

MINUTES

**PLANNING COMMISSION**  
City and Borough of Juneau  
**Michael Satre, Chair**

REGULAR MEETING  
**February 25, 2014**

**I. ROLL CALL**

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

**Commissioners present:** Mike Satre, Chairman; Dennis Watson, Vice Chairman; Karen Lawfer, Ben Haight, Bill Peters, Paul Voelckers, Dan Miller

**Commissioners absent:** Nicole Grewe, Gordon Jackson

**A quorum was present**

**Staff present:** Hal Hart, Community Development Director; Travis Goddard, Planning Manager;  
Beth McKibben, Senior Planner; Ben Lyman, Senior Planner; Eric Feldt, Planner II; Sarah Bronstein, Planner I, Rob Steedle, Deputy City Manager; Kirk Duncan, Public Works Director; John Kern, Transit Superintendent

**II. APPROVAL OF MINUTES**

- January 28, 2014 – Regular Planning Commission Meeting

**MOTION:** *by Mr. Miller, to approve the Regular Planning Commission meeting minutes of January 28, 2014, with any minor modifications or corrections by Commission members or by staff.*

Mr. Voelckers said that he had one correction to the January 28, 2014, minutes that he would like to raise. Mr. Voelckers said that he recalled the City Attorney told the Commission that reconsideration now applied for either a yes vote or a no vote.

The recording for the January 28, 2014, Planning Commission Meeting was monitored, and the minutes are amended to read, after the first paragraph of Ms. Mead's statement on reconsideration, to add the statement from Ms. Mead: "We don't follow that rule. Anyone can move for reconsideration, or give notice of moving for reconsideration".

The minutes were approved by unanimous consent.

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

**IV. PLANNING COMMISSION LIAISON REPORT**

Mr. Nankervis told the Commission that the Assembly passed a resolution placing a moratorium on cell phone towers until May 19, 2014. The Harris v Planning Commission appeal draft decision went out to the parties last Friday, with the final version submitted after this Friday, (February 28, 2014). The Assembly decided to accept the Bicknell appeal, which it decided would be heard by a hearing officer.

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

**VI. CONSENT AGENDA**

USE2013 0038 was moved from the Consent Agenda to the Regular Agenda due to a question from Mr. Voelckers.

USE2014 0001:	Conditional Use Permit for a 2400 sq. ft. exercise studio and office space in an Industrial zone.
Applicant:	Shane Hooton
Location:	5326 Shaune Drive

**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 a 2,400 square foot exercise studio over a 6,000 square foot self-storage facility in an industrial zone, subject to the following condition:

- 1) Prior to issuance of a building permit the developer shall submit to the CBJ Engineering Department, a detailed drainage plan which includes provisions for managing storm water run-off during construction and which details the drainage facilities to be included as part of the development. No building permit shall be issued until such plans are deemed adequate and approved by the CBJ Engineering Department.

Staff also recommends the following advisory condition to mitigate potential conflicts between the Conditional Use and the permissible uses and related impacts inherent to the industrial zone:

- 2) The second story of the development shall contain sound buffering to protect occupants from noise impacts inherent to an industrial zone. A mechanical ventilation system shall be installed to allow air ventilation without incurring impacts from noise and dust.

*Mr. Voelckers and Mr. Miller were exempted from voting on this item due to a potential conflict of interest.*

**MOTION:** *by Mr. Watson, to pass item USE 2013 0031 and move for unanimous consent.*

The motion passed by unanimous consent.

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - None

**VIII. UNFINISHED BUSINESS** - None

**IX. REGULAR AGENDA**

USE2013 0038:           Modify Conditional Use permit to allow value added seafood processing.

Applicant:             Alaska Glacier Seafood, Inc.

Location:              8895 Mallard Street

**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 a medium manufacturing facility. The approval is subject to the following conditions:

1. In addition to the vegetated areas discussed in the application submitted with the project application, additional vegetative cover totaling 4,110 square feet shall be provided, and shown on a site plan reviewed and approved by CDD staff prior to issuance of a building permit for the manufacturing use.
2. Prior to issuance of a building permit for the manufacturing use, the applicant must submit a revised site plan showing 11 parking spaces, 1 accessible vehicle space, and 1 loading zone, and circulation aisles that comply with the requirements of CBJ 49.40.

Advisory Condition:

3. Noise, vibration, emissions or other impacts (such as odor) will not have a measurable negative impact on other businesses or property values.

Mr. Voelckers asked where the waste from the additional processing would be disposed.

Ms. McKibben said it was her understanding that the additional waste would be further ground up and processed as pet food as mentioned in the staff report. She said there would be no waste.

