I. CALL TO ORDER/ROLL CALL

Deputy Mayor Jeff Bush, Chair, called the meeting to order at 5:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Jonathan Anderson, Bruce Botelho, Jeff Bush, Sara Chambers, Johan Dybdahl (teleconference), Merrill Sanford, Randy Wanamaker.

Assemblymembers Absent: Bob Doll, David Stone.

Staff present: Kim Kiefer, City Manager; Laurie Sica, Municipal Clerk; Dale Pernula, Community Development Director; Greg Chaney, Planning Manager; Heather Marlow, Lands and Resources Manager; John Stone, Port Director.

Others Present: Docks and Harbors Board members Mike Williams and Greg Fisk.

II. APPROVAL OF MINUTES

A. June 15, 2009

Hearing no objection, the minutes of June 15, 2009 Assembly Committee of the Whole meeting were approved.

III. DOUGLAS HARBOR REPLACEMENT DREDGING

Mr. Stone said the area of the project are floats A, B, C, which are the original harbor area. We are discussing replacing AB&C. The harbor is over 55 years old and at the end of its useful life. The electricity needs to be replaced, there are safety issues, and it is beyond repair. The water system leaks and the floats are old and waterlogged, timbers are old and rotting, pile guides have no freeboard, and when the winter snows come, shoveling must be done quickly as there is little reserve flotation. Partly due to glacial rebound, the harbors are getting shallower over time, we lose ½ an inch a year at least. In the 1960’s the Corps of Engineers built a harbor 12 feet deep, now it is less than 10’ deep. We need to make a draw of 14’ for the consistent depth of Juneau harbors. Another issue in harbors are that storm drains with sand and gravel from the roads drain into the harbors. On the underside of the floats, mussels grow and die and there can be up to two feet of mussel shells under the floats. With the new floats, we will reconfigure the space for the larger vessel size than in the 60’s. The entire basin of the harbor needs to be dredged to 14’. The historic disposal site is mid channel – the deepest part. It was originally selected by the Corps of Engineers in 1998 when they did the work, and this seems like a logical site. As part of doing the dredge a toxic chemical screening was done. In the spring of 2007, this screening showed that mercury was the only chemical above the accepted levels. This kicked the situation into the comprehensive biological testing – Tier III. It took some time to find an appropriate tester, and the work was done in the winter of 2008-2009. Mr. Stone explained the testing methods. He discussed the issue of bioaccumulation,
and according to their consultant, there is not a problem with putting Douglas dredge spoils into the Gastineau Channel. It will not cause any adverse biological/human health impacts.

Mr. Anderson asked if 28 days the maximum length of testing was. Mr. Stone said this is a national standard time for testing. EPA had the same question, and the consultant has found that most of the bioaccumulation in lower species occurs within 28 days that will be seen.

Mr. Anderson asked if the comparisons with the higher species were done with California samples. Mr. Stone said yes, it is difficult to find comparisons, but California has done testing of bioaccumulation in several species and we used those standards, since there is no standard in Alaska.

Mr. Anderson asked about the Corps dredging in 1998, and did they take toxicity level samples and if so how did those levels compare. Mr. Stone said the samples in 2002 showed an average of 2.0 micrograms per kilogram of mercury in the soil. The average for the Douglas Harbor just done was 2.3. The screening level in 2002 was 2.1, so we were just below the screening level. We did not have to do any additional testing and the permit was approved. The screening level in the interim changed to .41 and at 2.3 we were above the .41 and put the situation into requiring additional testing. In a practical matter, the mercury level is probably not that different over the whole harbor basin, or in the entire coastline of Douglas.

Mr. Anderson asked if over time, we are accumulating more. Mr. Stone said no, and what is there is it, there are no new sources and it is either naturally occurring or from legacy mining.

Mr. Stone said the test data has been submitted to the Corps of Engineers as the lead permitting agency and we have applied for a 404 permit from the Corps of Engineers. This requires the least damaging, practicable disposal method. We did an alternative analysis, a copy is in the packet, and we reviewed 12 disposal alternatives. We ruled out seven choices due to technical or legal issues, for 5 viable alternatives, one being do nothing and closing the harbor. The other four alternatives included the Gastineau Channel disposal at a cost of $0.9 million, disposal as a landfill at AML property on the rock dump at a cost of $2.8 million, disposal at the Waste Management Landfill at a cost of $4.1 million, and shipping to a Washington state landfill at a cost of $7.5 million. The project cost estimate total with Gastineau Dredging is $5.5 million, and available funding is $6 million within the Harbor Maintenance reserve with a state grant. We do not think the “do nothing” alternative is feasible. Other disposal options require additional funding. The Board reviewed the alternatives and chose the Gastineau Channel Disposal alternative. The Board sees no harm to the public with this, no harm from the previous two similar projects, and it is the least expensive option which fits into available funding. The Board is looking for affirmation from the Assembly. This will assist in the Corps permitting, if the Corps understands the Assembly does not have additional funding for the other options.

