

MINUTES

**PLANNING COMMISSION**  
CITY AND BOROUGH OF JUNEAU  
Maria Gladziszewski, Chair

REGULAR MEETING  
October 11, 2011

**I. CALLED TO ORDER**

Acting Chair Satre called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Commissioners present: Nathan Bishop, Marsha Bennett, Dennis Watson, Nicole Grewe, Benjamin Haight, Dan Miller, Michael Satre

Commissioner absent: Maria Gladziszewski

A quorum was present.

Staff present: Dale Pernula, CBJ Community Development Department (CDD) Director; Greg Chaney, Kelly Keenan, CDD Planners

**II. APPROVAL OF MINUTES**

September 29, 2011 – Regular Meeting

***MOTION:*** *By Mr. Miller, to approve the September 29, 2011 regular PC minutes, with corrections.*

There being no objection, it was so ordered.

**III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None**

**IV. PLANNING COMMISSION LIAISON REPORT**

Chair Satre announced that by the next PC meeting, a new Liaison from the Assembly might be appointed.

**V. RECONSIDERATION OF THE FOLLOWING ITEMS - None**

**VI. CONSENT AGENDA**

Chair Satre announced that there are two items on the Consent Agenda, and inquired if there is public comment on these items. A person from the public wished to provide comments on USE20110023, and Chair Satre moved this case to the Regular Agenda. No one from the Commission had questions.

**MOTION:** *By Mr. Watson, to approve the Consent Agenda, as modified.*

There being no objection, it was so ordered and the case below was approved, as presented by the PC.

**VAR20110022**

A Variance request to reduce the side yard setbacks on two lots allowing for construction of a common walkway.

Applicant: Paul D. Douglas and Peter Argenti  
Location: 3014 and 3018 Foster Ave., Douglas, AK

**Staff recommendation:** That the Board of Adjustment adopt the Director's analysis and findings and approve the requested variance, VAR20110022. The Variance permit would allow for construction of a common walkway along the boundary between two lots. The walkway would be three feet in width and would encroach 1.5 feet onto each property.

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS** (Heard following the Regular Agenda)

**VIII. UNFINISHED BUSINESS** - None

**IX. REGULAR AGENDA**

Mr. Haight noted a potential conflict of interest regarding USE20110023, and he was allowed to step down from the PC.

**USE20110023**

A Conditional Use permit (CUP) to remove an old antenna farm and install one new telecommunications tower on the Capitol Building roof.

Applicant: Silverbow Construction  
Location: 120 4th St.

**Staff report**

Mr. Keenan said the site is on the roof of the Alaska State Capitol Building in Downtown Juneau, which is bounded by 4<sup>th</sup>, 5<sup>th</sup>, Seward, and Main Streets. The building is in the Mixed Use zoning district, is five stories tall, and it was constructed in 1931. The building is not located within the Downtown Historic District, but it is considered to be a historic structure and a focal point of Juneau's Downtown historic fabric. Several sites adjacent to the property are also zoned Mixed Use to the northwest, southwest, southeast, and northeast. Other adjacent areas are zoned D-10 to the west, and D-18 to the north.

The applicant proposes to remove an old antenna farm on the Capitol Building roof, consisting of two towers and accessory equipment. One of the existing towers is located on the western side of the roof, and the other on the eastern side. The existing towers are currently visible from vantage points throughout Downtown Juneau and from adjacent neighborhoods (attachment B). Once those existing structures are removed, the applicant proposes to install one new 20' tall tower on the western side of the roof, and this tower might be extended to 33' in the future. The new tower would support telecommunications associated with legislative activities. The tower

structure would consist of galvanized steel members in a latticework form. The new tower would have a three-face, self-supporting design that requires no guy wires. Each face of the new tower would be 12' 7" wide at the base, and 10' 7" wide at the top.

After construction is complete, infrequent maintenance visits will produce negligible increases in traffic in the vicinity of the Capitol Building. The existing onsite parking has been found to be adequate. There are no generators or other equipment proposed that could produce adverse noise associated with the current proposal.

The proposed tower is currently under the Building permit review process, and pending the outcome of this CUP it must then meet all applicable building codes. Staff received no objections to the proposed use from the CBJ Fire, Building, and General Engineering Departments.

Towers used for telecommunication purposes can generate electromagnetic radio waves that contain levels of radiation. The Federal Communication Commission (FCC) caps radiation emissions from these type of structures at a maximum level. The Federal government restricts municipalities from denying these types of structures based on perceived health effects. However, municipalities can require proof of compliance with FCC standards, and staff recommends a condition of approval requiring that the applicant submit documentation of compliance with FCC standards.

While the new tower will have a wider profile than the two existing towers, the freestanding, three-face design will not require guy wires, and staff assumes that the proposed project would actually serve to reduce the impact the existing towers have on the downtown view plane. Based on these factors, staff believes the proposed project will not adversely affect property value or neighborhood harmony.

In accordance with the 2008 CBJ Comprehensive Plan (Comp Plan), staff solicited comments on the proposed use from the Historic Resources Advisory Committee (HRAC). The HRAC did not object to the installation of the new tower, and was glad to learn that the project would not involve alteration to the historic facade of the structure. In addition, because the proposed new tower will support telecommunications associated with State functions, staff believes the proposal is in conformance with the Comp Plan, and therefore recommends that the PC approve the proposal, subject to the outlined condition.

Mr. Bishop asked staff to expound on the girth of the existing towers. Mr. Keenan said it is staff's understanding that those dimensions are not known because no as-built surveys have been located regarding the two existing towers. Staff assumes those structures are less than the girth of the proposed tower that would be 12' at the base, and he deferred to the applicant to further expound on this.

#### Public testimony

Larry Gamez, 1003 Bentwood Place, Project Manager for Silverbow Construction, said this project would basically consist of the existing footprint, except that the new tower base would be slightly wider. The existing towers have many antennas and wires, but when the new tower is mounted it would be an upgrade to the existing structures and be more modern in appearance. Chair Satre referred to page 2 of the staff report, which states, "The exact height of the existing towers is not known, but they are estimating it to be approximately 40 feet tall." He asked if 40'

is the height of the existing towers, or if that includes the height of antennas on them (attachment B). Mr. Gamez said he does not have those numbers regarding the height of the two existing towers, but he could provide that information later on if the PC requires it. Chair Satre said in viewing attachment B it is probably fair to state that the girth of the existing towers is about 4'x4' to 5'x5' wide. Mr. Bishop stated that if Mr. Gamez has been on the roof of the subject building, he asked if he is able to confirm Chair Satre's estimated dimensions. Mr. Gamez said he believes those dimensions are closer to 3'x3', although he cannot confirm the vertical height of them at this time without further research.

Mr. Pernula asked if emergency power generation would be installed on the roof of the subject building in relation to the new tower. Mr. Gamez stated that at this time emergency power generation for the new tower would be provided in-house on the bottom floor of the subject building, and no other generators are planned to be installed on the roof.

Mr. Bishop asked what the color is of the two existing towers, and what color is being proposed for the new tower. Mr. Gamez said the two existing towers are rusty, and the new tower will consist of galvanized steel. Mr. Bishop asked if the two existing towers were initially galvanized steel when they were installed. Mr. Gamez said he thinks so, but they ended up becoming substantially rusty over time.

Ms. Bennett asked if there has ever been an issue regarding high wind occurrences with the existing two tower structures, as the new tower will not have guy wires to anchor it. Mr. Gamez said engineers designed the new structure, and they have taken possible high winds into account.

Jim Stey, 235 5<sup>th</sup> Street, said he resides about one block from the subject site. He compliments Mr. Pernula and the CDD staff for citing noise as a key item regarding this proposal, which is his main focus as well. He read in the staff report that telecommunication towers emit electromagnetic radio waves that contain levels of radiation, and he is wondering if eventually, not today but down the line, if those type of waves might cause a fan to have to be installed to cool them down. Since the applicant would already have a permitted tower installed, he is concerned that they might later request to install a fan. This has probably happened more than once at other telecommunication tower locations in town. In addition, there might be requests to install add-ons to the tower later on in terms of additional telecommunication equipment. This might be considered as being a "blank check" in terms of permit approval for all types of telecommunication equipment to be added in the future in association with antennas. The emergency backup power supply is also an important aspect in terms of this proposal. He explained that the Legislative Affairs Agency uses a gigantic emergency backup system. That system is located outside near a door of the building, which is unbelievably loud. He is concerned that equipment of that nature might be installed on the subject rooftop, and therefore he would like the PC to add a condition that this proposal has to meet noise abatement standards, which this body has already defined.

He asked if the Legislative Affairs Agency is the actual applicant of this project. He explained that it seems somewhat odd that a contractor is speaking to staff and the PC about a project that he is going to be working on. However, he believes staff and the PC should hear from the actual entity proposing this project, as he would like to ask the applicant why they are proposing this project, and whether it might be tied into any other potential proposals that would be second or third in line after this one. He would like to hear from a representative of the Legislative Affairs Agency, as he believes they are the state agency that has oversight of the Capitol Building.

He is concerned that it might look like this project is going to be fairly simple, which meets all the requirements at first, but then it might somehow have hidden costs or agendas behind it. In the long run, another scenario might be that people could state that the applicant should remedy a certain situation, but they could respond by stating that doing so would be too expensive so the neighbors just have to put up with noise because they already spent all their funds installing the new tower.

Mr. Watson asked if Mr. Stey is currently experiencing problems in terms of noise emitting from the Capital Building. Mr. Stey said not from that building, but he knows when telecommunications and computer equipment were installed for other State agencies, they have had to install fans to cool them down.

