

MINUTES

**Regular Planning Commission Meeting**  
City and Borough of Juneau  
**Mike Satre, Chairman**

June 10, 2014

**I. ROLL CALL**

Michael 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 7:02 pm.

**Commissioners present:** Michael Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Karen Lawfer, Ben Haight, Nicole Grewe, Gordon Jackson, Dan Miller

**Commissioners absent:** Paul Voelckers

**Staff present:** Hal Hart, Planning Director; Travis Goddard, Planning Manager; Jonathan Lange, Planner I, Eric Feldt, Planner II

**II. APPROVAL OF MINUTES**

- May 13, 2014 – Regular Planning Commission Meeting

**MOTION:** *by Mr. Miller, to approve the minutes of the Regular Planning Commission Meeting of May 13, 2014, with any minor modifications by any Commission members or by staff.*

The motion was approved by unanimous consent.

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

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

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

**VI. CONSENT AGENDA - None**

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

**VIII. UNFINISHED BUSINESS – None**

**IX. REGULAR AGENDA**

USE2014 0007: A Conditional Use permit for the development of a floriculture farm on two lots in North Douglas.  
Applicant: Sunny Cape, LLC  
Location: N. Douglas Highway

Based upon the proposed project (identified as Attachments A, B, and C), and the findings and conclusions stated above, the Community Development Department staff and Director **RECOMMENDS** the Planning Commission **APPROVE** the request with the following conditions.

Recommended conditions:

1. All work within the access easement may only take place between 8am and 5pm. All clearing of the access easement must be restricted to within the easement boundaries. No clearing outside of the easement limits is allowed without landowner permission.
2. All brush and debris cut by the applicant in the access easement must be removed from the easement
3. Any plans to place fill within the easement, or do work beyond what has been described within the application, must be approved by CBJ Lands and Resources Management prior to the start of work.
4. Permitting for access to the North Douglas Highway must be obtained from the Alaska Department of Transportation (DOT) prior to commercial use of the easement for access.
5. If DOT requires additional work within the CBJ easement as a condition of approval to use the North Douglas Highway for access, approval must be obtained from CBJ Lands and Resources Department prior to the start of work.
6. Prior to clearing of the subject parcel the applicant shall apply for a Grading and Drainage permit through the General Engineering Department.
7. Prior to expansion of farming into mapped wetland on their parcel, the applicant shall apply for a Grading and Drainage permit and submit to the Community Development Department an approved U.S. Army Corps wetland fill permit.

Mr. Lange told the Commission that the applicant plans to use approximately half the tract of B1 and a portion of B3 of which a large portion is wetlands for a commercial peony growing operation. These tracks are zoned D1. The applicant plans to clear six of the total 23.6 acres. Mr. Lange told the Commission that the development would also include a 120 sq. ft. toolshed, a 300 sq. ft. open tractor storage building, and a water retention pond.

The applicant plans to bring equipment and materials to the site by barge over the Mendenhall Wetlands State Game Refuge by special area permits issued by the Alaska Department of Fish and Game via a special landing craft in the intertidal area, said Mr. Lange. The applicant will also use a public road easement across the City and Borough of Juneau vacant land to the west of

their property to access the site from North Douglas Highway, said Mr. Lange. That permit would be granted by the City and Borough of Juneau (CBJ) via special conditions of approval, through the CBJ Lands and Resources Department, said Mr. Lange.

Mr. Brad Fluetsch, the applicant, plans on planting a total of 15,500 plants in the spring of 2015, with those plants maturing in 2019. At that time he plans on those plants being ready for commercial harvest to be placed into 20 foot long freezer containers brought to the site by barge, for temporary, on-site cold storage of the harvested peonies.

Pointing to a map on the wall, Mr. Lange indicated where grading and drainage permits would be required. This would include areas of the access easement on areas of the parcel that he would be clearing this year. Also, a permit would be required before any expansion into the parcel would occur. Also, said Mr. Lange, an approved Army Corps of engineer fill permit would be required.

#### COMMISSION COMMENT

Ms. Lawfer asked specifically what the Army Corps of engineer fill permit would be for.

Mr. Lange responded it would be for future expansion of the operations into the wetland area.

Ms. Lawfer asked if the current expansion into the easement that would be done this year was wetlands area as well.

Mr. Lange answered that it was wetlands area as well, and that the Army Corps of Engineer permit would be required for that as well.

Ms. Lawfer asked if that was a separate Army Corps of Engineer Permit.

Mr. Lange answered that it was a separate permit.

Ms. Lawfer asked how KTOO accessed its tower.

She was told that KTOO accessed its tower via the easement.

Mr. Watson asked the staff why the applicant had different hours of operation required for his business than was required of anyone else.

