

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Michael Satre, Chair

REGULAR MEETING
May 8, 2012

I. CALLED TO ORDER

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: Karen Lawfer, Jerry Medina, Nathan Bishop, Marsha Bennett, Nicole Grewe, Dennis Watson, Michael Satre

Commissioners absent: Benjamin Haight, Dan Miller

A quorum was present.

Staff present: Greg Chaney, CBJ Community Development Department (CDD) Acting Director; Teri Camery, Beth McKibben, Benjamin Lyman, CDD Planners

II. APPROVAL OF MINUTES

Chair Satre said the April 10, 2012 draft minutes were pulled prior to the PC meeting by staff to provide potential edits. Staff wishes to listen to the audio recording to ensure the minutes are in order because they are the basis of an appeal to the Assembly, and therefore he would like to defer them to the next PC meeting; to which the PC agreed. He encourages the Commissioners to review the April 10, 2012 draft minutes to ensure what they stated was accurately captured, and if they have changes he requests they forward them to staff to ensure they are incorporated into the record.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Karla Hart, 4950 Wren Drive, said she is representing an informal group of people called Friends of Auke Bay. They have a petition with nearly 500 signatures to retain DeHart's as an important part of the Auke Bay community. The State Department of Transportation (DOT) is working on rebuilding the road between Fritz Cove and Seaview Avenue. Part of DOT's plan is to construct a roundabout at the Mendenhall Back Loop intersection, which was presented a year ago with schematics that looked great and she was quite happy with the project. However, DOT held another meeting this year, and they now intend to construct the roundabout to the scale that they desire to buy out DeHart's. Dehart's is not a willing seller, and a co-owner is present who will provide public testimony as well. Chair Satre interjected, and thanked Ms. Hart for attending the meeting tonight, and he knows this is an important issue for the community. He explained that all state projects would have to be presented to the PC in terms of a City-State

Project review, which is via a public hearing for consistency with the 2008 CBJ Comprehensive Plan (Comp Plan), and he requested input regarding this from staff. Mr. Chaney said he does not feel there would be a problem with doing so because everybody at this meeting will be hearing the same information at the same time. Ms. Hart continued, stating that they would like to see an inclusive planning process that considers the greater neighborhood as a whole before any changes are made to Glacier Highway between Fritz Cove Road and the Auke Bay Ferry Terminal, including the intersection of the Mendenhall Back Loop Road. The understanding is that the Comp Plan included developing a neighborhood plan for Auke Bay. In talking to City staff, they stated that they have started this task, but were pulled off of it and were never reassigned to finish working on that plan. This is hugely unfortunate given the upcoming Statter Harbor project, which is going to have a big footprint in Auke Bay, the Auke Bay School remodel that is underway, and the University of Alaska-Southeast (UAS) has a project planning process that would also be taking place. They are “behind the ball” on this, but it is not too late. Auke Bay is an incredible neighborhood, it has a lot of locally owned businesses, including small businesses that are owner operated, and others that are serving the community in many important ways, but they are at risk of losing them.

[Mr. Bishop arrived at 7:08 p.m.]

Ms. Hart continued, stating that the City could make a difference upfront, which she personally thinks DOT should have considered back in 2003 when this process started, the residents consistently asked for slower speeds in this area per their comments provided to the consultant. Those comments were either dismissed or ignored, but never directly addressed is what she found when she read through that 2003 document. However, that document also states that “As a result of speed, the severity of accidents in the Auke Bay corridor are higher than average. The corner at the Auke Bay Lab is a design speed of 33 mph, the corner by the Auke Bay Post Office is a design speed of 35 mph, and at Waydelich Creek is a design speed of 35 mph.” The speed limit is currently posted at 35 mph. Both the DOT Project Manager and the USKH consultant Project Leader told her that is in error because it is actually a 40 mph corridor, so DOT is planning to make it a 40 mph corridor during their rebuild as well. DOT says the project is about safety and to provide improved transportation for cars, pedestrians, and bicyclists, yet it makes the area less friendly for pedestrians. A pedestrian stuck by a car moving 20 mph has a 20% chance of a serious injury, at 30 mph they have a 60% chance, and at 40 mph they have a 95% chance. This area is where university students are crossing the highway between buildings, there’s a corridor with grade school children, a church school with children, and many other people walking back and forth between boats. If they want safety they have to slow the traffic down, and they would have a lot less rebuilding to do. She has viewed some of the CDD reports staff provided to the PC, so she knows they are familiar with the concept called “Context-Sensitive Solutions,” which allows for a planning process that involves the community, protects community values, and uses state of the art designs to calm traffic and improve the area versus just building a “cookie cutter” consisting of two sidewalks with shoulders that they call bike paths and lanes. She requests City staff to work on a comprehensive planning process, and to let DOT know that the project they are proposing is not in the public’s best interest and that they want something else.

Mr. Watson asked if Ms. Hart has met with the Docks and Harbor Board. Ms. Hart said she has not, as she just discovered that DOT was proposing this, but she thinks it would be good to speak to them because this highway is going to kill people.

Chair Satre said the Assembly Liaison to the PC, Carlton Smith, is present, so he is sure the appropriate folks would be hearing Ms. Hart's concerns.

David Sandberg, 10965 Glacier Highway, said he resides directly across from the Auke Bay Wayside ramp in the Auke Lake area. This is a good location to view northern lights and many people drive to this area to do so, and therefore they are concerned about lighting proposed for the project. Chair Satre interjected, asking if Mr. Sandberg's testimony is in regards to the Auke Lake Wayside application; Mr. Sandberg said yes. Chair Satre explained that this is the Public Participation on Non-Agenda Items portion of the Agenda, and apologized if he confused Mr. Sandberg, but the PC would hear that item shortly, along with public testimony at that time.

Patricia Hickok, 285 S Franklin St., co-owner of Dehart's, said when they purchased DeHart's four years ago, they were unaware of all of these various projects taking place. They received a letter from the state saying they were going to take away one of the driveways at Dehart's to install a 3' wall, which would be inconvenient to the business, but they could still operate with two driveways. They recently received another letter from the state saying that they are now going to take two of their driveways away to install a 12' wall, which would end up placing their establishment in a hole, so there would be no way they could operate and it would put them out of business. DOT has not approached the owners with an offering price, although the newspaper made it sound as though this had already taken place. She does not know if the City is able to help them with the state, or if they are on their own. However, if DOT makes an offer and they don't take it, they would be out of business so she feels they are in a "blackmail" situation. Chair Satre said the PC would have to ensure that the project conforms to the Comp Plan, so a public review process would have to take place. The PC would make a recommendation to the Assembly who ultimately makes the final decision, so those meetings would provide future opportunities for public testimony. He urges Ms. Hickok to make her concerns known to members of the Assembly as soon as possible if she feels that they need assistance in this matter. He hopes to see Ms. Hickok at future public meetings regarding this, and the PC would take her concerns into account as well, including talking with staff about the planning process for that area. Ms. Hickok said she is under the impression that DOT is going to start their reconstruction project this spring. Chair Satre said that very well could be DOT's intention, but the PC has not yet reviewed the project.

Ms. Bennett asked if Dehart's is an historic building. Ms. Hickok she does not know how she would go about pursuing this because she does not believe the City has an historical committee any longer; Ms. Bennett said the City has an Historic Resources Advisory Committee.

IV. PLANNING COMMISSION LIAISON REPORT

Carlton Smith, Assembly Liaison to the PC, stated that he does not have a report this evening;

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Chair Satre announced that there are four items on the Consent Agenda, and inquired if there is public comment on them. No one from the public had comments, and Ms. Lawfer requested to remove CSP20120010 and related VAR20120007, which Chair Satre moved to the Regular

Agenda, noting that there are a couple of items in the Blue Folder, which is the reason the PC is pulling these items from the Consent Agenda.

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

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

USE20120005

A Conditional Use Permit (CUP) for placement of a permanent food vendor providing walk-up restaurant service.