Mr. Gamez offered to answer question of the PC. Chair Satre stated that a concern was raised about an emergency backup system for the new tower, but he believes that would be tied into the existing system for the subject building; Mr. Gamez said that is true. Mr. Miller asked if there are any existing fans or cooling equipment on the roof of the subject building for either of the two existing towers at this time, which they might be relocating onto the new tower, or installing at a later date for the new tower; Mr. Gamez said there are no plans for such equipment installation. Mr. Pernula said if there are concerns about additional equipment being installed in relation to the new tower that may cause noise, the PC could provide a new condition that states, "Any equipment related to the structure creating audible noise shall require a modification to the CUP."

Mr. Watson said he did not bring his copy of Title 49, but he believes the telecommunication towers on the roof of the subject building are critical to the operation of State government or the existing towers would not be there, which probably includes Homeland Security and other communications. He explained that about 2.5 to 3 years ago the PC held a discussion regarding telecommunication towers, and whether they were necessary for the well being of the community for emergency services. That discussion took place when KTOO proposed to install an antenna on a tower in North Douglas, and the PC found that KTOO was the only entity that could broadcast an emergency signal into the Lemon Creek area. He believes this proposed tower might fall under similar criteria as well. Mr. Pernula stated that some time ago, he recalls when Eric Feldt developed a draft wireless communication facilities ordinance. He explained that such criteria might have been included in that draft ordinance to exempt those types of telecommunication facilities, and he is unable to think of any other provision in the code that would allow for that particular type of exemption, but in this case the new proposed tower is permitted with an approved CUP.

Mr. Bishop said a very large base is planning to be installed per the plans provided with this CUP request, and he asked if dishes or reflectors are going to be programmed, or other types of apparatus beyond those that were discussed earlier in relation to noise. He explained that he appreciates Mr. Stey's concerns about aspects being added in the future, as well as wishing the applicant were in attendance to discuss any proposed expansion plans. He also appreciates the contractor being in attendance because he is an important part of this project, but the PC should have been provided representation by the party actually applying for the CUP. He believes Mr. Gamez is unable to answer questions regarding expansion plans, but he would like him to make an attempt to do so. In addition, he would like to know what is going to be installed on top of this type of tower that demands such a large base on the roof of the subject building. Mr. Gamez

said he is not aware of anything else being planning to be added atop of the new 20' tall tower, as that is all that his contract entails, and the existing communications would be installed on the 20' tall section. Even so, attachment D shows a future 13' section on the new tower, which would obviously have to undergo another permitting process through CDD. Mr. Bishop said the existing towers appear to be 40' in height, and Mr. Gamez indicated that another permit would be required to add an additional 13' section. However, given that this is already shown on the proposed plans for this initial CUP, he asked if the PC were to approve this permit if the additional 13' height detail would be part of such approval. Mr. Pernula said if the PC wishes to regulate the additional 13' section that may be added to the new tower in the future, the Commissioners should make this a separate condition so it is clear. This is so a person 10 years or so from now would not have to guess whether an additional 13' section is permitted.

Commission discussion - None

Staff recommendation: That the PC adopt the Director's analysis and findings and grant the requested CUP, USE20110023. The permit would allow removal of the existing antenna farm and installation of a new antenna farm on the Capitol Building roof. Staff recommends the following condition of approval:

1. Prior to issuance of a Certificate of Occupancy, the applicant must submit to the CDD documentation providing proof of compliance with FCC emission standards.

Commission action

**MOTION:** *By Mr. Watson, that the PC adopt the Director's analysis and findings and grant the requested CUP, USE20110023. The permit allows removal of the existing antenna farm and installation of a new antenna farm on the Capitol Building roof, subject to the condition outlined by staff, as presented.*

**FRIENDLY AMENDMENT:** *By Mr. Miller, that the PC adds a new condition, as follows:*

2. *Future extension of the new tower to 33' as detailed in the project description will not require an additional CUP.*

Mr. Miller explained that this would allow the 13' future section to be added without the applicant having to undergo the CUP process again, which he believes is what the applicant requested per the proposal. The applicant paid an engineer to design the new tower structure to a total height of 33', which is 7' lower than the existing two towers that would be removed. Mr. Watson accepted Mr. Miller's friendly amendment.

**FRIENDLY AMENDMENT:** *By Mr. Bishop, that the PC adds a new condition previously cited by Mr. Pernula, as follows:*

3. *Any equipment related to the structure creating audible noise shall require a modification to the CUP.*

Mr. Watson said he is inclined to agree with the new Condition 3, but he has issues with the word "audible," as the City already established noise thresholds so in this instance "audible" becomes somewhat arbitrary. He requested staff to provide the definition of "audible" for the PC. Chair Satre asked if it is possible to revise the newly proposed Condition 3 to state, "Noise which may be perceived in excess of that allowed by code," or verbiage along those lines that does not necessitate a finding of fact that the equipment emitting noise is truly above such a noise threshold, but it provides an avenue if neighbors end up having issues. Mr. Pernula said

the problem with doing so is that right now the only noise-related code levels are “Noises that are generated from industrial zones and received at residential zones,” so the language in the newly proposed Condition 3 might be revised to state, “...audible offsite...” Chair Satre clarified that the draft noise ordinance is still being reviewed, and as it stands now property owners generating excessive noise would be required to apply for a Noise permit. He explained that the ordinance does not allow for a blanket grandfathering of every noise-generating device in the City. Mr. Pernula added that the draft noise ordinance has a provision for noises currently being generated exceeding the noise levels, which would be amortized over a period of time, e.g., two years, five years, or whatever when the property owner would have to apply for a Noise permit. Mr. Chaney cautioned the PC that the draft noise ordinance has not yet been adopted, and it might be completely changed before it is. Chair Satre said he just wanted to state that the draft noise ordinance is a concept being reviewed to address noisy situations that may legally be taking place now, but may not be legal in the future. Mr. Miller said electric generation systems are typically the noisy source used to cool equipment that emit noise, not telecommunication equipment placed upon towers; Mr. Pernula said his awareness of this is the same. Chair Satre stated that when the PC dealt with noise related to wireless towers in the past, it was about the power generation facilities contained within enclosed structures. In this case, the electrical unit would be in the interior of the subject building, and it is not related to the potential transmission equipment being placed on the new tower. Mr. Miller stated that if the applicant later proposes to install a noise generation device, he asked if this is an aspect that would be allowed, or if the applicant would be required to obtain a separate CUP to do so. Mr. Pernula said this is the concern that was stated by Mr. Stey that the applicant might install it outright after this CUP is approved, which would generate noise without having to modify the initial CUP. Once again, he is just suggesting for the PC to make it clear one way or another as to whether the applicant is required to modify this CUP. He prefers that if such a device generates noise above a certain threshold that would create a nuisance on adjoining properties, it would require a modification of the initial CUP. He said this might include language, such as, “Generate noise offsite at nuisance levels,” as the City has a Nuisance code. Mr. Chaney said a CUP is required for this proposal because it is for a new telecommunications tower of a certain height. Once the new tower is installed, the CDD does not regulate antennas or equipment placed on it, so the applicant could install all sorts of items after this CUP is approved that would not require an additional CUP.

Ms. Bennett said changes in technology lead her to suspect that towers and equipment would become less noisy in the future because of miniaturization and other processes, as newer technology is improving in terms of noise generation. Even so, she agrees with adding a condition to the CUP to prevent possible noise conflicts with the neighborhood in the future.

Mr. Bishop said he appreciates Mr. Watson’s hesitation on the “audible” portion of the newly proposed Condition 3, which he agrees adds confusion in many ways. He explained that his greatest concern is not the noise factor because he does not believe that would be an issue, but there is a lot of concern about noise within the City so it is worth the PC adding a condition to attempt to minimize any potential impacts. His main worry is about possible expansion, as Mr. Chaney pointed out that once the new tower is approved adding equipment on it does not require an additional CUP, which he anticipates happening in the future. On the other hand, he recognizes that telecommunication is a necessary function of government. He does not want to get too carried away making a lot of requests that do not fulfill any need, so he has mixed feelings in his request that Mr. Watson accept his friendly amendment. Mr. Watson said he is unable to accept Mr. Bishop’s friendly amendment. Mr. Bishop commented that since Mr. Watson did not accept his friendly amendment, it will not move forward for a vote unless he

specifically requests the PC to do so. Therefore, a fellow Commissioner might want to propose a new friendly amendment that does not have “audible” in it, but his friendly amendment is no longer active.

Chair Satre restated that motion.

**MOTION RESTATED:** *By Mr. Watson, that the PC adopt the Director's analysis and findings and grant the requested CUP, USE20110023. The permit allows removal of the existing antenna farm and installation of a new antenna farm on the Capitol Building roof, subject to the conditions, as modified:*

1. *Prior to issuance of a Certificate of Occupancy, the applicant must submit to the CDD documentation providing proof of compliance with FCC emission standards.*
2. *Future extension of the new tower to 33' as detailed in the project description will not require an additional CUP.*

Mr. Bishop spoke against the motion because of the future extension of the new tower mentioned in Condition 2. He foresees other equipment being installed on top of the tower given the size of its proposed base. He is also able to foresee other antennas being installed beyond the review of this CUP in the future. He does not want to potentially create a visual impact happening that the PC has not anticipated as the new tower approaches 33'. He is able to foresee an addition to the tower of 10, 15, or 20' beyond that 33' height with future add-ons. Without a review of the impacts of doing so, he feels that the PC would not be doing this proposal justice.

Chair Satre stated that in light of Mr. Bishop's comments regarding Mr. Miller's friendly amendment to add Condition 2, he asked if Mr. Watson still wishes to consider that amendment as being friendly, or if he would like to separate it via an amendment from the initial motion for further discussion by the PC; Mr. Watson said he does not.

Roll call vote

Ayes: Bennett, Watson, Miller, Satre  
Nays: Bishop, Grewe  
Recused: Haight

Motion fails: 4:2; and USE20110013 was denied by the PC, as modified.

Chair Satre said USE20110013 would end up being denied unless a Commissioner wishes to provide an immediate notice of reconsideration. He explained that a newly added condition caused the failure of that motion, which the PC could potentially rectify with appropriate procedural motions.