**MOTION:** *by Mr. Watson, that USE2013 0038 be approved, and asked for unanimous consent.*

The motion was approved by unanimous consent.

AME2014 0001:       Application to rezone 1.3 acres of Lot 2, Two Lot Subdivision, a fraction of USS 1075, from D5 to General Commercial.  
Applicant:            AWARE, Inc.  
Location:             3410 Glacier Highway

**Staff Recommendation**

Staff recommends that the Planning Commission recommend that the Assembly amend the zoning maps as provided in CBJ 49.25.110(c).

Ms. Bronstein told the Commission that AWARE had applied for a 1.3 acre portion of 3410 Glacier Highway to be rezoned from D5 to General Commercial (GC). According to Ms. Bronstein, the lot was currently undeveloped with one mobile home on the property, which is accessed from Glacier Highway.

The lot is adjacent to the Juneau Public Health Center, with the JAHMI complex to the south. The Greenwood Avenue neighborhood is located to the north of the property, said Ms. Bronstein, which is all single family home development at this time.

The proposal includes a subdivision of the lot into a 1.3 acre parcel to the south and a 1 acre parcel to the north. The rezone would only affect the lower, 1.3 acre portion of the lot, said Ms. Bronstein. The upper portion of the lot, accessed from Greenwood, would remain zoned as D5 Residential, with the lower portion rezoned as GC.

Ms. Bronstein said reasons for rezoning the property include that it is underdeveloped, it is on a transit line, and it is adjacent to other services including “Twin Lakes Park”. She said the D5 zone does not allow for multi-family dwellings. The lot spans the D5 area to the north, and the commercial development along Glacier (Highway).

Ms. Bronstein said in staff’s opinion zoning the property under consideration to GC would bring the zoning maps closer to alignment with the “look and feel” of the neighborhood “actually on the ground”, which is a commercial strip along the highway and a residential area above.

The applicant, AWARE, wants to build an extended stay shelter on the proposed rezoned property. The structure is a two story complex, approximately 35 feet high, with four two-bedroom units, four one-bedroom units and four studio apartments, said Ms. Bronstein. The

structure would be grant-funded, she added, along with some money raised by community fund raising.

The re-zone would result in an intensity of units from five residential units per acre, to a ten-fold increase to 50 units per acre, including an increase in the allowable building heights, and a decrease in allowable setbacks, said Ms. Bronstein, as well as a significant change in the minimum lot size. Ms. Bronstein said a significant portion of the lot would be very difficult to build on, due to its steep slope.

Since the application includes a full plan for the lot, some of the allowable uses are unlikely, since the lot would have been developed. Ms. Bronstein shared the Table of Permissible Uses with the Commission indicating possible uses for a General Commercial zone.

The rezone request meets all of the basic requirements for a rezone from D5 to GC, said Ms. Bronstein. Since it is less than two acres in size, it must be an expansion of an existing zone, said Ms. Bronstein. It has to be a new rezone request, which it is, and it has to be in substantial conformance with the Land Use Maps in the Comprehensive Plan, which it is, said Ms. Bronstein.

The property is underdeveloped, it is on a transit line, and it is adjacent to Twin Lakes Park, said Ms. Bronstein. Ms. Bronstein said rezoning the property to GC would bring it into closer alignment with the “neighborhood on the ground”, she repeated, which is a commercial strip along the highway and a residential area above.

If the Commission rejects the rezone it is a final decision, said Ms. Bronstein. If approved by the Commission, Ms. Bronstein said the rezone would be introduced to the Assembly at its regular meeting March 17, 2014, for a final decision, making a decision on the final ordinance April 7, 2014.

#### QUESTIONS

Mr. Voelckers asked what a “slope easement” means.

Ms. Bronstein said that generally an easement refers to sections of a property which cannot be developed. There would be a note on the plat indicating the meaning of that easement, she said.

Mr. Voelckers asked about the difference between an older and more recent site plan, and wondered if the building plan would fit with the newer lot line configuration.

Ms. Bronstein said the the orientation of the building was adjusted to accommodate the change in the rear lot line.

Mr. Miller asked if there had been any thought to extending General Commercial Zoning to both of the lots.

Ms. Bronstein said that was an excellent idea, but that she had not taken advantage of that opportunity.

Mr. Watson expressed concern about the height of the building possibly growing to impinge upon the residential neighborhood behind it.

One option, said Ms. Bronstein, would be to put a deed restriction on the property at the time of the sale limiting the height of construction.

If the height went to 55 feet, said Mr. Watson, it could cause concern to the neighbors.