Applicant: Venetia Santana
Property Owner: WILL-O LLC
Property Address: 10002 Glacier Hwy

Staff recommendation: That the PC adopt the Director's analysis and findings and grant the requested CUP. The permit would allow the placement of a permanent food vendor to provide walk-up restaurant service on the west side of the Wildmeadow Office Complex at 10002 Glacier Highway.

VAR20120008

Driveway construction and grading within 330' of an active eagle nest.

Applicant: Carl & Kathryn Carl
Property Owner: Carl & Kathryn Carl
Property Address: 17590 Point Lena Loop Road

Staff recommendation: That the Board of Adjustment (BA) adopt the Director's analysis and findings and grant requested Variance, VAR20120008. The Variance would allow for construction of a driveway, parking pad, and on-lot wastewater disposal system within 330-feet of an eagle nest or nests in the area.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - Moved following Board of Adjustment

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA - None

CSP20120010

A City Project Review of the Auke Lake Wayside Recreational Improvements Plan.

Applicant: Michele Elfers, CBJ Engineering
Property Owner: CBJ
Property Address: 11050 Glacier Hwy

And,

VAR20120007

A Variance to the 50-foot no development setback and 25-foot no disturbance zone from Auke Lake for Auke Lake Wayside Recreational Improvements.

Applicant: CBJ
Property Owner: CBJ
Property Address: 11050 Glacier Highway

Chair Satre requested staff to report on both related cases.

Staff report

Ms. Camery said the Auke Lake Wayside Recreational Improvements Plan includes the following elements:

- Picnic shelter and fire ring
- Americans With Disabilities Act (ADA) accessible lake viewing deck
- Bathroom with water and sewer connection
- Concrete block stir access to a floating dock for boat users and swimmers
- Pedestrian lighting
- Permeable paver pedestrian path
- Asphalt paved bike path
- Gravel forest paths
- Paved parking area

The plan also incorporates a new stormwater treatment system setup with vegetative swales and stormwater ponds. There has been a lot of work on the project to stabilize eroding slopes, so the purpose behind this development is to address onsite impacts from heavy recreational use. The project has been designed to address existing walking trails by installing platform areas, including gravel trails where there has been heavy use. In addition, there would be quite a bit of re-vegetation planted within and outside of the 50' streamside setback area. The parking area will have 26 spaces, with a 40' turning radius, which was reduced to the minimum necessary for trailers and to meet needs of the project so impacts within the 50' streamside setback could be reduced, which is to allow for other amenities, i.e., shelters, a bathroom, etc.

She referred to the Blue Folder, stating that two letters were received. In regards to the letter provided by David and Barb Sandberg, dated May 2, 2012, one of their concerns is about parking. She explained that it is the understanding of the Sandbergs that DOT provided parking spaces for them behind the guardrail when the parking area was previously changed, which was also when the Sandbergs lost parking on their property in 1980. The other concerns are that the location of the proposed bathroom would obstruct the view from their home, the lighting would cause glare, and the parking would be inadequate for the demand so there would be problems with overflow parking. She explained that DOT has not been able to find any formal parking agreement regarding spaces created for these residents, and their response is found in the Blue Folder. DOT states that even if such an agreement exists, it would be revoked at this time because DOT reserves the right to develop within the right-of-way at any time. Staff provided a condition to address glare from the lighting. She deferred to the applicant to describe the location of the bathroom, including the concern that parking would be inadequate for the demand, but she noted that there is a plan for overflow parking with UAS.

She referred to the letter from the Facilities Manager, John Cooper, of the National Oceanic and Atmospheric Administration (NOAA) - Auke Bay Laboratories, dated May 4, 2012, who expressed concern about pollutants stemming from restoration work at the old ramp site near the mouth of Auke Creek, which she deferred to the applicant to address. She understands that the

restoration work in that area is nearly complete, and the purpose was to trap sediment and pollutants, including protecting Auke Creek. The letter also expressed concerns regarding the existing boat ramp, although the PC has already reviewed that in a previous City State Project (CSP) case when the ramp was redesigned to have the steepest incline possible to lessen impacts to Auke Lake, which substantially changed its footprint. The writer also expressed concerns about the proposed multi-use path along Glacier Highway, but that is a DOT project and is not part of this review, and staff has not yet received that CSP or Variance request. The last concern is about pollutants due to construction impacts. The project is going to lead to a major improvement in addressing runoff from the site. There are two stormwater ponds proposed, vegetative swales, and other re-vegetation that would help trap pollutants.

Staff recommends two conditions of the CSP, and the first is a standard lighting condition provided on these types of projects. Chair Satre recalls staff recommending more specific verbiage in terms of cutoff fixtures to ensure they are dealing with the concerns of the neighbor. Ms. Camery offered to strengthen the wording of Condition 1 by adding that cutoff lighting is required. In terms of Condition 2, it was emphasized to staff that the project is in the conceptual phase, and they appreciate getting the project review at an early stage, but there is a chance that the project could change so Condition 2 provides that if the project changes significantly, staff wants the chance to determine if it needs additional PC review. Mr. Watson asked at what point would it be considered a “significant.” Ms. Camery said staff worded Condition 2 very carefully and did not include the word “significant” change, because that would be a judgment call, so the wording is, “If the project site plan is modified...” Therefore, if the project is modified at all, they want to review it, which is when the Directors would determine whether a significant change requires further review by the PC.

Ms. Lawfer said in 2008 when they set up parameters for motorized boats on Auke Lake, there were concerns from NOAA about pollutants from them. She is concerned with the reduction of parking spaces to enhance the launch ramp facility, and therefore she wonders if they contemplated such impacts. Ms. Camery deferred to the applicant, including the Parks and Landscape Superintendent, George Schaaf, who is also present and would be managing the facility. Ms. Camery said he believes CBJ hired the Juneau Watershed Partnership to conduct an Auke Lake Watershed Assessment, including other studies that were conducted that provide more detailed information, but she does not know how/if those issues were integrated into this design. Mr. Watson did not see any of the comments then that NOAA raised now in terms of this application, so he is somewhat surprised. Ms. Camery said she doesn’t want to pit one part of NOAA against the other, but DOT did receive comments from another representative of NOAA stating that they did not have any “essential fish habitat” concerns with this project, which is their regulatory phrase that NOAA uses to look at potential impacts, and therefore that has been a bit difficult to figure out. Chair Satre said the NOAA concerns appear to be specific to the adjacent laboratory, as opposed to being regulatory in nature. Mr. Chaney said he feels as though NOAA didn’t read or look at the plans when responding to this proposal because their concerns are not reflecting the plans directly, so that letter was probably not as well considered as it could have been. Also, the general larger motor craft industry has switched from 2-cycle to 4-stroke engines, which are cleaner burning and provide less contamination. He believes the applicant would be able to answer the nature of catch basins and water runoff that NOAA also mentioned as being a concern.

Ms. Camery continued, stating that the related variance addresses only project elements within the 50’ streamside setback, so it does not include the full elements of the project. There has been

some discussion about the concrete stairs to access the floating dock, which is within the 25' no-disturbance zone, but the streamside setback ordinance has an exemption for structures that are necessary for access to the lake so that is actually not included. Other features of the project within 25' include the pavement and patio areas. The fence in the patio area was the subject of quite a bit of discussion by the Wetlands Review Board (WRB), which is adjacent to the picnic shelter within 50' of the setback, including a fence within the 25' area that was designed to keep people out of the eroding location. Within the 25' is also the ADA-accessible view dock, which is located close to the edge of the water. Within 50' are more pedestrian paths with associated lighting posts and fixtures, and a picnic shelter, including a fire pit adjacent to it. The April 26, 2012 WRB meeting minutes are in the packet, and they typically take a tough stance on streamside setback impacts. They are in support of this project, but want to make it very clear that this is because the impacts within the setback areas are to address erosion both on the streambanks and to trap pollutants, including various aspects that would improve habitat and protect water quality. The WRB placed special emphasis on elements of the project within the 25' no-disturbance zone, and had particular concerns about the fire pit, picnic shelter, fence, and grading. She received better information after the WRB meeting in terms of grading, and CBJ Engineering provided a detailed response to that in the report (pages 4 and 5), which she deferred to the applicant. Staff concludes that the project meets the WRB's criteria for what they could accept because CBJ Engineering made a convincing argument that the grading element of the project is to address erosion. Given that it met the WRB's criteria for restoration and improving the area, staff felt that this was an acceptable impact and recommended in favor to the PC. The final recommendation for Condition 1 of the Variance is a repeat of Condition 2 of the CSP.