**NOTICE OF RECONSIDERATION:** *By Mr. Watson, that the PC reconsiders USE20110013.*

Mr. Pernula explained that this action requires six affirmative votes in order for USE20110013 to be reconsidered at this PC meeting. Mr. Bishop stated that this is for approval of the reconsideration at this particular PC meeting, not approval of an actual motion; Mr. Pernula said yes.

There being no objection, USE20110013 was reconsidered by the PC.



**FRIENDLY AMENDMENT WITHDRAWN:** *By Mr. Miller.*

Chair Satre said the PC is now back to the point before the initial motion was made on USE20110013, and a motion is no longer on the floor.

Mr. Watson said he is worried about noise just as his fellow Commissioners are, but he will continue to have concerns about the use of the word “audible” until they can get something “ironed out.” He proposes that if a fan or noise producing equipment is installed in the future on the rooftop of the subject building for the purpose of operating or cooling the new tower, sound-deadening panels should be constructed around that type of system. In the past, Mr. Stey mentioned that similar measures were taken at Rainbow Foods, which is very near the subject building. He would like to propose possibly providing a condition that states, “Sound deadening panels shall be installed that would substantially reduce noise if sound producing equipment is installed on the subject rooftop in the future.”

Ms. Bennett said she thinks they are getting a bit silly. This is a State office building, and they are proposing to install a telecommunication tower on the rooftop of the Capitol Building to facilitate official business. The applicant is not proposing to install sound-producing equipment on the towers right now. With technology likely to improve, the probability of sound emitting sources would be minimal.

Mr. Pernula said what caused the last motion to fail was the addition of a 13’ future section on the new tower. He believes that the PC might consider going back to the initial motion to deal with that additional tower height, and then move forward from there.

Mr. Bishop said he recommends a new Condition 2, which states, “An additional CUP is required for any further expansions on the tower as proposed in the initial CUP beyond the 20’ tall height.” He is not all that concerned about noise, and he does not know how to address it anyway, given that there are so many different constraints on it, and a draft noise ordinance is being worked on at the same time. Furthermore, he does not recall ever viewing an antenna that produces an auditory response, so he leaves this up to his fellow Commissioners should they have greater concerns regarding this than he does.

Ms. Grewe said she is somewhat lost regarding the process taking place. She believes the PC should deal with the height of the proposed tower first, and then she intends to provide comments on the audible issue later on.

Chair Satre apologized for not reading the reconsideration portions of the Rules of Order prior to the PC meeting tonight. He explained that once the PC reconsiders a motion, he asked staff if this body is at the point prior to the vote on the initial motion, or at the point prior to the initial motion being made. Mr. Pernula said the code states, “A motion for reconsideration completely cancels the previous vote on the question to be reconsidered as though the previous vote had never been taken.” Chair Satre said in that case then the motion is still on the floor. He said Mr. Miller was correct in withdrawing his friendly amendment to the initial motion, so now the PC has Mr. Watson’s initial motion.

**MOTION:** *By Mr. Watson, that the PC adopt the Director's analysis and findings and grant the requested CUP, USE20110023. The permit allows removal of the existing antenna farm and*

*installation of a new antenna farm on the Capitol Building roof, subject to the condition outlined by staff, as presented.*

- 1. Prior to issuance of a Certificate of Occupancy, the applicant must submit to the CDD documentation providing proof of compliance with FCC emission standards.*

**FRIENDLY AMENDMENT:** *By Mr. Bishop, that the PC adds a new condition to the motion:*

- 2. An additional CUP is required for any further expansions on the tower as proposed in the initial CUP beyond the 20' tall height.*

Mr. Miller spoke against the friendly amendment. He explained that the application is fairly clear that they are requesting a 33' tall tower, and at this time they are only proposing to install 20'. This is in the staff report, and it is also shown on the design. This case was initially on the Consent Agenda, but was removed by a person who voiced a concern about noise if future equipment were to be installed. He said this infrastructure is important to retain the Capital in Juneau, including transmitting important telecommunications out to the rest of the State of Alaska or wherever, and he does not understand why this friendly amendment is limiting the proposed tower per this CUP to 20' when that is not what the applicant is requesting.

Mr. Pernula said the problem is that the PC only has four affirmative votes by Commissioners for the new tower to be extended to 33' in height, so unless they agree to limit it to 20' the application would end up being denied.

Mr. Bishop said he agrees with Mr. Miller that the proposal shows it is for a 33' tower being proposed in the application. However, the applicant has not stated what is proposed to be installed on top of it so he does not know what this will entail, including that the applicant is not present to answer these questions, which is irritating. While he has been thinking about this throughout this PC meeting, he drew another tower on top of the proposed tower because it does not look like a typical tower. He has not seen other towers being designed this wide without being extended higher to a "point" type of configuration at the top. Therefore, he believes many types of add-ons will be installed on the tower, and possibly to extend it beyond 33' in the future. When he views situations such as this it leads him to wonder just what is going on, and since the applicant is not here to answer these questions, he does not want to move forward because he feels like the PC would be approving an application that they are not fully clear on moving forward with.

Ms. Grewe said she echoes the same concerns Mr. Bishop mentioned. Not having the applicant present to describe what might be installed on top of the more grandiose tower does not give the Commissioners a reason to write a "blank check" for 33' in height. She believes the structure might end up consisting of 33' plus several attachments, and perhaps even becoming higher in the future. She does not see the harm in approving the proposal for a height of 20', and then requesting that the applicant apply for another CUP to extend it to 33'. This might entail an additional permitting fee, including more of a public process. The subject building is located in the center of Downtown Juneau and the PC is attempting to encourage downtown as being a livable place. Some of this involves retaining view planes, taking noise into consideration, and clearly maintaining the Capital in Juneau, which is important to everybody. She does not see any harm in having the applicant apply for an additional CUP when the need arises for more tower height to 33'.

Mr. Watson said he is disappointed in the use of the word “possibly” found on page 3 of the report, which is when staff states that “The proposed tower will be 20 feet tall initially and possibly extended to 33 feet in the future.” He explained that he has had to deal with this word being used in previous applications, and the most classical one was when the PC reviewed a permit for the Kensington Mine when one of his predecessors heard the comment by a representative of the applicant that “possibly” might mean that at some point in time they might construct housing at the mine. When that happened, the review by the PC of that mine proposal nearly ceased because of the word “possibly.” He explained that either an aspect is being proposed, or it is not. He does not know if this is actually being stated by staff or the applicant, and in this case he is taking it that the applicant is planning on extending the tower to 33’ in the future. In addition, he reminded the PC that two 40’ towers will be removed that are rusty and probably not safe or the State would be proposing to do so. Therefore, by restricting the proposed tower to 20’ might be limiting the ability of State government to operate at a level that provides safety and security for its citizens of Alaska, but he agrees that the new tower should not be extended beyond 33’. He agrees with Ms. Bennett that they are tending to be somewhat silly, and the Commissioners have to realize what they are dealing with in terms of this case. The applicant is not proposing to install a WiFi tower next to a residence, and instead they are talking about installing a tower on the roof of a government building. He explained that the Federal government is allowed to install anything they want on top of the Federal Building, which they have already done.

Ms. Bennett said she agrees with Mr. Miller and Mr. Watson. She wishes the applicant were in attendance instead of the construction contractor who will do the work. That said, 33’ is less than 40’, and one tower is less than two towers. The likelihood of the proposal as it is being presented of there being substantial noise is fairly remote, and the City does not yet have an adopted noise ordinance. She plans to vote for the motion.

Mr. Bishop said he objects to being called silly, as he does not feel he is doing so tonight. He takes this case seriously, which is why he has made amendments to motions that he feels deserves such attention. In addition, he does not necessarily feel two towers are worse than one. He explained that the exposed visual cross section of the two existing 4’ wide towers is 8’, and the proposed tower will be 12’ wide. Also, if the new tower were to be extended to 33’ including add-ons, it would be just about as tall as the two existing towers at 40’. If new expansion plans are presented, the new tower might become even taller. He believes these aspects are worth consideration by the PC.

Ms. Grewe said per the staff report, she believes they are all in agreement that the new tower could easily be called 33’ in height, but she found four places in the same report that states it is 20’ with a proposed addition. She said some may call this semantics, but the majority of the report states that the new tower is being proposed at 20’. The report also includes the words “possible” and “potential” in relation to extending the new tower.

Mr. Watson accepted Mr. Bishop’s friendly amendment.

Chair Satre said the current friendly amendment is for a newly added Condition 2, and his thoughts of this are similar to Mr. Miller, Mr. Watson, and Ms. Bennett’s. He believes the PC has been provided sufficient information to evaluate the 20’ to 33’ tower, which would be very wide in base because it is for a freestanding structure. He is able to picture what type of

accessory equipment would be added to it, and he speaks against the friendly amendment to require the applicant to apply for a new CUP to extend the new tower beyond 20’.

Roll call vote

Ayes: Grewe, Bennett, Watson, Bishop

Nays: Miller, Satre

Recused: Haight

Motion fails: 4:2; and Mr. Bishop’s friendly amendment is denied, and the proposed Condition 2 will not be included in the initial motion.

Ms. Grewe said the reason this case was pulled from the Consent Agenda was due to an audible issue, and Mr. Pernula commented that if the PC wishes to address potential future noise in relation to this CUP, he requests the Commissioners to state so in the motion.

***FRIENDLY AMENDMENT:*** *By Ms. Grewe, that the PC adds a new condition, as follows:*

2. *The applicant shall return to the PC if devices are installed that create nuisance level noise.*

Mr. Pernula said the Juneau Police Department (JPD) currently enforces loud party and other nuisance types of noise infractions. Therefore, if the applicant were to install some sort of device that causes noise to generate at nuisance levels, the JPD would have to respond and listen to it, which would probably require the applicant to obtain a CUP.

