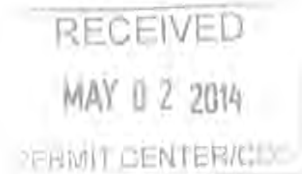
**TO:** Brad Fluetsch  
**FROM:** Dan Bleidorn  
**SUBJECT:** Public Access Easement ADL 32098  
**DATE:** January 16, 2014

This letter responds to your inquiry regarding the public access easement ADL 32098. The easement for public access was originally signed in 1966 and was granted by the Department of Natural Resources, Division on Lands. The City and Borough of Juneau is now owner of the property over which the public access easement crosses. The easement remains in effect with the City as the new land owner. The easement is 30 foot wide and can be cleared of trees in order to allow for access to your property. As was done in the past with clearing, the City asks that you remove trees, trunks and slash from the right-of-way. You may chip or stockpile and burn brush from your work. The work described in this letter must be completed during the hours of 8:00 am and 5:00 pm. Please be aware that you are responsible for obtaining all other permits that might be required to develop the access.

Thank you,

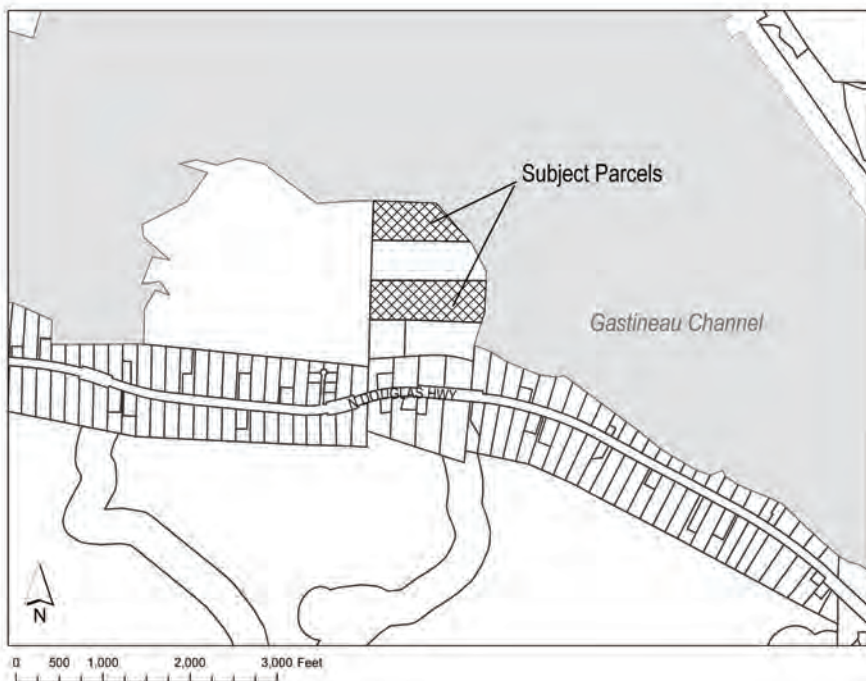
Dan Bleidorn  
Deputy Lands Manager  
City and Borough of Juneau

ATTACHMENT C





# NOTICE OF PUBLIC HEARING



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

**SHIP TO:**



**PROPOSAL:** A Conditional Use permit for the development of a floriculture farm to grow peonies on two lots in North Douglas.

File No:	USE2014 0007	Applicant:	Sunny Cape, LLC
To:	Adjacent Property Owners	Property PCN:	6-D09-0-104-009-0 6-D09-0-104-007-0
Hearing Date:	June 10, 2014	Owner:	Sunny Cape, LLC
Hearing Time:	7:00 PM	Size:	23.61 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-1
		Site Address:	N. Douglas Highway
		Accessed Via:	Gastineau Channel by barge and CBJ road easement off of N. Douglas Highway

## PROPERTY OWNERS PLEASE NOTE:

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

*If you have questions, please contact Jonathan Lange at [jonathan\\_lange@ci.juneau.ak.us](mailto:jonathan_lange@ci.juneau.ak.us) or at 586-0218.*



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at [www.juneau.org/plancomm](http://www.juneau.org/plancomm).

**ATTACHMENT B  
ATTACHMENT D**

*Date notice was printed: May 14, 2014*

## Jonathan Lange

---

**From:** Greg Chaney  
**Sent:** Monday, May 19, 2014 10:54 AM  
**To:** Jonathan Lange  
**Cc:** Ron King; Charlie Ford; Dan Jager; Ed Mercer  
**Subject:** RE: USE2014 0007 - A Conditional Use permit for the development of a floriculture farm to grow peonies on two lots in North Douglas.

Hi Jonathan,

The applicant for USE2014 0007 will be utilizing overland access via an easement on CBJ property. The application is vague about the nature of this access.

CBJ Lands and Resources requests that Planning Commission approval of USE2014 0007 include all conditions listed in Dan Bleidorn's January 16<sup>th</sup> letter to Mr. Fluetsch.

The primary issues included in the letter to Mr. Fluetsch include:

- All clearing of the access easement must be restricted to within the easement boundaries. No clearing outside of the easement limits is allowed without land owner permission.
- All brush and debris cut by the applicant must be removed from the easement.
- All work within the easement may only take place between 8am and 5pm.

Any plans to place fill within the easement, or do work beyond what has been described within the application, must be approved by CBJ Lands and Resources Management prior to the start of work.

Permitting for access to the North Douglas Highway must be obtained from the Alaska Department of Transportation prior to commercial use of the easement for access. If DOT requires additional work within the CBJ easement as a condition of approval to use the North Douglas Highway for access, approval must be obtained from CBJ Lands and Resources Management prior to the start of work.

Thank you for the opportunity to comment.

Let me know if you have additional questions or concerns.

- Greg Chaney  
CBJ Lands and Resources Manager  
(907) 586-0205

---

**From:** Jonathan Lange  
**Sent:** Friday, May 09, 2014 8:51 AM  
**To:** Ron King; Charlie Ford; Dan Jager; Ed Mercer; Greg Chaney  
**Subject:** USE2014 0007 - A Conditional Use permit for the development of a floriculture farm to grow peonies on two lots in North Douglas.

**Subject:** Please review the attached documents related to a conditional use permit for the development of a peony farm on two lots in North Douglas.  
**File:** USE2014 0007  
**Parcel:** 6-D09-0-104-009-0; 007-0

Please see the attached application and proposed plan. The attachments include site plans, building plans, an Army Corps letter, a Special Area Permit from Alaska Fish and Game, and a letter from CBJ Lands and Resources. Please send me comments by May 22, 2014 or as soon as possible. I look forward to receiving your comments. Let me know if you require any additional information for this project or have any questions.

**Jonathan Lange**, Planner I  
Community Development Department  
City & Borough of Juneau, Alaska  
Ph: (907) 586-0218  
Fax: (907) 586-4529  
Email: [jonathan\\_lange@ci.juneau.ak.us](mailto:jonathan_lange@ci.juneau.ak.us)