

MINUTES

**PLANNING COMMISSION**  
**CITY OF BOROUGH OF JUNEAU**  
Dennis Watson, Vice-Chairman  
**REGULAR MEETING**  
September 25, 2012

**I. ROLL CALL**

Vice-Chairman, Dennis Watson, 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 7:04 p.m.

Commissioners present: Dan Miller, Jerry Medina, Karen Lawfer, Dennis Watson, and Nicole Grewe (by phone).

Commissioners absent: Michael Satre, Nathan Bishop, Benjamin Haight, Marsha Bennett.

A quorum was present.

Staff Present: Hal Hart, Director; Greg Chaney, Planning Manager; and Nicole Jones, CDD Planner.

**II. APPROVAL OF MINUTES**

- August 28, 2012 – Regular Planning Commission meeting.
- September 11, 2012 – Regular Planning Commission meeting.

**MOTION:** *By Mr. Miller to approve the August 28th, 2012 and September 11th, 2012, PC minutes, with any corrections or changes provided by the Planning Commissioners or staff.*

There being no objection, it was so ordered.

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

**IV. PLANNING COMMISSION LIAISON REPORT – None**

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

**VI. CONSENT AGENDA**

USE2012 0016            Conditional Use permit application for a new 13,000 square foot commercial building containing an indoor shooting range, retail, and food vending.

Applicant:                Juneau Mercantile and Armory

Location:                 Airport Boulevard

Staff Recommendation: It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of 13,000 square foot commercial building with retail, training, offices, food vending, and an indoor shooting range.

Staff recommended conditions:

1) Prior to Certificate of Occupancy for this structure, a minor lot consolidation shall be recorded consolidating Lots 9A, 10, and 11 of the Valley Centre Greenbelt Block L.

Mr. Miller stated that he had a conflict of interest on this Conditional Use permit.

This item was continued because without commission Miller, only 4 voting members remained and 5 are needed for a quorum.

VAR2012 0016            Variance request to reduce rear setback from 20 feet to 5 feet in order to construct a new storage/shop building at the rear of the existing home and garage.

Applicant:                Kevin M. McDougall

Location:                 225 St. Ann's Avenue

Staff Recommendation: That the Board of Adjustment adopt the Director's analysis and findings and APPROVE the requested Variance, VAR2012 0016, with the following Conditions of Approval. The Variance permit would allow for a reduction of the rear setback from 20 feet to 5 feet in order to construct a new storage/shop building at the rear of the existing home and garage.

1)            The applicant shall coordinate with the adjacent property owners to the east (305 St. Ann's Avenue) to plant vegetation in the area directly east of the proposed addition. Vegetation shall be of sufficient species, density, and height at maturity to provide year-round screening of the roof and wall of the proposed addition from the adjacent property.

2)            Prior to issuance of a Building Permit, a planting plan sufficient to meet the above described requirement must be approved by Community Development Department Staff.

3)            Prior to issuance of a Certificate of Occupancy, 50% of the vegetation specified in the approved planting plan must be in place, or a bond for 50% of the cost of installation shall be secured. 50% of the required planting shall be completed within 2 years of the approval date of the variance.

**MOTION:** by Mr. Miller, to approve the Consent Agenda as read with removal of the Conditional Use permit and approve VAR2012-0016 with staff's findings, recommendations, and conditions.

There being no objection, it was so ordered and VAR2012-0016 was approved as presented

*Vice-Chair Watson adjourned the PC and convened as the Board of Adjustment.*

## **VII. BOARD OF ADJUSTMENT**

VAR2012 0014      A Variance request to allow a minor subdivision creating two lots on a portion of Auke Street that is undeveloped.  
Applicant:            Alaska Pacific Capital Co  
Location:             11670 Auke Street

**Staff Recommendation:** Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2012 0014. The Variance permit, if approved, would allow for a minor subdivision on a portion of Auke Street that is undeveloped.