The staff had no answer to this question, other than it was suggested by the Lands Department.

Ms. Grewe noted that she lived in the immediate area of the proposed North Douglas project, that she had received no notice of the application, and that she had found the public notice sign extremely difficult to see.

#### APPLICANT

Applicant Brad Fluetsch said he was the Managing Director of Sunny Cape, LLC. He said since peonies down South have bloomed already, and Alaskan peonies are just beginning to bloom, it puts them in a unique position to meet the market for summer weddings in North America.

Mr. Fluetsch said this is one of the cleanest, most efficient, most non-invasive, agricultural activities that can be imagined.

Ms. Lawfer asked what activities would be taking place in Tract B3.

Mr. Fluetsch responded that initially that is where they wanted to base the farm. He said because of the wet lands designations, it is doubtful now that he will be farming there. He said that is why their focus has shifted to Tract B1.

#### PUBLIC COMMENT

North Douglas Hwy. resident M.J. Grande told the Commission that she was a neighbor of the applicant and that she had received no notice of the application. She said she had several concerns. She said she was concerned about fertilizer, soil augmentation, and pest management, and what their effect may be upon their drainage into the wetlands and tidal area. She said she did not know about the specific effect of peonies, but that she had heard that cut flowers had one of the highest negative impacts on the soil. She was also concerned about the development as a whole and possible negative impacts on the neighborhood. She stated that the access road was within 40 feet of her home.

Mr. Watson asked Ms. Grande how she heard about the public hearing this evening.

Ms. Grande stated that she heard about the public hearing through the North Douglas Neighborhood Association.

Mr. Watson asked Ms. Grande if she was aware of the CBJ easement when she purchased her property.

She stated that she was aware of the easement when she purchased her property in 1974.

Neighbor Wayne Carnes stated that he also was not notified of the application for the development. He heard about the application through the North Douglas Neighborhood Association. He stated that he did walk the property today and did see the public notice, but did notice that it was very difficult to locate. He said the Commission may want to consider an extension so that proper public notice may be pursued.

He said he did spend time today going over the applicant's property looking for property markers. Mr. Carnes said he had difficulty locating property markers, and that he did find one proper property marker and one possible property marker. He displayed on the map the location of these markers. There was flagging which delineated the 30 foot access easement,

said Mr. Carnes. He said he felt the property should be properly marked, as well as the access road. Since the ground was so soft and muddy, Mr. Carnes said he would like clarification as to how access via the road would work.

#### APPLICANT RESPONSE

Mr. Fluetsch said that peonies do not want a lot fertilizer. He said they plan on using a lot of dead salmon for nitrogen needs of the peonies. He said that deer do not eat peonies. He said that they use horse manure from the horse stables and sand currently on the peonies. They also use seaweed from the beach.

Mr. Fluetsch said they do not plan on using the road for summertime access. They plan on using the road for wintertime access only, when the ground is frozen solid.

Indicating the map, Mr. Fluetsch indicated where the steel survey marker was located, and how that steel marker related to the orange easement flags.

Mr. Fluetsch stated that his business plan has received tentative approval from the State of Alaska Department of Agriculture, as well as tentative approval from the State of Alaska Revolving Loan Fund for a 30 Year, Fixed Rate, Fund Development Loan.

Ms. Lawfer asked for clarification about the method of removal of the peonies from the property.

Mr. Mr. Fluetsch said the peonies would be removed from the property via skiff.

Chairman Satre said he believed Ms. Lawfer was asking for clarification because there was mention of freezer containers in the project description.

Mr. Fluetsch said there was mention of freezer containers because the peonies could be stored for up to seven days at a cold temperature before they were transported off of the property.

Chairman Satre asked if there were any requirements through the Department of Natural Resources or the Department of Environmental Conservation regarding the discharge of water from the property due to farming activity.

Mr. Fluetsch stated that he was not aware of any special permits due to water discharge. He did state that the City staff stated that when he cleared the land he was to be careful that there was not excessive runoff into the channel.

Chairman Satre asked if that was the grading permit.

Mr. Fluetsch concurred that this was the grading permit.

Chairman Satre asked the staff if they had a list of available property owners who had been notified of the public hearing held regarding the application before them this evening, because there were property owners present who should have been notified about this meeting by the Planning Commission who had not been notified.

Mr. Goddard said they were showing three properties which should have been notified, and that list would normally be generated by the GIS system.

Chairman Satre said it looked like a list generated by Tract B1, and not Tract B3. There should have been additional notices generated, said Chairman Satre.

*Ms. Grewe needed to leave the meeting at 8:00 p.m.*

Chairman Satre confirmed that that the Conditional Use permit for the development of a floriculture farm on two lots in North Douglas by Sunny Cape, LLC by Mr. Fluetsch was improperly noticed. He stated that since this was one of the basic requirements of a public hearing, he asked for a motion to continue this item until proper public notice could be given.

