

MINUTES

**PLANNING COMMISSION  
COMMITTEE OF THE WHOLE  
CITY AND BOROUGH OF JUNEAU**  
Michael Satre, Chair

April 2, 2013

**1. ROLL CALL**

Chairman, Michael Satre, called the Committee of the Whole meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:21 p.m.

Commissioners present: Dennis Watson, Dan Miller, Nathan Bishop, Jerry Medina, Michael Satre (Chair), Nicole Grewe, Karen Lawfer, Marsha Bennett, Benjamin Haight (arrived at 5:24)

Commissioners absent: None.

A quorum was present.

Staff present: Hal Hart, Director; Greg Chaney, Planning Manager

Public: Carlton Smith

Chair Satre called the Committee of the Whole meeting to order saying that he appreciated everybody's efforts at the last meeting and called for any additional thoughts or comments on Chapter 6.

Mr. Miller said he thought they had concluded the last meeting to work on some wording on Page 88, Policy 6.5. The easiest way to do that in his opinion was to add an implementing action, 6.5IA #8. To get everybody back on the same page, he read, 'CBJ Government is to set an example for businesses and individuals in adopting cost-effective energy saving technologies and operating procedures'. He also wanted to add, 'Conduct post-improvement audits and analyze the energy savings. These results should be publicized as a learning and development tool for the building community.' He explained that as they are trying new technologies and learning from them, those results should be shared with the people they are building stuff for to understand what is working, what is holding up, and what is saving money.

Mr. Chaney asked if it were all part of the same implementing action.

Mr. Miller answered yes, that the whole thing is the IA8.

Chair Satre asked if there were any objections to adding that in. No objections were raised.

Mr. Haight arrived for the meeting and Mr. Chaney reminded Mr. Haight of the JCOS meeting tomorrow. Chair Satre asked Mr. Haight if he had any final changes for the energy chapter. Mr. Haight replied that he didn't have anything more than what he had brought up last week, to finish the intros and keep it limited as possible.

Mr. Bishop: The draft that we received several weeks back, since the Juneau Hydropower, I presume that we're anticipating adopting the edits they put in there?

Chair Satre answered saying they took on the big edits and lately they had spoken about possibly making some adjustments like the smaller, more grammatical-type edits. He asked if Mr. Bishop had seen anything there that might have unintended consequences, even though it appears minor.

Mr. Bishop pointed to 6.8 IA1 and the fuel cost volatility inflation index, he thought, was an important addition to that particular implementing action. He suggested adopting the language changes where they are not changing the meaning of the implementing actions besides the ones they had already discussed.

Ms. Grewe regarding Juneau Hydro's comment, stated that the majority of them could be adopted, but that where it specifically mentions Juneau Hydropower, that they just change it to Independent Energy Producers.

Mr. Chaney wanted to clarify with Mr. Bishop regarding the implementing action to be retained.

Mr. Bishop said it was 6.8 IA1 and adding fuel cost volatility inflation.

Mr. Chaney said that was not something that was discussed and sought clarification if they were going to accept Juneau Hydro's language there.

Chair Satre asked if Mr. Bishop was suggesting taking on other edits that weren't discussed last week, to make the chapter clearer. Mr. Bishop said that was correct.

Chair Satre asked for any objection to doing that and stated that they may have to look at this carefully because they had a long discussion on the intro items.

Mr. Bishop added to take it one step further, where they do not change the meaning of the paragraph or the sentence with the exclusion of those that were discussed and already accepted.

Chair Satre asked if that was clear enough. Mr. Chaney replied that it was.

#### Chapter 7- Natural Resources and Hazards

Page 95 of the ordinance book - Chair Satre called for any concerns regarding the edits or any further changes.

Mr. Miller brought up Page 99, 7.3 IA2, 'Amend the land use code to update the definition of ordinary high water mark as soon as possible.' Mr. Miller went on to say he wasn't sure what it meant or what they wanted to change it to.

Mr. Chaney explained, 'Ordinary high water mark is an accepted standard high water by definition for where the normal extent of a stream is and that's where you begin to measure the habitat setback from, but in the code it is not clear right now. It is in the Comprehensive Plan, but it needs to get revised into the Land Use Code and it just hasn't worked to the top of our priority list because of all these other things that are going on. It is still appropriate to have in there, but I don't know what 'as soon as possible' means.

Mr. Miller then referred to Implementing Action #7 where it says, 'The Wetland Review Board should advise the Planning Commission regarding direct ....where variances to stream or lake shore setback are requested by applicants. Although such variances should be strongly discouraged, the Wetland Review Board should also make recommendations regarding appropriate mitigation measures when such variances are deemed warranted....' He mentioned getting a few variances in front of the Wetland Review Board in the past where because of this kind of very strong language, they wouldn't allow the variance e.g. Duck Creek. He explained, "So, the house has been there, the yard has been there for a long time. The yard was right down into the water and with all the nitrates and everything else going on, the guy wanted to build an addition on his house 4 or 5 feet into that 50 foot and in trade for that, he returned the 25 foot back to natural, and in the Wetland Review Board they did not approve the variance, they wouldn't get go for the improvement and when it came in front of the Planning Commission, I think the Planning Commission made a better decision. So, I don't know if the wording should change a little bit. It does give you some leeway, but maybe there ought to be something added about the benefits of granting it versus the benefits of not granting it. Actually the streamside was improved by granting the variance that the Planning Commission did grant, but the Wetland Review Board wouldn't have."

Mr. Chaney thought it could be adjusted to say that the Wetland Review Board could recommend conditions, if such a variance is granted.

Mr. Bishop mentioned that although such variances should strongly be discouraged, they have a variance process to determine which ones should be discouraged. He did not think it was appropriate to say it should be discouraged before it has been reviewed. He preferred to strip off that initial sentence and leave it with the Wetland Review Board should also make recommendations regarding appropriate mitigations where deemed warranted.

Mr. Chaney wanted to clarify if the proposal was to strike the words, "although such variances should be strongly discouraged" and everything else stays. The Commissioners agreed.

Mr. Watson referenced Page 101, last sentence of the last paragraph, 'CBJ Government will seek to review this permit authority Corps of Engineers and when the new C and B Wetlands are identified on Juneau Wetlands updated 2013'. He questioned if that had taken place or if that was scheduled to begin. Mr. Hart adds that it's underway. Mr. Chaney agrees.

Mr. Watson felt that the first paragraph on Page 105 was all done (regarding water quality on North Douglas and utilities) and could be removed. Chair Satre pointed out that part of it was just the history and what they have done so far and the verbiage will extent to even the most recent extension. The members discuss North Douglas and sewer and decide to leave the paragraph in.

Mr. Watson then pointed to Page 118 mentioning Eagles Nest and the fact that it had not started yet and wondered if it was still valid. Chair Satre explained that there was a proposal to the Assembly, but it was kicked back to the Planning Commission and they had not done anything with it since. Mr. Watson asked if it was Title 49. Chair Satre responded that it was and mentioned some real interest by some of the Commissioners to open the file on Title 49 after the Comprehensive Plan is done. Mr. Watson said it is good to see at this point that it is still valid.

Mr. Watson then mentioned Page 114, third paragraph, under Habitat Protection, to preface the whole paragraph with the word “past.” ‘Past development has been accompanied by grading, filling, and channeling...’, same with Wetland Review Board, Corp of Engineers, Duck Creek, Jordan Creek etc., because development since then has been handled very differently and it was very important to distinguish that. Mr. Miller said, “I read it a couple of times and if you read it quickly, you read that Duck Creek, Lemon Creek, Vanderbilt Creek, and then the very next creek you go into is Montana Creek and a lot of those creeks are still pristine. If they are all listed in the same thing as being hampered by development, even though they are distinguished, but if you are not really careful, so I did want them to say it is past”.