### **Staff Report**

Nicole Jones, CDD Planner noted two e-mail attachments in the folder, one from the applicant and one from the prospective buyer of the lot. The staff report also contains three abutters' notices - one was for a variance to reduce the frontage on a right-of-way, one was postponing that variance, and the last one was to allow a subdivision on a portion of Auke Street that is undeveloped. She used a map to explain the layout of the land and how it changed from 1939 to 1983.

Ms. Jones illustrated how landlocked parcels were not allowed, thus with no legal right of way, was vacated through the platting resolution. She referred to the as-built survey which further describes the process. She explained the reason that the variance was continued was because of the location of Auke Street and what it meant for the portion of Auke Street that was developed. In 2010, the Alaska Department of Fish and Game relocated the position of Lake 2 Creek on their map, also known as Little Auke Creek with GPS location and put the line west of the dead end of Auke Street. In doing a site visit to the lot, it was noticed that the road does not extend over Lake 2 Creek. West of the lot is the Windfall Subdivision which was done in 1971, this was a dead end street with no turnaround, so a temporary T-turnaround was required at the end of Auke Street to allow the safe exit of fire department and snowplowing vehicles. Document A4 states that this T-turnaround is temporary until such a time when Auke Street went through all the way to Jo Anne Way. There are no current plans to do that. She noted that the portion where Auke Street ended right before Lake 2 Creek is an anadromous stream protected with a 50-foot setback; therefore, to put in a turnaround and develop the rest of Auke Street, there is the added expense of putting in a bridge. She concluded saying, "They have the required 30 feet of frontage of a right-of-way, but they don't have a maintained right-of-way. They have a platted right-of-way, but it is not developed east of Lake 2 Creek. They have legal access; it is just not developed, so they are requesting to vary that design standard."

Ms. Jones detailed the different options that the applicant considered that would not require a variance. One would be a lot line adjustment not creating additional lots, but extending tracks A through D which is allowable for a minor subdivision, the five different landowners would have to agree upon the lot line. She also noted that the applicant stated in some of the application materials that it appears at one point a turnaround was developed, but it was developed on private property, not in the dedicated platted turnaround.

Vice-Chair Watson asked about the location of the turnaround referring to the map.

Mr. Chaney clarified that there is no turnaround platted at this point since the developed right-of-way ends short of the platted T turnaround.

Ms. Jones stated that criterion 1, 2, and 6 were found to be not met. She said that the applicant had responded to the staff report making different findings for those criterion and the findings are available in the folder for the Commission to review.

Mr. Miller, referring to the applicant's comment that there is a T turnaround platted that was supposed to be constructed in that original subdivision which has not been done yet, asked why that was not done. Also, per the staff report and the applicant's comments, they have been paying taxes on two parcels, not just one parcel. He questioned if that was enough money to build the T turnaround or if the City owes the applicant that money.

Ms. Jones answered that it is unclear as to why the rest of Auke Street was not developed all the way to the dead end. It was her understanding that there was no community interest to build a bridge that went to a vacant lot and so it wasn't constructed all the way to the end and may or may not have been inspected. Regarding property taxes, she said that the assessors department did not comment on that particular aspect. She pointed out that it was only updated in their database in April when review of the Jo Anne Way Subdivision was done and they found out that lot line vacation had occurred.

Mr. Miller asked if someone lived in the last lot before DD on the upper side and if they had to cross the creek to get into their lot. Ms. Jones replied that they did have to cross the creek to get into their lot.

Mr. Medina inquired if there was a culvert in that creek or anyway to access to the end of the T at the current time. Ms. Jones responded that there is no bridge and no facility to cross it.

Mr. Chaney cautioned to not mix the taxation issue with the subdivision issue which are separate topics and if the applicant is owed back taxes, that decision will be made by another body, which is not really relevant to this.

Ms. Lawfer asked about "T" turn around, with reference to Attachment 1A and 2A, where that lot would be able to be accessed.

Ms. Jones replied that they would have access off of Mendenhall Loop Road as that would not be a new lot, it would be an extension of track B making track D twice the size.