#### AWARE

AWARE representative Mandy Cole told the Commission the organization provides victim services in the community to people in Juneau who have been subject to domestic or sexual violence. She provided an overview of the services offered by AWARE, which includes outreach to nine rural communities. She said AWARE is busy and full all of the time, and has difficulty finding housing for AWARE clients once they are finished with their stay. If an AWARE candidate continued to have high risks to themselves or their family, then they would not be a candidate for the extended stay shelter, said Ms. Cole.

Mr. Voelckers said the site was a bit secluded, and he wondered if the AWARE staff had recognized any negative aspects of that location.

The site is oriented so that the building will open towards Public Health, said Ms. Cole. They also will be taking down some trees between the properties, she said. She added the entrance will be well-lit and well monitored.

Mr. Watson said the site would allow a height up to 55 feet, which he felt could draw attention from the neighbors.

AWARE Executive Director Saralyn Tabachnik said the site plans do not include further development plans, and that it is a priority of AWARE to be a good neighbor.

Ms. Cole said this design is what they want, and they have no further plans for future development beyond the proposal. She said this is not a "Phase I" development.

Resident Sue Ann Randall spoke in favor of the development, saying that she appreciated the statements of AWARE representatives that it was important to them to be good neighbors.

Juneau resident and counselor Dixie Hood spoke in favor of the proposal, saying she felt the new facility would be an excellent resource for the women and children who needed to make use of it.

Ms. Tabachnik named the funding sources for the project.

**MOTION:** *by Mr. Watson, to pass AME2014 0001, accepting the staff's findings and recommendations, and asked for unanimous consent.*

The motion passed by unanimous consent.

CSP2013 0009: Planning Commission Review of and Recommendation to the Assembly regarding the 2013 Capital Transit Recommended Service Scenario.  
Applicant: City and Borough of Juneau  
Location: Borough-wide

**Staff Recommendation**

Staff recommends that the Planning Commission forward the Draft 2014 Transit Development Plan to the Assembly with a recommendation for adoption and implementation.

STAFF REPORT

Mr. Lyman told the Commission that he would not provide a full presentation about the full transit development plan since most of it has been reviewed previously. He said this evening that he would like to go over the history of how they got here, what has been accomplished since the Commission last revisited the Plan, and then answer questions.

The Draft 2014 Transit Development Plan was last before the Commission on January 7, of this year. At that time the Planning Commission recommended that the Assembly support the Plan by unanimous consent.

The Transit Development Plan is a standard short-range planning document for implementing and operating Juneau's transit system. It is updated every five years; the last update occurred in 2008, said Mr. Lyman. Prior to that date, the last adopted Transit Development Plan was in 1996. There was a plan in 2001 which was not adopted.

The Project Management Team is composed of: John Kern, Capital Transit Superintendent; Rob Steedle, Deputy City Manager; Kirk Duncan, Public Works Director; Hal Hart, community Development Director; and Mr. Lyman. The Team has been working with the Project Study Advisory Group and Nelson/Nygaard, Consulting Associates Inc.

Last fall the Planning Commission, the public and the Assembly were presented with the Comprehensive Operations Analysis to describe the existing conditions. The team then recommended changes to service with three different service scenarios which were brought forward and evaluated. Comments were collected and integrated into a single recommended service change, which is what was presented to the Commission in January.

Based upon the recommended service changes, the team developed the Transit Development Plan, which incorporated the recommended service changes along with consideration of capital costs. It is important to consider that the context for all of the recommendations is to meet the goal to minimize the need for increased local financial support for transit. The goal was to

incorporate the service changes without any increase to the operational budget of Capital Transit.

The service objectives included service to new areas, including:

- ✓ South Riverside Drive
- ✓ The Employment Centers in the Lemon Creek Industrial Area
- ✓ The Alaska Marine Highway System Ferry Terminal in Auke Bay
- ✓ Holiday Service
- ✓ Extended Weekend Service
- ✓ Earlier Morning Service
- ✓ Later Evening Service

Not all of these needs could be met without budget increases. Therefore, the team's short-term recommendation does include a budget increase of \$200,000 a year. Pages five through eight of the report outline what the team could accomplish and items that could not be addressed within budget constraints.

Earlier morning and later evening service was not something the team could implement within the \$200,000 increase in operational funding. For an additional \$45,000 - \$55,000 a year, holiday service could be added when that funding becomes available. Costs are also broken out for getting to the Ferry Terminal, morning and later evening service and implementing a downtown circulator. This is something the team did not foresee could be accomplished within the five year planning horizon.

