BAVARD: The next item is the regular agenda. USE 2002-27, a conditional use permit to construct and operate a seafood processing plant. Location Glacier Highway, applicant Chris Crenshaw. Mark.

PUSICH: Mr. Chairman, I’d like to disclose that I do have a conflict of interest in this particular application in front of us. Chris, the applicant, is an employee of mine with the firm I am a partner with, so I wish to step down on that.

BAVARD: Thank you.

BRUCE: Mr. Chairman?

BAVARD: Dan.

BRUCE: I was advised today that an associate in my office [indisc.] had done some minor legal work for the applicant, or for the underlying property owner. I have never met the individual and to the best of my understanding with the limited contact, but for purposes of the record I disclose that. I don’t believe there’s a conflict.

BAVARD: Thank you. Terri, staff report please.

CAMERY: Okay.

BAVARD: And just also note that in our packet tonight there was a number of letters regarding this issue, for the record.

CAMERY: I would address that. [hushed discussion]. Okay, well I think we’re ready to go here. I have a number of slides to go through, this is a quite complicated staff report and lengthy staff report. I’ve tried to down size the presentation into the most important issues as well as an initial general overview. This is a proposal for a seafood processing plant in a Waterfront Commercial Zone. As Mr. Bavard mentioned, I do want to draw your attention to items in the blue folder. We received a number of letters from the public after the [indisc.] that are included in your folder. [indisc.] very briefly there are a number of letters from
neighbors in opposition to the project, including a letter from the Auke Nu Cove Neighborhood Association. There are a couple of letters in support of the project, I believe one from a fisheries development committee and another one from a local neighbor. A couple of comments were phoned in, I've made a note of those in short memos that I wrote up. I tried to summarize the comments that were given to me over the phone. Perhaps the most important item in your blue folder are comments from the Alaska Department of Fish and Game. We did not receive comments from them during our regular agency review period, but they submitted comments as part of the Alaska Coastal Management Program review process so we included those as well. There is another letter from Becky Carls that came in but is not part of the list that Annie [indisc.] gave to you. I included that on top of your folders right before the meeting so hopefully you've seen that. In addition, there was one more letter that was handed to me right before the meeting. I guess I'd like to leave it to the Chair in terms of how you would like to handle that. We can just pass this letter around or I can read it into the record.