**MOTION:** *by Mr. Miller, to continue this item until proper public notice could be given.*

The motion passed by unanimous consent.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS** - None

XII. **DIRECTOR'S REPORT**

- **Flood Maps**

Mr. Feldt told the Commission that the Community Development Department has been awarded a grant for wetlands management. They now also have a wonderful aerial photograph of the area with very precise contour data, that they want to use to make the recently updated flood map data more accurate. This would provide a much more accurate representation of coastal and riverine flood areas, said Mr. Feldt.

There are two main ways the city could approach FEMA, said Mr. Feldt, to make the maps more accurate. The first method is to simply overlay the existing lines with the 2013 contour lines and to see where the existing lines match up. The CBJ hopes that this may have the consequence of removing some homes and businesses from the current flood zone area, said Mr. Feldt.

The second method involves certifying the Lidar contour data so that it can be used for map amendments, said Mr. Feldt. The Lidar could be used in lieu of having the property owner pay for an elevation certificate, said Mr. Feldt.

Mr. Feldt said that he and Mr. Lange attended a conference for flood plain managers last week. He said he was inspired by the second day of the conference to develop a full list of items of overall floodplain management for the City.

Mr. Miller asked when it would be possible to adjust a high velocity flood zone delineation for a home which is obviously not correct.

There is 2013 Lidar available, said Mr. Feldt, which the CBJ wants to get certified so that it can submit Letter of Map Amendments to FEMA, he said. Once it is certified, it can be used right away, said Mr. Feldt. Mr. Feldt said they hope to get it certified within the next few months.

Mr. Goddard added that there are some additional steps involved with the certification.

Mr. Watson asked for clarification on what will be happening within the next 90 to 120 days.

Mr. Goddard responded for flood plain certification Lidar is not yet available but that it is close.

Ms. Lawfer asked if there have been in any changes in velocity flood plain areas.

Mr. Feldt said there have been no changes in areas based upon elevation.

Mr. Haight asked about the agency's role of liability and risk.

Mr. Feldt said it is the CBJ's role to inform the public that there are flood maps. He said when someone builds in the flood zone, it is the role of the Department to tell them why they need to build in a certain way, and that there are applicable codes that are there for their safety.

Mr. Haight asked if there is a 100 year event and the water goes beyond the line that has been drawn for that event, then what would be the risk to the City and Borough of Juneau as a result of that.

Mr. Feldt said that he thought that there would be many risks; including public safety and financial risks.

Mr. Hart said that he would check with the City Attorney to see what specific information was available on this issue.

- **Auke Bay Area Plan Meeting**

Mr. Hart reported that Gerald Gotschall of Northwind Architects has been appointed as head of the architectural committee, which will be meeting with the public this coming Saturday, June 14, at the University of Alaska, Southeast. Community members will brainstorm ideas for the Auke Bay area, and the architects will formulate these ideas for the community members, said Mr. Hart. Community members will identify problems and solutions for the area.

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

#### **LANDS COMMITTEE**

Ms. Lawfer reported that the lands committee met on June 2. Of the two CBJ properties that were up for bid, one property received two bids. That will be brought up at the next bid opening. The CBJ property which is currently a parking lot located next to the Baranoff Hotel is currently assessed at \$530,000. A group of investors is proposing a total of 29 one bedroom, two bedroom, and studio apartments for that piece of property. That proposal has passed the Lands Committee and will next proceed to the Assembly.

#### **WETLANDS REVIEW BOARD**

Mr. Miller commented that apparently the GIS maps have not been shared adequately amongst the agencies as they should have been.

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

Mr. Watson said that the Department of Transportation (DOT) is taking four feet from someone's property for the road project on Egan near the new church. Mr. Watson said when he asked DOT about this, the Department said when they ran the project by the Commission, when it did not include the removal of the gentleman's property, it had just been preliminary at that stage. Mr. Watson said he did not like this lack of communication from DOT.

Mr. Jackson said he felt it was important to keep in mind that when planning events, such as the Auke Bay Design Charette on Saturday, June 14, that simultaneous events such as the cultural celebration are occurring at the same time in downtown Juneau. He said he felt this created a needless conflict in scheduling and that it was important to recognize the cultural heritage of the Tlingits and Haidas is of our community.

#### **COMMITTEE OF THE WHOLE MEETING**

There is a Committee of the Whole Meeting on June 16, 2014, with the Assembly at 6:00 p.m.

The Commission will be provided with the most recent edit of the Wireless Ordinance by Friday, June 13.



**XV. ADJOURNMENT**

The meeting adjourned at 8:57 p.m.