Mr. Bishop asked if trash receptacles would be included because there is currently a trash problem in this area, which would be exacerbated with greater use; Ms. Camery deferred to Mr. Schaaf although she is certain trash receptacles would be provided. Mr. Bishop said he is also concerned that the launch ramp is being used more, which is not just for small 16' boats and under, so owners of larger boats are using it to flush out their engines in the lake after being in saltwater, which has to be addressed. Ms. Camery said that specific issue came up during the previous CSP review of the launch ramp, but she does not recall exactly how it was addressed, and therefore they might refer to the Ordinance in the CSP report (attachment 7) that dictates how the launch ramp is managed; Mr. Bishop said there's nothing in that Ordinance that prohibits this. Mr. Watson said during the previous review of the CSP for the launch ramp, he and another Commissioner not present tonight raised the question of this very issue. He recalls the response by CBJ Engineering was that they maximized the steep slope of the launch ramp so it would prohibit maneuvering of larger boats on it, which would be managed by Parks and Rec because there was no other way that could be controlled versus somebody from the City being present all the time.

Ms. Lawfer said she is unable to tell from the entrance area whether someone would be able to bring in a larger boat and trailer longer than 16'. Chair Satre said it would be possible because most boats trailered are less than 30', so if there are no other cars it could be done very easily, which might ultimately become a management issue that Parks and Rec would have to deal with. There was a lengthy discussion on this topic when the previous CSP for the launch ramp was reviewed by the PC.

Public testimony

Michele Elfers, representing the applicant CBJ Engineering, referred to an email in the Blue Folder to Ms. Camery, dated May 7, 2012, which is in response to a letter from the Sandbergs.

The first is the parking issue, and her understanding from the letter is that Mr. Sandberg is parking in the DOT right-of-way between the guardrail and the launch ramp, and there was previous recognition or an agreement between them and DOT to park there. The City doesn't know anything about this, so she has been closely working with DOT on this plan since they are actually paying for all of the work, are the primary designer, and would be constructing it. Therefore, she consulted with the DOT Project Manager, Dan Garner, who spoke to a variety of co-workers in different departments, but they were unable to locate any recorded agreement, so he provided a response in the Blue Folder to her and Ms. Camery, dated May 8, 2012. She explained that Mr. Sandberg mentioned some plowing issues, which she deferred to Mr. Sandberg. DOT would be using some of the right-of-way for boat/trailer parking, and they already have an easement for the launch ramp, which was established a few years ago so in the end it is DOT's decision on what they want to do with their right-of-way.

In terms of the bathroom location issue, the design limitation is that DOT in general prohibits structures in the right-of-way. The landowner recommended that they place the bathroom in the same location as the port-a-potty to the northwest of the parking lot area. Part of the reason they are not doing so is because functionally they believe next to the launch ramp is the best spot because people would be using it more in that area, including that there would be many people moving between there and the picnic shelter/fire pit location. She explained that the stormwater pond is located at the lowest point in a benched area further northwest of the port-a-potty site, which is where all the water is currently draining into the parking lot via a rock type of ditched location. That area consists mostly of dogwood, alders, and willow scrub, without large spruce trees. They plan to clear out some of the scrub, and then re-vegetate with native wetland emergent and grasses for the functioning aspect of the stormwater pond. If they were to change that, they would have to do a lot of grading and add quite a bit of fill, although they are trying to keep the design as having as much minimal impact as possible. From a stormwater, surface treatment, and functional perspective, they think this makes a lot of sense. She has not been to the landowner's house, so she hasn't seen how having the bathroom in the planned location would impact their view. However, they are not clearing any of the large existing spruce trees in the adjacent area around the bathroom, so there are existing barriers to their views and the bathroom would be rather small in comparison, which would be about 12' high with one stall and have plantings and shrubs around it. This is why they proposed that location for the bathroom, and they would like to keep it there.

In regards to the lighting issue, they are in the early conceptual design stage so they do not have a complete lighting plan worked out. However, they do know that the bathroom structure would contain two fairly small external lights affixed to the front and back of the bathroom. It is an important aspect to Parks and Recreation due to so many current problems with bathroom vandalism around town, and therefore they are attempting to make the structure durable so people cannot burn it down. The lighting would allow people to view the bathroom structure from the road at night. They also intend to install lighting in the picnic shelter. The lighting would be operated via photocells, which would automatically turn on at night. They intend to install pedestrian path lighting in the areas to the north and northwest from the bathroom site. They do not have the fixtures picked out yet, but the idea is that they would consist of pedestrian-scale lighting mostly as a safety issue assuming people would be using the pathways at night, i.e., potentially waist-high bollards that would shine light so people could see while they are walking, or potentially fixtures placed overhead that would shine down. She explained that UAS has lighting installed on their bridge as well because there are many college students using it at night.

In terms of the parking spaces, they actually have 26 in the plan right now, and two of them are ADA-accessible to the northeast of the parking lot with the middle slot being the required van space, and this also includes six boat/trailer parking spaces in the southern area of the lot. They are unable to count how many parking spaces there currently are because there is no actual delineation. They are reducing the footprint of the parking lot, but even on sunny days in the summer people tend to park around the perimeter, so there probably would be a few less parking spaces. They have set up an agreement with UAS for potential overflow parking in their lots, but they think that might only take place during busy summer days.

Ms. Lawfer referred to attachment 5 of the CSP, which lists “Future Multi-Use Path” and asked what that timeline is. Ms. Elfers said she has heard the DOT Project Manager talk about that, but it’s not tied into this particular project construction timeline, and therefore that improvement would be afterwards because she does not believe they have designed that path yet.

Mr. Bishop said he appreciates the time Ms. Elfers has put into this proposal, and he likes the idea of improving this area. He has observed that the location where they are planning to place the bathroom is generally the congregation point for people, which they would be displacing with hardscape. He believes it makes more sense to retain that congregation area because it’s in the sunniest location on the property when it is being used. Further into the picnic area shown on the design is a shaded area during the evening, which would be typically be used per the plan. Therefore, these proposed aspects of the design would reduce usability of those particular areas from a recreational standpoint, which they should revisit. In addition, he notices that the design mostly consists of hardscape, without any softscape recreational areas. He has witnessed many people hanging around the rocky areas of the site, which he has worried quite a bit about because that is usually associated with alcohol use and rough play. He urges them to explore incorporating softscaping area for recreational purposes, i.e., Frisbee throwing, or whatever it might be, and contemplate relocating the bathroom to another area of the design because placing it in the sunniest spot where people would be going inside where they do not need sunshine is perhaps not necessarily the best place for it. Ms. Elfers said she also noticed that this is a main congregation area, and this is a good point that Mr. Bishop brought up because most of the people go to where the sun is in Juneau. She believes another reason people congregate in that area is because everybody wants to nose their fiberglass boats into the floating dock one at a time because they don’t want to damage the bottoms of them by doing so on the concrete launch ramp, so everyone hangs out in this area to wait for the next boat to come to board them. In regards to Mr. Bishop’s comment about the bathroom, what she was hoping to do was to create a plaza area, but it might not be large enough. What she is hoping is that people would congregate in the picnic/fire pit area, including hanging out in the area of the steps to the floating dock, so maybe there would still be areas for people to hang out in the sunny spot. This was part of the thinking behind the design, but she would keep Mr. Bishop’s points in mind. She explained that the primary reason for placing permeable pavers on the pedestrian path and having hardscape is they are attempting to stabilize the riparian area that currently consists of trampled dirt over roots, which is why they designed it in the method that they did, and therefore she does not think grassy areas would work. Mr. Bishop said there is a lot of dirt and gravel in that area so if it was properly vegetated it would hold, and the area further north has trees so they wouldn’t be able to grow grass in that location. There isn’t any area for people to recreate so they just stand around, but it would be nice for people to be able to throw a ball around, play Frisbee, or horseshoes, etc. besides just swigging beers.

