

MINUTES  
**Planning Commission**  
Regular Meeting  
CITY AND BOROUGH OF JUNEAU  
*Ben Haight, Chairman*  
October 24, 2017

**I. ROLL CALL**

Ben Haight, 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 p.m.

**Commissioners present:** Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Percy Frisby, Dan Hickok, Kirsten Shelton, Carl Greene (telephonically)

**Commissioners absent:** Dan Miller

**Staff present:** Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Jill Maclean, Senior Planner; Chrissy McNally, Planner II; Allison Eddins, Planner II, Robert Palmer, Assistant Municipal Attorney

**Assembly members:** Loren Jones

**II. APPROVAL OF MINUTES**

**September 26, 2017 Draft Minutes – Committee of the Whole**

**September 26, 2017 Draft Minutes - Regular Planning Commission Meeting**

**MOTION:** *by Mr. LeVine, to approve the minutes from the September 26, 2017 Committee of the Whole meeting, and the September 26, 2017 regular Planning Commission meeting, with any minor corrections by Commission members or staff.*

***The motion passed with no objection.***

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

#### **IV. PLANNING COMMISSION LIAISON REPORT**

Reporting for Beth Weldon this evening, Loren Jones said that she will be the new Assembly Liaison to the Planning Commission. Mr. Jones said that he is the chairman of the Public Works and Facilities Committee. Requests to serve on the Bartlett Hospital Board and the Planning Commission are due in the City offices by November 28, (2017). The terms of Planning Commission members Michael LeVine, Paul Voelckers and Kirsten Shelton are the seats which are open this year for application or re-application. On December 6, (2017) the Human Resources Committee will meet as a Committee of the Whole to make appointments to the Planning Commission and to the Hospital Board, he said. The Lands Committee met yesterday and discussed the Title 49 amendment to privately maintained access within the urban service boundary, noted Mr. Jones. They will continue to proceed and develop that ordinance, he said. They also had an update on the Second and Franklin Street lot sale. They have extended that sale to this spring because the company which has the purchase agreement has been invited to participate in an application with the Alaska Housing and Finance Corporation. There is also discussion about some of the history around Indian Point near Auke Bay. They are requesting public comment through December 15, (2017) on the history of that land and its cultural value. The Assembly Committee of the Whole received an update on the Parks and Recreation master plan. Discussion centered on the \$250,000 in the sales tax for the past five years which has been set aside for parks in the Lemon Creek area. They were also informed of the Airport Sustainability Master Plan and they reviewed the Essential Services Ordinance which the Commission has also dealt with, said Mr. Jones. The next regular Assembly meeting is on November 6, (2017) and the next Public Works Committee, Lands and Committee of the Whole is November 20, (2017). The Committee of the Whole meeting scheduled for November 20, (2017) is tentatively scheduled to review the Lemon Creek plan and Recycle Works. December 2, (2017) is the Assembly retreat when the Assembly reviews its priorities and develops its work plan for the next year, said Mr. Jones.

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

#### **VI. CONSENT AGENDA**

**USE2017 0010:** A Conditional Use Permit to allow marijuana manufacturing in the General Commercial zone.

**Applicant:** Forget Me Not

**Location:** 8505 Old Dairy Road

#### **RECOMMENDATION**

Staff recommends 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 marijuana manufacturing establishment in the General Commercial zone. The approval is subject to the following conditions:

- 1) All CO2 enrichment processes, plant extraction processes, fumigation, and the use and storage of pesticide, fungicide, miticides and thermal insecticide fogging shall be approved by the Fire Marshal and meet the requirements of the International Fire Code (IFC) and NFPA where applicable.
- 2) The CO2 generator shall have an automatic shut off.
- 3) All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
- 4) Prior to approval of a CBJ marijuana license, the applicant shall provide an approved driveway permit from the Alaska Department of Transportation and Public Facilities, with plans identical to the parking and circulation plan provided in Attachment 10.
- 5) Prior to approval of a CBJ marijuana license, the applicant shall place all required vegetation and complete striping in accordance with the vegetation and parking plans included in Attachments 10 and 14.
- 6) USE2017 0010 (marijuana manufacturing), USE2017 0011 (marijuana retail) and USE2017 0012 (marijuana cultivation) will each expire on August 22, 2022 unless the Valley Lumber parking agreement (Attachment 12) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.