Vice-Chair Watson queried if Ms. Jones had spoken with anybody else in the Borough or within the City regarding why it was not accurately platted.

Ms. Jones responded that they took the documents to the Law Department and reviewed them based on the language that was used in the platting resolution and the way it was worded, it clearly vacated the lot line between Lot DD and Track E.

Vice-Chair Watson noted that Ms. Marlow had indicated that Jo Anne Way has been identified as a possible extension through the middle of the property. He wanted to know when Ms. Marlow anticipated that happening. Ms. Jones replied that she did not know.

Vice-Chair Watson alluded to the substandard road on Jo Ann Way that passes through the existing property. He wondered if they could anticipate putting a road through the existing property that has wetlands and muskeg connecting to the substandard road in the very foreseeable future.

Ms. Jones responded that she is not aware of any plans to connect those two roads.

Mr. Chaney read off the original plat, "Temporary turnaround to revert to Lot 4 Block 1 and Lot 4 Block 2 automatically when the road is extended". He clarified that it does not say it is going to be extended to JoAnn Way. He noted that it would be very speculative at this point for Auke Street to be extended to JoAnn Way because Jo Ann Way does not border this property, which would require the owner to extend it with the other property owner dedicating the right-of-way. He also mentioned the construction difficulties involved.

Vice-Chair Watson was curious why the Fire Department had not raised a concern of having no turnaround there.

Ms. Jones opined that there has been an effort when reviewing subdivisions to comment on new properties that are being created on dead ends.

Ms. Lawfer, referring to the wetlands classification on Attachment B, asked how they would build around it as a vast majority of the proposed parcel is in A5.

Ms. Jones clarified that it is a Wetlands Survey and not a Wetlands Delineation. She stated that the actual wetland footprint is not how it is depicted on the drawing.

Ms. Lawfer queried when the drawing was done. Ms. Jones replied that these were done in the 80's.

Mr. Chaney followed up saying that on a private lot for a single-family residence, the Army Corps of Engineers typically will issue, with a little bit of process, a nation-wide permit for a fill. They also have the option of building on pilings and not filling it, so the probability that a property owner could get a permit to build a single family residence from the Army Corps is very high and will not be a problem.

### Public Testimony

Malcolm A. Menzies, 19005 Glacier Highway, the applicant and the land surveyor, gave a brief history saying that there are three partners to Alaska Pacific Capital Company, one in Anchorage, one in Fairbanks, and himself. They sell land. They had hoped to develop the land when it was purchased in 1984. Wetlands was not an issue at that time, but as time passed, wetlands became more of an issue and the land in some respects became undevelopable. They have been trying to silently sell it and there have been offers from east and west of the property for its sale. He stated, "I am here trying to subdivide something that was done in 1939 or re-plot something that was done in 1939 again and that is the dividing line between the two lots. The history as Ms. Jones has it in the staff report is a little bit different than the actual history of the land. The land as I know it, started out in about 1979 to 1981, when the City and Borough Assembly at that time felt there was a housing shortage and land availability shortage, so they released many parcels of land and a firm called Cascade Creek Development purchased this land and other lands and they retained my firm at the time, which was R&M Engineering to do a subdivision on the land, not this little simple lot subdivision, but we did a complete 15-20 lot subdivision of it. We went so far in 1983 to obtain preliminary platting approval from the Platting Board with all engineering design plans approved." He went on to state that the creek is not where Ms. Jones had pointed to, it is only about 10 feet from the border of the land he owned. "The owner of Cascade Creek built a house on the lower part of Lot K and asked us to subdivide that lot while we were working on the preliminary plat to the rest of the land. He asked us to do an as-built survey of that house and that land and waiver it to the Borough and that is the 1983 plat that is with the subdivision waiver."