Ms. Grewe stated that the State is a good partner in the community. If a person from the public provides a complaint that an infraction was taking place of a nuisance type of noise that has a legal basis to it, she believes the State would work with the City and residents to lower such a noisy nuisance level, and therefore she is attempting to provide parameters per her friendly amendment. Mr. Watson accepted Ms. Grewe’s friendly amendment.

Mr. Miller spoke in favor of the motion with the friendly amendment. He said this now covers the issues raised by the public who pulled this case from the Consent Agenda. The application is fairly clear on the proposed height of the new tower. Allowing the State to have updated telecommunication facilities that are safe, weather protected, and modern is important for Juneau as a community as well as the entire State of Alaska.

Mr. Bishop spoke in favor of the motion with the friendly amendment. He believes it is critical for the State to be on top of maintaining good telecommunications, and the friendly amendment is a good improvement to move forward with the motion. He wishes the applicant could have presented the PC with more information, although he believes it is clear that the intent of the application is for a new 20’ tower.

Mr. Chaney said when he proofread the staff report he interpreted the newly proposed tower to be 33’ because the report states that it could be extended to that height, but for the record he would like this to be clearly stated by the PC.

Ms. Grewe said her interpretation of the report states four times that it is for a 20’ tower, which has a structural fortitude to support additional segments on top, but she is not out right approving that.

Ms. Bennett referred to page 3 of the report that states, “Each face of the new tower will be 12’ 7” wide at the base, and 10’ 7” wide at the top. The proposed tower will be 20 feet tall initially and possibly extended to 33 feet in the future.” She does not care for the use of the word “possibly,” but it is clear from this language and the project design that the new tower is going to be extended to 33’ at some point in the future, which the PC needs to be clear on. Mr. Bishop said he wishes more clarity was provided on this as well, which is why he is not comfortable.

Ms. Grewe said it is not that she is opposed to a 33’ tower, but if she were a resident living on 7<sup>th</sup> Street and a 20’ tower gets built, and then an extension is added to extend it to 33’ that might have all types of contraptions hanging off of it, and all of a sudden the neighborhood might become excited because their view plane has been impacted. She said one public person and the applicant’s representative is in attendance at this PC meeting. If this scenario happened and she were the public, she would refer to the staff report and start picking it apart, which is her concern. The PC’s confusion being voiced tonight could be reflected with the public. She wishes more Commissioners were in attendance tonight so they could have a full discussion, including having better information provided for a solid vote on this application one way or another. However, someone is going to look through the minutes of this case, perhaps in five years, including the staff report, and then state that this was not part of the deal.

Mr. Bishop said he does not have a problem with a 33’ tower either, and he feels the same as Ms. Grewe that short of having an application that states this is what it is, and what is going on the top and sides of the tower, he does not see that the PC is able to adopt this to be more than what they are asking for, which is specifically for a 20’ new tower.

**MOTION TO CONTINUE:** *By Mr. Watson, that the PC continues USE20110023 to a subsequent PC meeting.*

Mr. Bishop said he would like to ask whether the contractor is planning to begin construction next week. Chair Satre said that is not a concern of the PC. Mr. Bishop said this is part of the issue in relation to whether construction is able to take place before wintertime sets in, which would affect his vote. Mr. Pernula said he recalls the contractor stating that he expects that if the tower was later extended, the applicant would have to apply for an additional CUP.

Chair Satre said he believes the PC is reviewing a 33’ tower application. He referred to page 3 of the report that states, “The proposed 20-foot tall tower is currently under review through the Building permit process...” He asked staff if that Building permit process would require an additional CUP if the applicant later wishes to extend the tower to 33’. Mr. Pernula said if 33’ is not what the Building permit staff reviewed, then yes.

Chair Satre stated that a motion is on the floor to continue USE20110023. This is an interesting situation for the PC because they have Commissioners who appear to agree that they are able to accept staff’s findings and analysis. However, the discussion by the Commissioners appears to point to disagreement as to what those analysis and findings are. There is potential through continuing this case that they might be able to obtain answers and clarification as has been asked for by various Commissioners.

Mr. Bishop said he is not in favor of continuing this case as Chair Satre is suggesting if the contractor is ready to state for the applicant that they would be willing to re-appear before the PC

if they later propose to extend the 20' tower to 33', and if they are ready to build the new tower now. If the applicant is ready to do so, this would be a nuisance to them if the PC deferred USE20110023 to a future date for approval as is being proposed.

**BREAK:** 8:16 to 8:23 p.m.

Chair Satre asked Mr. Chaney to explain what he desires the PC to provide in his Planner capacity while he reviews CUPs in terms of decisions made by this body. Mr. Chaney said they have to ensure that the Building permit agrees with what the PC approves. It would be helpful for the Commissioners to provide a clear statement as to how high the tower is allowed to be if they approve USE20110023.

Mr. Miller said in order to move this CUP along and to give deference to his fellow Commissioners he wishes to withdraw his opposition to a 20' tower. He is now in favor of moving USE20110023 along with a 20' tower, including a condition to require an additional CUP if the applicant wishes to further expand it. He explained that if the applicant ends up appearing before the PC at a later date to extend the 20' tower by 13', they would know from the PC's review of this initial CUP that they would need to provide more information as to why it is important to do so. If this were to happen, such a future review might answer some of the questions the PC has voiced tonight, and that additional CUP might appear on the Consent Agenda at a subsequent meeting just as this one was tonight.

**MOTION TO CONTINUE WITHDRAWAL:** *By Mr. Watson.*

Chair Satre said the motion that includes the friendly amendment by Ms. Grewe to add a new Condition 2 is on the floor. Therefore, the PC would be approving a 20' tower, which is now part of the PC's findings if the Commissioners approve the motion with the friendly amendment. Any future proposal to extend the tower beyond 20' in the future would require a modification to the initial CUP, and therefore he does not believe any other amendments or motions are required by the PC at this time. Mr. Miller stated that no additional condition is required, as they are simply clarifying these findings by the PC for the record; Chair Satre said this is correct.

Mr. Bishop spoke in favor of the motion and friendly amendment. Even so, he is disappointed that the PC is unable to approve what he believes the applicant really wants tonight due to lack of information.

There being no objection, it was so ordered and USE20110023 was approved as modified by the PC.

Chair Satre announced that the PC approved USE20110023 for a 20' tower as detailed in the staff report, dated October 7, 2011, and any proposed changes will require a modification to the initial CUP. He agrees to some extent with Mr. Bishop that it would have been nice to be presented with more information, but since they were not the PC approved a 20' tower.

Mr. Haight returned to his seat on the PC.

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS** (Heard out of sequence)

## AME20110006

A Text Amendment to rewrite Title 53 – Real Property: Chapter 53.09.010 Policy; Article I: Status Maps and Resource Inventory; Article II: Classification; and Article III: Plan.

Applicant: Heather Marlow, CBJ Lands & Resources Manager

Location: Boroughwide

Mr. Pernula stated that Cynthia Johnson, Deputy Lands Manager for the CBJ Lands & Resources Department, will be making the presentation of the proposed ordinance. Chair Satre welcomed Ms. Johnson on behalf of the PC. He asked if this is an initial presentation for discussion purposes only, not for action by the PC tonight. Mr. Pernula explained that Title 49 requires the PC to provide recommendations on amendments to it, although this presentation is on Title 53. He said Title 53 has some references to the PC, including that some deletions and modifications are being proposed to the proposed ordinance. This presentation was noticed as part of the Agenda tonight, but not a 15-day notice period, which a public hearing on Title 49 would require. He believes if the PC is comfortable making a recommendation on the proposed ordinance to the Assembly, they could do so tonight. Otherwise, if the PC would like to hold a formal public hearing, they are welcome to do that instead.

### Presentation/Discussion

Ms. Johnson said the CBJ Lands & Resources Department is a three-person office, and they are required to follow Title 53. When she met with Mr. Pernula in advance of this PC meeting, he recommended that since the PC is not accustomed to dealing with Title 53 that it might be helpful for her to provide historical context. Basically, her office is responsible for managing all City owned properties, and much of those activities involve purchasing and disposal. Alaska is a very large State that encompasses 367 million acres. At the time of statehood the Federal government owned 99.8% of that acreage. The Statehood Act allowed the State to acquire 103 million acres of land to assist them in establishing an economy. The State, at the same time, recognized that municipalities needed the same sort of economic base. To develop municipal economies, they needed a land base. In 1963, the State passed the Mandatory Borough Act, and ensuing litigation complicated the transference of titles on properties, which was resolved in 1978 when additional legislation was passed. In Juneau's case, they received a 19,700-acre entitlement, which enabled the City to start selecting lands from the State land base within the borough. That was a fairly substantial change, as the existing land base was approximately 3,000 acres, and that 19,700 acres ended up being about 85% of the City's land base. In response to that, the Assembly took a very serious look at how these lands should be managed. In 1983, the Assembly passed the bulk of what is Title 53. Title 53 in part created the lands fund, classification system, status plats, resource inventory information, and the Land Management Plan portion, which is what they are focusing on tonight. This is sort of a courtesy call to the Commissioners because the PC is such a big part of that classification process. She wanted to ensure that the PC had an opportunity to review and comment on the proposed ordinance before they take it to the Assembly for review and approval.

If the PC looks back on the numbers and dates she provided to them via the memorandum, dated August 25, 2011, and thinks of it as a timeline, they will note that 1983 was fairly significant. The State's entitlement from the Federal government was to wrap up in about 1984, and around 1983 was when people were getting excited at the State level to hurry up and finish their 103-million-acre entitlement selection from the Federal government. That was when the municipal entitlement of the City selection from the State was gearing up and the City was actively involved in selecting 19,700 acres. It was no coincidence that Title 53 was created in 1983,

which was also when the CBJ Lands & Resources Department was created, and she started working for that office in 1984. Title 53 has not been substantially changed in those 28 ensuing years, and over time a number of areas have either become obsolete, redundant, or are no longer applicable, which she wishes to address with the PC tonight.