**USE2017 0011:** A Conditional Use Permit to allow marijuana retail in the General Commercial zone.

**Applicant:** Forget Me Not

**Location:** 8505 Old Dairy Road

## **RECOMMENDATION**

Staff recommends 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 marijuana retail establishment in the General Commercial zone. The approval is subject to the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
2. Prior to approval of a CBJ marijuana license, the applicant shall provide an approved driveway permit from the Alaska Department of Transportation and Public Facilities, with plans identical to the parking and circulation plan provided in Attachment 10.

3. Prior to approval of a CBJ marijuana license, the applicant shall place all required vegetation and complete striping in accordance with the vegetation and parking plans included in Attachments 10 and 14.
4. USE2017 0010 (marijuana manufacturing), USE2017 0011 (marijuana retail) and USE2017 0012 (marijuana cultivation) will each expire on August 22, 2022 unless the Valley Lumber parking agreement (Attachment 12) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.

**USE2017 0012:** A Conditional Use Permit to allow marijuana cultivation in the General Commercial zone.

**Applicant:** Forget Me Not  
**Location:** 8505 Old Dairy Road

**RECOMMENDATION**

Staff recommends 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 marijuana cultivation establishment in the General Commercial zone. The approval is subject to the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
2. Prior to approval of a CBJ marijuana license, the applicant shall provide an approved driveway permit from the Alaska Department of Transportation and Public Facilities, with plans identical to the parking and circulation plan provided in Attachment 10.
3. Prior to approval of a CBJ marijuana license, the applicant shall place all required vegetation and complete striping in accordance with the vegetation and parking plans included in Attachments 10 and 14.
4. USE2017 0010 (marijuana manufacturing), USE2017 0011 (marijuana retail) and USE2017 0012 (marijuana cultivation) will each expire on August 22, 2022 unless the Valley Lumber parking agreement (Attachment 12) is renewed or another parking plan which conforms with CBJ Code 49.40.210 and 49.40.220 is accepted, as determined by the CBJ Community Development Department.

**USE2017 0025:** A Request for an Extension to the Conditional Use Permit for Riverview Senior Community.

**Applicant:** Marathon Development Inc.  
**Location:** Clinton Drive

## **RECOMMENDATION**

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit extension with the following conditions. The permit would allow the development of an 80 unit, 88 bed assisted living and memory care facility.

1. Prior to issuance of a Building Permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Director of Community Development, according to the requirements at CBJ 49.40.230(d).
2. The lots will be consolidated into one lot, including Lot 31A.
3. All runoff from outside the paved areas, including roof drains, will be directed to the Mendenhall River drainage system.
4. Storm water run-off within the paved areas will be collected and directed into an oil/water separator immediately prior to connecting into the Clinton Street existing storm drain system.
5. A 12" CPP will be allowed from the oil/water separator to the catch basin in Clinton Drive.
6. The catch basin in Clinton Drive will be replaced prior to the project connection.
7. The river bank will be restored and vegetated, if needed.

**MOTION:** *by Mr. LeVine, to accept staff's findings, analysis and recommendations, and approve the items remaining on the Consent Agenda as read.*

***The motion was approved with no objection.***

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

**VIII. UNFINISHED BUSINESS** - None

**IX. REGULAR AGENDA**

***At the request of a member of the public, USE2017 022 was pulled from the Consent Agenda and placed under the Regular Agenda.***

**USE2017 0022:** A Conditional Use Permit for a marijuana cultivation facility in the Industrial zone.

**Applicant:** Always Redeye LLC

**Location:** 2005 Anka 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 marijuana cultivation facility in the Industrial zone

The approval is subject to the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure.

Ms. McNally told the Commission that the applicant requests a Conditional Use Permit for the development of a 3,920 square foot marijuana cultivation facility in the Industrial zoning district at 2001 Anka Street. The Comprehensive Plan land use designation for this property is Light Industrial, and it is located on City water and sewer, said Ms. McNally. The site is currently a vacant warehouse, she noted. The site received a variance in 2003 for the 50 foot streamside buffer, noted Ms. McNally. The site is required to provide six parking spaces, one of which is ADA accessible, she said.