BAVARD: Pass it around.
CAMERY: Okay. Can you [indisc.] me Dale?
PERNULA: Next one?
CAMERY: Yup, next one. Okay, I want to start off with an overview of where we're at here. This is the vicinity map that was included in our public notice form. You can see, this is where the ferry terminal is, the project site is located right here. These are two tide line maps identical in size and we have the one that is closest to the ferry terminal. This is as good of place as any to describe the public notice process that we went through on this project. It did get a bit confusing and I'd like to acknowledge that. This is the vicinity map included in the second public notice. In our first public notice we gave a vicinity map that had the project parcel highlighted, it was not quite as detailed in this area, and the project description on the front of the page gave the incorrect location for the project. It listed . . . it stated that the project was east...
of the ferry terminal. In other words, in the initial public notice we had the correct location marked on our vicinity map, but we had the project described incorrectly in the project description. So, as soon as we were informed of that by a neighbor, we sent out an additional public notice and that included this vicinity map which gave a little more detail and included the position of the Alaska Marine Highway, and a correct project description. Another thing on the public notice that was confusing was the lot size. The initial information that we had from the assessor’s office on the lot size was a property of 39,000 and something square feet. That information did not match what we had from the applicant so we investigated that, talked with the assessor’s office and the assessor’s office eventually determined that they had made an error and the applicant was correct in the lot size. So, the correct lot size is 27,399 square feet, so the original lot size of 39,000 square feet on the public notice was also incorrect. One other note on the public notice, our CBJ Land Use Code requires us to have a 500-foot notice to abutting property owners. We increased that public notice to 2,500 square feet in this case so we could include the condo association and other neighborhood areas that we knew would be concerned about this project. So, I just wanted Planning Commission members to be aware of that because that definitely created some confusion. With that, go to the next one. This is an aerial photo of the site. Again, this is the ferry terminal and we have Green’s Creek Bay and, I’m drawing a blank, Allan Marine facilities, other docking facilities located in this area. The Auke Nu Condominiums are located over here, there’s some residential homes that are scattered up along in there. Again the project site is just immediately west of the ferry terminal. We have another photo, obviously more detailed. Again, the point is right there, ferry terminal, you can almost see the residential homes that are located right across from the project site, and along here. And this photo, I believe, was taken at about a minus 12, I’m sorry, plus 12 tide. At lower tide, the tide flats would reach out approximately into this area. So that’s a general overview. Go to the
next. Again, just some more photographs so you get a sense of the area. The project is located on privately owned tideland so it’s within this tideland area. There’s the riprap on the ferry terminal parking lot, obviously the ferry [indisc.]. So, next one. And this is the view looking the other direction toward the condominiums. Okay, next. Here’s the site plan, which shows the main warehouse space. 7,400 square feet of warehouse space, 600 square feet of office space. Here’s the parking, there’s the proposed driveway. They’ll be filling to about the minus one tidal level. And again, the kind of size approximately 165 by 165 square feet. I guess from that we’ll move to some more specific details of the project. The next one. It is intended to be a year round operation. It’s going to have a peak of operations in June and July, coinciding assuming with some month at which they peak at that time. Average number of 20 employees, which would go up to 25 employees at the height of the season. They have ten parking, I’m sorry, there are ten parking spaces required according to CBJ Land Use Code, and that’s based on our requirement for retail use and for warehouse, I’m sorry, non-retail office space and for warehouse use. So ten is what’s required, they have provided 12 plus one accessible parking space. Obviously they have more employees than parking spaces and they have indicated that they will shuttle employees from their other warehouse near Western Auto at the height of the season, when that is necessary. Other important points about the project, there will not be any on-site seafood waste disposal. The applicant has an EPA permit called and MPDES permit for deep-water disposal. They are going to be barging out their waste for deep-water disposal. I believe out the Point Salisbury. So again, no on-site waste disposal or discharge into the cove. Go to the next one please. Neighborhood harmony has been a big issue, certainly an issue that a lot of the neighbors have brought up. There are concerns about noise, and traffic, and smells, and declines in property value as a result of this project. Go to the next one. Again, we’ll go back to this other area [indisc.] and give you a sense of the area. As we talked about, here,
this is the industrial area. There are residential homes along here, and condo development there. So, it’s right at the edge of industrial. It’s right on the edge of an industrial area and residential area, kind of right between. Go to the next one. And again this is a picture, woops, again a close up view. Let’s go ahead to the next one. Again, I just want to acknowledge that we received a number of comment letters after the staff report was completed. Otherwise we would have recognized and acknowledged those letters in the staff report. And this needs to be updated again since I put this presentation together because we have at least two letters in support and several more letters in opposition. So again, the major issues that we’re dealing with neighborhood harmony, the project is located in the Waterfront Commercial Zone but it’s near the boundary of other zoning districts so there certainly is potential for conflict. Can you go to the next . . . this is a letter from the Auke Nu Neighborhood Association with their signatures. Again, I just wanted to be sure and acknowledge those comments since they came in after the staff report was done. This is the zoning map, which gives you a more detailed view of what I’ve been describing. This is the Waterfront Industrial area, which includes the ferry terminal, Allen Marine, Greens Creek, those developments. And there is the project parcel in this tiny little two parcel designation of Waterfront Commercial. Through here you have D3, which is low density residential, and this is all D3 as well. There is scattered homes . . . you can sort of make them out right at the edge, a couple of homes right across from the development. Some more homes scattered along here. So, it really is what we would refer to as spot zoning because that Waterfront Commercial is specific to those two parcels. Its D3 all around it and then of course the major industrial development around there. So, it’s a little bit of an awkward position. Can you move ahead please? Again, here’s the view from the project site toward the condominiums. The condominiums are constructed 2,500 feet away, which I believe is about a half mile away from the development. This is two photos put together. What we tried to do here is approximate their