Mr. Lyman included information from the Comprehensive Plan and the Area-wide Transportation Plan, and the recommended improvements are in conformance with both plans. The plan is consistent with Title 49 and its adopted plans.

Comments were received from the Douglas Indian Association (DIA). At one point in the plan development it had been considered providing hourly service to Douglas in the mid-day. The DIA was pleased to see this service was not reduced. The DIA said it was disappointed that service could not be provided to the ferry terminal in the short term, and encouraged the team to continue to work in that direction.

The Juneau Commission on Aging urged that the growing elder population and its unique needs be addressed in the Transit Development Plan, including a strong recommendation that holiday service be added, allowing people to get to jobs and to family functions on holidays.

Other issues mentioned were unsafe bus stops, lack of shelters or sidewalks, maintenance and snow removal, no place to stand while waiting to board the bus or getting off the bus, the disposal of unsafe drop-off points, and the provision of direct service to and from stores in the Costco area. There was also the suggestion for travel training. There currently exist several

travel training programs in Juneau, such as programs where REACH and JAHMI (Juneau Alliance for Mental Health, Inc.) work with their clients on travel training. Capital Transit also has a travel training program. That is a program that could grow without a huge outlay of cost, said Mr. Lyman.

In the Transit Development Plan document there is new discussion of Park and Rides, which had been discussed but not addressed in writing before, and discussion of the Care-A-Van program. This program is the para-transit side of Capital Transit, required under the Americans with Disabilities Act, and it also provides additional service under different funding to serve seniors.

In the midterm recommendations there is additional information on providing service to the Lemon Creek Industrial area, the Ferry Terminal, earlier and later service, and holiday service. The holiday service discussion includes options such as bus service for all of the current Capital Transit holidays, or reduced holiday service limited to Memorial Day, July Fourth, and Labor Day.

Mr. Lyman said there is discussion in the report about shelter lighting, which is a continuing Capital Improvement line item. There is also discussion about the provision for bicycle lockers, for people who commute by bicycle part way prior to using the bus service.

At the end of the packet are the funding options, which is the menu where the Assembly can look to identify funding for both continued transit operations, and expansion of the system.

#### QUESTIONS

Ms. Lawfer commented that she was glad to see the letter commenting on the Transit Development Plan from the Commission on Aging. The safety of the bus and transit system is discussed in the Comprehensive Plan, said Ms. Lawfer, and has been discussed frequently in user groups that people cannot get to and from the bus stops, other than the major hubs. She added that she saw no operating expense allocated for increased bus stop access. She asked if bus stop maintenance/access been discussed. Ms. Lawfer added that after a snow it is five days before someone can access the bus stops, except for the major hubs. She said it was one of the major concerns from the public regarding the transportation system.

Mr. Lyman said there is staff which maintains access to the bus shelters and bus stops. Most of the Capital Transit routes run on state right-of-ways, which means the State of Alaska Department of Transportation and Public Facilities (DOT&PF) which maintains those roadways. They would first plow the roadway and plow the snow off the road and onto the sidewalk or bicycle lane. After the major roadways are cleared, then they would remove the snow off of the sidewalks, explained Mr. Lyman. The City takes a similar approach to plowing its streets, said Mr. Lyman, except that the Public Works Department has prioritized the clearing of major bus stops and safe routes to schools for children.

Those funds are all outside of the Capital Transit budget, said Mr. Lyman. It is the Streets Maintenance Division with Public Works, he said, which performs this work.

Mr. Kern said that sidewalk maintenance is an area of continuing work for the community as more sidewalks have been added over the years, and that personnel has been added to the Transit staff, and that their goal is clearing the actual bus shelter areas of snow by the next day. Mr. Kern said he believes they clear bus stop areas within three days. Mr. Kern said that he thinks that DOT&PF can take up to five days to clear the sidewalks that get the bus passengers to the shelters. Mr. Kern said what they often see now is that the shelters are clear but the sidewalks taking the passengers to the shelters are not yet cleared. Mr. Kern said they are continuing to work with Public Works staff and the state staff to increase their understanding of where the Capital Transit priorities rest.

Ms. Lawfer clarified that funds used for clearing the shelters would be found in the Public Works portion of the City Capital Improvement budget within the snow removal section. Mr. Kern responded there is no proposal to add funds to the Capital Transit Program for snow removal.

Ms. Lawfer asked if it was addressed in the Public Works budget.

Mr. Lyman said there is no recommended increase in the budget in the Transit Development Plan for Public Works snow removal funding.

Mr. Voelckers said that the circulator loop around town was not included in the five year plan. Mr. Voelckers asked if this implies there is a shorter term recommendation to be included in the midterm recommendations.

Mr. Lyman said within the five year plan, shorter term recommendations fall within three to six months. Some of them would require capital improvements, so would take a little longer to accomplish.

The mid-term improvements are the improvements that are really dependent on new infrastructure and new equipment, said Mr. Lyman. Those fall within the three year mark of the plan. Anything else would fall outside of the five years covered in the Transit Plan, he said.

The downtown circulator is acknowledged as an important step in the transportation solution, said Mr. Lyman, but it did not rise to the top of immediate needs enabling people to get to their jobs and health care via transit. Downtown Juneau is almost entirely within a quarter mile of existing transit routes which is the industry standard for walking distances to reach public transportation, said Mr. Lyman. Development of a downtown circulator would take a large chunk of funds beyond what the team could foresee becoming available within the next five years, he added.

Mr. Voelckers said he agreed with the ranking and was more focused on the projects that did make the five year plan, and hoped they could be implemented as soon as practical.

Mr. Watson said he understood that the transit system lost some cruise ship funds, and that he admired the team for accomplishing the plan with less money. He asked if the cruise ship funds were reinstated, or if they were absent this or for the forthcoming year.

Mr. Kern responded that the transit budget was just in the preliminary stages. It will be going before the Assembly Finance Committee in the coming month, said Mr. Kern. He added that he cannot speak to the amount of revenue source at this time.

Mr. Watson said at one time there was concern expressed about fitting three buses into the Transit Center. He wondered if with the proposed new bus routing that it would ease the number of busses at the Transit Center at one time.

The next step of the Plan is implementation, said Mr. Kern, and one of those steps will be coordination of the busses through the Downtown Transportation Center. He said it was designed to accommodate only two buses at one time. They may have to coordinate their activities so the busses can move through the Center, said Mr. Kern.

Mr. Watson said one of the short term goals in the 2002 Riverside Corridor study and plan was to establish bus service on Riverside. Another was to have a traffic light installed on Stephen Richards Drive; Mr. Watson said it looked like that project was now complete once buses were running on Riverside Drive.

Juneau resident Dixie Hood spoke in favor adding holiday service to the budget for the Capital Transit busses. She said that service would not just be for senior citizens, but for others in the community who do not have their own transportation.

Juneau resident Greg Fisk said he is a member of the Downtown Business Association. He said he is a big fan of the downtown circulator but he understands the resources for that are not currently available. He said the Downtown Business Association is thankful there is currently one bus with a route through town.

Mr. Satre said they have excellent comments from the Juneau Commission on Aging, and there are Planning Commission comments that have been incorporated into the record. He said he would hope that the letter from the Commission on Aging and any prior comments from the Commission on the Transit Plan would all be part of any recommendation that would be put forward on the plan.

**MOTION:** *By Ms. Lawfer, that the Planning Commission adopt CSP2013 0009 with the staff report as well as a copy of the minutes regarding the comments made this evening along with the letter from the Commission on Aging which was already forwarded to the Assembly. She asked for unanimous consent.*

The motion was approved by unanimous consent.

Mr. Lyman said as of February 1, the City is now providing employees who do not need a parking pass for the parking garage with a transit pass instead. He said they are moving forward getting the City employees on busses and not just taking up parking spaces in town.

Mr. Satre said he appreciated the work of all of the Commissioners who have advocated for transit. He said they will continue to advocate for transit infrastructure.

**X. BOARD OF ADJUSTMENT - None**

**XI. OTHER BUSINESS - None**

**XII. DIRECTOR'S REPORT**

- Draft Wireless Telecommunications Master Plan.

Mr. Hart said that Mr. Feldt will present an overview of the Draft Wireless Telecommunications Plan. He said the ultimate goal is to get a plan and an ordinance adopted in a timely manner.

Mr. Satre verified tonight's presentation is simply an overview of the work before them. There would be no action taken by the Commission at tonight's meeting, with lots of meetings and discussion yet to come.

The new master plan and ordinance to be adopted will be to monitor and regulate the wireless telecommunication industry in the community, said Mr. Feldt. Due to people's expectations of cell coverage wherever they go, numerous cell towers and antennas are popping up all over the country, said Mr. Feldt.

Since appeal of a tower in 2008, the community and City realized the existing code was insufficient to adequately regulate and understand the wireless telecommunication industry, explained Mr. Feldt. A very large effort has been put forth by the staff to draft an ordinance to address towers in residential areas, which has expanded to the development of a community-wide plan, he said, with various formulations of an ordinance which has been edited by the Community Development staff and the previous City Attorney, said Mr. Feldt.

A contractor, by the name of Cityscape LLC, was hired by the City to prepare a master plan, and to improve upon the existing ordinance, said Mr. Feldt. The hope is the new ordinance will adequately address the different forms of the telecommunication infrastructure, said Mr. Feldt. Meanwhile, said Mr. Feldt, new towers keep rising in the community. Strong community interest in this ordinance has prompted the Assembly to take the necessary steps to move upon the adoption of an ordinance, said Mr. Feldt.

Tonight, the Commission will be presented with a timeline that is fairly aggressive, said Mr. Feldt, with the Master Plan and the ordinance scheduled to be adopted and in place by summer. The Assembly will be provided with a similar presentation at its at its March 10, 2014, meeting, said Mr. Feldt. Then there will be public meetings, and additional presentations with both the Planning Commission at a Committee of the Whole meeting, and also with the Assembly.

The Master Plan is a complex document of 80 pages, said Mr. Feldt, with the ordinance approximately 20 pages in length.

The Plan consists of four chapters; Purpose and Policies, Public Health and Land Use, and View Sheds, along with other items, said Mr. Feldt. The background of the wireless telecommunication industry is provided, said Mr. Feldt, including a chapter on the engineering analysis, which includes maps showing the existing service as of early 2012. Even though this document is dated as of November 2013, said Mr. Feldt, the modeling of the service area was done in early 2012.

Chapter Four includes the inventory of the current locations, with 60 sites, which includes both towers and antennas mounted on infrastructure other than towers, said Mr. Feldt.

The Master Plan integrates the values of the Comprehensive Plan, said Mr. Feldt. The policies will be the guide for better decisions for the community. When everything is in place in the plan, the Commission will have all of the tools it needs to make the right decisions for the community, said Mr. Feldt. It also provides the framework for the ordinance, he said, connecting the ordinance to the Comprehensive Plan.

This linkage of the ordinance with the Comprehensive Plan makes the ordinance entirely enforceable, said Mr. Feldt, because it is entirely supported by the Comprehensive Plan, he said.

Within the past few years several new towers have been constructed, making it apparent that if the community questions the need for towers, the Master Plan informs the decision makers and the community of predictions of where future infrastructure would be needed, said Mr. Feldt.

There will be two neighborhood meetings about this, said Mr. Feldt; one meeting in town on March 20, 2014, and one public meeting in the Glacierview Room at UAS on March 27, 2014. The CDD staff has created a flyer which mentions the two public meetings, which will be posted in public locations throughout town, he added.

They have also created a new website, which will be available to the public. It will have the schedule for the meetings, said Mr. Feldt, and a copy of the draft Master Plan. It provides a link

to the consultant's web site, as well as a link to the nationwide telecom industry, and a link to various FAA web sites, and the broadband initiative. It mentions the moratorium enacted by the Assembly at its meeting February 24, 2014. The moratorium freezes a specific type of development, and provides time for the community to adopt a new master plan and ordinance, explained Mr. Feldt.

The moratorium, which expires May 19, 2014, applies to new towers, but exempts towers that are specifically needed for public safety and health. It also exempts colocations, said Mr. Feldt. Colocations are the addition of an antenna to an existing tower, said Mr. Feldt. The additions of antennas to existing buildings are also exempt from the moratorium, he said.

The Assembly wants the Master Plan and ordinance adopted by the time the moratorium expires, said Mr. Feldt.

#### QUESTIONS

Ms. Lawfer asked if the draft ordinance already viewed by the Commission would be the document they would be working on, and if so, was it still available to be edited.

The draft ordinance viewed by the Title 49 Working Group, said Mr. Feldt, has since had a number of tools added by Cityscape, such as matching federal regulations to make sure that the ordinance is in compliance with federal regulations. When the Planning Commission views the ordinance in the near future, said Mr. Feldt, it may look different, if the decision is made to insert Cityscape's additional language.

Mr. Haight said he thinks the initial parts of the master plan have been well done. He said he was primarily concerned that the existing conditions be established, and that the document validated exactly what currently exists. Mr. Haight said he sees a number of errors. He said he sees a number of towers which are not really radio towers but meteorological towers, and one site that is influential with Juneau telecommunications which is completely missing. He said he would also like to see it outlined what the towers provide to the community as customers. Mr. Haight said requirements differ depending on the type of service provided. Mr. Haight said he saw information provided on nothing more than 1 or 2 G service. The community really needs to understand the 3 and 4 G service provided, he said. Mr. Haight added that providers needed to be identified as well, since they can provide different coverage.