The business will use just the two first stories of the three-story building. The first floor will have the vegetation room and a secure office with the trimming and packaging taking place on the second floor, said Ms. McNally. Eleven to 12 outside lights surround the building, with additional interior lighting and surveillance cameras on both the first and second floors, she said. All windows and entries to the building except for one door will be blocked, said Ms. McNally. The applicant has cleaned up what was previously a very cluttered area outside, said Ms. McNally.

Requirements for marijuana establishments will all be met, said Ms. McNally, including those for ventilation and filtration, fungicides and pesticides, security, waste disposal, screening, traffic, and parking and circulation. The applicant intends to compost marijuana waste which must be in a secured area until it is disposed of, said Ms. McNally. The applicant has indicated they will be using carbon scrubbers for their ventilation and filtration. They do intend to use carbon dioxide which will be inspected by the fire Marshall, she noted. There can be no detection of odor off-site of the premises, she added. The operation requires no signage, since it is a marijuana cultivation facility, she said.

The business proposal does conform with the Comprehensive Plan.

They have received two letters in opposition to the proposal, said Ms. McNally. One letter is from residents in a condominium complex across Lemon Creek, and the other letter is from lawyers representing Granite Mountain Properties LLC. These letters expressed concern about odor and noise, said Ms. McNally. Granite Mountain Properties LLC was primarily concerned about property values, she said. She noted that previous input from the CBJ Property Assessor indicates there should be no diminishment of property values due to this business, said Ms. McNally.

The staff found that the application is complete, that the proposed use is appropriate according to the Table of Permissible Uses (TPU), that it will comply with the Comprehensive Plan, it does not materially affect the public health or safety, and it should not substantially decrease the value of or be out of harmony with property in the neighboring area, said Ms. McNally.

*Applicant*

Greg Smith, the business representative for Always Redeye LLC, said they are meeting all of the local and state rigorous requirements for their business. He said if anything they are driving up the demand for commercial properties in respect to property values, and that they have substantially cleaned up the property which was formerly in poor condition and reflected poorly on the area. Their operation will have no odor, no noise and extremely effective security, said Mr. Smith.

*Public Comment*

Mr. Todd Araujo of the Simpson-Tillinghast Law Firm, said his firm was representing Granite Mountain Properties, LLC. He said he spoke before the Commission several months ago expressing similar concerns about another operation in the area.

Mr. Araujo said there was no mention in the staff report of how the staff arrived at its conclusion that somehow there would be no diminution of property value. He said he felt the Commission should explore this issue further. These are not just random development operations, noted Mr. Araujo. He said he believed there were nine operations of this type in the queue for the Lemon Creek area alone. Over time the character of the neighborhood will change, he said. There are all kinds of operations in the area, including commercial, retail and industrial uses, he said.

He said the only information provided on the effect of these operations in an area was the result of some “random, sort of googled articles that were strewn together in the eleventh hour to try to supplement the record”. His firm put together a valuation report performed by integrated Realty Solutions in Seattle to refute the insubstantial findings of less than ideal anomalies, he said.

In Denver, there were existing blighted or economic and poverty-stricken neighborhoods, said Mr. Araujo. If you put a pig farm in that type of location it would have brought up property value, he said. That is not the instance in Juneau, he said. If all of the forthcoming marijuana operations are approved, they will represent roughly 10 percent of the businesses in the area, he said. He said he felt the Commission should look at this situation in a more comprehensive level as to the effect of these businesses on neighboring property values, rather than just rely on something the Assessor found in the eleventh hour.

They request that the Planning Commission reject this application for a Conditional Use Permit, said Mr. Araujo.

*Commission Comments and Questions*

Mr. Dye asked Mr. Araujo to show him the location of the property he represents compared to the property requesting the Conditional Use Permit.

The property he represents is a “mere trip and fall” from the proposed development, said Mr. Araujo.

Mr. Dye asked Mr. Araujo if the concern of his client centered on this specific application or if it was with the cumulative effect of businesses of this type multiplying in the area.

Mr. Araujo said if all of the applications which are pending are approved by the Planning Commission the nuance of the neighborhood would change. He said he did not see how property values could not be negatively affected. At a minimum the Planning Commission and CDD staff should study the situation more closely.

Mr. LeVine said the Planning Commission has gone through a very extensive and public process about just where these new types of businesses should be located. He said he was curious if his client participated in that process and objected to the inclusion of Industrial and Light Industrial areas being the locations for these types of facilities.

Mr. Araujo responded that his guess was that his client was not aware of the public process which transpired. In Denver and in other locations they have put a cap on the number of cultivation facilities that will be tolerated. He said this has to do with property values and other issues. There are other commercial and retail businesses in the area and their ability to expand could be limited if the growth of cultivation facilities in the area is unrestricted, he said.

Mr. Voelckers asked if there are any issues within this specific application where there are concerns, such as the odor or noise of the operation, the visuals or the traffic. Or, added Mr. Voelckers, is it only a concern with the aggregate development of these types of facilities.

Mr. Araujo said it is a combination of both of these factors. They are very concerned about the diminution of the land values, as well as potential odors from the facilities, he said. They will not actually know the negative effects until these operations are underway, he said.

Mr. Dye asked Mr. Araujo if he was aware of any odor issues from any current facility in operation.

Mr. Araujo said that he is not aware of any current issues with facilities already in operation. He said there is one noticeable odor in the neighborhood and that is from the landfill.

*Applicant*

These marijuana businesses in the area will have no visual impact, said Mr. Smith. The public cannot observe anything that is happening inside the facilities, he said. This is not a retail store so there will be little traffic which will be restricted essentially to the employees. There will be a lot more noise coming from automobile repair shops and more odors coming from other types of businesses in the area since their type of business has such stringent controls, said Mr. Smith. He added that he would be interested in seeing where property values have decreased in the community as a result of this type of operation.

Mr. Hickok asked if approved when they expect the facility to be in operation.

Mr. Smith said it would be great if they could be in operation before tourist season arrives next year.

Mr. Dye asked the staff if they had been aware of any issues with odor from facilities already in operation.

Ms. McNally said they have had no complaints.

Mr. Dye asked the staff if they have noticed any assessments going down in the areas surrounding existing operations.

Ms. McNally said they have not noted any reduced assessments around operational facilities.

Mr. Hickok asked if there is a limit placed upon the number of facilities that can operate within specified areas.

Ms. McNally responded that there is no limit on the number of facilities. She added this was an item discussed by the Marijuana Task Force, and it decided not to set a cap on any zoning district.

**MOTION:** *by Mr. LeVine, to approve USE2017 0022 and accept staff's findings, analysis and recommendations.*

Speaking in favor of his motion, Mr. LeVine said that he is sympathetic to the idea that the Lemon Creek area will undergo change over time. He said he was receptive to the concerns of neighboring property owners, but at the same time the location of these facilities has undergone an extensive review process and they are allowed in this zoning district, and that this application meets all of the requirements for the Conditional Use Permit. They see no evidence at this time to suggest a diminution in property values or any evidence to suggest that there have been negative effects from their existence.

Also speaking in favor of the motion, Mr. Voelckers said that he agreed with the broad statements of Mr. LeVine. In addition, it appears the property is being rehabilitated and looking better than it did prior to this operation, thus adding to the appeal of the neighborhood.

Mr. Dye said he also was in favor of the motion. He said the number of allowable facilities was debated quite a bit. They decided that the free market would dictate how many facilities could prosper.

Ms. Shelton said she is also in favor of the motion, and that she agrees with all of the comments of her fellow commissioners. She said these facilities must undergo very rigorous processes through both the State and the City.

Chairman Haight said he echoed the sentiments of the other commissioners. He said he was in favor of the motion and that as with any new type of business, they would need to continue to monitor their effect on the neighborhoods with respect to odor and appearance and effect on property values.

**Roll Call Vote**

**Yeas:** Hickok, Shelton, Greene, Frisby, Dye, Voelckers, LeVine, Haight

**Nays:** None

***The motion passed by unanimous vote.***

**AME2016 0016:** A Text Amendment to adopt the Lemon Creek Area Plan as part of the CBJ Comprehensive Plan  
**Applicant:** City and Borough of Juneau  
**Location:** Lemon Creek Area

<b>Steering Committee Members</b>		
Stephen Johnson, Chair Michael Lukshin, Vice Chair Tom Chard Daniel Collison	Wayne Coogan Sandra Coon Susan Erben Dave Hanna	Mark Pusich Patrick Quigley Michael Short Paul Voelckers, <i>(Planning Commission Liaison)</i>

Ms. Maclean said that the Lemon Creek area is one of the areas identified in the Comprehensive Plan which should be a step in the Borough strategy for influencing positive change within the community. This area includes Lemon Creek, Switzer Creek, and Salmon

Creek. This plan will form the basis for defining the vision of projects for the Lemon Creek area over the next 20 years, she said.

To begin this process, they conducted an open house at DZ Middle School on March 10, 2016, said Ms. Maclean. They solicited interest from the community and asked them to indicate what boundaries they believed the Lemon Creek area to encompass, and what they thought its strengths, weaknesses, challenges and opportunities were, she said. They also sought volunteers to serve on the Lemon Creek Steering Committee, said Ms. Maclean. On April 12, 2016, the Planning Commission appointed the Steering Committee, which includes residents, property and business owners within the Lemon Creek area, said Ms. Maclean.

In June, 2016, CDD conducted six focus group meetings, said Ms. Maclean. They were comprised of business and transportation, natural resources and recreation, business and economic development, human services, history and natural resources and City departments. In September, 2016, the Steering Committee began holding regular public meetings spaced about three weeks apart. The committee was presented with information on the Comprehensive Plan and other relevant CBJ plans, said Ms. Maclean. They were also presented with information on zoning and land use, housing needs, along with feedback received from the open house and focus group meetings, she said.

Based upon all of the information it received from the CDD staff and other relevant City divisions, the committee developed goals and actions for each chapter of the plan, explained Ms. Maclean.

The northern boundary of this area extends to the end of Glacier Highway past Fred Meyer, and it extends to Hidden Valley and comes down around the Pioneer home near Vanderbilt Road, explained Ms. Maclean. Since Walmart had recently closed and was the primary shopping area for Lemon Creek, the public felt it was important to include Fred Meyer within its boundaries, she said.

Public testimony was also taken at each Steering Committee meeting and considered as decisions were voted upon, said Ms. Maclean. The Steering Committee approved each goal and action through a consensus building process, she noted. These resulted in a majority vote of the Committee.

On February 4, 2017, a workshop was held to receive public input primarily on recreation and bike path connectivity throughout Lemon Creek, said Ms. Maclean. MRV Architects worked with the CBJ staff to conduct the workshop. They led the public through the design process which resulted in an overarching design concept with the area plan design goals, said Ms. Maclean. The area plan design goals illustrate the community's vision of how the area should develop over the next 20 years, she added. Features include the preservation of the Switzer Creek area, various paths connecting Lemon Creek from downtown to the Valley and also trails

connecting to the Mendenhall State Game Refuge, said Ms. Maclean. It also identified potential new streets in the industrial and commercial areas, she added.

This is a high level vision of what the community would like to see in the Lemon Creek area, said Ms. Maclean. For example, said Ms. Maclean, there was a lot of discussion focusing on a park for the area which they listed, but they did not identify the specific location of the park. The actions would then direct the staff and the funding to specific sites, she said.

The draft of the Lemon Creek Area Plan is the culmination of this year-long process, said Ms. Maclean. The draft was distributed for a two-week public comment period, she noted. The staff compiled the comments and made recommendations to the Lemon Creek Steering Committee.

Ms. Maclean listed the top 10 actions of the Lemon Creek Plan:

- Ensure that land use decisions and transportation projects promote neighborhoods and create or enhance buffers between different land uses and/or zoning districts (Chapter 2: History and Community Character).
- Identify an appropriate future location(s) for the landfill or transfer facility (Chapter 3: Land Use).
- Improve Capital Transit bus schedules and routes through Lemon Flats and near anchor businesses that support shift work schedules (Chapter 7: Economic Development).
- Pursue and foster projects that “knit” the Lemon Creek area together such as greenways, pedestrian bridges over Lemon Creek, and the creation of public parks (Chapter 2: History and Community Character).
- Create a strong sense of place and local identity – a “mid-town” with quality of life, safe neighborhoods, quality housing, and educational opportunities.
- Enhance the area’s competitiveness as a commercial service and industrial center, with a balanced retail sector and a broad mix of attractions and employment – a place to work and entertain.
- Sustain and protect the area’s natural and cultural resources – a place to respect and celebrate.
- Expand and open up the area’s recreational resources, with increased pedestrian and bicycle friendly amenities – a place to play and connect.

The staff has compiled the comments and suggestions derived from the Planning Commission COW on September 26, (2017). Those comments from the Commission and any other changes will be added as an addendum to the draft Lemon Creek Area Plan for its submission to the Assembly, said Ms. Maclean. Once the Assembly approves the final document, all edits and changes will be incorporated into that document, she said.

The staff recommends the approval of the Lemon Creek Area Plan for its submission to the Assembly for final approval, and its subsequent adoption as an addendum to the Comprehensive Plan, said Ms. Maclean.

*Commission Comments and Questions*

Mr. Dye asked if the three missing public comments could be printed and submitted to the Commission this evening so that it could move on the Lemon Creek Area Plan.

These comments were gathered and printed for the Commission to study during a brief recess.

*Public Comment*

Doug Harris, the chief integrated service officer with Juneau Alliance for Mental Health (JAHMI), said he is particularly passionate about the Lemon Creek Area Plan as soon two thirds of JAHMI's services will be located within the Lemon Creek area. The new JAHMI health and wellness midtown clinic will be located in the Housing First building in Lemon Creek, said Mr. Harris. This will be a healthcare facility open to the public, he said. JAHMI will no longer be focusing solely on mental health. It will be focusing on whole person health, he said.

The Capital Transit Plan for the Lemon Creek area will also be a critical piece, he said. Currently, the two big-box stores located in Lemon Creek are quite a long walk from the closest bus stop, he said. Improved public transportation will also make the new JAHMI healthcare facility more accessible to the public, he said.

*Commission Comments and Questions*

Mr. Voelckers asked if JAHMI would be offering dental services as well at the clinic.

Mr. Harris said they would be offering dental services.

Lemon Creek Steering Committee member Daniel Collison thanked both the Planning Commission and the Assembly for initiating the process to put together these area plans for the community. He thanked the staff for all of the assistance they provided the Committee as well. Mr. Collison said he sees the work of these committees as a roadmap for communities to come together and to participate in the process of making their neighborhoods a better place to live. They now have goals to move forward with to create the better neighborhood that they have envisioned, he said.

Mr. Hickok asked Mr. Collison how he felt about the marijuana cultivation facilities in Lemon Creek.

Without answering the question, Mr. Collison said that he felt he was being put on the spot.

Lemon Creek Steering Committee member Steve Johnson said much of the work they did involved looking at the Lemon Creek area for 20 years down the road. He said it was not the Steering Committee's goal necessarily to retain the landfill site within Lemon Creek. He said when he moved to Lemon Creek there was no "mountain" within the landfill site.

Lemon Creek resident Beth McEwen thanked the CDD staff, the Planning Commission and the Lemon Creek Steering Committee for all of its hard work on this project. She said since this is a 20 year plan, that she would like to see more input from the Fire Department regarding construction of a fire department facility within the Lemon Creek area. The lighting of pedestrian areas is addressed within the plan, and Ms. McEwen said she wanted to emphasize the importance of this. More lighting for the area is necessary for Juneau's dark winter months, and it is very difficult to see pedestrians along Glacier Highway and the bus paths, said Ms. McEwen. She said she hoped this could be accomplished with the improvement of the transit and pedestrian corridors. She said that she felt additional lighting at Fun Place Park was also necessary. She added that she really loved the idea of a community gardening area for the residents.

Lemon Creek resident and Steering Committee member Sandra Coon said she has lived in the Lemon Creek area for 40 years. She said it did make her uncomfortable to think that there may be nine marijuana cultivation facilities within the Lemon Creek area. She said that while some people may have a negative impression of Lemon Creek because the jail is located in that area, that she felt it was still a wonderful place to live and raise a family. Ms. Coon said that three generations of her family reside in the Lemon Creek area. She said the recent City clean-up in Lemon Creek was a wonderful success.

#### *Commission Comments and Questions*

Mr. LeVine said he wanted to note for the record that the three items not originally printed for the Commission were three very brief comments, one of them expressing support for moving forward with the Lemon Creek Area Plan, and two items which are likely transcendental to the action the Commission will most probably be taking this evening, he said.

Mr. Voelckers said the second of the three letters in which an individual addressed the issue of FEMA is in fact one of the Committee's priority points.

Ms. Maclean said this item is addressed in Chapter 6 under Natural Resources and Recreation within the Action Plan.

Mr. Hickok asked how the City could raise its standards regarding clean-up of the community.

Ms. Maclean said that the CBJ has a code enforcement officer. His job is to address areas which are not compliant with the code which would include certain clean-up issues, she said. He has been working on the particular nuisance property which Mr. Hickok referenced, she said.

Mr. Dye referenced the changes which are proposed to be made to the draft plan.

Ms. Maclean repeated that those changes will be incorporated into the final draft once the draft plan is approved by the Assembly.

**MOTION:** *by Mr. LeVine, to approve AME2016 0016, the Lemon Creek Area Plan, accepting staff's findings, analysis and recommendations with amendments.*

*Suggested amendments by Mr. Dye:*

*Page 76, Goal 2 Action 2*

Action: Decrease reliance on a landfill by implementing a mandatory borough-wide recycling program.

Mr. Dye said if this is a neighborhood plan then the above action should not be a mandatory borough-wide item. He recommended removing "mandatory" from the above action.

Speaking against the amendment, Mr. Voelckers said there was the sense of individuals on the Steering Committee that if this item was not mandatory, that it would be less likely to be implemented.

Mr. LeVine also spoke against the amendment, stating that he felt the word "mandatory" made this a more powerful recommendation, and also that removing the word "mandatory" did not address the concern of Mr. Dye that this was overreaching the Lemon Creek area and moving into the Borough.

Mr. Dye withdrew his amendment to remove the word "mandatory" from Goal 2, Action 2, on page 76.

*Page 77, Goal 3, Action 4*

Action: Monitor and enforce compliance with applicable building and health codes to ensure a safe and attractive housing stock.

Mr. Dye stated that he felt the wording of this action implies that the Borough does not monitor and enforce compliance with applicable building and health codes anywhere else within the borough. He added that with this verbiage referring only to Lemon Creek, that meant that the Borough's only code enforcement officer would then give it preferential treatment over other areas within the Borough.

Ms. Maclean said she felt the purpose of this action was because the Steering Committee wanted to emphasize that these codes be enforced within Lemon Creek. There is a need for

this in the area, and the Steering Committee wanted to draw attention to this fact, said Ms. Maclean.

Mr. Dye said in his opinion the emphasis on building and health code monitoring and enforcement should be applied to all communities within Juneau.

Mr. Voelckers said he would agree with this amendment proposed by Mr. Dye. Mr. Voelckers said in this particular case he felt the action was so broad and general that it did not really contribute to the Lemon Creek Plan.

Mr. Hickok said he was in favor of retaining this goal, because he felt that Lemon Creek did have more need for monitoring and enforcement than other areas within the borough.

**Roll Call Vote on the Amendment proposed by Mr. Dye**

**Yeas:** Shelton, Greene, Dye, LeVine, Voelckers,

**Nays:** Frisby, Hickok, Haight

***The motion to remove Goal 3, Action 4, on page 77 of the Lemon Creek Area Plan passed.***

Ms. Maclean clarified that the Action Plan will be updated to be contemporaneous with current activity within the Borough, such as the Housing First Project.

*Page 82, Goal 4, Action 2*

Action: Reduce impacts of dust on surrounding uses, bicyclists, and pedestrians by requiring and enforcing dust control methods on industrial and commercial vehicles

Mr. Dye said he felt they had decided to remove the JPD from a lead responsible party and insert "Manager's Office" instead. There is no dust control required on roads currently, said Mr. Dye.