Mr. Watson then went back to Page 104, last paragraph, where they were very critical of DEC and yet in the second paragraph on Page 105, they are great. “I think numerous times in the past, DEC has failed in its responsibility; I do not know why it’s in there, and in reading the last paragraph there, I do not think it fits in the Comprehensive Plan, especially when we go on in a couple of other places where we say DEC’s is this and we go through this document and say how much we rely on DEC either due their due diligence”. He recalled mentioning this in 2008, but nothing had been done.

Mr. Miller: If you want to put in a septic system, you have to go to DEC and they can give you a design, but there isn't a septic system out there that does not require maintenance and all of those septic systems did not fail because of DEC; they failed because it did not have adequate maintenance. I suggest we strike that on DEC.

Chair Satre asked if there was consensus on striking the whole paragraph.

Ms. Lawfer suggested starting the paragraph using ‘At times’ instead of ‘Consequently’.

Mr. Watson felt it was a critical comment and did not belong in the Comprehensive Plan, especially because they rely on DEC in other parts of this chapter to do their due diligence and so referencing all the things they do in here is just not appropriate.

Ms. Lawfer explained why she suggested using ‘At times’ instead of consequently, because this was the only part where they talk about how the owner has a certain financial responsibility, but the City does take on a certain financial responsibility for it as well.

Chair Satre: We are talking about the water quality issues throughout the borough. I think the point of this paragraph is to talk about the fact that failed on-site septic systems have contributed to water quality issues in the past and possibly still today, and the other point is that CBJ has had to step in to remedy that and regardless of pointing the blame whether it's at the property owner or whether it is on the oversight side. So, perhaps phrasing that as, 'Failure of these on-site septic systems has resulted in problems in health and safety, so at times CBJ has had to step in to remedy these things at great expense', but there is no reference to DEC just a reference to failed septic systems.

Ms. Bennett opined it was a good solution.

Chair Satre asked for comments regarding the public comments section in Chapter 7.

Ms. Bennett referred to Page 119, last paragraph, where it talks about Arrow Refuse using roll carts for residential waste collection and says municipal trash receptacles are bear proof and another sentence that kind of points a finger. So she changed the sentence to read, 'Municipal trash receptacles are bear proof. It is too soon to evaluate whether these new containers will be sufficiently bear resistant, but fewer bear human conflicts are making it more difficult for bears to access human food waste'.

Mr. Watson asked if Ms. Bennett was referring to the new cans with the little twist locks. Ms. Bennett stated that was correct. Mr. Watson mentioned that the sentence after that says that the roll carts were not bear resistant.

Ms. Bennett said that that was exactly her point. The sentence she suggested makes it a little clearer that it was too soon to tell.

Ms. Lawfer stated that the municipal trash cans are bear resistant. 'So that's how I read that; we have got the ones that are Arrow Refuse, which aren't, but the municipal ones are.'

Ms. Bennett acknowledged that they have a mixed case now.

Chair Satre asked if there were objections to Ms. Bennett's verbiage proposal. There were none.

#### Chapter 8 - Transportation

Mr. Miller: On Page 135, the very last implementing action on that page - Consider community needs and priorities prior to pursuing funding for projects. The next sentence, do not pursue funding for projects that are not aligned with the community needs. He felt they could remove the last sentence.

Chair Satre asked if there was any objection to removing that.

Ms. Grewe: I don't know if I really object, but it is kind of interesting. I mean I could see it removed, but it is just that so many times that I have heard from the public whether it is

transportation or not, that we are doing projects, just as there is funding, we're not consulting plans and the Planning Commission or the CDD.

Mr. Watson: I kind of tend to agree with Commissioner Miller, I don't think it serves any purpose.

Ms. Grewe: I was just trying to think of what a project would be and how we would apply this and what scenario.

Mr. Miller: I was thinking like 16 B, some people might say that the funding part shouldn't be pursued because we really don't need that, but other people will say, well we do need it. I just think that it's some ambiguity that does not really need to be there. I think powers that be that pursue funding are pursuing it because they have an implied need.

Ms. Bennett: Who is to decide what the community's needs are anyway and how do you measure that?

Mr. Miller said that the elected officials would decide that.

Ms. Grewe: I can see striking the last line, but in my perspective it is more that this should be a positive document giving guidance and not prohibiting in that way. I'm kind of uncomfortable with it, but for a different reason, the fact that they are saying do this and definitely do not do that. Whoever drafted this was trying to ensure somehow that community input would not be rejected. I would just say as a Planning Commissioner, I am always a little befuddled when we have hardly any applicants for the Planning Commission, not much public shows up often times and what I hear more often than any other is that, 'well my input doesn't matter, why would I show up' and 'the Assembly is just going to chase money and put projects in as long as there is money'. As an economist, I think we have more money than we know what to do with and so we are always trying to do projects, we're meeting in the middle on available funding and community needs. I'm okay with striking the line.

Ms. Bennett: 8.3-8.61, right underneath that line that we just struck, DG, Page 135, I am adding something in – 'Prioritize road access to West Douglas Island jointly funded by a second crossing and jointly funded roads to facilitate expansion of marine transportation, fishing, and another industrial uses'. She mentioned that they had spoken about it before as well.

Ms. Grewe wondered if that was where they wanted to have it. She recalled talking about it in the CIP and the West Douglas conceptual plan. She asked if Ms. Bennett could read the verbiage again.

Ms. Bennett: Policy 5.11.IA5 was the other one – 'Encourage planning for continued analysis of second crossing and road system to West Douglas Island for improved port facilities, less intrusive industrial uses near urban areas i.e. noise and more land for a variety of industrial uses already under consideration of the community'. DG2 8.382-8.61 – 'Prioritize road access to

West Douglas Island by a second crossing and jointly funded roads to facilitate expansion of marine transportation, fishing, and another marine industrial uses’.

Chair Satre says it's on Ms. Bennett's comments that she submitted to Mr. Lyman.

Ms. Grewe questioned if Ms. Bennett meant marine industrial uses and not marine and industrial uses. Ms. Bennett said yes.

Ms. Grewe: I am just having some trouble here because I really don't want to add to this document any further and this addition that Ms. Bennett has proposed is, "Prioritize road access to West Douglas' and she leads back in that it would basically contribute to improve marine transportation. I just think that this is a standalone marine transportation section. I'm more comfortable adding in West Douglas development ideas in other places. I just don't see the connect very well to bring it in to this plan at this moment.

Mr. Miller: The whole document that we've got is a big document and it's interlaced and we've got the connecting pieces that start in Chapter 1 and they go to Chapter 3 and Chapter 3 goes to 5, 5 goes to 8, and there's a lot of repeated verbiage in it, but that's our document. That's what we've got. I think it is okay to add a page or two and not worry about it today. So, I think having the West Douglas thing as Ms. Bennett has suggested, I'd like to see it in there in as many places as we can. I think it is very important for the future development of Juneau and I think Ms. Bennett is right on the point.

Mr. Watson: I think Ms. Bennett has got a good point regarding marine transportation, it is a part of this community.

Ms. Grewe: I think it needs to be revised. The sentences just don't hang together, it doesn't seem like it is a part of that section. I think your point, Marsha, is that you would like to see a second crossing to allow West Douglas development, therefore increase transportation on that side. I just don't feel like it belongs in that section.

Ms. Bennett: I guess part of what I was thinking; read the first DG 1, 'When reviewing development permits for shoreline areas, intertidal areas, or areas seaward of mean high tide, ensure that such development does not adversely affect marine transportation'. I just think that in terms of the future of Juneau's marine transportation, the goal is to get it over on West Douglas, isn't it? And if that's the case, then we've got to have some way of getting there. So, that's my point.

Mr. Miller: I will just touch on what Ms. Bennett was saying. West Douglas is really the only deep water port that we've got, even though it's not a deep water port yet, but it has the potential to be one. So if you read Policy 8.3, "To promote and facilitate marine transport systems and to provide facilities to transport cargo, vehicles, and passenger transportation, and commercial fishing industries and recreational water travel', I think you have to put it in here, because that's really where it is going to go. It's a deep water port, we have the potential to move all cargo shipping over there and get rid of all the noise issues and there are a lot of things that are good about putting it over on West Douglas.