view from the condominiums. So we tried to position the camera to
give as accurate representation as we could of what the condo owners
would see. The property . . . it would be about right here, its a little bit
misleading because this is actually not the shore right there, it’s the
riprap going out to the water from the ferry terminal, so it’s a little bit
distorted. But this is approximately where the seafood processing
plant would be so that’s the general view of the development from the
condominiums. Next. So, just a quick summary, neighborhood is not
an easy issue. There are arguments to be made on both sides. The
project will impact the view shed of the neighboring residences, both of
the condominiums and the homes that are located across Glacier
Highway. Traffic noise and lighting impact should be minimal. The
project proposes really minimal lighting just on the edges of the
building. The noise, primarily just seafood loading and unloading,
which isn’t going to generate a significant amount of noise. Traffic,
again, there’s going to be some truck traffic transporting the seafood
back to their other warehouse in Western Auto . . . at Western Auto
area and at certain times of the year, there will also be transportation
of employees. But the [indisc.] already receives quite heavy traffic and
the addition of a seafood processing traffic is expected to be
significant. The other issue that a lot of residents have brought up is
the problem of smell, odor from the plant. This issue was not
addressed in the staff report so I will leave that to the applicant to
discuss that at some point and perhaps the applicant can describe how
they propose to minimize the odor and if necessary, we can add those
items as conditions to the project. Again, the parcel zoned Waterfront
Commercial and it’s adjacent to an established industrial use. So it’s
compatible with its zoning designation. The problem here is that it’s
lying adjacent to a low-density residential area. Next. A note on public
safety, again, this is an issue that has been brought up in a couple of
letters at least. We sent the project description and information out to
agencies for a 15-day review period. That included the Coast Guard
and Department of Transportation. We did not receive comments from
them regarding a possible conflict between fishing boats and state ferries. We did receive comments from DOT regarding the drag permit, which they indicated they didn’t have any concerns with. But we don’t have any information in terms of whether that’s a public safety issue or not. Next. Juneau Coastal Management Plan, as you can tell from my staff report, this is a complicated and detailed review. There was criteria on criteria on criteria! So, what I’m trying to do here in the rest of this presentation is to hit the high points, certainly not going to be a comprehensive analysis in terms of this presentation. Lets start off with the Juneau Coastal Management Plan designates certain special waterfront areas and that special waterfront area, that’s an area that is designated for development. It's an area that, again, was specifically reserved for that purpose and it doesn’t have to meet all the stringent habitat criteria that projects do that are outside [ndisc.] areas. You see, there’s the ferry terminal. There is the project site, so it’s just outside the boundaries of special waterfront area. And again, projects that aren’t . . . industrial and commercial developments along the waterfront, that are not within special waterfront areas, have to meet strict habitat criteria. Can we go to the next one? But before you can get to habitat, you have to establish that you can put the project there in the first place, and again according JCMP, water-dependant projects outside a special waterfront area must meet the following criteria: A) There is no feasible and prudent alternative to meet the public need for the use; and B) The nature of the use requires a specific location and no other location will suffice. [indisc.] with criteria that we will get into later under the habitat section. But we did address that in this staff report. No feasible and prudent alternative to meet the public need for the use, the applicant provided a lot of letters from fisherman and fisheries development councils and committees supporting the need for a seafood processing plant. They have documented that their existing site, which is under lease from City and Borough of Juneau at Harris Harbor downtown, it was very ineffective and inefficient for them because it required them to shuttle back and
forth and they did not have a seafood processing area on site at the point of unloading. In addition, again, that lease is due to expire and in that location downtown, fishing boats have to go all the way around Douglas Island and back, which results in an additional eight hour round trip. So that's not a primary site for them for long term. This proposal has come up in different forms in the past. It has quite a confusing background. A number of people have referred to an earlier proposal that was on the east side of the ferry terminal. The applicant went through the entire Alaska Coastal Management Program review process for the parcel on the east side of the ferry terminal. That parcel was owned by DOT so they would have been leasing the property from them. So again, they went through the ACMP review process and the project was deemed consistent. They got through that process. They didn’t approach the city for the conditional use permit at that time, but they went through the full habitat analysis and review and that was approved at that site. However, they couldn’t accept the terms of the lease. DOT told them that they couldn’t place any permanent structures on the lot and that the lease would be limited to four years. So, they couldn’t have a facility that they needed and meet the terms of the lease, so that site was out. There was an earlier proposal at the current site and that proposal involved leasing DNR land, DNR tidelands, again, the property that we are dealing with here is strictly on privately owned tidelands. The earlier proposal involved a lease of DNR tidelands and DNR refused the lease. So that was turned down. So our third review here is on that same parcel, but again strictly on the privately owned tidelands. So, along the shore, I’ll try to summarize here, the east side of the ferry terminal, which is the most commonly sited, is not an option for them. Any other site that they would look at would have to be under Waterfront Commercial or Waterfront Industrial zoning and waterfront property with that zoning is extremely limited and again, downtown and Gastineau Channel locations will not suffice because that makes the extensive trip for the fishermen. So, based on that information, we determined that they did