He noted that, in comparing his records with Ms. Jones, they have been paying taxes on two parcels of land. In trying to sell the land to the **Howells**, Mrs. **Howell** did some research and discovered the subdivision that he didn't know about, so he went to the Planning Department. The Planning Department had in their records the as-built survey without the lot line being vacated. When the plat finally came before the Platting Board (no record available), they said it was a landlocked parcel which will have to be vacated. Thus, the subdivision was approved as amended with an adjusted plat and someone who worked for Mr. Menzies had stamped and sealed it; but the board never changed any other map. The old maps of the Borough still have the lot line and the assessor still has the two parcels. In 1984, they had done the designs for a bridge crossing Auke Street, but that plat had to be set aside due to work constraints. About 1990, he resubmitted for a preliminary plat but was rejected completely because of wetlands. Finally, in evaluating a half a dozen ways to do the subdivision, there was not even land to afford the infrastructure or it was too expensive to do.

He countered the rejection of items 1, 2, and 6. With regards to the parcel being landlocked, he gave an example of an argument in the Borough about not accepting water as legal access for the longest time, which is similar to the case at hand. Under criteria 2 (the newly created lot will not have direct access from a right-of-way maintained by an agency of government. Additionally, if the variance is approved, a proper turn around will not be constructed at the end of Auke Street), he stated that prior to the platting of Windfall Subdivision and the construction of Auke Street, this lot line existed, but was not considered landlocked then nor was it a concern. A concern was raised only when he went to plat the as-builds in the lower extreme next to Mendenhall Loop

Road. He also noted that Auke Street was not constructed to the end because of a construction variance and questioned why it was not constructed to the end. He believes that it was probably constructed but with the lack of maintenance and all the work done for putting down a water line and sewer, the turnaround may have been destroyed. He added that contrary to the pictures, the road is about 22-24 feet wide and the right-of-way is 50 feet wide which gives about 12 to 14 feet beyond the road now that can really act like a turnaround. He questioned why this had never been a problem in the past for street maintenance or the fire department.

He was confused about criteria 6 because both the assessor's records and CBJ maps reflect that the property line has existed since 1939 and the neighborhood would believe nothing has changed because all the Borough property maps show it that way. He did not feel that approval of the variance would be detrimental to the neighborhood in any way.

Mr. Medina asked Mr. Menzies to elaborate on why he was opposed to the lot-line adjustment rather than a variance (the potential alternative that Ms. Jones had listed in the staff report).

Mr. Menzies replied that he did not have the time to negotiate with four other people which could take multiple years. He stated that he had owned the property for 35 years and hadn't pursued anything like that and for his purposes it was something unwanted.

Ms. Grewe thanked Mr. Menzies for his testimony and stated that being a commissioner, this was a tough case to follow, and that he had shed a lot of light on the situation.

Ms. Lawfer asked if the variance basically requests to return the lot to what was previously assumed to be the two lots.

Ms. Jones answered that based on their records, that lot line was vacated and now the request was to create a subdivision creating two lots; it will create another lot with the lot line adjusted 25 feet north.

Mr. Menzies mentioned the land was originally platted in 1939 by the General Land Office that had that approximate lot line in it. He wanted to put the lot line back to where it was in 1939 and staff is asking to move it 25 feet north, which is logical.

Mr. Miller referring to Mr. Menzies' comment that someone had stamped and sealed the adjusted plat; he asked if someone more experienced had said to move it 25 feet up, would that have been a good solution, and if that was what he was attesting to.

Mr. Menzies replied that it was what he was attesting to. He stated that in the land surveying business, no work went out of the office without Mr. Menzies redoing and sealing it but the person who sealed this was a seasonal worker at the time. Mr. Menzies said he is not sure why that slipped past him except maybe that he was working off-site at the time.

Mr. Miller asked staff if it would have been just as acceptable then to get rid of the lot so it would not be landlocked, or move the line up by 25 feet.

Ms. Jones stated that she didn't have enough knowledge of what the code looked like in 1983.

Mr. Chaney said that this was approved through a Platting Waiver Action, a process that was in effect in the early 80s and before, which has caused many problems for staff because a platting waiver meant that it didn't have to get platted and could approve a subdivision without a plat. They did not have a good record of what was approved which is part of the problem. He also noted that in 1983, the code was substantially different than today and in 1987, the code was significantly revised with a requirement to have new lots platted on a street that is maintained by an agency of government.

Vice-Chair Watson asked how the landowner was notified if such a decision was made in the early 80s.

Mr. Menzies said that the landowner at that time was Cascade Creek, and they were notified with their signature to the document.

Mr. Miller read Mr. Ron King's comment that said, "I can see the reasoning for the request. Should have a restriction related to development. No subdivision of the new lots unless a cul-de-sac or hammerhead is built". Mr. Miller continued on to say that it was his understanding that Mr. Menzies wanted to build a couple of driveways or a driveway into the two lots, but was not planning on building a cul-de-sac or a full hammerhead unless there was some further development down the road. Mr. Miller asked Mr. Menzies if he agreed with Mr. King's comment.

Mr. Menzies responded that the purchasers don't plan to use Auke Street as access at this time. They were planning to use the other side of the land as access. He stated that there is no plan to build a cul-de-sac or a T-type turnaround on that; the only possibility was a driveway, or two to access the lots.

Vice-Chair Watson reminded the members that all of their questions should be to the applicant who is the property owner, Mr. Menzies, and what his intentions were.

Ms. Lawfer questioned the figures on Attachment A3 and Attachment E in the folder, because Lot K looked like Tract D.

Ms. Jones responded that this document was found in the original subdivision in 1983 and clarified that it is not Lot K, it is Lot D, it was a fraction of Lot K at the time that Tract D was created.

Ms. Lawfer wanted to confirm if they were dealing with Lot DD1 and Lot K and Tracts A, B, C, and D would not be subject at all to this action. Ms. Jones replied that was correct.



David Hanna, 11495 Mendenhall Loop Road, spoke mentioning that he actually owns the land that encompasses Little Lake Creek on the lakeside of Mendenhall Loop. He gave some historical background and perspective on the issue saying that Auke Street never got completed because the developer ran out of funding and so they created a temporary turnaround with the good intentions of coming back in a couple of years and building a bridge, which never came to fruition. He mentioned looking at buying that property from Mr. Menzies and his partners and had been fully under the impression that it was two lots. He came to the conclusion that it just was not economically feasible to do a full-blown subdivision there. As a property developer, he supported Mr. Menzies in not wanting to pursue the alternative proposed by staff because it was highly unlikely to get all the property owners to pay money to expand the back of their properties as well as the negligible property value of the wetlands. Mr. Hanna summarized by saying that putting the property line back up will meet reasonable criteria for road frontage and would probably allow that property to get developed in a minor way without negatively impacting the creek.

Public testimony was closed.

Mr. Miller opined that it wasn't the applicant's fault that the right-of-way was not built where it was supposed to be and when the as-built was created, a more development-oriented individual would have come to the conclusion to move it up 25 feet, creating two lots. He was in favor of criteria 1, 2, and 6 because he felt that the benefits are much greater than not allowing the variance.

**MOTION:** By Mr. Miller, that the Planning Commission approve VAR2012-0014, with the alternative findings as brought forth by the applicant with the changes.

Ms. Jones asked if the Planning Commission wanted to review the staff's findings formulated after Mr. Menzies' additional testimony.

Ms. Jones read the findings for the Commission, "As long as a parcel front is on a right-of-way, it is not landlocked, it has legal access. The CBJ allowed the Windfall subdivision to be recorded without the turnaround constructed at the end of Auke Street. If the CBJ had required the complete construction of Auke Street and the T-turnaround, a variance for the subdivision would not be necessary. That was a compilation of the thoughts for criterion 1. If these things were true then, this criterion would be met. Criterion 2 - The location and the proposed property line has been recognized by the CBJ to exist as evidence of the separate parcel code numbers and property assessments. Prior to the platting of Windfall Subdivision and the construction of Auke Street, a similar lot line existed. The public safety of the neighborhood was considered properly addressed when the Windfall Subdivision was developed. If these things were true, then this criterion would be met. Criterion 6 - Granting the variance would allow for the creation of a lot that the community already believes to exist. Additionally, if the lot is subdivided, the lot size would be more consistent with the area of lots in the surrounding neighborhood".