Mr. Haight: So, when I go backwards into the chapter on economic development, on Page 67, we start talking about port facilities and on Page 68, we have a paragraph that specifically targets development of marine facilities and we are building redundancy with this subsequent chapter. I'm starting to get a little confused as to what we are doing, what the real mission of each of these chapters is when we do that.

Mr. Bishop: I guess my comment is that Ms. Bennett's comment or addition is not a guideline, an implementing action. I prefer to see it as an implementing action parsed down to the developing marine facilities in West Douglas rather than develop the road, develop the bridge. I think that is part of the local transportation system, but what we are really looking at is developing the marine aspect of it. I guess I would parse it down and put it under an implementing action.

Ms. Grewe: That's my problem with Marsha's text as written. I think that in Marine Transportation, there should be verbiage on the port on West Douglas as being deep water, I'm highly uncomfortable with tying it to second crossing every single time. Second crossing discussion is in the section that Mr. Haight just noted. Mention of West Douglas as a deep water port is a particular emphasis that could be made here.

Mr. Watson responded to Commissioner Haight's comment saying, 'The Marine Transportation section is basically exactly what it says, what really drives much of the economy in the community and Chapter 5 is the economic development part and port facilities is part of that economic plan. We had a similar discussion back in 2008 and we actually built this chapter up a little bit because at that time, it was pretty weak and wasn't really addressing some of the needs that need to be there. I think you needed to address it as part of the economic chapter. I think that's important, because I don't think that was spelled out particularly well the last time. Somebody mentioned something really interesting to me as far as deep water. There is deep water right past the boat ramp out there, deep up to 200 feet that you can anchor out there.

Somebody mentioned with regards to driving all the way to the gravel pit to haul gravel all the way around to the other side to start developing over there, you can haul gravel and run it right up on to the highway off of that deep water anchorage out there, either barges or ships.

Mr. Chaney: I do see a conflict just as an observation. The bar, as I call it, is a designated marine transportation system recognized by the Coast Guard, federally designated. So, if you look at 8.3 DG1, a second crossing would probably block that or reduce the quality of that transportation link. If you do want the second crossing to be built as a marine transportation project, then it might help to have something here to say that building a second crossing is an advantage for the marine transportation system and not a detriment to it.

Ms. Bennett: From what I understand, the original second crossing would have been a bridge rather than flat into the channel and one of the reasons that it was defeated, the most recent one has to do with the fact that it was going to disturb the channel and cut off wetlands and everything. If the idea goes back to a bridge, then that wouldn't be a problem.



Chair Satre: This could also be another example of where this document is never quite finished. We have enough diversity of aims here, perhaps this is best. This piece is best left for another review, but Ms. Bennett's proposal of language, Ms. Grewe, you may have an alternative to that, to see if we can get back to that suggestion.

Ms. Grewe: "Encourage continued study and planning of West Douglas as a deep water port to meet Juneau's marine transportation needs".

A discussion ensued and "to promote further continued study and planning" were agreed upon and the item would be implementing action, IA2.

Ms. Lawfer: On page 146 in 8.6 AI 2, when we don't have divided sidewalks and paths and stuff like that, looking at a shoulder of at least 36 inches, is that the norm or standard for a shoulder?

Mr. Chaney: I will just point out that it is saying where not practical, this would be even a lower threshold. So, this is kind of the absolute minimum. I don't think it is the norm, more of a threshold below which you never go.

Chair Satre: So, we try to construct a sidewalk and try to do a separated path, all you're left with is the shoulder, because of maybe a right-of-way construction, but you've got to have at least 36 inches.

Ms. Lawfer: If I could offer a friendly amendment with that and literally start it as a different sentence. On AI2, Page 146 - We're going to work with DOT to construct sidewalks or separated paths. If these are not practical, a wide shoulder of at least 36 inches along the roadway. The reason I say that is it prioritizes that we really want sidewalks and separated paths, but we don't want the road and the ditch, where you are either walking in the ditch or you are walking on the road, and we've got nothing in between.

Mr. Watson: We're getting right back into where we are wordsmithing almost everything. I really don't think we're going to accomplish that. We've got 8 more chapters and I know exactly what you are saying and I suffer with the same frustration at times, but I really think we need to go through this, look for the edits that were made. If you see anything egregious, then we address them, but I really feel more comfortable if we didn't try to do some of what we did in weeks past, because we've been through this book completely already and to do it again, I think we're burning time here and we're running out of it.

Ms. Lawfer stated that she was just trying to build more clarity and ease of read with issues such as walkability etc.

Chair Satre: It is a response to public comment and we're not changing the intent, we're clarifying the language a little bit. Is there any objection to that? There were no objections raised.

Mr. Miller: On Page 139, I think E is two things, not just one, I would like to do an E and an F, - "Exploring the feasibility of Mendenhall Valley shuttle service and/or Park and Ride linked to a downtown express bus". That will be one thing and then it says "Powered by non-fossil fuel, hybrid technology, or other systems consistent with community's commitment to sustainability".

I think is a different thing, but the way it's written is you can't have one without the other, and either way it would be a benefit. I would just like to add that to make it readable.

Chair Satre called for objections and no objections were raised to reword that.

Mr. Watson: On Page 143, there is a whole section and I don't think it needs to be in there, it is a historical, financial issue that I don't see fits in the plan [FY11, \$6,494,700 was budgeted for capital transit].

Chair Satre asked if anyone remembered having that conversation.

Ms. Lawfer: I remember it in the fact that we have the information; its part of the grants and the studies and all the things that we have to do with regards to getting buses and services in for mass transit. It's something that's regularly monitored and studied.

Mr. Miller: I think it was Mr. Lyman's show of his enthusiasm for public transportation.

Chair Satre asked if it was okay to remove it. Mr. Chaney asked if that was to strike the entire box. Consensus was to strike the entire box.

Ms. Bennett felt that the value of public transportation over cars should be in one of the implementing actions or somehow discussed, but without this amount of detail. She thought it was important in a Comprehensive Plan to emphasize reduction of carbon emissions and the number of cars coming into the City. Ms. Bennett wanted to keep the idea going, but not in this way.

Chair Satre: All we're throwing out is the cost for Capital Transit. We have a Transit First policy section and we have policies that cover it.

Chair Satre went on to ask for input regarding the public comments portion on transportation.

Mr. Miller: On Page 153, Auke Bay and Auke Road - recreational enthusiasts, hunters, and fisher persons – he asked about changing the term 'fisher persons'. Ms. Bennett suggested recreational fishermen.

Chair Satre notes a comment under, Auke Bay and Auke Road.

Ms. Grewe: I think we definitely need to make sure we include non-vehicular access as well.

Chair Satre: Does it specifically say work with DOT, Capital Transit, passenger for hire vehicles to improve public...I mean you try to work with entities in the first part with the intent of providing public transportation and improving non-vehicular access. Discussion ensued to change that to "Work with transit providers...'

Ms. Grewe: You could make AI 21B "Improve non-vehicular access". Make that separate, one vehicular with Capital Transit, for hire vehicles etc. and so on; and then another one is improve non-vehicular access. Discussion continues on verbiage.

Chair Satre: Isn't the idea that the proposed IA20 is really to talk about the infrastructure and then if we are going to add something, we're talking about what we do on that infrastructure. He summarized by saying that they would first work with DOT for the appropriate roads and then work with Capital Transit and all basic providers of public and private transit to be able to meet the marine transit requirements in most places.

Mr. Watson: Page 137, 8.4 IA6, "Work to provide public transportation links ...ferry terminal on Auke Bay that is coordinated with ferry schedule'.

Chair Satre asked if it was okay to leave the infrastructure piece on IA20. The members agreed.

Ms. Bennett queried if they need to add public and private because taxis and hotel shuttles also provide the public transportation link.

Mr. Chaney asked for the actual edit.