meet this criteria. The nature of the use requires a specific location and no other location will suffice. Again, they need waterfront property, they need waterfront property that is appropriately zoned, they need waterfront property under an agreement that they can meet, so the two overlap. So we made a determination again that it met this criteria and, moving on, projects outside of special waterfront areas must also meet the exemption criteria to allow inter-tidal fill. Inter-tidal fill is allowed in a special waterfront area, but not outside of one, unless it meets certain criteria. I won't go through those in detail. We did go through them one to one in the staff report but just a quick rundown, still it's the only means to allow development of the property which is similar to other properties in the vicinity. Less than a proposed fill would prevent the applicant from making reasonable use of the property or would make compliance unreasonably burdensome. On those two items, the applicant made the argument that constructing the development on pilings versus inter-tidal fill would cost them approximately, excuse me, between $400 and $600,000 more. At this point, the project is estimated to have a total cost of $500 to $700,000. If a pile design is used, the piles in place and the concrete decking would run up to $1,100,000, and put the overall project in the range of $1,400,000. So, again, we determined that they met the criteria for an unreasonable burden to hold them to the restriction on inter-tidal fill. Has project met the requirements of other enforceable policies of the JCMP? We can keep working through that, but we determined that they did. The proposed project will not be detrimental to the public health and welfare, safety or other properties in the vicinity. We didn't have any evidence of public health and safety impacts. So, that's a quick run down of that. Move on. The major habitat issue with this project is eelgrass. Eelgrass buds are a very important habitat for juvenile crab and other species. Eelgrass is considered critical habitat by state and federal resource agencies. There's a large [ndisc.] of information documenting how important this is. It has specific designations under a number of different fisheries plans including the
North Pacific Fisheries Management Council. Hope I got that right. The Auke Nu Cove eelgrass bed is 3.2 acres, it was originally 14 acres when it was first measured in 1984. So, it has experienced a precipitous decline and National Marine Fisheries Service believes that is directly in response to development in the area. It’s been, again, a steady decline, in their view, in response to development in the area. NMFS conducted a survey of eelgrass in early September and they submitted a report to us on October 4th and that report we have cited extensively in your staff report. Again, we did not receive comments from the Alaska Department of Fish and Game on this until just a couple of days ago and those are included in your packet as well. The Alaska Department of Fish and Game echoes NMFS concerns regarding potential damage to the habitat and eelgrass. Next one. This is the map that NMFS submitted with the report. This shows the eelgrass bed and here’s the project site. There’s not eelgrass directly in front of the site. I have the exact distance noted in my staff report and I can’t remember off the top of my head. In any case you can see that it’s quite close. If I’m recalling correctly, I’m thinking it’s about approximately 70 meters. This is the inter-tidal eelgrass, sub-tidal eelgrass, here’s [indisc.] long term monitoring by the National Marine Fisheries Service. Go on. Again, according to NMFS’s report, based on the 9/6/02 eelgrass survey, the decrease in size of the eelgrass bed is strongly correlated with progressive loss or alteration of habitat. Due to the immediate proximity of the proposed fill to the eelgrass habitat in Auke Nu Cove, which is the only remaining eelgrass bed in Auke Bay, and the certain effect it will have on that habitat, we recommend that approval of this action be denied. Now I talked with National Marine Fisheries Service and Alaska Department of Fish and Game extensively about this and asked them if the project could be modified or altered in a way that would not impact the eelgrass and the response to that was that there really isn’t much you can do because what’s going to harm the eelgrass is the propeller action of the boats that will stir up sediment and the sediment will cover the eelgrass. So,
unfortunately, looking at the project, there didn’t seem to be a way to say well, have the boats dock here, have the boats dock here or otherwise alter the project to avoid harm to the eelgrass. That just doesn’t appear to be an option in this case. So that brings us to the JCMP habitat standard and again there are a number of different policies quoted in the staff report, but this is the one that I’ve chosen to cite because it seems to be the most all encompassing. “Wetlands and tide flats shall be managed so as to ensure adequate water flow, natural circulation patterns, nutrients and oxygen levels to avoid the adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances.” Well, according to NMFS report, with support from the Alaska Department of Fish and Game, the project will impact important habitat. Eelgrass is very well documented as being critically important to a number species so we made the determination that it does impact important habitat. With that conclusion, we then move on. Uses and activities in a coastal area, which will not conform to the standards contained in this subsection, in the habitat standard, may be allowed if the following standards are met. 1) There is a significant public need for the proposed use or activity; 2) There is no feasible and prudent alternative to meet the public need for the proposed use or activity which would conform to the habitat standards and all feasible and prudent steps to maximize conformance with the standards contained in subsections of the habitat standard will be taken. So, again, we’re looking at similar criteria to what we addressed earlier, significant public need for the proposed use or activity. There’s a lot of support for a seafood processing plant from not only seafood industry but related industries, transportation industries, there’s been a push for a seafood processing plant outside of Gastineau Channel and within the Auke Bay area for some years and a lot of support for the project. Will feasible and prudent alternative to meet the public need, again, it’s a difficult situation. This is not an ideal site for the applicant. It’s a . . .