Ms. Maclean said she recalled that the Director said that JPD should be named here and that the other two responsible parties should be removed. She said she would double check this item and verify that it was correctly listed.

*Page 84, Goal 2, Action 2*

Action: Mitigate the impacts of resource extraction and eliminate unnecessary water pollution and erosion.

Mr. Dye said he did not like the word "unnecessary". He said that word implied that at other times water pollution and erosion are necessary.

Mr. Dye liked the verbiage of Mr. Voelckers: "... provide greater scrutiny with compliance of water standards and erosion". This would be inserted after the word "extraction", and "eliminate unnecessary water pollution and erosion" would be deleted.

Mr. Voelckers said he thought this action was entered because there have been instances where a truckload was mandated as "covered", for example, and was not covered, with detritus subsequently blowing around the area.

The Commission agreed to leave the Manager's Office as the responsible party.

*Page 76, Goal 1, Action 1*

Action: Promote mixed-use zoning as a business and neighborhood development tool for underutilized sites; i.e. the former Walmart location and Grant's Plaza.

Mr. Dye said he thought they were going to change the word "zoning" to "development".

Ms. Maclean said the discussion on this item by the Steering Committee was that it wanted different types of developments to mingle within the district such as retail, commercial and industrial uses, it did not mean to have the district zoned as a "mixed-use" zone, she said.

The Commission agreed to supplant the word "zone" with the word "development" in the above action.

Mr. Dye requested again that before this document goes to final printing that a list of acronyms be provided within the document for reference.

***The motion to approve the Lemon Creek Plan with amendments passed with no objection.***

**IX. BOARD OF ADJUSTMENT - None**

**X. OTHER BUSINESS**

Chairman Haight recommended that the authorized CIP small committee proceed with the CIP letter which they can direct to the Public Works chair. He said he felt the letter written last year provided a good solid guideline in addition to the discussion amongst the Commission on the CIP process at its recent COW meeting.

Mr. LeVine said he felt this was a good route to follow.

Mr. Voelckers asked if the draft letter drawn up by the committee could be circulated to commissioners for comment, or if this would constitute a "meeting", to which certain rules

must adhere.

Mr. Palmer said that would create problems with the meeting. He said he felt the best way to proceed would be as recommended by Chairman Haight: the subcommittee can meet, discuss this item, and offer a memo to the Assembly Public Works Committee. He said he realizes this diverges from regular practice, but that with the time constraints involved he said he felt this would be the best route to follow.

Mr. LeVine asked if there would be a corollary program problem if for example, the chair decided that Mr. Voelckers should pen that letter and in draft form distributed it to the group for review.

Mr. Palmer said documents can be reviewed amongst committee members. The core issue is that whatever the committee works on this document, it must be publicly noticed with the information available to the public.

***Hearing no objections, Chairman Haight said they would proceed with the small committee to draft the CIP memo to be submitted to the Public Works and Facility Chairman.***

## **XI. DIRECTOR'S REPORT**

### *New CDD Employees*

Ms. McKibben introduced the new planner for the CDD, Amy Liu. She also introduced Nate Watts, the Code Compliance Officer for the Borough.

### *Lemon Creek Clean-up*

Mr. Watts and Ms. Eddins were the primary forces behind the Lemon Creek clean-up, said Ms. McKibben. She said that Mr. Watts went the extra mile and actually went into the dumpsters, putting in a lot of extra time and effort on his own.

### *Sustainability Meeting*

Ms. McKibben said there is a sustainability session on October 25, (2017) at 5:30 p.m. The topic of the meeting is urban agriculture, she said. This deals primarily with the keeping of various urban livestock, she said.

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

Mr. Voelckers said a Title 49 meeting was held and discussed nonconformance issues. He said he felt the committee was getting close to developing a document.

Ms. McKibben said she understood she was to finesse the language and send the document to

Mr. Palmer to add the necessary legal language. The document would then come back to the Title 49 Committee for review, she said.

**XIII. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. Dye asked when the Rules Committee would be meeting.

Mr. Palmer said he did not know when they would again meet. He said Mr. Steedle would organize that schedule.

**XIV. ADJOURNMENT**

*The meeting was adjourned at 9:12 p.m.*