Chair Satre: The edit would go to adding 'private' to 8.4 IA6 on Page 137, to deal with the operational piece of the transit and then we keep the existing language on IA20 about the infrastructure.

Mr. Medina didn't really see the purpose of having the grayed out dialogue box on Page 154.

Ms. Lawfer agreed that it should be removed.

Mr. Miller agreed with what the paragraph says, although the language relating to the education sounded a bit condescending.

Mr. Chaney: This is advocating a funding mechanism and I don't think the Comprehensive Plan should be advocating a funding mechanism that's directly contrary to the will of the voters. The goal of getting a second crossing and educating the public about the need for it was fine, but advocating a funding mechanism is inappropriate.

Mr. Watson: On Page 156, IA23 picks up a lot of the direction that the municipality needs to take and education should be part of that, which could be added to this paragraph.

Chair Satre called for objections to removing the box. There were no objections.

Ms. Bennett: 'Relevant CBJ staff, other interested stakeholder groups and representatives of the community at large should participate in a study of the associated transportation elements needed to accommodate the bridge crossing and its landing on the island including the location, design and capacity of the crossing-landing structure, the road or reserve fixed guide way right-of-way accommodating the new traffic'. My comment was instead of saying participate in a study, 'cooperate in a task force or citizen initiative', since that's really the way that a lot of things get done here in Juneau.

Ms. Grewe: I appreciate your comment, Ms. Bennett references JEDC and the cluster work that they are doing and the ability of citizens that act together as a group. It is more action oriented than participating in a study, it's more like moving the ball forward.

Ms. Lawfer: When I read that, to me the second crossing is going to take a lot of study from all different sides, and to me it really needs to be a formalized study as to what are all the impacts. So, I like the word 'study' because to me that's more scientific as opposed to a bunch of citizens signing a petition.

Ms. Bennett: There is an EIS, but it hasn't been finished.

#### Chapter 9 - Parks and Recreation, Trails and Natural Area Resources

Mr. Miller: On Page 160, 'There is an immediate need to acquire, designate, and maintain public access to beaches and shoreline areas'. There is no backup to that sentence.

Chair Satre: We do have implementing actions in here about that, that fall under more generic policies.

Mr. Watson: State law allows good access to any beach above high water.

Ms. Bennett: Are you proposing to strike that?

Mr. Miller: Is there really an immediate need? If there was an immediate need, that would have been done in 2008.

There was consensus to delete the sentence.

Ms. Grewe: "The shore side fishing opportunity for fishers". Did we bring that into the Comprehensive Plan anywhere? I just know that it's come up in the CIP and I've had a couple of requests from public saying, 'Make sure you encourage places along the waterfront for sport fishing for people without boats'. In particular, I know the Fisheries Development Committee has it as one of their priorities.

Chair Satre: Page 164, there is new implementing action 25 that says that.

Mr. Watson: We had asked to put this in the Parks and Recreations chapter, but I see a strong need for accurate documentation of the parks that we have in the community. I've already sent that request on to Community Development and Parks and Recs. There is no place anywhere including Parks and Recreations that can tell you where all our parkland is and they keep asking for more. I just think we need to keep that in mind when the new Comprehensive Plan rolls around because there are a lot of small chunks of land owned by Parks and Recreations downtown.

Ms. Bennett: 9.1 IA22, develop a GIS map layer that clearly labels developed or designated park place.

BREAK: 18:49 to 19:00.

#### Chapter 10, Land Use

Ms. Lawfer spoke about Commissioner Bennett's comments regarding the JEDC downtown revitalization.

Ms. Bennett: 10.9 IA2 on Page 178, 'The CBJ should support citizen initiatives, investigating ways to revitalize the downtown Juneau area...'

Discussion ensued that IA2 was struck and the language becomes part of IA1.

Ms. Bennett: Instead of this laundry list of retail personal service etc., 'The CBJ should support citizen initiatives investigating ways to revitalize the downtown Juneau area'.

There were no objections raised to that change.

## Chapter 11

Mr. Miller spoke about the discrepancies in the Title 49 and the Comprehensive Plan maps and asked if they should add a statement referencing that.

Mr. Chaney reiterated that the plan will be infallible or that it is not cast in concrete; it is just a guide document.

Mr. Watson: This brings back to the appeal that we had on that decision we made on land across from the church. So Dan has got a very good point. We need to make sure that's very clear in more than one place.

Chair Satre: We have code that supports that.

Ms. Lawfer: We added in the second paragraph in Chapter 11, that it has to be substantially consistent.

Mr. Miller: What might be substantial to one person may not be to another.

Ms. Bennett: The last sentence in the second paragraph, at the time of the drafting of this update, then it says, there are four land use code residential zoning district designations that fall within this density range and which could be chosen as consistent with the Comprehensive Plan.

Mr. Bishop: That's talking about a specific ULDR example.

Chair Satre suggested coming back to it after it was all done.

Mr. Chaney: I just wanted to mention that this was discussed at the Assembly, it was discussed with the City Attorney who came up with 'substantially consistent'. Mr. Chaney suggested that they go through the changes before moving forward.

Mr. Smith: I just want to say that we need to really get this right because there is still confusion at the Assembly level. I would like to see it highlighted on the page. Mr. Smith asked that the Commissioners spend some time and discuss this.

Mr. Miller: I think there is so much ambiguity there, but I do think it needs to be in the Comprehensive Plan. I don't think that substantially is the right word. I think that we should have a disclaimer similar to what's on Page 1 that says that we can't foresee every possible use that a piece of property would have, and therefore, this is just our best guess, if you will for land use designation in the Comprehensive Plan maps. Depending on specific application, a reasonable body could see that it could be changed, it doesn't have to substantially conform.

Chair Satre: I remember us having a similar conversation, more about the definition of substantial, and the more I thought about it, substantial gives the deliberative body, in our case the Planning Commission has the ability to say at the public hearing that we are going to change something or we are going to rezone, and to show that we're substantially conforming to the Comprehensive Plan, we come up with findings A, B, C, and D to defend the decision.

Mr. Medina recalled the same thing saying, 'We kind of decided that our findings would define what substantial is and so we wanted to give us that leeway where we want to get locked in, but we review each project on its merits and define the findings for that particular project.

Mr. Miller: If you all are good with it, I guess I am too. It has always been a big concern of mine that these maps are substantially set in stone.

Mr. Watson agreed with Commissioner Miller in that they should give it a shot and take a look at it. He also agreed that the attorney needs to take a look at it. He was reluctant to leave substantial to the next group of Planning Commissioners because they could take a very good land use plan and conclude that it does not substantially conform. That word goes both ways.

Ms. Grewe said that she did not have a problem with the language on Page 185 in Chapter 11. She explained, 'Chapter 1, it notes the very last sentence, basically the passage is that this is open to change, but Chapter 11 is about land use, and that to me is about predictability of what's going to happen on those parcels of property. There needs to be something the public can count on when they look at land use maps and they see zones, that they can anticipate the future a little bit and that does not accommodate the idea that we as planning commissioners cannot foresee all the possible uses for that land. There can be a dozen uses for one parcel of land, but maybe 10 out of 12 are not good ideas, and I feel that is our responsibility to zone land, to plan for the land, to regulate the use of the land, and that is planning. If you agree with can't foresee all possible uses for a parcel of land, well we could never make a decision about anything, because lots of things are possible, but are they good ideas? I have no problem with the language as it is, I wouldn't want to tinker with it. I don't even have a problem with 'substantially consistent' with the Comprehensive Plan. I don't really have a problem interpreting that. Yes, it opens us up to appeal, but that's the public process - we make our decisions, we state our findings, and we let the public process carry out. I think to be a planning commissioner, you need to be brave enough

to defend your decisions and make interpretations that are substantially consistent. I don't want to tie the hands of future commissions; I wouldn't want to do that.

Mr. Bishop: I also recall this conversation. I don't personally want to see this change. I just want to stick with where we are right now and move forward and not spend any more time on this.

Mr. Watson agreed with Mr. Bishop and stated that he and Commissioner Miller could work on some wording and bring it back at the next meeting.

Chair Satre: The way I see the process working is we'll have the ability to spend some time on it on Tuesday. Then we'll allow staff to get the clean copy for that final presentation before it goes on to the Assembly level. If there is a burning issue that people still want in the plan and you've got language printed and ready to go, they could still make that change.

Decision was made to table it for now and bring it back after Commissioners Watson and Miller have had a chance to work on the wording.

Mr. Chaney: I would like to get the law department's perspective on whatever language is proposed, so that when we have that one final meeting, at least you have their concept on the table as well.

Chair Satre reiterated that they would have one more meeting before the final approval.

Ms. Grewe wanted to clarify if the words, 'substantially consistent' were a problem because it ties their hands.

Mr. Miller: No, it's really close, but I maybe I'm missing it by one word or something.

Mr. Bishop cautioned that trying to further define 'substantially conform' is going to be difficult.

Chair Satre reminded everyone that Page 191 was where they had made a significant addition i.e. bonus eligible areas.

#### Chapter 12, Public and Private Utilities in the City

Mr. Miller mentioned Page 264, under wireless communication facilities, the second sentence, starting with 'Although these structures can have a profound impact on views... that are perceived by some members of the community as undesirable or as potential sources of unknown health risk.....' He thought that was more of a personal opinion and did not think it was necessary to be included in the Comprehensive Plan.

Ms. Lawfer: I was going to take it out all the way from, 'Increasing common site in Juneau.....local regulation is restricted by Federal Law'. In the first paragraph, keep the first sentence and strike everything until the last sentence.

Ms. Grewe disagreed with the comments and explained,

“The first sentence – ‘Wireless communication facilities, cell phone towers.....include many types, many more types of facilities other than cell phone and data equipment, they are increasingly common in Juneau’. So, what defines them is that they are increasingly common.

The next sentence, ‘Although, these structures can have a profound impact on views and are perceived by some members of the community as undesirable.....’ I think there is a subjective statement in there, but we have statements of opinion and subjectivity throughout this plan and when we have had any wireless communication issue come before us, an application or whatnot, we’ve always had public that have showed up and said these things on every application. So, I think to strike it altogether and call it “opinion and subjective and doesn’t belong”, it doesn’t reflect what we’ve heard from community members that while we may not disagree with them, it is a pervasive thought in this community, and it is so pervasive, they are still begging for a communications plan.

Next sentence, I am a little less firm about this one, ‘Local regulation of wireless communication facilities are restricted by federal law, so some concerns cannot be addressed in local regulations’. I am not really happy with that sentence, because while it is restricted by federal law, there are things we could do to lessen the visual impact of these towers. I’m not saying that I am advocating for camouflaging of these towers, but by just keeping it as local regulation of these facilities is restricted by federal law, it’s like saying we are washing our hands on the whole thing. There are parts of it that are restricted by federal regulation and there are other parts that are not. Ms. Grewe concluded by saying that she was happy with the text the way it is and would not amend it.

Mr. Bishop largely concurred with Commissioner Grewe, though he mentioned taking the word ‘profound’ out and just leave it as ‘It can have an impact on views’. He noted that people have testified before the Planning Commission about feeling very adamant or concerned about the facilities and whether it would be pose health risks. While he wanted to take public comments seriously, he didn’t want to develop them with the word ‘profound’.

Ms. Grewe: I would support that.

Mr. Watson: I tend to disagree with my two fellow commissioners here. I think wherever we can remove subjective comments, we should make every attempt to do so. I think we can have just as strong a document, paragraph by removing this wording, and let the ordinance that eventually will come forth, deal with the details.

Mr. Chaney: The policies and implementing actions are how these are developed. So, I don’t know how much impact this introductory paragraph is going to have on how things will be done in the future.

Mr. Miller agreed with removing the word ‘profound’. The last sentence, Mr. Miller felt was a true statement.

Ms. Bennett: I agree with the comment that we get rid of “profound impact” and just say “have an impact”, but I am not so crazy about that ‘...and are perceived by some members of the



community’, although I changed it, instead of ‘unknown’ to ‘serious’. ‘Local regulation of WCF’s health risks due to radiofrequency emissions is restricted by federal law....’ so these concerns cannot be addressed directly in a local regulation. ‘CBJ government does require inspection of WCF radiofrequency transmissions by a licensed inspector’.

Chair Satre: That’s what we require at the end of a permit, but it’s not a requirement.

Ms. Bennett: Under development guidelines, I just added, “...such as industrial zone layout”, ‘Encourage developers and tenants of WCF to locate them in areas where the adverse impact on the community is minimal such as industrial zone land’. That’s really what we are doing now. That’s why we don’t see very many of these come before the Planning Commission, because they are being put on industrially zoned land. IA3 – ‘Establish standards for location of ....on surrounding land uses and people’. IA8, which is a new one - ‘Publish locations of WCFs on the CBJ website with periodic updates, provide this information to local realtors’.

Mr. Miller: I think we do that already, don’t we?

Chair Satre: To some extent...so, we have basically just little over a page on something that’s becoming more and more controversial. But we have a consultant working on a wireless plan and from that, is going to flow an ordinance, so we’ll have something under the Land Use Code. We have a piece that could be adopted in our Comprehensive Plan at a later time. We recognize that these things are an issue, we recognize we have to balance federal and local regulation, let’s put in an implementing action that says we finish a wireless master plan and then we adopt the policies that go through it. That’s the most simplistic way. To some extent, I want to give a sense to the commissioners of, what are we really trying to do with this chapter, knowing that we have an effort coming that we could insert and adopt into the plan after this.

Mr. Haight asked if the first paragraph was a brand new section.

Chair Satre said that it was.

Mr. Haight: It does need some coordination with the plans coming forward, but with the very first paragraph, I think we are creating a positive statement there and trying to start with positives I think is appropriate. The second one, I still kind of like that second one, because the end of the sentence is a positive statement, we can turn that into something that feels a lot better. So, if we are talking about the things that these wireless communication towers provide to us as a beginning point and acknowledge the fact that they do have some detractors that need to be understood better. The final sentence, I think can be put in a different light, and that’s to recognize what is in that regulation and what is it doing for us, how and do we relate to that regulation. This sentence doesn’t really tell me anything, so that’s really all I can see.

Mr. Bishop: I kind of feel like we are probably at a point where we are at a common agreement on where we are and I would like to call to question if we really want to spend a whole lot more time on this.

Chair Satre: No, we are not in agreement.

Mr. Bishop: What I am calling to question is, pulling out the term “profound impact” and leaving the rest of the paragraph as it is and draft it accordingly.

Mr. Watson: I think we need to go a little bit further here. There is an undesirable potential source of unknown health risk. Since this is a new chapter, I think we need to keep this introductory paragraph as light as we can rather than provide what appears to be supportive documentation that there is a health problem. We need to stay away from that because when people come to object to a cell tower, they grab these little words and I would to, to make a point. I think that if we could take some of this out a little bit more, it would serve the purpose and it doesn't put false words in people's mouths. Nevertheless, I think this section here on, ‘...perceived by some members of the committee’ is undesirable. I don't think we see that anywhere else in this entire Planning Commission document. Mr. Watson concluded by saying that they could take it back up in 2015 when the ordinance is done and to keep it positive and take off the undesirable things.

Chair Satre: So let's get back to this original paragraph. We have a proposal to remove “profound” from the second sentence. Does anybody have any objection to that? No objections were raised. There have been some concerns about the second portion of that sentence [...perceived by ...as undesirable or as a potential source of unknown health risks].

Ms. Bennett: I like Ben's idea of putting the positive first.

Chair Satre: Ben, can you repeat that?

Mr. Haight: Positive value of a sentence comes at the end where we are talking about the facilities give on-demand communications for residents, visitors, and emergency services; although, these structures may impact views and may have unknown health risks.

Chair Satre: We are putting a positive upfront of what these things do, then we say these structures can have an impact on views and then that there is a perception of health risks. I may not agree personally with some members of the community, but it recognizes the value of at least one portion of the community, big or small we don't know, but it's been public perception.