END OF TAPE 1, SIDE A
CAMERY: ... is accessible only, for most fishing boats, only about six to eight foot tide and higher. It’s not ideal by any means, but the site on the east side of the ferry terminal is not an option for them. Their lease downtown is expiring and Waterfront Commercial, or Waterfront Industrial, which were the two zones that this project is allowed in, are project ... properties within those zones are extremely hard to come by. So, again, we made the determination that it met those two criteria. And the last one, all feasible and prudent steps to maximize conformance have been taken. Well, that goes back to the conditions. You’ll see that we’ve recommend a number of conditions, including oil/water separators, to do what ever we can to minimize impact on the habitat, and again it’s a difficult situation because there is not a lot that can be done. But that would qualify as maximum conformance. Last one. Findings, development would not endanger public health or safety. The development is in conformance with the CBJ Comprehensive Plan and other plans, again I didn’t go into detail about that in the presentation but that’s documented in the staff report. Go on. The development is in harmony with the Waterfront Commercial zoning district, but it may have other neighborhood impacts. The development has significant habitat impacts but it meets the JCMP habitat standard exemption criteria. Okay. The recommended conditions. These are the ones that were included in your staff report. I’ve added a couple of others. Prior to the issuance of a building permit, the applicant shall submit a drainage plan which includes oil/water separators and a maintenance plan for the separators. Again, that’s to minimize the hydrocarbons going into Auke Nu Cove to preserve the water quality. The rest of these items are basic Best Management Practices. Preparation of the fill site and preparation of fill material must be accomplished so that entry of fines and suspendible material into the ocean is kept to the minimum practicable. Fill material must consist of rock fill and riprap that are free from fines and suspendible material, go ahead. Disturbance of tidelands must be
kept to the minimum, [indisc.] because there’s been some good construction efforts. The fill structure must be designed for long-term stability. Material such as absorbent pads and booms must be available on-site. Now these are our new recommended conditions. We’d like a condition that states that boats shall not anchor west of the project site. It’s extremely shallow through there so they are unlikely to anyway, but again, we want to make sure that they are not anchoring within the eelgrass bed. The last condition is a challenging one but this has been proposed by the Alaska Department of Fish and Game in their comments under the Alaska Coastal Management Program. In water work shall be prohibited between March 15\textsuperscript{th} and June 15\textsuperscript{th}. This includes fill, excavation, pile driving and other construction. That’s necessary to protect juvenile salmonids. Regardless of whether that condition is accepted by the Planning Commission, it’s likely to be part of the Alaska Coastal Management program review. That’s very common for inter-tidal work to have a construction limit, a construction timing window. So, I think that’s it, so now I leave it to questions [indisc.] next.


VICK: Mr. Chairman, that work prohibition between March and June, that’s . . . I’d like to see it there but I think that’s pretty much a typical for any type of fill permit for the [indisc.].

CAMERY: Right, I think so too.

BAVARD: Thank you, questions? Further questions? Terri, I’ve got a couple of questions. One of them is, you touched on odors, and I’m trying to think of something that might be typical of this operation and what comes to mind I think is Taku Smokeries downtown, is another plant and probably not as close to the same is maybe DIPAC with some of that type of stuff. Has staff, the city, have they had complaints I guess from either location there? It would seem to me that it would be as much activity as in the downtown area, I think that Taku Smokeries areas is a part of the sea lock and that area. