

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

ATTACHMENT #1

DATE: August 6, 2008

TO: Planning Commission

FROM: Ben Lyman, Senior Planner
Community Development Department



FILE No.: TXT2006-00003

SUBJECT: Recommended Revisions to July 2008 Draft CBJ Comprehensive Plan: Juneau International Airport

After reviewing the July 2008 Draft Comprehensive Plan for Planning Commission Recommendation to the Assembly, Airport Manager Dave Palmer reiterated his earlier request for a new Airport zoning district. The subsequent discussion between CDD Director Dale Pernula, Planner Ben Lyman, and Mr. Palmer resulted in the following recommendation to the Planning Commission:

Revised Standard Operating Procedure:

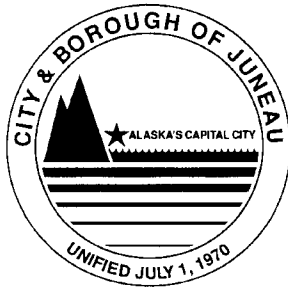
8.5.SOP1 Recognize that the proximity of the airport to wetlands and forested lands creates an inherent conflict between fish and wildlife habitat and airport operation, development and aviation safety. In reviewing airport development proposals and permit applications, acknowledge that aviation safety is paramount and should not be compromised ~~while avoiding, minimizing, or compensating, to the greatest extent practicable adverse impacts to wetlands and riparian habitats.~~ [see attached memo for discussion]

Revised Implementing Action:

8.5.IA4 ~~Consider revising the Land Use Code to permit uses that are accessory to the airport and pose no risk of negatively affecting neighboring properties, such as airplane hangars, within the airport boundaries without Planning Commission review.~~ Revise the Land Use Code to provide for the mixture of uses that are usual and customary at the Airport.


CC: Dave Palmer, Airport Manager





JUNEAU INTERNATIONAL AIRPORT MEMORANDUM

TO: Benjamin Lyman, Senior Planner

FROM: Dave Palmer, Airport Manager 

DATE: August 7, 2008

RE: **REVISION TO COMPREHENSIVE PLAN DRAFT**

Thank you for your memo and recommendation to the Planning Commission for a change to the Transportation section of the draft Comprehensive Plan.

My reasons for the requested changes are below:

I. Revised Standard Operating Procedure: 8.5.SOP1: Delete "... while avoiding, minimizing, or compensating, to the greatest extent practicable adverse impacts to wetlands and riparian habitats." This wording was added after the Airport's comments were submitted and they duplicate, confuse, or conflict with other similar requirements. The statute that establishes the Mendenhall Wetlands State Game Refuge Management Plan includes similar provisions:

AS 16.20.034(j) provides that a superior public need (to refuge use) is allowed upon a finding by DNR and ADFG. There is no requirement for mitigation or compensation under this provision.

AS 16.20.034(h) prohibits any use (including that as a refuge) that creates a hazard to aircraft. Conversion to a non-hazard use does not require compensation or mitigation.

Mitigation is required under most other conditions, as determined in the Management Plan (page 10, Airport Expansion). This provision requires impacts to the refuge be mitigated. There's no benefit in including additional language in CBJ's comprehensive plan that might confuse or conflict with the language of the statutes or management plan that addresses impacts or mitigation.

1873 Shell Simmons Drive, Suite 200, Juneau, Alaska 99801
Telephone: (907) 789-7821 Fax: (907) 789-1227

Benjamin Lyman, Senior Planner
August 7, 2008
Page 2

In addition to the state statutes, there are federal requirements to mitigate impacts to 404 lands. Also, airport development in wetlands continues to be subject to review by the Wetlands Review Board.

Finally, conditioning the policy that addresses aviation safety as paramount could be read to imply that safety is important, but it could be secondary to impacts to wetlands. Current federal, state, and local laws, regulations, and policies already sufficiently address this issue.

II. Revising **8.5.IA4** to read “*Revise the Land Use Code to provide for the mixture of uses that are usual and customary at the Airport*” sets the stage for review of the Code related to Airport uses. My effort is to eventually adopt a new zone “Airport” because the Airport is a unique mix of uses that does not fit into the Industrial Zone or any other category in the present code.

Industrial zones typically do not have many of the customary uses found on the airport, such as gift shops, car rental agencies, restaurants, business centers, or light commercial activities. What you’d expect to find in an Industrial Zone might be a fuel tank farm, which is not allowed anywhere but Industrial, but the Planning Commission denied a permit for expansion of a tank farm at the Airport in the current Industrial zone.

The Airport is unique to any other use in the city in that it is mandated to comply with a master plan that is approved by the FAA. Our master plan is also approved by the Airport Board, the Planning Commission and the CBJ Assembly. Many of the operations and activities at the Airport must comply with federal regulations, and because the Assembly has accepted FAA grant funds, specific grant assurances. These assurances require certain land use activities in and around the airport be consistent with the Airport’s master plan and FAA requirements.

The current zoning ordinance falls short because it was never written to accommodate the Airport, instead, the nearest classification, Industrial, was applied. With plans and a specific zoning designation, we can avoid issues such as the tank farm expansion issue mentioned earlier. The requested policy in the comprehensive plan is to recognize this deficiency and provide direction that the Code needs to be revised. Whether this results in a separate Airport Zone, or a revision of a current zoning designation is one issue to be addressed after the Comprehensive Plan is adopted and we move toward implementation.

Finally, I appreciate your efforts and those of Dale Pernula in working toward the recommendation to the Planning Commission for these changes in the draft.

copy: Dale Pernula, Community Development Director