Mr. Bishop: I am in a little bit of disagreement with Mr. Haight. I like leaving on a positive note. I think it's given us a nice introduction, it's given us a concern, and then it's given us a positive benefit at the end. I'm supportive of how we've got it right now.

Mr. Medina: I am in favor of making it even more simple by just saying that we acknowledge that there are some impacts, but list the benefits; because I think there is some conjecture on one person finding the view offensive and one person finding the health risk more important. I think that we just acknowledged that there are impacts. The other thing is, since I have been on the commission, I don't recall any cell phone tower project that we denied, we've approved them all. I think having some of this language in here goes against the actions that we've taken. So, we're

kind of being hypocritical. We've got a document that we look for compliance and we say it has done all these negative things, but then we go ahead and approve it, so I think we just acknowledge that it has some impacts, but here are the benefits that we think are important to the community.

Ms. Grewe: We haven't denied any because our code doesn't allow us to deny any, but it doesn't mean there is not negative impact that's perceived by committee members.

Mr. Medina: We were acknowledging that there are impacts, but it hasn't been documented whether they are health or whatever, it's all subjective. I'm just saying acknowledge there's impacts, but here's the benefits. I like what the Chair said, keep it simple, we are working on this and with the next rewrite, we will have something in there.

Chair Satre: It may not even have to wait until the next rewrite. If we get a wireless master plan from the consultant and we've had it through public process, we can recommend to the Assembly that that gets incorporated into the plan.

Ms. Grewe rephrased it with the positive first saying, 'These facilities enable on-demand communications for residents, visitors and emergency services; however, these structures also oftentimes impact viewsheds that are perceived by some community members as undesirable or potential sources of health risks'. I took out "profound."

Mr. Haight felt the positive value should stand out as a more solid note versus where it was.

Mr. Miller recalled having similar conversations in 2008 and strongly opinionated language after which they had decided to go with more simplified language. Thus he was against having strongly negative language and instead going with more simplified language such as, 'Although these structures can have a profound impact on views and are perceived by some members of the community as undesirable or potential sources of unknown health risks, they do provide other good things'.

Chair Satre asked the Commissioners to propose language for the second sentence.

Ms. Grewe asked to call for a vote sentence by sentence.

Chair Satre: Is there any objection to the first sentence? No objections were raised.

Ms. Grewe. Second sentence, 'These facilities enable on-demand communications for residents, visitors, and emergency services, but these structures also oftentimes impact viewsheds and are perceived by some community members as undesirable and a potential source of unknown health risk.

Mr. Bishop: I propose a friendly amendment to the above sentence. I would phrase it this way, '...but these structures can impact views and are perceived by some members of the community as potential sources of unknown health risks'.

Chair Satre: Objection to have it amended?

Ms. Lawfer: I object and the reason I'm saying that, it just so happens to be National Autism Awareness Day, and one of the things with regards to health risk is the junk science that came out with regards to immunizations cause autism, which has been totally unfounded and is not an issue, but yet it's a perceived health risk that has caused major public health problems. There is no public health or reputable science that shows any definitive health risk with regards to cell towers. Its more cell phones than its cell towers, but we're not talking about it, people aren't going to give up their cell phones...that type of thing. So, I have a very strong opinion with regards to health risks because there is nothing that is reputable with regards to health risk of cell towers.

Mr. Medina concurred with Ms. Lawfer in that there is a problem with the word "health risks", we don't know, and by putting it in there, we are acknowledging.....

Ms. Lawfer: I will suggest that I had originally thought about removing the health risk and just saying, 'These structures can impact views and are perceived by some community members as undesirable.'

Ms. Grewe and Ms. Bennett concurred.

Mr. Miller: If you get rid of the views and just say it's perceived by some people as undesirable, some people think its undesirable because of the views, some people think its undesirable because of too many cell phones, and some people think its undesirable because of potential health risks. It all is covered by the one statement. I think that the whole view thing is just too subjective - one person might think it is and the other person doesn't think it is at all.

Mr. Bishop: If there is a cell tower planted in front of your house and you have a view out of it at any point, it would impact your view. So, there is a potential impact and that's a fact.

Chair Satre asked Ms. Grewe for the amended verbiage.

Ms. Grewe: 'These facilities enable on-demand communications for residents, visitors, and emergency services, but these structures may impact views and are perceived by some community members as undesirable'.

**Roll Call Vote:**

Ayes: Lawfer, Bishop, Haight, Bennett, Grewe, Chair Satre.

Nays: Medina, Miller, Watson

Motion carries to approve the amended language.

Chair Satre asked for the change in sentence 3.

Ms. Grewe: 'Federal Law (the Telecommunications Act of 1996 in particular) limits the ability of local government to regulate WCFs; many concerns cannot be addressed in local regulation'.

There were no objections raised.

Chair Satre: Now that we've dealt with three sentences, we have a policy, we have standard operating procedures, and we have implementing actions.

Ms. Lawfer: In following up with your train of thoughts, of which I concur. The one thing that when I was looking at this, I thought that the introductory sentence and then just the first policy, 12.11 kind of covered it, because I don't see where we can do any of the developmental guidelines or implementing actions with regards to it. So, while I like Policy 12.11, I think that it needs to just go with the standard operating procedure, get the plan done .....

Chair Satre: That's actually an implementing action.

Ms. Lawfer: But I do like the policy, the plan for it....

Chair Satre asked about the Standard Operating Procedure.

Chair Satre: My individual preference is to shorten it up to say, go get this plan done, get it done yesterday and then adopt pieces of that, but we are up for discussion.

Mr. Watson asked for Chair Satre's thoughts.

Chair Satre: So, to me the Standard Operating Procedures, I don't see too much in there, we could add to them, we might tweak them a little bit, but I think the idea that we want to highlight the implementing action of adopting the CBJ Wireless master plan. What I see is that IA1 and IA2 are the key implementing actions and these other implementing actions really are going to flow from that plan, so I would recommend keeping two implementing actions. Do we need a developmental guideline, do we need some of these SOPs. To me, personally, I would go straight to the plan and then implement the plan, and possibly some verbiage about adopting that plan as this portion of the Comprehension Plan.

Mr. Miller: I read through this and I think that all the SOPs and the DGs and the IA's, they are all pretty close to what we are doing already. We are going to try and look at these things and do the best we can. The way things have been going, my guess is that this Comprehensive Plan would be done way before the wireless communication towers is going to be done. I think we could leave it and we are okay.

Ms. Bennett: Under Developmental Guidelines, DG1 Encourage developers and tenants of WCF to locate them in areas where the adverse impact on the community is minimal, such as industrial zone land.

Mr. Bishop: I think IA7 kind of does that already – ‘Use zoning restrictions to encourage concealment technologies for new wireless communication infrastructure to lessen adverse effects to surrounding neighborhoods’.

Ms. Bennett: No, industrial zone land is very specific.

Mr. Bishop: That is encouraging you basically to put them in areas that have low impacts.

Mr. Miller: The Table of Permissible Uses helps steer the engine \_\_\_\_\_ because it’s an allowable use. I don’t know that we need to state it.

Ms. Grewe: I would just agree with Commissioner Miller to leave it intact as is. I don’t think there is anything here that is highly controversial. This is going to be done well before the Wireless Communication Plan and this gives us something to at least be able to discuss in our public meetings to stand on anyway.

Ms. Lawfer: I could adopt as is except for the one question that I have is with regards to IA4, ‘Establish predictable and balance codes governing construction and location’. I don’t know that we can do that.

Discussion to add that to the list of all the other implementing actions in the Comprehensive Plan that haven’t been done.

Mr. Watson concurred with Commissioner Grewe to not tamper with it and wait for the ordinance.

Ms. Bennett: I have one addition that goes along with what Commissioner Grewe has said on other occasions about using a website a little bit more. ‘Public locations of WCFs on the CBJ website with periodic updates and provide this information to local realtors’. I think putting it in on the website gives people an opportunity to look at the website and decide if they want to have a house that is close to one.