Mr. Medina said he recalls at the WRB meeting that the location of the bathroom was placed in that specific area due to where the water and sewer lines are located. Ms. Elfers said the connection would be via a manhole in the area of the old entrance to UAS, which would run through the parking lot to the bathroom.

David Sandberg, 10965 Glacier Highway, said he lives across Glacier Highway from the Auke Lake Wayside site. They currently park their vehicles in an area where in the winter the snowplowers throw hard icy snow up and it knocks windows out of their vehicles, so on snowy days they have to park elsewhere. This is when his wife usually parks in the neighbors driveway, and he parks his truck across Glacier Highway, but in the summer this is not a problem. The trail to the floating dock is used by a lot of people during the summer, and providing additional parking between the launch ramp and Glacier Highway might be nice so they do not park along Glacier Highway where they would be subject to ticket citations, as “No Parking” signs are posted along the roadway to prevent this. He would like to see the bathroom relocated to the picnic shelter area or near the stormwater pond area, which would improve their view and allow them to take pictures from their deck. UAS has installed minimal lighting along their trail and the bridge has strip lighting for pedestrians. Many people stop in the parking lot area of the site to view northern lights, so if there were typical street lights installed they would have to go elsewhere, but they already would have left their homes because they probably couldn’t view the northern lights from there.

Mr. Watson asked if there is any reason why DOT would not allow him to continue to park in the new parking lot location during the wintertime. Mr. Sandberg said he prefers the area between the guardrail and the launch ramp because they are able to view their vehicles from their deck to see if anyone is vandalizing them, and so on, but if they have to park in the new parking lot area they wouldn’t be able to. The proposed design of the area where he currently parks is where they are planning on having shrubs, which would still allow for additional parking for users so they could continue to walk down to the floating dock. Mr. Watson said he sympathizes with Mr. Sandberg because he had some folks in a similar situation when DOT decided to improve the roadway, which is when those people had to remove a shop and a covered carport because it was in the DOT right-of-way, and there was no written agreement that anyone could locate. Mr. Sandberg said his wife is unable to locate a written letter from DOT, but she thought DOT had previously stated that they were able to park between the guardrails and launch ramp area.

Public testimony was closed.

Commission Discussion:

Mr. Watson recommends that Parks and Rec provide heightened awareness of this area during the spring/summer, and especially on Saturdays and Sundays when it is the busiest because he is concerned that this is not going to happen. He realizes that recommendations “don’t carry a lot of weight,” but he wants them to pay attention to this. He explained that Parks and Rec does not have much experience in managing launch ramps, and they are understaffed so he mostly sees Parks and Rec vehicles mainly actively managing Dimond Park, but not other areas of the community during the summertime. Chair Satre said this is not a CUP, and rather it is a CSP review where it is possible for the PC to provide more of a generic type of recommendation to urge Parks and Rec to develop a management plan for this area. He explained that the PC has heard testimony provided at previous meetings, and others have had personal experiences so they know that this is an area that could raise some issues in terms of safety or otherwise. Therefore, as this area becomes more attractive, the PC wants to ensure that the City manages it

appropriately to ensure that this project conforms to the Comp Plan. Mr. Chaney reminded the Commissioners that the related Variance is regulatory, as opposed to the CSP.

Mr. Bishop said he recommends relocating the bathroom to the head of the park in a central area outside of the sunny location where the congregation takes place. This would open up the sunny location to install more softscape to allow recreational use, and then the bathroom would be placed in an area outside of the 50' streamside setback as well. This would also lend more privacy to the bathroom. He believes these alternatives would serve the public better, and open up an area that is fairly closed in at this time. He thinks this is more appropriate in preserving an area that is most highly used for recreation.

Ms. Lawfer said at this time they do not know how many parking spaces are onsite, and the current design has 26 spaces so she would rather have less aesthetics versus eliminating additional parking spaces.

Ms. Bennett said she agrees with Mr. Watson that an advisory comment should be provided about the intensive use of the area, especially in early spring. Chair Satre said he believes it would be appropriate to keep the recommendation generic in nature, but the Commissioners have to avoid trying to come up with an actual management plan.

Mr. Medina said he would like to request of CBJ Engineering and Parks and Rec whether they have concerns regarding Mr. Bishop's recommendation to move the bathroom to the head of the park. Chair Satre said their answer was already provided in a letter in the packet that mentions concerns about placement of the restroom facility in the stormwater pond area regarding cost and fill ramifications of moving it. He explained that the PC would have to re-open public testimony to bring those parties back to testify on this; Mr. Medina said he does not wish to re-open public testimony.

Chair Satre stated that in general there are potential recommendations to advise Parks and Rec to develop a management plan for this area, move the site of the restroom facility to the north end of the site approximal to the picnic shelter, and to develop as much softscape as possible approximal to the launch ramp.

Staff Recommendation: That the PC recommend to the Assembly authorization of the Auke Lake Wayside Recreational Improvements Plan, which includes development of new trails, a picnic shelter, restroom, re-vegetation, a paved parking area, stormwater treatment facilities, and other amenities, subject to the following conditions:

1. Exterior lighting shall be designed and located to minimize offsite glare.
2. If the project site plan is modified, prior to issuance of a Building Permit, the modified proposal shall be provided to CDD staff to determine if additional PC review is required.

Commission Action:

MOTION: *By Mr. Bishop, that the PC adopts the Director's analysis and findings and grants the requested CSP permit, CSP20120010, to recommend to the Assembly authorization of the Auke Lake Wayside Recreational Improvements Plan, which includes development of new trails, a picnic shelter, restroom, re-vegetation, a paved parking area, stormwater treatment facilities, and other amenities, subject to the conditions outlined by staff. The PC includes a recommendation to move the restroom facility to the north end of the site approximal to the picnic shelter, and outside of the 50' setback if possible. The PC recommends the Parks and*

Recreation Department develop a management protocol for the property for maintaining trash and the facilities during high use times. The PC recommends the development of more softscape areas for recreation and landscaping where the restroom facility was proposed to go on this particular site plan.

There being no objection, it was so ordered and CSP20120010 was recommended for approval to the Assembly as modified by the PC.

Chair Satre adjourned the PC, and convened the BA.

X. BOARD OF ADJUSTMENT

VAR20120007

A Variance to the 50-foot no-development setback and 25-foot no-disturbance zone from Auke Lake for Auke Lake Wayside Recreational Improvements.

Applicant: CBJ
Property Owner: CBJ
Property Address: 11050 Glacier Highway

Staff Report/Public Testimony/Board Discussion: – Heard previously.

Staff Recommendation: That the BA adopt the Director’s analysis and findings and grant the requested Variance, VAR20120007, which would allow for development of trails, a viewing area, picnic shelter, fire pit, and other related amenities within the 50-foot no-development setback from Auke Lake. The Variance is subject to the following condition:

1. If the project site plan is modified, prior to issuance of a Building Permit, the modified proposal shall be provided to CDD staff to determine if additional PC review is required.

Board Action

Ms. Bennett spoke in favor of the Variance, which includes the additional PC comments that were part of the related CSP20120010.

MOTION: *By Mr. Watson, that the BA adopts the Director’s analysis and findings and grants the requested Variance, VAR20120007, which allows for development of trails, a viewing area, picnic shelter, fire pit, and other related amenities within the 50-foot no-development setback from Auke Lake, subject to the condition outlined by staff.*

There being no objection, it was so ordered and VAR20120007 was approved as presented by the BA.

Mr. Bishop thanked and applauds Ms. Elfers for the work she has done for habitat restoration around the community and projects such as this. Chair Satre also thanked Mr. Sandberg for bringing forth his concerns, and he believes the PC addressed some of them. He thinks the existing condition on lighting should address what Mr. Sandberg envisions for that area, and hopefully they would have a project they could all be proud of very soon. He adjourned the BA, and reconvened the PC.