Mayor Botelho asked if anyone testified in opposition to this alternative, and Mr. Stone said no.

Mayor Botelho asked if there was there any other issue, besides cost, that would make disposal in the Gastineau Channel the better choice. Mr. Stone said there are risks with the other options; we know how to do a marine disposal. Trucking through town, taking up landfill space, shipping out of town, are arguments for the channel disposal.
Mr. Sanford asked if there will be any 26’ stalls in the Douglas Harbor. Mr. Stone said there are 20’ boat slips. There is a surplus of small stalls in Aurora, and there may need to be some shifting from Douglas to that harbor. He is aware of the people in Douglas who have been there for years.

Mr. Anderson asked if cost was essentially the reason for going with this option, and if so, if there was an indication from the Corps that cost is a reasonable factor for being a “practicable” alternative. Mr. Stone said yes.

**MOTION,** by Botelho, that the Assembly express support for the disposal method recommended by the Harbor Board for the Douglas dredging project. Hearing no objection, the motion was approved.

**IV. COMMUNITY DEVELOPMENT DEPARTMENT (CDD) TITLE 49 – LAND USE CODE UPDATE**

Dale Pernula said that CDD staff embarked on an update of Title 49 a few years ago. The last major update was done in 1987. There have been numerous smaller updates since that time, but this can cause discrepancies and the department wanted to do a thorough job, and review the permitting process as well as the standards to create efficiencies and reduce inconsistencies. We wanted to eliminate duplication, clarify roles, and provide clear language that can be understood by lay people as well as staff.

Mr. Pernula listed completed tasks of the project, including yard setback amendments; electronic mapping; canopies now allowed outside of historic district; the table of dimensional standards was changed to remove the 5’ setback in the MU zone, as inconsistent with the canopy policy and consistent with existing buildings in the zone; parking standards, including the fee in lieu of parking which has been successful; and traffic and access sections of the code to make the thresholds for traffic standards more flexible for major building projects.

Several issues are being reviewed in light of the comprehensive plan call for affordable housing, including Single Room Occupancy and allowing detached accessory apartments, which are the department’s highest priority for consideration. A Transit Oriented Corridor and an Affordable Housing Overlay District are being considered. Updating the zoning in the North Douglas area based on the installation of sewer has been initiated. The process of rezoning is allowed only twice a year and the Comprehensive Plan calls for a review of this process, to allow rezoning to be able to be done more frequently, but this review has not yet been initiated.

Initial staff work has been done on wireless communication facilities. This will go to the Planning Commission for review, based upon the recent appeal to the Assembly.

Other issues for Title 49 review include temporary parking for recreational vehicle use on private property, a cottage housing ordinance, panhandle lot amendments, public works facilities, D10 – SF creation and bungalow lot ordinance.

Mr. Pernula said that Title 49 is a dynamic document and will continue to be reviewed and improved.

Major issues in this packet for Assembly consideration are the consolidation and updating of the public improvements and subdivision regulations that appeared in different areas and
throughout the code. The Planning Commission Title 49 review committee has thoroughly reviewed these two big ordinances, and the public improvements ordinance will appear before the Lands Committee soon. A new section – Chapter 17 for subdivision regulations, will appear before the Planning Commission soon.

Mr. Pernula discussed the actions taken to update the public improvements section and some of the specific updates including the process of building driveways in unconstructed right of ways, waivers to public improvements, temporary cul-de-sacs, pressure standards for varying water systems, over sizing lines, and walkway standards.

Mr. Sanford asked about any changes that would allow putting roads between subdivisions where trails may be connecting the neighborhoods now. Mr. Pernula said this has been done in one particular instance, but has not been codified. This is a good point and is the kind of issue that could be considered.

Mr. Botelho asked about sanitary systems to flag a potential issue and referred to the staff memo on TXT2007-00004, dated June 2, 2009, on Page 5 of 7. We have a report that the public works department stated they do not have the resources or expertise to increase their oversight of individual on-site wastewater and disposal systems above that for major residential subdivisions, yet the committee is recommending “That the wording regarding maintenance of individual wastewater systems be revised to reflect the responsibility of the Public Works Department to ensure property owner maintenance. This may be a good policy call, and he took it that the code, if amended, will require additional staff resources. Could that be confirmed and is that expected in other areas. Mr. Pernula said they want to make it clear that CBJ is not maintaining the systems, we are providing oversight, and it is not that clear. Some people are calling saying they have paid a fee and they want CBJ to maintain the system. He asked Mr. Pernula to flag this section for clarification, and if there will there be other areas where city resources need to be increased.