Mr. Feldt responded that when the tower locations map is updated, it will be important to locate all towers, because regardless of their status as a wireless tower, they could still be equally impacting the community in terms of their placement. What tower maps and sites that are updated will be partially up to the City and partially up to Cityscape, said Mr. Feldt, because they have the expertise and the means to obtain information from the FCC to determine which entity is operating which tower. The City has the permits which name the filer of the plans, and

who constructed the tower, said Mr. Feldt, but once the towers have been improved from 3 G to 4 G, there is no means to track that information, said Mr. Feldt.

Mr. Satre said with such a tight timeline, there may be additional questions, or the necessity for additional information to best formulate the Master Plan. Mr. Satre asked what ability they had to ask Cityscape for additional data and maps.

Mr. Feldt said the Commission does not have to accept the existing report. Cityscape is updating the documented six new towers, he said, to then update the service area maps. There is a contract between the City and Cityscape to have them review every new tower application that is presented, said Mr. Feldt.

Mr. Miller expressed the desire that the Cityscape representatives show up for the Commission Committee of the Whole meeting March 25, 2014, and mentioned that it appeared they may need experts on hand to help them discuss some of the elements of the plan, so the Commission can make an informed recommendation to the Assembly. He felt any questions raised by the Commission that it needed answered at its March 25 meeting resulted in too short of a timeline. Mr. Miller suggested they have another Committee of the Whole meeting prior to its March 25, 2014, meeting to ascertain if they would need some experts to come answer questions the Commission may have.

Mr. Miller said he remembers that a lot of the public comment received about the ordinance involved health and safety issues, and that the Commission is not currently informed about that, for example.

Mr. Goddard said the Commission has raised some "meaty issues". He said there was a significant outreach effort and that Cityscape spent some time in Juneau at meetings gathering information and testimony when the process first started. That information went into the formulation of the Master Plan and into the ordinance. There has been significant review by the Law Department, said Mr. Goddard.

Mr. Goddard said the consultants are the technical experts hired to represent the City. Part of the contract allows them, as technical experts, to consider some of the issues raised by the Commission. In addition, there are certain issues that the FCC (Federal Communications Commission) and the FAA (Federal Aviation Authority) have control over, not the community. According to Mr. Goddard, included in those issues are issues related to health, lighting and permitting requirements for certain aspects of the cell towers themselves.

Mr. Goddard said obtaining industry experts is a good idea. They will have to think about formulating a plan, he said. There are individuals in town who submit applications and represent cell tower companies. He said they may feel comfortable about coming to the

Commission and answering some of its questions regarding the applicant's and industry's points of view.

Mr. Goddard said that an AT&T representative said they were comfortable dealing with the City consultants as an "industry-recognized" group. The contract does include, on a case-by-case basis, a significant amount of money to Cityscape to perform case-by-case modeling, said Mr. Goddard

Mr. Miller asked if a representative from Cityscape would be present to answer questions.

Mr. Goddard answered that at this time Cityscape is not scheduled to appear before the Commission to answer questions.

Mr. Watson said one of his concerns is that a third of all of the towers that Cityscape surveyed are listed as "unknown heights". There are only 56 possible colocations listed according to the Cityscape analysis, and they are all clustered around towers that are over 30 feet in height, said Mr. Watson. When this subject is discussed in future meetings, said Mr. Watson, it may be good to take note that most of the smaller towers cannot be used for colocation.

Some of the poles are wooden, requiring renewal at some point, and that topic needs to be addressed, said Mr. Watson. Why are there two towers located 50 feet apart, asked Mr. Watson. There is an economic and physical life to the towers, said Mr. Watson, and the zone in which they reside must be considered as well, he added. Cell towers are allowed within commercial zones, said Mr. Watson.

Mr. Feldt answered that the towers are allowed in an industrial zone regardless of the height with a building permit , and otherwise it depends upon how tall they are.

The contractor has not identified how many towers are within a commercially zoned district, said Mr. Watson. Currently, he said, the towers are allowed to be any height.

Mr. Haight said he advocated rim shot locations, understanding this was difficult to implement. He said Juneau has existing rim shot towers, which are working fairly well. Mr. Haight asked how the community can promote that type of installation, over many of the current practices. He said he felt this would be something less obtrusive and more effective.

Mr. Haight said he felt they need to move onto the ordinance fairly quickly, regardless of what happens with the Master Plan. He said he felt they could continue to promote to the ordinance while still continuing to work on the Master Plan.

Mr. Goddard replied that what they were hoping to get was a quick discussion of the policy that the Commission would like so the staff could focus on the ordinance. He said that is why the Master Plan and ordinance had been staggered slightly.