Prior to working for the CBJ Lands & Resources office, she worked for the State Department of Natural Resources in a land management position until 1983. Therefore, in reviewing files in the CBJ Law Department on how Title 53 was created, the theory she believes after she began working for the City is that they responded to the large increase in land by trying to model their land management practices after what the State had in place. What they have come to find in the ensuing years is much of that is not manageable from an administrative standpoint. She referred to page 2 of the memo, specifically Article I. Status maps and Resource Inventory - 53.09.020, stating that they found that the status maps are described in a manner that reflect what the State has done. However, the State has many cartographers and other staff who are actively involved in creating and maintaining status maps, but they are a three-person office and the responsibility to maintain that level of detail of status maps is a burden they cannot meet. This is not to state that they do not have status maps, as they need them to conduct business everyday. However, the need for describing status maps in the code seems unnecessary, and they will always have maps that are useful for their office and the public.

She encourages a supportive recommendation being provided by the PC on the proposed ordinance to the Assembly, and she offered to forward any comments by the Commissioners to them as well.

Mr. Watson asked if changes are being requested in terms of the role of the PC regarding the proposed ordinance. Ms. Johnson said the PC's role from a process standpoint would change because they are proposing to eliminate the classification system. However, they intend to enhance the Land Management Plan, and in that capacity the PC would still have a very active role.

Mr. Miller said the timing of receiving this proposed ordinance is perfect because later on in the PC meeting the Commissioners are going to discuss goal setting. One of the topics he is very interested in discussing as a goal is creating a Pederson Hill development plan. This might entail disposing that City land to develop affordable housing, and Title 53 might possibly be the mechanism to do so. He is not ready to make a recommendation to the Assembly on the proposed ordinance because he wants to have further discussion regarding using Title 53 as a tool for planning purposes by the PC regarding this idea.

Chair Satre said the PC appreciates the courtesy presentation by Ms. Johnson, realizing that this body is not normally part of Title 53. He explained that the PC gets so buried in Title 49 that they forget other aspects of City code. He said he encountered a few surprises while reviewing the old ordinance, and the proposed changes. It appears that they are attempting to streamline certain aspects of the proposed ordinance, including recognizing that staff's time is not necessarily infinite so they have to make the best available use of those resources. The Land Management Plan appears to be a separate piece, but it is still somewhat in relation to the CBJ Comprehensive Plan (Comp Plan) and land use maps. He questions if the PC has been involved with Title 53 in the past to the extent that it states that this body should be. Ms. Johnson said this is addressed on page 3 of the memo, noting that the Land Management Plan was last updated in 1999, although the code requires an update every three years. The conundrum is that they are



only a three-person office, and they are assigned a wide array of projects beyond just land management. They also perform air quality management, special projects for the City Manager's office, including various other projects. The updating of the Land Management Plan generally is best if it is done in-house, but they could contract it out in order to comply with the three-year timeframe per the code. However, they already have the information to do so in-house, and staff simply needs to assemble, prepare, and then update the plan to present it for review and approval. Therefore, other time-sensitive projects typically take precedence, and the Land Management Plan tends to be "placed on the back burner." She understands after having discussions with CDD staff that the Comp Plan is not required by code as to the frequency of its updating, which presents an awkward situation for her office because technically they are not complying with the code in updating the Land Management Plan every three years, but they want to. She said they are proposing to create the Land Management Plan as being a document that would be updated every 10 years, which would be a long-range tool used for City lands. The long-range plan would list lands the City owns, whose managing them, land that has been acquired, and a list of what they intend to acquire. In contrast, in the past the land disposal projects have been of key interest to several Commissioners and many Assembly members, which has been a sub-set of the Land Management Plan. This is the issue that most people seem to be very intrigued with in terms of what land the City might be selling. Therefore, the idea is to provide a separate short-term biannual report that would be presented to the Assembly every two years that includes current land acquisitions, and those that have been secured. The biannual report would be much more of a compact plan, and therefore much easier for staff to manage on a timely basis. This would allow them to be much more nimble and responsive to the PC and the Assembly in preparing reports for their review.

Mr. Bishop said he understands that Ms. Johnson is proposing to separate Title 53 into two different plans, with one being short term, and the other long term. Ms. Johnson clarified that this is not in relation to Title 53, but for the Land Management Plan prescribed in Title 53, which is largely the land disposal component. This is reflective of the Assembly's interest in land disposal back when the City acquired great acreages of land selections from the State, which in part were to establish an economic base for this community for future growth opportunities. Mr. Bishop said staff is proposing to delete quite a bit of text from the ordinance. Ms. Johnson said they are trying to overhaul the entire Land Management Plan section in Title 53, and because the proposed ordinance involves the PC in various sections they are proposing to delete the classification system, which they believe is obsolete and redundant, as there are now other City plans that are far more comprehensive for the PC to review. Chair Satre commented that at first glance he thought staff was omitting a lot in relation to the PC, but in reality they are taking the PC's work on the Comp Plan and maps they produce out of the proposed ordinance, and then using the Comp Plan and maps in part as being the guideline for land disposal decisions.

Mr. Haight said he remains a bit unsure as to how the PC should address the status maps and plats because they probably do not want to entirely eliminate them. He prefers the idea of simplifying them for management purposes. He likes the idea of eliminating the classification system of the proposed ordinance because it has already been addressed in the Comp Plan. The intent of the proposed ordinance is to define what the Land Management Plan entails, and therefore he would like the PC to be presented with a copy of that plan so they are better able to understand what is being discussed, including how the PC should address the proposed ordinance afterwards.

Ms. Bennett said the PC used to be provided committee minutes in the packet, but staff is no longer doing so, which used to include the Lands Committee meetings; Mr. Pernula offered to check into this. Ms. Bennett said she believes that in order for the PC to complete due diligence on land management issues, they need to be provided more information on an ongoing basis. This is so that they are able to anticipate projects taking place that would be presented to the PC for review at a later date. She would also like the Land Management Plan provided to the PC, as well as the Parks & Recreation Plan. Both of those plans are very important for the PC to deliberate over to be more proactive, rather than passively accepting plans that other bodies generate.

Mr. Miller stated that because of his interest in Pederson Hill, he read the material about five or six times. What he sees is that staff has a portion of Title 53 they want to redo in relation to the proposed ordinance, which basically omits Articles I & II, and then the Land Management Plan section is where only a few changes are being proposed. He referred to section 53.09.150 - Land Management Plan subsection (a) that states, "The planning commission shall recommend to the assembly a Land Management Plan..." through 13 principles listed under subsection (c). After the PC does so, they have 14 factors that the PC would employ that are listed on page 9 under subsection (d). Following this, the Land Management Plan must contain 8 elements listed on page 10 under section 52.09.160 (a). This is great information, so the PC should review the Land Management Plan in relation to the proposed ordinance, including reviewing it in terms of the Comp Plan before the PC makes a recommendation to the Assembly. He stated that with these two plans the PC should probably be using the same terms such as principles, elements, and factors. He explained that the PC is in the midst of reviewing the Comp Plan, and the Commissioners might contemplate requesting staff to schedule a Committee of the Whole (COW) meeting to see how the Land Management Plan and proposed ordinance relate to this.

Ms. Grewe said she agrees with deleting Articles I and II of the proposed ordinance, and Article III is where the Commissioners should focus their attention. She referred to page 7, 53.09.150, stating that the "planning commission" is written in the section, so they should be an active participant in the revision of the code, rather than just "rubber stamping" the proposed ordinance changes to the Assembly. She prefers to review what Title 53 states, and then determine if the PC agrees with it, including if what staff is requesting is in compliance with the Comp Plan, which is similar to what Mr. Miller has stated. In regards to scheduling a COW meeting, the PC wants to take an active role in long-range planning to ensure the Land Management Plan and Comp Plan are compatible in the future. She was generally in agreement to the changes of the proposed ordinance with section 53.09.150 through 53.09.170. However, she found some aspects to be somewhat odd in relation to 53.09.160 - Contents of the plan under subsections (a) (2), (3), and (4) that are being proposed to be deleted, and she would like to know why because these subsections do not appear to be related to staff's analysis. She has never reviewed the Land Management Plan. When she first began serving on the PC she received quite a few plans, but she does not recall the Land Management Plan being provided to her. She said there is probably a lot of information in the Land Management Plan that they do not need to know, but a portion of it seems to be under the PC's purview. Ms. Johnson said these particular subsections do not fit within the long-range vision. Therefore, they plan on separating those subsections out into a separate short-term plan in terms of being more immediate in the future regarding specific land disposals and acquisitions, which they intend to renew on a two-year basis. Regarding the schedule of subdivision activity, in order to meet the disposal schedule for the next five years, they are not working on immediate disposals in the long-range vision. Ms. Grewe asked if the schedule of subdivision activity is being scratched totally from the proposed ordinance, as she

believes they would still have to carry out that activity, or if that role would be transferred to the CDD planning staff. She understands the long- and short-term philosophy, but she just wants to know where these aspects that are listed in the subsections would be moved. Ms. Johnson stated that subsection (1) refers to long-term disposal schedule, which includes subdivision activity, and so on. She referred to page 11, 53.09.180 Biennial status report, and subsections (2) states, "Priorities for disposal for the next two years;" and (3) states, "A description of planned land disposal activities for the next two years." She said they are talking about semantics at this point, and the other two points follow along. Ms. Grewe referred to page 11, subsection (a) (7) of 53.09.160 that states, "A statement of the major factors and assumptions which led to the proposed disposal schedule retentions and acquisitions." She asked if this subsection has "found a new home," as she believes it to be a relevant public process for staff to include statements as to where they are proposing to move subsections of the proposed ordinance. She said this last subsection does not seem schedule related, as it is substantive and public information related.