BREAK: 8:15 to 8:22 p.m.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS – Heard out of sequence.

AME20120006

A Text Amendment to update the Comp Plan.

Applicant: CDD
Property Owner: CBJ
Property Address: Boroughwide

Chair Satre requested Mr. Lyman to describe what he has planned for the PC's Comp Plan review tonight, as well as at the Committee of the Whole (COW) meeting next week on May 15, 2012.

Staff report

Mr. Lyman said they already discussed Chapter 5: Economic Development, which is when the PC expressed an interest in having the Juneau Economic Development Counsel (JEDC) work on reviewing, commenting on, or re-writing that chapter. It appears as though JEDC would be prepared to provide comments at the June 19, 2012 COW meeting. He received comments from Ms. Bennett on this chapter as well, so depending on the timeline he would try to incorporate them. He wants everyone to be working off of one document, as he has already done so with regards to the comments from other Commissioners, but he would provide the current draft of Chapter 5 to JEDC for their review before he provides a re-draft to the PC. He offered to follow-up with Brian Holst of JEDC to confirm their attendance at the June 19, 2012 COW meeting. He confirmed with Scott Willis of AEL&P that he and possibly one or more employees would be available next week during the May 15, 2012 COW meeting, with the caveat being that Mr. Willis would be at Snettisham that same day, so hopefully he is able to fly back otherwise he would participate telephonically or probably have another AEL&P employee attend in person.

The Commissioners are continuing to work on a packet presented a few months ago. This evening he would like to start with Chapter 9, skip Chapters 10-11 that consist of land use maps that they already talked about to some degree, but he does not have revised maps ready for the Commissioners yet, and then continue reviewing Chapters 12-18. He stressed that this Comp Plan review is supposed to be merely an update of what is clearly out of date. This review is not a complete update revision of the Comp Plan, which is a much larger undertaking that requires a lot of research, and PC and staff time, although a major update would take place in the future.

- Chapter 9: Parks, Recreation, Trails, and Natural Area Resources
 - Chair Satre said there are one or two minor changes by staff, and he would like to review each chapter page-by-page.
 - Page 129:
 - Mr. Watson referred to points 2 and 3, stating that the 1993 Juneau Trails Plan was updated in 2004, and the 1997 Juneau Non-motorized Transportation Plan was updated in 2009 per Ordinance 2009-15.
 - Ms. Lawfer said many organizations outside of Parks and Rec are involved and have stakes with trails and natural resources in Juneau. She does not know where such organization should be identified in the Comp Plan, but when a person comes to the City they should be able to see how all the organizations relate to one another. All the organizations, including the City, have different plans, but

they all come together with concerns and are reviewed as part of the City process. Whenever the PC reviews cases, they look at the report and application to determine which organizations might be involved to ensure that their concerns are addressed.

- Mr. Lyman said since the CBJ is a Home Rule Municipality they are not subject to the state requirement as to what's in this Comp Plan. However, there are three elements under state law that must be included in the Comp Plan for communities other than a Home Rule Municipality; one is a land use map displaying where they are going to allow which types of use; a transportation plan or map; and he does not recall what the third element is, but the legal requirement for what is in a Comp Plan is very basic. The CBJ has taken the opposite direction with their Comp Plan, which has been turned into an incredibly all-inclusive document. To describe the relationships between myriad groups, economic drivers, and forces, they would end up turning this into a very complex document that would be virtually impossible to keep up to date. This would mean that as soon as an organization changes their name, acronym, or scope then the Comp Plan would be out of date. He met today with Murray Walsh and discussed a topic that would come back up regarding the Land Use Maps review. They talked about a particular piece of property and its designation in the Comp Plan, which is when Mr. Walsh suggested that the Land Use Maps be revised into three designations for residential, commercial industrial, and rural. This would meet the letter of the law, and it would in many ways be much simpler to administer, including providing the Assembly and PC more leeway when applying zoning designations because it would be a vision document at a very broad scale. However, when they end up having a dozen or more land use designations and chapters that describe every facet of this community, they would be building in the fact that the Comp Plan would be obsolete very soon and more difficult to administer. Therefore, he hazards against trying to describe all the groups and their relationships that participate in managing resources, maintaining trails, parks and open space because the City does not control any of that.
- Ms. Lawfer said she understands not including specific names of organizations in the Comp Plan. However, there are certain aspects of this that the City does not provide oversight, i.e., trails, or watersheds so they should determine how to address them because the City does not have a trail or watershed staff in the CDD, so they go to the experts with regards to them.
- Mr. Lyman said it might consist of adding a paragraph or two describing how the CBJ owns certain facilities, or contracts for maintenance and upkeep of other facilities, i.e., trails with groups including Saga, Trail Mix, and others. Some facilities are jointly managed, i.e., the Auke Lake Wayside where it would be a City facility on state land and the lake itself is under the regulation of the state. He explained if they were to include this type of language it would be fairly complicated because, i.e., the game refuge is managed jointly by the State Department of Natural Resources/Alaska Department of Fish & Game with access points

provided by the City, so he asked if the intention is to describe every facility, or just in general stating what relationships the partners have.

- Ms. Lawfer stated that if Saga or Trail Mix or the WRB were to go away, she asked what the City's role would be, i.e., if they would just pick their work, or if all that work would just go by the wayside. She explained that she used to be associated with the JYFL when they needed a scoreboard so they raised money to purchase one, but they later wanted a press box, although that was on CBJ land, so the City made the decisions as to when that was funded, built, and maintained by a private organization. She believes the Comp Plan should state what the City's role is with regards to natural resources because often times maintenance is done by other organizations because they have expertise and the City does not.
- Mr. Lyman said he is able to speak to Parks and Rec to see what they might develop to include in the Comp Plan, but to alleviate Ms. Lawfer's concerns to some degree there is a Parks and Rec Comp Plan for their facilities that provides greater detail on how they are managed. There is also the Lands and Resources Department who has a Land Management Plan, which addresses other City properties and how they're to be managed and for what purpose. Those two plans address much more of the day-to-day management of particular facilities under the CBJ umbrella. He respectfully disagrees that the Comp Plan for the entire borough is the correct location to essentially record management business practices. This is when the Director of City departments should make determinations based on available staffing resources, including the will of the Assembly and City Manager at the time. He still does not believe that kind of detail is appropriate in this plan.
- Ms. Grewe said she thinks what Ms. Lawfer is saying makes better sense when she used it in the context of the JYFL scoreboard, and for other physical things in the community. However, she agrees with Mr. Lyman that the Comp Plan is a long-range document about community development at a very high level, not about operations or management. If other organizations went away and the City was broke, they would have to tax themselves, provide for education, and provide planning and zoning by state law. What Ms. Lawfer is proposing actually belongs in a different type of City management document, not so much for the reason that it's complicated to put it in this plan, but she does not think the Comp Plan is the right document to do so. The Comp Plan guides planning and zoning, not City management or who owns what or how it's going to be dealt with during times of limited resources.
- Mr. Watson said the Commissioners previously had a similar conversation when the PC provided the major update to the Comp Plan a few years ago, and he thinks at that time the Commissioners all agreed with the comments that Mr. Lyman is making now. He referred to page 8 of the Comp Plan, which explains the purpose of the Comp Plan. He stated that even now there are groups mentioned in the Comp Plan that he would prefer removing because they do change so they might inadvertently be showing impartiality, etc. He concurs with Ms. Grewe as well that they need to maintain the Comp Plan as being a high-level document, and

therefore they have to start working towards that end so the PC could begin their review of this chapter.