Mr. Grewe responded that it was the gist of what they had heard from the applicant and others and thanked Ms. Jones for reading it.

Ms. Lawfer questioned if Ms. Jones looked at the 7 acres as a totally vacated lot or without the 25 feet added to the front, when the original variance was reviewed. Ms. Jones said that she was reviewing it as if that lot line had been vacated.

Mr. Medina stated that this was a difficult situation with vague historical facts. He however felt that they had to follow the existing code and spoke against the motion for the following reasons - creating an additional lot on a portion of Auke Street that is undeveloped would not be consistent with justice to other property owners; the public health, safety and general welfare would not be promoted with recording of the proposed subdivision; and the variance requested would not result in more benefits than detriments to the neighborhood. He concurred with staff findings and recommended denial of the variance.

Vice-Chair Watson asked Mr. Medina if he would disagree with the three criteria that staff just presented and why.

Mr. Medina responded that he did not feel a variance was warranted in this circumstance, it was created by the applicant and had nothing to do with the topography of the land or alternatives. He was of the opinion that the current code needed to be followed and did not meet criterion 2. He also thought that criterion 6 was not met because a staff member who worked for Mr. Menzies did approve the adjusted plat even though it was unknown to Mr. Menzies at the time.

Vice-Chair Watson asked if he would disagree that the subdivided lot size would be more consistent with the area lots in the surrounding neighborhood. Mr. Medina replied that he is not convinced that criterion 6 has been met.

Mr. Miller commented that he could withdraw his motion and ask for a continuance to ensure a good decision was made because of the minimum quorum present. Out of respect for Mr. Medina's opinions, he thought that Number 6 was a fine line and could probably have swung either way and that 1 and 2 were tougher. He asked staff for more information on a continuance. On criterion 2, he added that relief can be granted in such a fashion that the intent of the title will be observed and public safety and welfare will be preserved. Taking into consideration the comments provided by Mr. King and Mr. Jager, he had questions regarding safety, if a full, standard cul-de-sac needed to be built, and whether requirements have been met to fulfill the IFC requirements for adequate turnaround for a road that is 150 feet in length. He opined that having the answers to those questions would help clear any ambiguity and make a decision.

Mr. Medina confirmed his support for Mr. Miller's motion for a continuance.

Ms. Lawfer stated that she was not opposed to that motion, but sought clarification as to the postponed variance because they have the same numbers, but are very different.

Ms. Jones responded that when the variance was brought to them, it did not show the T that exists on the Windfall subdivision. So, they reviewed it as requesting a variance to reduce the frontage that is required and had no reason to believe that Auke Street was not developed all the way to the property.

In doing the research, they realized that the Windfall subdivision platted the turnaround, so a turnaround wasn't necessarily an issue; it already existed. When they did the site visit though, they realized that it was not developed all the way to the property, which is why the description of the variance changed without the numbers changing.

Ms. Grewe stated that she was in favor of a continuance as more definitive answers would help for criterion 2 regarding public safety and welfare. She also noted that it was tough making a decision with just 5 commissioners and 1 online without the visual benefit.

Mr. Chaney noted that the code is pretty clear to approve subdivisions to have direct and practical access to a street maintained by an agency of government; though he felt in terms of having emergency vehicle access and from a public safety aspect, that this does not meet the criteria. He cautioned that due to the legacy issues, there can be confusion, but staff is not going to make a finding that the situation is safe. Therefore, he did not feel comfortable going back to revisit the issue other than having more commissioners present to make a decision.

Vice-Chair Watson commented that he considered that street to be substandard. He mentioned that CBJ should step up to the plate and raise the road up to standard.