Mr. Bishop said he sees the long-term plan being separated from the short-term plan. However, he does not understand where the short-term plan is being re-inserted back in, including who would manage it. He sees the PC being taken out of the drafting of the plans, but still reviewing them and making recommendations for approval of them to the Assembly. He sees many items seemingly being pulled out of the purview or direct interface with the PC, and then maybe the short-term aspects disappearing entirely. Ms. Johnson said they are attempting to be more accurate in the description of the actual process that takes place. In 1999 and prior to that, the PC did not actually write the Land Management Plan, and to make a more accurate statement, the idea is that the PC review what staff wrote and made a recommendation to the Assembly, which is her intention tonight. Ms. Grewe said with this statement by Ms. Johnson, she is now concerned that staff wants to re-write the proposed ordinance so it better reflects what is actually happening instead of asking if this is the way it should be happening. She said this happens very often in local, State, and Federal government when certain projects tend to go awry when the process is not followed as was promised, which in this case is within the code. Then all of a sudden the code ends up being revised, and they have to be careful about whose voice is being taken out of the discussion through not having been heard. Mr. Miller said when he first read these documents those are some of the concerns he had as well, which is when he got excited about the Pederson Hill aspect he mentioned and that is when he started focusing on the long-range plan. He believes there should be a component included in the proposed ordinance about a separate short-range plan, and the PC should be involved with that through a work session type of venue.

Mr. Pernula stated that after he reviewed the presentation, he had Ms. Johnson explain it to him at least twice. He said it seems as though most of the missions are fairly well thought out about aspects that are not being done, or perhaps never have been done. He believes it is more appropriate that the PC review and make recommendations on the plan, as they already have plenty to do with all the other plans they have to deal with all the time. Even so, the PC definitely will have strong input regarding reviewing the Land Management Plan. He believes he agrees where the Commissioners are going, as this tends to become somewhat confusing. He referred to page 10 of the proposed ordinance, section 53.09.160 - Contents of the plan (a) (1) through (4), which are in regards to the general long-term disposal schedule of subsections where staff proposes to delete quite a bit of language, which is fine. As the proposed ordinance continues, it does not provide for a specific short-term disposal. Instead, it just continues on in regards to the section 53.09.180 Biennial status report, which provides for priorities for disposal, and he does not know if this is supposed to be considered over the short-term, but this is

somewhat confusing. Mr. Miller said he appreciates Mr. Pernula pointing out the 53.09.180 Biennial status report section of the proposed ordinance, which gives the PC the authority to review and possibly help shape the Land Management Plan, and then the Commissioners make recommendations on it to the Assembly. However, the biennial status report bypasses the PC completely, so they would not know what is necessarily going on in the short term. He stated that perhaps biennially the Land Management Plan should also be presented to the PC for review prior to it being presented to the Assembly, including when acquisitions or disposals are taking place that are not part of the long-range plan. This would allow the Commissioners the ability to understand what is taking place in terms of land management, and when the next 10-year Land Management Plan is presented to them they would effectively be able to make changes to it. He said such follow through is very important, just as it is with the Comp Plan when the PC asks staff for status updates when reviewing other plans. Mr. Pernula said if the PC is talking about getting directly involved in a lot of the decisions on land disposals, e.g., subdividing a property into 37 parcels, and at the same time the Commissioners would be regulating it at the back end the PC would potentially be placing itself in a potential conflicting position. Therefore, he is somewhat retreating, as it is good to be stating that the land management staff should dispose of 400 acres in a given area, or 200 in another area, or whatever it is, but it is imperative to leave it free of any potential conflict as the PC reviews proposed subdivisions, zone changes, or whatever.

Ms. Johnson clarified that in regards to PC involvement in the past, the 1999 Land Management Plan did go through PC review. For example, the South Lena Subdivision was one of the largest subdivision activities in recent years that underwent approximately 50 public meetings and hearings before it was completed. In addition, the PC would be more involved than the Commissioners could probably imagine if the City were to engage in another disposal of that magnitude. Clearly, what is written in the proposed ordinance is much leaner and streamlines the land management process than has been talked about in the past. The PC has also been involved in reviewing land disposals and individual subdivisions, but staff has not had recent activities to have the CBJ Lands & Resources staff present to the PC more often.

Mr. Watson referred to page 11, section 53.09.170 - Assembly action on plan, which states that the PC has to make a recommendation on the proposed Land Management Plan to the Assembly. Before he would be comfortable doing so he would like to further review these documents, as he believes his fellow Commissioners, including those that are not in attendance, would like to do so as well. He knows from earlier conversations tonight that this review has taken place by staff for over a year or so, and he feels uncomfortable continuing this review because some aspects have not been included. He believes a work session should be scheduled for further review, as he is not comfortable making a recommendation to the Assembly on the proposed ordinance this evening.

Chair Satre said the background Ms. Johnson provided has allowed the PC to have some context to consider regarding the recommended changes, including garnering a bit of an idea in terms of the type of review this might entail, which is outside of having to basically amend a section of code. He appreciates the memorandum provided on the proposed ordinance, but some of the Commissioners mentioned other aspects that mesh into an appropriate review. He would like the CDD staff to review these documents prior to the next meeting in terms of what would be required, which are aspects that are outside of Mr. Pernula's discussion with Ms. Johnson. He said this might include whether timing and efficiencies, i.e., to work timelines into the PC's review of the Comp Plan to ensure they are all going down the same path together, not working

on cross purposes. He explained that the PC wishes to be kept fully informed of what the various departments in the City are doing relative to land use. He asked Mr. Pernula if any of these are aspects from the input by PC tonight that staff might consider in formalizing the PC's review process at a subsequent COW meeting. Mr. Pernula said that could be a very complex question, depending on how far the PC wishes to delve into this particular review. However, as far as potentially being at cross purposes, deleting the land classification system probably results in a stronger weight being applied to the classification system the PC included in the Comp Plan, and in doing so he thinks they both would be working less at across purposes.

Ms. Bennett said Ms. Johnson stated that none of the current Commissioners were serving at the time the Land Management Plan was last presented for review to the PC in 1999. Therefore, this is partly the reason the current Commissioners are stating that they do not have enough information to forward a recommendation at this time to the Assembly on the proposed ordinance. She believes some of the recommended changes are sensible, but without reviewing the Land Management Plan she feels uncomfortable making a recommendation at this time.

Chair Satre said the PC provided some input to Ms. Johnson, and raised a few issues on various aspects of the proposed ordinance. He questions how members of the Commission, City staff, or the public access the status maps and files mentioned in Article I of the proposed ordinance, and hopefully technology would help to facilitate that process. However, there are many issues such as this that are on the minds of the Commissioners throughout the proposed changes in the ordinance. Therefore, he entertains a recommendation about either scheduling a publicly noticed hearing on this item where the Commissioners could be prepared to provide additional comments. Mr. Pernula said several Commissioners have mentioned they are not familiar with the Land Management Plan so he offered to provide electronic copies to them, as he is not sure he is able to provide them hardcopies right away. Should the Commissioners have specific questions about what is contained in the proposed ordinance, he requested that those be forwarded to him, and then he offered to get back to them. After this takes place, the Commissioners would be able to decide what they might wish to do at the next meeting. Chair Satre said he does not want the PC to be re-reviewing these aspects the weekend before without being able to provide clear direction on a recommendation to the Assembly. He asked staff when the next review might be scheduled. Mr. Pernula said the PC meeting in two weeks has one minor item on the Agenda so far, and he is able to potentially schedule a re-review at the October 25, 2011 PC meeting.

Mr. Bishop stated that Mr. Pernula mentioned a potential conflict of interest in relation to the review of the proposed ordinance and Land Management Plan in regards to subdivision planning efforts when the PC might be put in a position to make decisions on them later. He explained that he keenly felt this when he was working in the CDD when he found that the CBJ Lands & Resources Department were placed in difficult positions of working on subdivisions that the City owns, and then putting the PC in the position of making decisions on them afterwards. He believes that many within the City want to do certain aspects within the community by implementing short-term plans, while working on long-term plans. He wonders what the PC's role is in regards to this, including how many types of planning efforts the Commissioners could be involved in. In this case, one area of the documents states that the PC is to draft and recommend to the Assembly a Land Management Plan, but now the proposal is for this body to just review it and provide a recommendation on the draft ordinance to the Assembly, which are two entirely different things. In addition, the proposal is to delete smaller sections regarding short-term planning from the proposed ordinance, which takes these completely out of the PC's

purview. He is not saying that this is wrong, but it seems like a huge change, especially if the PC wants to be more actively engaged in current planning efforts, not cross purposes.

Chair Satre stated that the CDD staff might provide information to be part of this discussion in relation to what Mr. Bishop has stated on possible appropriate interplay between what the Commissioners perform as a PC, including taking into consideration what the CBJ Lands & Resources Department perform in terms of planning to disposal of lands. He believes it makes more sense for the PC to be part of a review of a long-term plan about how they conceptually go about managing City lands, but not get into specific details. They should probably let the CBJ Lands & Resources deal with short-term land disposals, and then report back to the PC every year or two. This would ensure that the PC has an idea of what is taking place, but the Commissioners would not necessary be acting on the short-term aspect. The PC could then tie in the Comp Plan in relation to the long-range Land Management Plan. Because it has been so long since the Land Management Plan has been worked on, the Commissioners are unaware of their role in the process, which they will have to contemplate before the PC revisits this at a subsequent meeting.

Mr. Miller said there is no way the PC has time or the means to draft the Land Management Plan. However, he does not want the Commissioners to be presented with the current plan for review. This would be similar to when the draft Willoughby District Land Use Plan was presented to them at the last moment, and the PC only had a couple of hours to review it. The PC wished they had more time to review that plan before making a recommendation to the Assembly. Therefore, he is not sure “review” is the right word, and “draft” definitely is not, but maybe the PC should “guide” the drafting of the Land Management Plan. This should involve the PC at the beginning when the plan is being drafted, and then periodically throughout the process before it is finalized.