- Ms. Lawfer said at the last PC meeting the Commissioners discussed how the Comp Plan is an operating document, and she views many Standard Operating Procedures (SOPs) and Implementation Actions (IAs) that tend to be microscopic.
- Chair Satre said many have potentially differing opinions about higher-level concepts, which they might not be able to figure out 100% tonight. In reviewing cases, the Commissioners use the Comp Plan, which is a guiding document in terms of its legislative intent while reviewing the regulations of Title 49. He knows that Mr. Lyman realizes they might have to provide some recognition that management and maintenance of park and recreation, and natural resources is a complex myriad of private, state, federal, and City groups, which is more than they could adequately address in the Comp Plan. He agrees that there has to be some recognition provided to that complex relationship, e.g., the question of who operates the JYFL scoreboard is at the other end of that type of spectrum.
- Ms. Bennett did not notice any mention of the US Forest Service (USFS), in terms of this area being in the Tongass National Forest (TNF). An overarching comment should be provided in the Comp Plan that Juneau is in the TNF, which includes a lot of volunteer activity. She agrees with Ms. Lawfer that some type of reference should be provided regarding other organizations involved, i.e., the volunteer fireman that they have had since the beginning of this City. There have always been volunteer efforts in Juneau, more so than in other communities, which is one of the reasons why it is great to live here and those organizations are part of this community so they should be recognized.
- Ms. Grewe stated that maybe some of Ms. Lawfer's concerns belong in the Parks and Rec Comp Plan because when she views Chapter 9, they are laying out what the vision is in terms of parks, recreation, trails, and natural area resources. There are many aspects written in the Comp Plan that she knows they have not yet pursued while she has served on the PC, but those items remain because they are long-term visions. They don't necessarily have a plan for pursuing some of them either, but it is on the record that those are a priority. The borough manages itself through paid staff, volunteer committees, and appointed positions like the Commissioners, so somehow it all comes together to offer these services. However, she doesn't know how they would include all the stakeholder groups because that would be true in every chapter of the Comp Plan. She explained that the Comp Plan is one of the largest and most vague documents the borough has, and it's a reason by design that it is like that.
- Chair Satre said there are comments that Mr. Lyman is going to work on. There are also some open-ended questions. One way to look at this is that they do not know about all the things that might/might not happen in the future. However, if they have enough items through the Commissioner's generic discussion, including through some of the SOPs and IAs then in five to 10 years when someone in the City is trying to work with various partnerships, i.e., feds, state, etc., there are guidelines about what the values are and they could determine how to make those relationships

happen. The PC has a couple new Commissioners that were not around for the last update who are trying to provide input, which is appropriate.

o Page 130:

- Ms Bennett referred to the fifth paragraph, which states, “Although the CBJ contains a wide variety of outdoor recreational resources, more park and recreational facilities, both indoor and outdoor, should be provided within the urban area.” She questions whether they should be stating in this Comp Plan that there are always more parks and recreational facilities that are needed because it seems as though there are plenty right now, but she asked if this is the meaning of this section; Chair Satre said it is not. Ms. Bennett referred to where the same paragraph and other areas of the Comp Plan mention the “performing arts center,” which is underway. There is a draft plan she viewed the other day, and a committee that’s meeting regularly to spearhead this, so the wording needs to be changed to reflect the fact that it’s underway, rather than it being an intent that hasn’t materialized.

- Mr. Lyman said the performing arts center has been moving along for 20 years. He explained that the Dimond Park Aquatic Center is open, so that identified need is done and has been accomplished. He does not think that the performing arts center is far enough along for them to state that it’s underway.
- Ms. Bennett said they should recognize that people are working on the performing arts center, so it is not just a goal in the future.
- Mr. Lyman said this paragraph is just stating that during a survey, needs were identified. He does not feel it is appropriate to state that they have identified a need and there is a group meeting about it, as there are many groups meeting about needs; Ms. Bennett said okay.

o Page 131:

- Mr. Lyman cited 9.1SOP2, commenting that this is where they are recognizing that many agencies are involved, and it is a standard operating procedure to work with them. He stressed that for this Comp Plan here is the type of detail that is appropriate for whom the City works with.
- He noted a text change he incorporated in 9.1.IA2.
 - Mr. Watson said he is concerned with the added verbiage that states, “one or more” because the prior language before that text was added seems to satisfy this IA.
 - Mr. Lyman said the previous language states, “Establish discrete zoning districts” (emphasis on the “s”).
 - Mr. Watson asked if the change he is making is grammatical or mathematical.
 - Mr. Lyman said it’s a little bit of both. He explained that directly after Chapter 8 of the Parks and Rec Comp Plan was updated in 2007, and they were updating this Comp Plan, which is when the Director of Parks and Rec requested no fewer than seven new park zoning districts, but the CDD staff talked them down to three, although none of them have been adopted because they are all City owned and they don’t necessarily need to go there. While

reviewing the Table of Permissible Uses and Table of Dimensional Standards looking at density, bonuses, and the Comp Plan, he created a draft parks and open space zone (emphasis on this being singular) that could accommodate many uses, e.g., ranging from private churches, a new raptor center, a community park, the national forest, etc., which was an exercise to see what that might look like. This has not seemed to be a pressing need, but he could potentially present this to the PC a week from now very easily because those tables are ready, but he only thinks “one or more” zoning districts are necessary.

○ Page 132:

- Ms. Grewe asked if the left margin where the vertical hashes are denote tracked changes that something has occurred.
 - Mr. Lyman said he believes Ms. Grewe was absent from the meeting when he went over this. He explained that he has added an index to the Comp Plan. However, when he adds an indexing mark. Microsoft Word tracks it as changes so he ended up having to accept thousands of them. As he has been going through the Comp Plan and incorporating changes to future chapters while integrating the comments the Commissioners have made on previous chapters, he is taking care of that. In the next version of the Comp Plan he presents to the PC there won't be any formatting tracked changes, so at this point the Commissioners should just ignore them.
- Mr. Watson referred to 9.1.IA13, stating that he researched and found that the last time the Trails Working Group met was in 2004, so he would like to insert the word “reactivate.”

○ Pages 132 and 133:

- Ms. Grewe referred to 9.1.IA26, stating that this is a new IA for shoreside recreational fishing opportunities. In terms of long-term goals on page 132, she cited 9.1.IA3, stating that she wonders how these were added to the Comp Plan. She realizes that the PC is just performing a review now, but for the sake of those Commissioners that were not serving on the PC in 2008, 9.1.IA26 was added to this chapter.
 - Mr. Lyman said the verbiage in 9.1.IA26 was simply moved because it was in an inappropriate chapter, so this IA was simply deleted from another location and pasted in this chapter where it belongs.
 - Chair Satre said 9.1.IA3 stemmed from a community survey.
 - Mr. Lyman said he believes that survey was part of the Parks and Rec Comp Plan update process. When they review the subareas later on is when the Commissioners would find lists of aspects that should be done within them, which are copied directly out Chapter 8 of the Parks and Rec Comp Plan. He explained a member of the Fisheries Advisory Board suggested 9.1.IA26 shortly after the Comp Plan was adopted in 2008, which staff filed away to possibly include in the next update.

○ Page 134:

- Mr. Lyman said it was pointed out that there is no such thing as an anadromous stream, so he revised them to state anadromous “fish” streams throughout the Comp Plan.
 - Mr. Watson commented that in general under Chapter 9, Parks and Rec is responsible for Centennial Hall. He did a word search on the online Comp Plan and found where Centennial Hall was mentioned four times, which were all in regard to revenues or lack thereof. He did not find anything in Chapter 9 that addresses the importance of improving and expanding Centennial Hall to make it more of an accessible and attractive facility. There has been quite a bit of discussion of this over the past 18 months, which continues to “fester like a sore.”
 - Chair Satre said they are not dealing with parks and recreation as a department in Chapter 9; rather it is parks, recreation, trails, and natural area resources. However, Chapter 12 is on public and private utilities and facilities, which is when they should discuss this topic.
 - Mr. Lyman said it might be appropriate to mention this in multiple places in many chapters, just as it is to mention multiple times that Juneau is the Capital City, which he would work on for inclusion in the next draft.
- Chapter 12: Public and Private Utilities & Facilities
 - Mr. Lyman said he made a few modifications to the Urban Service Area.
 - Ms. Bennett commented that this is basic infrastructure and she wonders if some of the IAs were ever been implemented, but she believes they have already discussed this to maintain them as a long-range vision. She is happy with Chapter 12 and nothing stood out, but she is not an electrician or electrical engineer, so when Mr. Haight is present he might have more comments later on.
 - Page 226:
 - Mr. Medina referred to the Section titled Water, first paragraph, and asked if they are still bottling water in Sitka.
 - Chair Satre said he believes a local seafood entity is, and they might have found a way to market it.
 - Mr. Lyman offered to look into this, and update as needed.
 - Page 228:
 - Mr. Watson referred to 12.2.IA3, stating that he believes the Alaska Department of Environmental Conservation (DEC) no longer monitors onsite sewage systems, as the City is monitoring individual sewage treatment systems at Lena Point.
 - Mr. Lyman said the City management and oversight of private onsite wastewater systems was adopted via Ordinance. That was essentially an alternative to putting in a package system for the Lena Point neighborhood, so this is what the City came up with for its own development. Since the City went through the trouble to create that program, he believes they have also extended it to other areas. However, having the City go out to ensure everybody is pumping their septic systems and correctly maintaining them, that would be different than conducting water sampling to adequately monitor disposal systems throughout the borough, which he believes is DEC’s charge that was granted to them by the Environmental Protection Agency.