Mr. Voelckers said that he could not imagine that there not would be a lot of earnest debate about the general health effects of EMF (Electric and Magnetic Fields), and that he found the report very sparse regarding references that the FCC had established recommendations which needed to be followed. He said he felt that appendices and explanations should be improved to indicate what those levels were, and what they mean, in light of the huge proliferation in the numbers of towers. Mr. Voelckers read from the report that the FCC had established a maximum emission level that not be exceeded as vital, and that it further stated that if not controlled (the emissions) could be very harmful.

Mr. Voelckers added that on page 40 – 41 of the report that it mentioned the Commission was bound in many cases to FCC policy which had essentially been unchanged since 1996. Mr. Voelckers said that pre-dates most of the concerns with cell phones, etc. Mr. Voelckers said he would like to know if the 1996 rulings still held. He said they needed some guidelines to determine if this was something the community could embrace rather than fight.

Ms. Lawfer said they had discussed on the Title 49 Committee a review process for CDD that when an application was reviewed that it be identified why the wireless tower could not collocate, and how applications would be reviewed.

Mr. Haight said he understood that shorter towers meant more towers, but that shorter towers may be less obtrusive to views. Mr. Haight said there is a balance, and that if Rim Shot Towers are being discussed, if there needed to be such restrictive height requirements. It almost gets to the point where a Comprehensive Plan of wireless towers is being created, said Mr. Haight.

Mr. Hart thanked the Commission, commenting this has been really informative to the staff to hear the comments.

Mr. Watson said there are only three public telephones in Juneau, and that he is in favor of the direction the Commission is moving in. He said he worried the regulations would become so prohibitive that the companies would be afraid to come to the community, and continue to offer the quality of service that the public is demanding.

Ms. Lawfer suggested that the Commission add a Committee of the Whole Meeting prior to the regular Commission meeting on March 11. She said it would give the Commission some time to get its questions answered before the Committee of the Whole meeting scheduled for March 25. She suggested the Commission meet at 6:00 on March 11, 29013, prior to its regular meeting scheduled for 7:00 to address questions it may need answers to that are very technical in nature.

Mr. Voelckers said why wait until March 25, 2014, to get questions answered. He asked if there was the possibility that an improved rough draft be distributed before March 11.

Mr. Feldt responded that Cityscape was busy updating the plan currently before the Commission, and if this was not possible, that it be ready for the Commission on March 25.

- Housing Forum

Mr. Hart said the Housing Forum, held at the Tlingit and Haida Vocational Center, was very well attended. They covered a wide array of topics the group had requested, and the staff was also asked to conduct more outreach at the Home Show. They covered how to better serve the community when it arrives at the CDD offices, how to streamline the department processes, and about what other changes to expect in ordinances over the next year. There were a lot of questions and answers; a lot of learning going on, said Mr. Hart, which also resulted in building the relationship with the community.

**XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None**

**XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. Voelckers said Mr. Jackson had raised the question at the last meeting about what happens when conditions are placed, and if they are meaningful. He asked what really happens in terms of enforcing conditions if a condition is violated.

Mr. Hart said conditions fall into two or three different groups: there are operational conditions which mandate certain hours, there could be a condition placed upon the project itself regarding its appearance or size, for example. If there is the emanation of a smell from a site, for example, said Mr. Hart, that would be a complaint-driven response by the staff.

Mr. Voelckers asked what the next step would be if the site was monitored by staff and it was found to be emanating a stench.

Mr. Hart responded if they could regulate for the incident, then they would.

Mr. Satre added that conditions are legally binding, and that the unfortunate reality is that once plans and construction have advanced, that adherence to the often long list of conditions placed on a project are ultimately complaint-driven. Mr. Satre added there are advisory

conditions such as those placed on the fish processing plant that are to remind individuals that there is a piece of code that exists to promulgate the condition.

Mr. Goddard said the previous City Attorney had worked with the staff to develop standardized conditions that he found acceptable. The staff try's to apply those conditions as they are written in as many cases as possible. The governed tracking system for the permits categorizes conditions in three ways:

1. Performance, which means certain steps must be accomplished prior to the issuance of a building permit
2. Operational, which means continued operation is regulated by adherence to the outlined standards
3. Advisory, which means that certain actions (or lack of action) will kick in other regulations

Mr. Watson said it was an excellent meeting from the beginning to the end, and that he appreciated the excellent preparation and presentations of the staff. He said he appreciated receiving the meeting packets earlier.

#### **XV. ADJOURNMENT**

The meeting was adjourned at 9:40 p.m.