Chair Satre said the questions posed by the Commissioners are very good and insightful given their lack of clarity and experience in terms of what Title 53 contains, and the Commissioners look forward to continuing this discussion at the next PC meeting.

Mr. Bishop said there might be a possible conflict in terms of who is responsible for drafting the Land Management Plan. He thinks that the CBJ Lands & Resources staff feel they have a strong ownership of that plan, as they typically have been the sole owner and creator of it. He asked if regulatory guidance is provided that states who is to direct the drafting of the Land Management Plan. Ms. Johnson the CBJ Lands & Resources Department is probably the best-equipped office to draft the plan because a major portion of it involves taking an inventory of City owned lands. This includes an identification of which departments are managing certain properties, and designating where they are located on a series of maps for reference. The guiding portion, as stated in the outset of the land use plan is via principles outlined in the Comp Plan. She said the Commissioner’s points are well taken, as they want to ensure that what they state in the Land Management Plan is concurrent with the guidelines of the Comp Plan. The CBJ Lands and Resources Department staff also reviews other plans in terms of acquisitions. This includes looking at various Capital Improvement Program (CIP) project lists, and then they consult with various departments on them. In the past, they included the PC in an active role in reviewing the draft Land Management Plan on a step-by-step basis. However, it has been a long time since they have updated the Land Management Plan, and her memory is a bit foggy as to all of the specifics of that review. Even so, she recalls that they conducted a series of public meetings,

which included workshops that were held in the valley, Douglas, and downtown so the community could participate in providing comments as well.

**X. BOARD OF ADJUSTMENT - None**

**XI. OTHER BUSINESS - None**

**BREAK:** 9:29 to 9:35 p.m.

**XII. DIRECTOR'S REPORT**

PC Goal Setting

Mr. Pernula stated that at one of the most recent PC meetings the Commissioners indicated that they wanted to set priorities. In the packet he included some of the background information, and the last discussion the PC held regarding priorities were at three different meetings in 2008, which shows that the priority list is out of date. He also included a current list of major projects that the PC and staff are working on. The largest project is the Comp Plan update, and six planners have been provided a couple of sections. Of those six planners three have already completed updates to sections they were given, and three others found in their review fairly substantial portions of certain sections that require more attention. He believes staff would be able to complete their review of all the sections distributed to them around Christmastime. One of the situations is that Laura Boyce is reviewing the economy and population section, and since the 2008 Comp Plan they now have information from the 2010 Census to review, which has to be integrated. Another situations is that Beth McKibben is dealing with the housing and sustainability sections, and she believes the sustainability would not be too difficult, but the housing section requires more in-depth work. He provided the staff work plan to the PC over a month ago, and he has extra copies tonight should any Commissioners require them.

The draft subdivision ordinance consists of two portions. The first is the improvement provisions, which were completed a couple of years ago. The second is the subdivision processes that the Subdivision Review Committee is working on right now, and they are about 90% done. The improvement section was provided to the CBJ Law Department for review, and that is now being placed in final form. This entire project that has been underway for several years is nearing completion.

The three- to four-year wetland anadromous stream-mapping project would begin after the administration of the Coastal Impact Assistance Program (CIAP) grant funding is transferred from one Federal agency to another. This is a major project that the City will receive CIAP grant funding in the amount of \$1.6 million.

Parking management consists of two elements. This involves the implementation of a new parking management system in Downtown Juneau. He explained that old priorities listed downtown parking management year after year, and some people were skeptical that this would ever happen, although it is finally underway and is now being implemented. Mr. Lyman was informed that this would be a project of his for about two years, and for the first several months this has taken up most of his time. As parking management in downtown begins to show some fruition it is now taking up less of his time, so Mr. Lyman is now able to work on other projects. The second part is to complete a boroughwide review of parking, which might include making changes to some of the standards. Recently, staff proposed to expand the PD-1 zone. There is

also a PD-2 zone, and the potential of a residential parking district in the periphery of downtown that staff intends to review in terms of parking management. He explained that with all the parking restrictions the overflow is tending to spill into the residential areas, and staff is going to take review as to whether it might be beneficial to implement the PD-2 zone in some of those areas.

Staff is looking to consolidate and improve the bonus provisions of Title 49. In reviewing the Willoughby District Land Use Plan, it proposes bonuses for the Willoughby District. After staff gave this further review, they did not have any problems with what it says in the plan, but they already have other bonus provisions in Title 49, Title 4, and the Planned Urban Development section of the Comp Plan. This has become complicated for staff to understand, which would definitely be for the PC and public as well. The questions, e.g., are whether bonuses are cumulative, and if there might be two different sets of them allowed for the same property. He explained that staff is attempting to consolidate the bonus system so it makes sense and is no longer confusing when they begin to implement it. The review and adoption of the overall plan has been assigned to Ms. McKibben who has reviewed it, and staff now intends to provide it to the PC in the next couple of weeks to contemplate a strategy on the adoption process.

In regards to the new Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) adoption, staff is waiting for a response from FEMA on them. Eric Feldt informed him that he believes these would be provided to the City in December 2011 or January 2012. FEMA might include new FIRMs, but staff is not sure. If so, staff would schedule an additional review period, but generally when they receive the finalized FIRMs from FEMA they allow the City a six-month review period to adopt the FIRMs to stay in the program.

The streamside setback and habitat provisions of Title 49 include three sections that deal with the 50' streamside setback. These provisions contain certain vagueness and contradiction in the terms, which staff needs to straighten out so they are clear and straightforward. Depending upon what happens with the wetland-mapping project, if it is delayed somewhat then staff can work on this project a bit more quickly, but it would take about six months of work to get it going. Ms. Bennett stated that staff has not yet scheduled a Title 49 Committee meeting on this project; Mr. Pernula said it is a bit too early to do so at this time.

Phase I of the historic resources preservation database project is complete, and is now online. This consists of a database where a person is able to click on various buildings to view their history. Staff is just about complete with Phase II, and Ms. Boyce is working on finalizing the grant the City received for that project, including posting more information online. Staff would begin working on Phase III that is scheduled to commence fairly soon, and staff would be applying for a grant on behalf of the City to expand that database, mainly to include the Casey Shattuck neighborhood.

Staff is waiting on a decision by the CBJ Department of Law regarding the outcome of the review on the draft noise ordinance. The issue is whether the City would be able to regulate upland activities related to the maritime aspect.

The PC conducted a review on the draft wireless communication facilities ordinance and recommended adoption to the Assembly, which they have significantly revised. That draft ordinance would be presented to the CBJ Law Department after the Assembly has finished their review, and then it would be re-presented to the PC for further review.



Staff has been discussing the development of a formal CIP review process that incorporates early and meaningful PC involvement. He spoke to Rorie Watt of CBJ Engineering about this, and he believes they are all in agreement in providing future draft CIPs to the CDD staff and the PC early on in the review process. This is so the PC is able to request projects before they are actually designed. In the past, the CDD staff and the PC were presented with the draft CIPs at the very last moment, so there was minimal leeway provided for involvement. Staff has to formalize that process to ensure future reviews by the PC happen in the early stages every time.

An ongoing task is to support the Seawalk project phases. He said the Commissioners might recall that under the CIP each of the last two years some of the major comments that the PC provided were to ensure that a phase of the Seawalk is funded each year, which is occurring and the City is working on a couple phases now. One area is in front of the wharf building, which would precede the other Seawalk segment out to the Juneau-Douglas Bridge area. This will be an ongoing project that staff and the PC would continue to work on in the future.

The next project is the update of the Comp Plan review, and then implementation. There are quite a few items of the Comp Plan to implement, and staff is working on rezoning in North Douglas. Most of those have been done, but there are still a few properties near Bonnie Brae that have not been done to fully implement the Comp Plan for that area. The roadway along Pederson Hill is where they rezoned quite a bit of property around Wildmeadow Lane on the other side of Brotherhood Bridge, and that rezoning project involves a second phase where additional properties would be rezoned further up the hill in the near future.

He explained that the City received a \$50,000 grant for this year, and they are hoping to receive it for the next three years as well for mobility management. This is a project to assist in coordinating small providers of public transportation, which involve six to eight agencies who all provide some level of transportation services, i.e., for the elderly, etc. This project, once it is coordinated, would make this type of transit much more efficient and cheaper for people calling in who want to be provided some type of transit service in the future.

The Assembly is holding a workshop next Tuesday during the daytime to set priorities, and if the Commissioners wish to provide any particular “burning” issue related to land use planning that they would like the Assembly to include, this might be a good time to forward such requests to them. This should not yet include any projects on the PC’s list of priorities. He noted that he also included in the packet the Assembly’s list of priorities for last year, and certain priorities have been marked that relate to the PC. These include the climate action plan; development of the AJ Mine; continuation of the Seawalk; waterfront improvements; support appropriate off-road vehicle (OHV) use, and they are trying to find a location for an OHV park; facilitate development of rental housing in Juneau; promote Juneau as a Federal scientific research center; and revise the Land Management Plan. Chair Satre asked if City department heads would be brought into these discussions. Mr. Pernula said it is generally just the members of the Assembly, the Mayor, and City Manager, but the Commissioners would communicate through him to the City Manager.

Mr. Miller stated that he and his wife were discussing the fact that the pedestrian overpass in the area by the Glacier Elementary School across Mendenhall Loop Road is not there anymore. He said his wife became quite upset and stated, “They will just wait until another child dies, and then they will rebuild it.” Therefore, he believes that this request should probably be sent as a

“burning” issue to the Assembly for consideration at their meeting on priorities next week. He said they could state that the initial overpass was built in that area for a reason because a child was maimed 20 or 30 years ago, which was right before that overpass was built so that is what it took at that time to finally get one built. He noted that his wife worked at the school where that particular child attended at back then.