Discussion ensued to take out the word ‘realtors’ and to keep the Plan simple moving forward without getting overly specific.

Mr. Chaney: 12.11DG1- the industrial...are there any changes. Chair Satre said there were no changes.

### Chapter 13

Ms. Bennett: On Page 268, third paragraph, the underlined sentence - I just wanted to cross reference the housing and economic development chapters.

Chair Satre: So, you want to refer the readers to those chapters as well?

Ms. Bennett: Yes.

There were no objections.

#### Chapter 14

Ms. Bennett: I just think we should mention the funding for the Valley Library – Page 272. It is listed as proposed rather than funded.

Chair Satre read, ‘A new Mendenhall Valley Library received a portion of its required funding in 2012’.

#### Chapter 15 - Cultural Arts and Humanities

Ms. Bennett: Page 274, middle paragraph - The Downtown Transit Center that opened in December 2010 provides a hub to conveniently access the many activities .....adding a Performing Arts Center’ and I changed the wording to \_\_\_\_\_ Performing Arts Center Perseverance Theatre collaboration will draw...’ so it’s just a present tense instead of future tense. Then further down, Sealaska Heritage Institute ‘is developing’ a new cultural center.

Chair Satre: Any objection to the changes?

No objections were raised

Ms. Bennett: Under the JAHC, the reference is really dated. They are talking about the Performing Arts Center as though it’s renting equipment and it’s just a much more busy place now than it used to be, so that language is just wrong. SOP3 – ‘Through the CBJ’s designated arts agency, The Juneau Arts and Humanity Council made some funds available to individual artists and art organizations to sponsor weekly concerts in the Marine Park and other locations, provide the community with technical assistance reference and resource material and rental equipment, and encourage a broad range of artistic and community uses at the JAHC’.

Ms. Bennett: IA7 - Support arts education and venues in the Mendenhall Valley at TMHS and downtown at JDHS.

No objections to the addition.

Mr. Smith asked about the other high school. Discussion and consensus to add ‘Juneau School District’.

#### Chapter 16 - Historic and Cultural Resources

Ms. Bennett: First paragraph on Page 277, eliminate the word ‘American’ and substitute ‘Spanish’ - Early Russian, Spanish and English.

The Commissioners discussed the Spanish influence on the place names in Southeast Alaska.

Ms. Lawfer: I think this is where we could really talk about Juneau as a native community, as a fur community, as a gold mining community etc., but I think it really needs a re-write.

Mr. Smith: Recently the Douglas Indian Association sent me a copy of the letter that they had sent about a month ago, it wasn't targeted at any staff person, but they hadn't received a response and their letter suggested that the indigenous history of Juneau really needs to be reflected in the plan. I frankly haven't looked at that myself, but it's definitely worth spending some time on.

Chair Satre: I think we need to be very clear as this goes up to the Assembly, we know that these areas need to be addressed, but we didn't address them in this update because it really was at the very end where they realized that it needed attention from appropriate experts in these areas to develop the cultural history, the post 1880 history of Juneau etc.

Ms. Bennett: It's quite a technical field and there is lots and lots of information out there that I'm not familiar with, but forest service archaeologists could do a good job on it, but there aren't very many people here in Juneau that are really up on cultural resources.

Chair Satre: We want to bring in the appropriate Douglas Indian folks, Tlingit Haida Central Council folks...

Mr. Smith: Wally Olson would be a definitive guide.

Ms. Grewe: Maybe we can give that a little bit of thought between now and the next meeting as long as we are still going to consider a couple of other things because Commissioner Bennett did re-paraphrase some of the long comment that came and we were talking about this in the community history section on Page 3, and there were one or two sentences to Alaska natives, I just think we could do a paragraph, it wouldn't add to the overall length too much.

Chair Satre: I thought our intent was to use Ms. Bennett's paraphrased piece and that Mr. Lyman and Mr. Chaney were going to work that in.

Ms. Bennett read the reference, 'The Douglas Indian Association and Tlingit and Haida tribes were established in 1936 under the Alaska Act, an amendment to the Indian Reorganization Act that allowed tribes to form representative governments, Douglas Indian Associates and the Central Council of Tlingit and Haida Indian Tribes of Alaska were formed at that time'.

Mr. Smith said that they also have to mention the Auke Tribe and the Taku.

Chair Satre noted that there is more work to be done and Ms. Bennett had done some work to paraphrase that part.

Mr. Chaney asked for clear direction as to what needed to be done with this part.



Chair Satre: It is unfortunate because all the policies and implementing actions and everything we do really don't reference the history. It's good to have it in there because you have to have an idea of where you came from as a community and where you are at now. So, we do want to make sure we do this right.

Mr. Miller didn't think that they had adopted Ms. Bennett's paraphrasing. He thought that they would get some people from Central Council and some people from Douglas Indian Association so they can work together to come up with an agreed upon history.

Chair Satre: I absolutely agree that was where we were going. I think we all know it needs to be rewritten by the appropriate people. I'm not sure if we are going to get that back in time to get this off of our plate, which continues to open up public comment and public push on all the other pieces here, and so what we should do is come to some agreement on how we are going to communicate the fact, that we have left some of this unedited to the Assembly folks and the public would say this needs work and we recommend plan of action this way and we also need to decide if we are going to take some of the paraphrasing out or not.

Ms. Bennett, with her education in anthropology and experience, felt comfortable with the comments and thought that they were very close accuracy-wise.

Ms. Lawfer: In thinking that we really have to deal with the history of Juneau in a concise manner for the Comprehensive Plan, and like I suggested, maybe we can build in excerpts of Juneau as a native community, Juneau as a mining community, Juneau as a maritime community, and you could go through those types of things and you could outline those. That's the next rewrite. I agree with Ms. Grewe that this can be very contentious, but when I look at Chapter 16, all of the policies and the implementing actions and everything I think are very inclusive. It gets really mired down in the narrative before that. When I look at it, the one thing that comes to my mind is literally the first sentence in the second paragraph, that we have a wealth of historical resources and it is the best interest for us to preserve them and to contribute it to the diversity of the community, and as such these are what our policies are going to be, knowing that we really need to rewrite that part, whether we put it in the beginning of the book in the history or whether we put it in this chapter.

Ms. Grewe: I think we are all getting a little too wound up about history. I was the one that really advocated hard at the meeting to have more of the native history, but I don't think the Comprehensive Plan is a history book. For me, very specifically, I am comfortable with the text in Chapter 16, there is a paragraph there that speaks a little bit about the native gold rush, founding of the city, miners, merchants, laborers, so on and so forth. I do think that we should take Marsha's re-paraphrased recollections and insert those into community history on Page 3 after "The general vicinity was first inhabited by the Auk and Taku Tlingit tribes." Even if we did displace this burden to the next update, we would have to involve the native community especially the leaders, but at the same time, recognizing that this is not a history book, it is a Comprehensive Plan and we've got to represent the diverse interests in this community and their history, but it is not a comprehensive manuscript of everything that happened here.

Chair Satre suggested having this part re-presented on Tuesday's meeting.

Ms. Bennett stated that she would not be present for the next meeting but would leave her excerpt with staff. She noted that there may be some parts which might need more clarification.

Mr. Medina: We don't know how accurate it is and we don't know who submitted the initial public comment. So, I would feel more comfortable if this was reviewed by the proper people to make sure that it is accurate and it is all inclusive. I agree with what the Chair says, I don't know if we have the time now to do that. I would rather, as Ms. Grewe said, leave it the way it is and take a hit that way than to insert something and find out later that it wasn't.

Ms. Bennett: I think if we submitted it to Wally Olson, he would probably be willing to do it. He has written a book on the Tlingits.

Chair Satre reiterated that they need to finish the process by the end of the month and there may be portions that need to be rewritten, some by expert people, but without having to open up the whole Comprehensive Plan process. He went on to ask regarding Ms. Bennett's piece, 'Do we want to consider that for insertion at the beginning or do we realize that it needs to be vetted by other groups before we do that?'