- Mr. Watson said he just wants to ensure that the DEC does so because he has heard that they do not.
 - Mr. Chaney said the way he reads this is that it is an aspirational statement to “urge” the DEC to adequately monitor sewage systems. He has not talked to anyone who thought that DEC was adequately monitoring, so he thinks this is fine the way it is. He is not quite sure where the edges of DEC’s regulatory authority areas are, but he knows many people would like them to be more aggressive in overseeing this.
- Page 229:
- Ms. Lawfer suggests that they change “Waste” to “Solid Waste Management.”
 - Mr. Lyman said they pulled the discussion of Waste and Solid Waste Management from the Energy chapter, which he anticipated including in this Waste section, so he should have probably re-published this chapter, but he did not. He explained that there is a lot of new information on the Waste section in the next version.
 - Mr. Bishop said the Waste section includes hazardous liquid waste as well, so rather than solid waste they should state, “Waste Management.”
 - Ms. Lawfer referred to Policy 12.3, stating that this encourages hydroelectric and other renewable energy sources, which is fine. However, in SOP 12.3.SOP1 it states, “...hydro- and other renewable-source electrical generating facilities...” Therefore, she wonders if they have to be electrically generated, which might prevent them from pursuing other technologies.
 - Mr. Lyman said this section is titled Electrical Generation and Distribution in Chapter 12 - Public and Private Utilities & Facilities, so they would probably want to do so under the chapter on energy. He explained that Bill Leighty spoke to the PC on several occasions as a private citizen, including AEL&P staff when they provided the previous update of the Comp Plan, and they pointed out that it is now renewable energy sources that they are referring to versus renewable electrical source generation facilities, so that language is correct.
- Page 230 and 231:
- Mr. Watson said there is a duplication of 12.4.IA1 and 12.5.IA1.
 - Mr. Lyman said this happens throughout the Comp Plan. These IAs are referring to two separate policies, which could both be implemented with the same IA action, as that is the intent.
- Ms. Lawfer stated that in general they should add the tourism industry because solid waste from cruise ships is rather significant.
- Chair Satre asked if this might be added to 12.4.IA2.
 - Ms. Lawfer said yes, which should state, “including working with cruise ships in regards to their solid waste while in port.” She explained that millions of people come to town, so this is significant enough that they need to be thinking about what those solid waste impacts involve.

- Ms. Bennett said she believes the state regulates how close they can get with sewage, but she thinks Ms. Lawfer is right about including solid waste from cruise ships as being a vision in this section. She previously mentioned impacts from tourism when they reviewed other areas of the Comp Plan as well.
 - Mr. Lyman said he believes a new IA could be developed roughly stating, “To work with the cruise industry to reduce waste and increase recycling, and so on,” which seems like it would fit well under policies 12.4 and 12.5.
 - Chair Satre said if they are going to do so, he noticed other areas of the Comp Plan that mentions companies who have huge demands on energy infrastructure. Therefore, potentially they could leave it as being fairly generic by stating, “including companies that have large demands on waste management processes and energy infrastructure,” so Mr. Lyman could frame verbiage along those lines. He explained that there might be other companies to add in later on, and therefore if they identify that there are impacts into the waste management stream, this might be the best way to move forward with this.
 - Mr. Lyman said it could also state, “including working with the cruise industry and other industries creating large amounts of waste.”
- Chapter 13: Community Services
 - Page 234:
 - Ms. Bennett referred to the section titled Medical and Social Services, suggesting that they use “this community” rather than “CBJ.”
 - Mr. Lyman explained that they previously discussed this at an earlier meeting that the acronym “CBJ” in context has multiple meanings throughout the Comp Plan, so he has been replacing it as necessary with, e.g., “community,” “borough,” “CBJ government,” etc. He explained that the policies relate to how the “CBJ government” acts, so every policy has the word “government” in it, and they are now replaced with “The policy of the CBJ government to...” and so on. In addition, he added a paragraph mentioning that in some instances the reader has to review the context of the paragraph to know whether they are talking about the CBJ as the borough, community, government, agencies thereof, etc., which he has been uniformly addressing.
 - Ms. Bennett once again referred to the section titled Medical and Social Services, first paragraph, stating that they need to mention that the City recently took over the leadership positions at Bartlett Regional Hospital. She explained that an independent management firm still operates the hospital, but the City regulates and hires the Chief Executive Officer and Chief Financial Officer positions. The City took control over that because there was so much disapproval of them, which has to be reflected.
 - Page 235:
 - Ms. Bennett suggests adding a new 13.3.IA5 to state, “Support organizations including United Way that coordinate volunteer funding of many social service providers,” which is part of what she already sent to Mr. Lyman earlier today.

Staff recommendation: Once preliminary review of some of the chapters has been completed, Commissioners will be presented with proposed revisions to other chapters to review. After all chapters have been reviewed on a preliminary basis, a Draft Comprehensive Plan will be published for review, after which the PC will begin a second round of review of the entire document.

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Acting Director

Acting Director Mr. Chaney said it is very humbling to be in this chair, he feels like his shoes are very loose because he is trying to fill the big ones that Mr. Pernula left. Chair Satre said the Commissioners are very happy to see Mr. Chaney trying to fill some big shoes. He recently spoke to the City Manager Ms. Kiefer about the process that they would be undergoing in terms of establishing the next permanent CDD Director. He expressed the PC's interest to be involved as much as possible in that process going forward, and they are still fleshing some of those aspects out. In the meantime, Ms. Kiefer mentioned that if the Commissioners were to talk about certain aspects as a PC that they would like to see in the next CDD Director, they should do so in Executive Session to make sure they are keeping that process as clean as possible, as opposed to having staff and public present. He believes other Commissioners want to be involved in that process, so he would keep that line of communication open with Ms. Kiefer and Mr. Chaney. Mr. Chaney stated that a nationwide search is currently underway for a replacement of the CDD Director position, and they are planning on having an Assessment Center as well. Ms. Bennett asked when the recruitment deadline is; Ms. Grewe said May 21, 2012. She printed out the recruitment bulletin and noticed that there are 10 responsibilities, and the PC would be actively involved with six of them. She would like to make the request that a Commissioner serve on the Recruitment Committee, whether it is Chair Satre representing this body, or perhaps the Commissioners could meet with the three finalists. She believes the Commissioners should discuss attributes they are interested in with the potential candidates because the CDD Director answers to the City Manager, but the other half is to the PC. Chair Satre explained that his conversation with Ms. Kiefer was prior to the official announcement of the search and what the assessment process might involve, so he would follow up with Ms. Kiefer as Chair of the PC and pass this along; to which the Commissioners nodded their agreement.