Mr. Sanford said that when the sewer ordinances were written, the problem was addressed in depth and we stated we did not maintain systems from the property line to the house, we would only monitor to make sure that guidelines were followed. There are only two subdivisions that this applied to at the time, we want to make sure property owners understand their responsibilities. Ms. Kiefer said that in addition to the oversight piece, we also require that the system be pumped every two years. The property owners pay CBJ and CBJ contracts this to be done every two years. There is confusion, as some of the people that live in these subdivisions believe CBJ is supposed to be maintaining the systems. We are only monitoring to make sure it is working efficiently and ensuring the pump out.

Mr. Anderson said monitoring implies inspections and this needs to be clarified regarding who does what.

Mr. Pernula reviewed the update to the minor and major subdivision section of the code that will be Chapter 17. There are minor subdivisions (1-4 lots) and a new category of Major in-house subdivision (5-10 lots) and Major subdivisions will be greater than 10 lots.

We are dropping the need for a conditional use permits for a subdivision. Subdivisions will be a “use of right,” and the Planning Commission can condition a subdivision, but if it has a certain zone and is subdivided in compliance with standards, it is a use of right.
To see if there is a large enough buildable lot, we will use a new tool called a minimum circle. Mayor Botelho asked for a demonstration of how this works. Mr. Pernula will forward this information to the Lands Committee.

He referred to future work on the code on page 6 of 6 in his memo, in particular the clustering of subdivision lots. We have done this through the PUD process, but this can also be a little more complicated than a simplified process could be.

He held up the new Downtown Historic District Design Standards and Guidelines and it should be ready by the end of the summer for adoption by regulation rather than code.

He discussed changes to the Table of Permissible Uses, calling it a small ordinance with a huge impact. The language in the table will not be changed, but the numbering system has been reviewed by the staff for suggested changes. Staff has suggested some different thresholds that will allow more development to be subject to staff review only and considered minor development rather than major development, which requires Planning Commission review and public hearing.

There are now “allowable uses” which are frustrating for the Planning Commission, because the use is allowed, there may be conditions placed, but there is no choice for the Planning Commission to deny, so after a lengthy public process the planning commission’s hands are tied. We will try to eliminate the need for this type of development permit as much as possible.

V. STATEWIDE AND AREA TRANSPORTATION PLAN (SATP)

Mr. Pernula included draft comments from staff regarding the SATP in the packet.

Ms. Kiefer introduced Irene Gallion, AKDOT Planner, to the Assembly, who was present to answer any questions. Ms. Kiefer said this is the initial stage for big comments, we are at the ground level for getting comments submitted.

MOTION, by Botelho, to accept the recommendations from staff regarding Juneau comments to the Alaska Department of Transportation regarding the SATP, as follows:

1. No one Alternative is likely to be ultimately selected or recommended, the selection is likely to be made up of components selected “cafeteria style” from the Alternatives.
2. Under the Develop Highways option, add the following:
   - North Douglas Crossing
   - West Douglas Extension
   - West Douglas Ferry Terminal

Support the provision of comments reflecting a positive vision for the people, economy and transportation network in Southeast.

Support the provision of comments supporting the annual involvement by Southeast communities in the transportation funding process.

Mayor Botelho said that “under develop highways option,” the three suggested additions are important. He appreciated the comments about providing a positive vision, and he said
whether the STIP involves local planning, it is a matter of legislative process, but in principle
he could support this.

Ms. Chambers asked how the Lynn Canal highway fits in with the comments. Mr. Pernula said
it is listed in the SATP. Ms. Chambers said it is on page 5 in highways currently in corridor
development. And Mr. Pernula said after page 5 on the maps it is shown going to Katzehin
with the ferry.

Hearing no objection, the staff memo recommendations were approved.

VI. COMMENTS AND QUESTIONS

Mr. Dybdahl said he is a little concern with the change to Title 49 to reduce the number of
situations in which an allowable use permit is required and the possibility of making more
things conditional uses. Conditional uses are well intentioned, protective processes but add
costs to developers that get passed on to home owners and renters.

Mr. Sanford asked if many contractors or private sector people have been involved with the
processes of review. Mr. Pernula said that during the Affordable Housing Summit, many
developers said they would like to increase the size of subdivisions that do not go to the
planning commission, which is being done. We held many public hearing, there was not a lot
of input. If anything, we are expediting processes and making the code more readable.

Ms. Chambers reminded the Assembly of the HRC meeting on Thursday, July 23, at 5 pm in
the Chambers, followed by a Finance Committee meeting.

VII. ADJOURN – 6:30 p.m.

Submitted by Laurie Sica, CMC, Municipal Clerk