Mr. Watson: I think we need to be careful from portraying that we are the perceived authors of history. Marsha may have, as she has indicated, some knowledge and that means the rest of the us are going to have the pass judgment on that knowledge, and I don't think that is probably where we want to be. What I would like to do is go on with Chapter 16, finish up, and bring this discussion back next week.

Chair Satre: Is there objection to deferring the Chapter 1 discussion till Tuesday?

Mr. Miller: I agree wholeheartedly with Mr. Medina and I think it would be better to take the hit if we didn't do anything right now than it would be to insert something that would be potentially offensive to someone.

Ms. Bennett: Well, what's already there is very offensive.

Mr. Miller: I agree, but at least we wouldn't be making it any worse. We rewrote it in 2008 and never got a single comment regarding this. It wasn't until very late in the comment process that we did get it. Everybody in Juneau has had an opportunity to comment on this in 2008 and in 2012. So, maybe there is something that could be added that wouldn't be .....

Chair Satre: I guess part of it too is the presentation to The Assembly. I would be the first to get up there and lay it out - here is what we have done, here are some things that we haven't done, we received some public comment and this is what we suggest should happen.

Ms. Bennett: The first chapter is totally insulting to anybody who is not white and that's why it needs to be changed. That's why we got so many comments back about, 'You've completely

forgotten the native community' and what have we been doing in the last 20 years. It's ridiculous; it needs to be added in. This isn't perfect, but I really think it is much more insulting to leave it out and to go with the first few pages.

Mr. Smith agreed with Mr. Medina's suggestion to take the hit. He also proposed that the commission consider in the future contacting all 7 of the organizations (two of them are very loosely organized) and give them the assignment of drafting the history because that is the safest route.

Chair Satre called for the final consensus on how to move forward.

Mr. Miller: I would like staff to possibly make contact with the 7 different entities and let them know that that's the something that we'd like them to take on.

Ms. Bennett: That's already been done \_\_\_\_ who wrote the rest of this.

Chair Satre: So, we need to make it official.

Mr. Chaney: I was wondering, as an alternative to this, to maybe insert a sentence with parenthesis around it that says, "CBJ Planning Commission acknowledges that this history is incomplete or would recommend reaching out to appropriate native community in the future to improve this", make it really clear to everyone that we didn't have the ability to solve it out, we're reaching out and that we recommend that this be completely revised.

Ms. Grewe opined that they discuss it again on Tuesday after closely reading what Ms. Bennett had drafted. She noted that there was a paragraph each on miners, growth of government, and growth of economy; Ms. Grewe thought they should add a paragraph on indigenous people – 3-4 well-crafted true statements.

Mr. Bishop: I would agree with Ms. Grewe, but I would patch it with Mr. Chaney's suggestion. We realize that this is an incomplete history and may have errors to it and we want to update it. So, I think the combination of the two would be appropriate.

Chair Satre: So, I am going to table this conversation until Tuesday and ask staff to provide Marsha's comments in our packet for consideration.

Chair Satre called for any concerns on Page 16.

Mr. Watson: Page 278, 16.2 SOP6, 'Limit further degradation to existing historic districts by prohibiting development that is inconsistent with historic district development standards'. I don't like the word 'prohibit', I don't think it belongs in there. By putting the word 'prohibit' in there, we put ourselves right back in the same box as when we were dealing with this issue with Sealaska and I do not think that we need to go there. That creates some major divisiveness within the community in very short order.

Mr. Bishop: I would recommend 'restricted development'.

Ms. Lawfer: I can see restricting. The other thing was in talking with the historical..... group, I said why is it that we don't have some standards that deal with not just the mining facades, but other facades as well, and they had have never thought of it. I mean it's pretty easy to find time periods for a certain time period, but there is a lot of cultural information that's out there now whereby they could look at historical e.g. clan house.

Mr. Watson: I agree with you wholeheartedly because the word 'historic district' leaves us broad parameters. The decision was made and the presentation was made to us that evening that history started with mining. So, anyway, I would like to see the word and Commissioner Bishop has got a good suggestion. I just think it leaves us an opportunity to be a little bit more respectful of the community.

Chair Satre: Any objection to Mr. Bishop's wording?

Ms. Bennett: Restrict degradation to existing...?

Chair Satre: By restricting development that is inconsistent with historic district development standards.

Ms. Grewe: I was thinking like discourage, discouraging development.

There was consensus to change it to 'discourage'.

Mr. Chaney: So, we are substituting the word 'discouraging' for 'prohibiting'? Chair Satre said yes.

Ms. Bennett: SOP 8 – 'Protect historic neighborhoods from potential fire hazards through enforcement of code violations and encouragement of rehabilitation of dilapidated or uninhabited buildings'.

Mr. Miller: We already have that in the housing chapter. Chair Satre: Yes, we do.

Ms. Bennett: It's an issue associated with historic buildings that they are surrounded by.....look at the Holy Trinity, one of the oldest buildings in town was burned down by a boat right next door. A lot of other buildings are very fragile.

Ms. Lawfer: It was arson. So, the Holy Trinity and the boat, neither one of them had code violations and neither one of them was dilapidated.

Ms. Grewe: I think we are confusing the matter of city management with planning work.

Ms. Bennett: You look at all of these SOPs and it's not any more specific than these others.

Ms. Grewe: I think we have mission creep too, that's why we are at 300+ pages, but that's a different issue.

Ms. Bennett: SOP1-16.4 – 'Coordinate the local museums, schools, Sealaska Heritage UAS, local libraries and native organizations of implement programs to educate local residents and visitors to the community', instead I'm saying 'Coordinate with local museums, schools, Sealaska Heritage, UAS, local libraries and native organizations to educate local residents and visitors to the community about CBJ's indigenous people'.

Mr. Medina commented that they were going back to the editing process again and they had already done that once. He suggested that they focus on what has been edited and not come on with new edits unless there are specific problems that may have been missed the first time.

Mr. **Bishop**: We had in previous chapters made the decision to remove specific references as much as possible and I think leaving it the way it is, is more consistent with what we could read to in prior chapters.

Ms. Bennett: The implementing actions, IA1, instead of develop interpretive materials – encourage development of interpretive materials for placement throughout the community.

Mr. **Watson**: Development would be an implementing action and encourage would be an SOP, I think it's much more specific as it is.

#### Chapter 17 - Community Development

No comments.

Chair Satre noted that the key part in Chapter 17 is the new implementing action on subarea planning.

#### Chapter 18 - Implementation and Administration.

Mr. Watson commented about the sidebars (text box) on Page 284 – The proposed edits could just be incorporated in with the document rather than trying to create some new style.

Ms. Bennett: I remember talking about it and the fact that these were specific things that we had done to address....

Chair Satre: Any thoughts on the info box?

Mr. Chaney: Where exactly do you want that inserted?

Chair Satre: Right before the policy.

Ms. Grewe: It's not in context.

Chair Satre: If you put it anywhere in the text, it just does fit in. There was agreement to delete it.

Ms. Lawfer: 18.6 SOP3 - We have the six-year CIP plan. If someone were to pick this up and look at it, I don't know if it deals with related subsidiary studies, reports, and documents. Ms. Lawfer wondered if they could reference portions of the document to the website where the public could see the studies, reports and related documents used to justify their enclosure for that in the CIP list. She wondered if it was something that they wanted to keep or get rid of.

There was consensus to keep it.

Mr. Bishop: Get rid of 'agency' and put in 'department'.

### Appendix

Chair Satre pointed out that there were a few minor edits in the appendix. He asked that the Commissioners look over it and bring up any concerns with regards to definitions and such.

There were no comments.

Chair Satre appreciated everybody's participation in the meeting and concluded the meeting.

### **ADJOURNMENT**

**MOTION:** *by Mr. Bishop to adjourn the meeting.*

*The meeting adjourned at 9:03 p.m.*