Official Appeal

Mr. Chaney said the sand and gravel permit for the Coogan company has been officially appealed. This is one reason staff requested to delay commenting on the April 10, 2012 PC draft meeting minutes because staff wants to thoroughly review them, which is over 40 pages. The Appeal Committee would like to review those minutes in detail, as they want to ensure they are accurate. Chair Satre said one of the potential avenues for any appeal is that it could be remanded back to the PC for further deliberations. Therefore, the Commissioners and staff have to consider this as being an active application and to ensure that they do not become involved in ex parte communication. He explained that Mr. Stigall of *The Juneau Empire* contacted him yesterday afternoon requesting that he comment on the appeal, and he replied to the reporter via email stating that the appeal is an active application so it would be inappropriate for staff or the Commissioners to comment. He did provide Mr. Stigall links to the staff report and draft minutes, and he believes that reporter basically cut and pasted his email into his article today.

Ms. Bennett said she called Ms. McKibben and asked her, “What was the meaning of that?” Chair Satre explained that half the sentence was omitted from his email in the article, which made it even worse because his email was a bit clearer. Ms. Grewe said she was not at the original PC hearing when that case was heard, but if the appeal was remanded back to the PC she asked if that is a way of not having to go to a Hearing Officer. Chair Satre said theoretically he believes the Assembly could state that if they found fault with a piece of it they might remand it back to the PC to address that item per conditions or motion, and then move forward from there. That is an avenue, but not the only avenue. Mr. Chaney said he agrees with Chair Satre. He explained that what would happen now since a member of the Assembly, Ruth Danner, testified on that case to the PC, the Mayor determined that it was not appropriate for the Assembly to hear the appeal because Ms. Danner also spoke about it at an Assembly meeting. Therefore, the appeal would be presented to a Hearing Officer, and they would act as if they are the Assembly so that person would make the determination on the appeal. One of the very likely and potential decisions the Hearing Officer could make is to remand it back to this body, not to individual Commissioners who made the decision on that case. Chair Satre added that it would be as if a case was continued at a PC meeting when certain Commissioners were not present, and then they would be present at the next meeting. Mr. Medina asked if staff knows the date when the Hearing Officer would hear the appeal. Mr. Chaney said he does not, but he explained that it would involve a very lengthy process of briefs and counter briefs, but none of that has been worked out at this point, as staff just received the official appeal. Chair Satre requested Mr. Chaney, through the Director’s Report, to brief the Commissioners at subsequent PC meetings on what might have been passed on to him in regards to the progress of the appeal.

Danner Letter

Mr. Chaney said a letter from George Danner, dated May 3, 2012, is in the Blue Folder concerning a cell tower permit that happened some time ago for the Mendenhall Valley. At the time, CBJ staff asked the applicant to come up with a report by an appraiser to look at the impacts of that tower installation on property values in the adjacent area. The Danners have been very insistent for some time that this whole process was flawed. They received a comment from an appraiser organization in Alaska saying that there were errors in the appraiser report that was prepared in Washington, but it does not state that the conclusions in the report were incorrect. He doesn’t know how to take this, but he thinks the Danners just want to highlight it for staff and the PC’s benefit. Since that time, staff has taken a very aggressive stance requiring all cell tower applications to be reviewed by an appraiser, including that staff has been reviewing those appraisal reports very carefully before presenting them to the public, so hopefully this is an issue from the past.

Website Static Map

The Cartographer developed an online static map, which isn’t quite the interactive map the PC requested, although it is a step in that direction. The CDD staff has limited support from the computer folks in the Management Information Systems Department, so someday they might get around to developing an interactive map. Staff has asked them for this many times very politely, so he believes the next iteration of the online map should have a live link that would take them to the staff report for active cases, and staff is hoping to have the map refresh for every PC meeting.

Auke Bay Neighborhood Plan

Staff would be reviewing the Auke Bay Neighborhood Plan after the comments tonight, which has been on their list of things to do, but they are short staffed once again so he is not sure how much energy they are going to be able to put towards this, although it is an aspect that staff

would like to see happen. Mr. Bishop requested a briefing by staff in terms of their liaisons with DOT because he is concerned that they are not obtaining an adequate connection with the Auke Bay roundabout and roadway improvements project, which is what the PC has typically experienced. This includes inviting representatives of DOT to present all projects to the PC prior to their full 90% work-up on them, including before they are presented to the public, so a senior member of staff needs to be dedicated to this, which has large implications for the community; Mr. Chaney offered to do so. Mr. Watson commented that the first public meeting on that particular project was over a year ago, and then DOT held another one about three weeks ago. Ms. Bennett commented for the record that she previously spoke to Ms. Hart to invite her to provide public testimony at this PC meeting because she knew the Commissioners needed to know more about what DOT's project is for Auke Bay, including what the concerns are of the Auke Bay community.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Medina said the WRB recently met. He explained that there have been past concerns that the PC hasn't implemented some of their recommendations, but he informed them that the PC approved every one of the WRB recommendations for the last application, so they were very pleased. Chair Satre said the Commissioners provide a lot of weight to the WRB's recommendations during their deliberations, and he believes staff does so as well, although he believes there might have been one or two cases in the past where the PC might have made recommendations to the contrary.

[The April 9, 2012 Assembly Lands Committee and April 18, 2012 Joint Lands Committee/Public Works & Facilities Committee meeting minutes were provided by staff to the PC for their perusal.]

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Ms. Lawfer announced that she would be absent at the June 12, 2012 PC meeting, and if necessary she could try to participate via teleconference, but she would rather not because it would be difficult to do so; Chair Satre said the Commissioners would take this into consideration when determining whether they have a quorum. Mr. Medina announced that he would be absent on May 22, 2012. Chair Satre stated that we are fast approaching the busy summer season, so he requested staff to poll the Commissioners on their projected attendance at PC meetings a couple of months out to determine whether there are any quorum issues; Mr. Chaney offered to do so.

Mr. Bishop said he is once again referring to the DOT Auke Bay roundabout and roadway project he recently mentioned, explaining that they clearly need to "get ahead of the eight ball" on projects such as this. He thinks this is why he is so passionate about subarea planning, which they have to engage in because there are good reasons for doing so. With subarea planning, they provide for the record what the desires of the community are prior to DOT putting together their plans that run contrary to community planning. What the PC reviewed tonight is the Friends of Auke Bay petition that has nearly 500 signatures, so there are definitely a lot of concerns by the community who are probably going to have a hard time with that project. They would all be better off if they could help by directing DOT towards what the community wants, which should be done through subarea planning beforehand. He applauds the efforts by everyone on updating the Comp Plan that was approved in 2008, but he cannot recall the last time they did any subarea

planning. He does not expect Mr. Chaney to engage in doing so prior to a decision on the new CDD Director, but once that person is onboard they need to be passionate about pushing subarea planning. Chair Satre said there is also a new City Manager that they are able to talk to about PC priorities. Mr. Watson said DOT had two well-attended meetings in regards to this project, but he is assuming nobody from the PC attended; Mr. Medina stated that he did. Mr. Watson said at the first DOT meeting they had about 120 to 130 people, and at the most recent DOT meeting there was at least 115 people. He got the impression that DOT made their concerns very clear, and at the last meeting the DeHart's roundabout was "front and center" on DOT's presentation as well, but the biggest complaint that he has heard, including recognizing many of the signatures on the petition that was presented tonight is access into Auke Bay and DeHart's, so these issues go hand-in-hand. He did not stay through the entire first DOT meeting, but at the second meeting the citizens told DOT what they were concerned about. Chair Satre said what Mr. Bishop is trying to get at is that DOT and the PC have different public processes. DOT takes public comment and adjusts their project, but without the PC having done that to ensure DOT has detailed plans that reflect community values, it could be "death by a thousand paper cuts" for that area. These are two very different processes that they are going to be "over the gun barrel" with very shortly. Mr. Medina said the roundabout would impact his employer, so he should probably recuse himself; Chair Satre requested Mr. Medina to contact Attorney Hartle and explain the situation, and then Mr. Hartle could make that determination, as he still has time to do so.

XV. ADJOURNMENT

MOTION: *By Ms. Bennett, to adjourn the PC meeting.*

There being no objection, it was so ordered and the PC meeting adjourned at 9:45 p.m.