Roll Call Vote

Ayes: Lawfer, Medina, Grewe, Miller, Watson

Nays: None.

Motion passes 5:0 for a continuance.

Vice-Chair Watson asked when the item would be back on the agenda. Mr. Chaney replied that it will be the first item on the next agenda.

Vice-Chair Watson queried if the applicant would be in town at that time. Mr. Chaney said they could work with the applicant and make sure that there is a larger quorum before bringing it back.

Vice-Chair Watson thanked the Commission and staff for their efforts, but pointed out that since several of their members were absent and they may have to go through the process of explanation again.

**VIII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

**IX. UNFINISHED BUSINESS**

**X. REGULAR AGENDA**

**XI. OTHER BUSINESS**

**XII. DIRECTOR'S REPORT**

Mr. Hal Hart, Community Development Director, reported on the three upcoming grants that they are working on. First, a Community Development Block Grant in the amount of about \$850,000 that would help the AWARE Shelter Transitional Housing longer-term effort that CBJ is involved in, which would create six units for battered women and children seeking transitional living places. Second, Juneau Management Plan for Wetlands, and approximately \$1.6 million Federal Grant, which will be a four year process beginning in 2013. Third, is an additional opportunity for a grant for historic preservation, working with the State Museum on some downtown projects.

Mr. Chaney announced that Ms. Jones will be leaving the Planning Commission and appreciated all her work thus far.

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

- August 20, 2012 – Lands Committee Minutes
- August 20, 2012 – Public Works & Facilities Committee Minutes

Mr. Miller reported attending a meeting last week and mentioned the presentation by John Hudson with the U.S. Fish and Wildlife Service about how they looked at all of the Wetlands restoration sites and categorized how they were restored by type and how effective the different measures worked. Mr. Miller stated that he thought it would be a tremendously useful tool for project designers to see what is working.

Mr. Chaney commented as a follow up on Mr. Miller's report saying that John Hudson who gave the presentation had expressed willingness to provide a condensed version to the Planning Commission. Vice-Chair Watson responded it would be of great assistance and much appreciated.

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

Vice-Chair Watson asked whether a decision was made about the gravel pit or if there would be additional questions.

Mr. Chaney replied that he was staff on that appeal and explained that the neighborhood had appealed Coogan Sand & Gravel operation primarily with the concern if a rock crusher can be considered accessory to a sand and gravel operation. The assembly had voted to have a hearing officer hear the item because they felt they had a conflict based on the extra information and so staff presented the Planning Commission side; the applicant, Coogan, presented some additional information; and the neighborhood presented their information to the hearing officer. The decision will rest with the hearing officer and that should be forthcoming 45 days from the date of the hearing or a little bit sooner. Mr. Chaney felt that it would help clarify for future cases whether a rock crusher is considered a customary accessory to sand and gravel, which would be helpful.

Vice-Chair Watson asked about Dr. Cedar's appeal.

Mr. Chaney answered that the assembly voted to extend the exception for reconstruction of nonconforming single-family dwellings to their original footprint Borough-wide because it was originally restricted to downtown Juneau and Douglas and 30 days from that adoption, it will become law at which point Dr. Cedar will withdraw his appeal. He noted that a variance to lot size application might be coming before the Planning Commission.

Vice-Chair Watson inquired regarding 16B.

Mr. Chaney responded that the Osborne couple that testified at the hearing filed the appeal. There have been two requests for applicant interveners, one from the Fishermen's Memorial who did not testify at the hearing and the other, Dixie Hood, a concerned citizen. Docks and Harbors asked to be an intervener appellee. None of them have been affirmed yet. Mr. Hart added that the town's brief is due on October 12, 2012; staff response on October 26, 2012; reply to staff response on November 2, 2012; and the hearing will be on November 26, 2012.

Vice-Chair Watson thought it was important to keep the Planning Commission in the loop regarding related events.

#### **XV. ADJOURNMENT**

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

*With no objection, the meeting adjourned at 8:43 pm.*