In addition, a Pederson Hill development plan is a high priority because that is why the City extended public sewer to that area. The City has to figure out how to construct a road to the top of the hill, and then how they are going to dispose of the land for development. He does not think the City ought to be the developer. Instead, the land should be distributed among different developers, contractors, or individuals, but there has to be some type of plan developed, and the City has to start working on this.

Furthermore, the Juneau Wetlands Management Plan is going to be updated over the next couple of years. This is another plan he believes the PC should guide staff through the updating process, rather than receiving the final version to review in four or five years.

He explained that he found a couple of odd items on the Consent Agenda tonight, and one involved walkways per the code that are not allowed to be placed within 3’ of the property line, but driveways are allowed to be constructed up to it. Therefore, in the area from the driveway to the walkway when entering the backyard is where a person would have to move over 3’ to access the walkway. Mr. Chaney clarified that sidewalks are allowed to be installed to the property line, just no structure, e.g., a stairway. Mr. Miller said that section of code specifically states, “walkway.” Another issue he found on the Consent Agenda is that a triplex is considered as being a commercial property rather than residential. Therefore, commercial regulations per the code apply to triplexes, but duplexes where drivers are allowed to pull in and back out of driveways, although with triplexes drivers are only allowed to pull in, and then they have to turn around on their own property before exiting into the street. In a City that has a shortage of rental housing, this triplex restriction might pose hindrances. Mr. Pernula said the parking standards disallow tandem parking in any type of zoning, but an exception could be applied for one- and two-family dwelling units to allow people to back out directly into the street. However, the problem is when multiple people park vehicles in the same parking area they end up blocking other vehicles, not just their own. Mr. Miller requested staff to further review the parking standard to determine if this concern could be rectified.

Chair Satre said he was unable to attend the last COW meeting when the Commissioners discussed goal setting. He read the notes from that meeting, including speaking to a few Commissioners about it. However, he does not believe the PC is ready to formulate a recommendation to provide to the Assembly on the Land Management Plan and proposed ordinance by next week. The PC has to take into account goals such as the update of the Comp Plan and other projects that they have to prioritize as well, which now includes the review of the Land Management Plan and proposed ordinance.

Ms. Grewe said four seats on the Commission would soon be appointed. Ms. Bennett said those terms expire in December 2011, and newly appointed Commissioners would join the PC in January 2012. Chair Satre said this is true, except for Mr. Rue’s seat that he vacated, and as soon as a new Commissioner is appointed they would join the PC without potentially waiting until after December 2011. He explained that two seats on the PC will definitely change, and the other two may or may not be filled by the same people in the future. Therefore, the remaining

Commissioners will have to get any new Commissioners “up to speed,” which might delay the PC review of certain proposals beyond January 2012, and therefore it is important to schedule a COW meeting so the Commissioners could start prioritizing tasks.

Mr. Watson asked how the process of the City might change in regards to the wetlands/anadromous stream-mapping project, as opposed to the Alaska Department of Fish & Game (ADF&G) who does the same thing. Mr. Pernula explained that the existing stream mapping is very cursory and not well done. Mr. Watson said he viewed the ADF&G website, and they intend to map all the anadromous streams in Southeast Alaska, including Juneau so he wonders how this is different than what staff is proposing for the City. Mr. Pernula said they intend to conduct quite a bit of aerial photography, which would allow staff to create better maps of streams, and then use ADF&G data to determine which portions of those are anadromous. Mr. Chaney said staff has a slightly different role than ADF&G. ADF&G maps identify the locations of streams including those that are anadromous, but the City adopted per the Comp Plan a list of streams they are to enforce to 50’ streamside setback on, which is different than what ADF&G does. Therefore, staff is going to work with ADF&G to establish where the listed anadromous streams are located in the City to develop a new set of maps. Following that, ADF&G would propose additional streams not listed in the City’s appendix, and then the community would have a choice as to whether to adopt those additional stream segments, not necessarily adopt what ADF&G has done.

Mr. Watson said he reviewed the CDD website, specifically the “Hot Topics” page that lists current issues, and two of the 15 listed in the handout regarding the goals that Mr. Pernula provided are on that website page. He requested that once the Commissioners prioritize their list of goals of major projects, he would like them displayed on the “Hot Topics” website page, which would only have to be updated about once per year. He said this would be beneficial for existing Commissioners, any that are newly appointed in the future, and Assembly members. Mr. Pernula said this is possible, but as the PC completes priority projects there might be three to four months afterwards until certain projects are ready for public hearings, which is the point when they would turn into “Hot Topics.” Mr. Watson said he wonders why “Rules for Keeping Chickens and other Farm Animals” is still listed under “Hot Topics;” Mr. Pernula offered to look into this.

Mr. Bishop said Ms. Grewe brought up at the last COW meeting to include a land use map on the website that displays active cases moving forward, which the fellow Commissioners seem to agree with. Doing so would probably be the most important aspect staff could implement to ensure people are made aware of current PC cases. He believes doing so might also require action by the Assembly to allocate funds for such a project, but he puts this forward for discussion by the Commissioners to formulate a recommendation regarding this possibility to the Assembly.

Chair Satre requested that the current list of major projects by the PC that are being worked on by staff be forwarded to the City Manager. This is so they could review this as part of the data for the upcoming Assembly meeting on their priorities in order for them to understand what projects the PC is working on. He requests staff to suggest to the City Manager to also invite members of the Assembly to review the PC calendar for the first quarter of next year, and then schedule a joint PC/Assembly COW meeting to review each other’s goals, which would provide for a more meaningful working relationship in the future. Chair Satre requested staff to also schedule a COW meeting as soon as possible before the end of the year in terms of prioritizing

goals because obtaining a quorum might become rather difficult as they approach the upcoming holiday season. He stressed that it is also important to obtain Ms. Gladziszewski's input before she leaves the PC at the end of this year.

Mr. Watson said he attended a recent 2-hour presentation by the Alaska State Department of Transportation (DOT) to the Assembly in regards to where the City is heading in the next few years in relation to plans by DOT. One presentation was on economics, and the other on the Southeast Transportation Improvement Plan. He intends to provide a letter to the City Manager regarding his concerns that the City might be losing sight of what they have to do to keep this community attractive for people to move to and conduct business. He said DOT projected Juneau population decreases, and would continue to experience having a 1% decrease over the next 10 years. From a business perspective, he looked long and hard at this community when he worked for JC Penny, and he had Juneau and Ketchikan to choose from. He reviewed all of the factors available, and then made the decision for JC Penny to move into Juneau, but he did not make the decision to later close that store. Even so, he hopes the Assembly listened closely to that presentation by DOT, which had to do with Juneau transportation access for the ferry system, including its long-term costs, and other incremental factors related to that. The overriding goal is that the Alaska State Ferry System is not taxed, except in July of each year that includes the cost to maintain the ferries. At some point, the Commissioners have to recognize that the PC goals and those of the Assembly need to ensure that this community remains viable. He explained that DOT is predicting about a 30% reduction in Federal funds, and they reviewed the City CIP list of projects, which is when they subtly asked the City to ensure that they have their "ducks in a row."

Ms. Grewe said the Juneau Economic Development Council (JEDC) scheduled a brown bag luncheon on October 13, 2011 at 12:00 p.m. in the Assembly Chambers on economic indicators. Chair Satre said the State Department of Labor (DOL) and the JEDC have slightly different statistical outlooks, so it would be good for the Commissioners to hear both perspectives. Ms. Grewe said she used to serve on the JEDC Board, and that was always the discussion. In the past, the JEDC Board received a letter from the Executive Director regarding how they intended to present the information to the public. The majority of the Board generally wished to keep such presentations positive because they did not want to create public hysteria, which was a form of strategy. Even so, she believes the current JEDC and DOL economic statistical data are relatively close as there are no real surprises, but this also depends on how individuals review that information.

Mr. Pernula reminded the PC that an American Planners Association webinar would be held on October 12, 2011 from 12:00 to 1:30 p.m. in the 4<sup>th</sup> Floor Conference Room of the Marine View Building on "Planning for Solar Energy."

### **XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES**

Mr. Bishop said the Lands Committee met yesterday and reviewed the Atlas Tower lease for permitting, which they forwarded with a positive recommendation to the Assembly. He said it seemed by all measures to be a very good lease, and that proposal is moving forward.

Mr. Miller said the Wetland Review Board (WRB) last week and quite a bit of the work has been completed on the airport expansion project in the wetlands areas, which is wrapping up. Final modifications are being made to Duck Creek, and the WRB was interested in viewing some of

the projects that have been completed so they scheduled a field trip to the airport next week. A tremendous amount of work has taken place on this project, as 500,000 cubic yards of material have been moved in that area.

Ms. Grewe said the Juneau Commission on Sustainability (JCOS) recently met, and moved the Climate Action Plan forward, which was done with consultants. She reviewed the old priorities, and noticed that most of them are either completed or nearing completion by the JCOS. She said the sustainability indicators work continues.

Chair Satre said the Public Works & Facilities Committee (PWFC) met yesterday on an action item for approval of a resolution seeking grant funds from the State for a 50% match on the proposed library in the valley. The PWFC tried to be very clear that they are not approving the proposed library. Therefore, the Assembly would undoubtedly hold a discussion about whether they should be funding a new library in terms of capital and operating requirements. From a PC perspective in regards to the community center being built on the old Red Sam yard, it fits in nicely, but the funding aspect remains to be addressed. In addition, it was Merrill Sanford's last PWFC meeting when he was presented with an 8" sewer pipe crown.

#### **XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. Bishop said he finds it ironic that all the recent work that was completed on Duck Creek ended up being a bird habitat hazard for the airport. He explained that there never used to be bird habitat flying into that creek because large trees prevented them from doing so. However, there are now eagles, ravens, and seagulls all over that area of Duck Creek picking on the bones of dead fish.

#### **XV. ADJOURNMENT**

**MOTION:** *By Mr. Watson, to adjourn the PC meeting.*

There being no objection, it was so ordered and the PC meeting adjourned at 10:30 p.m.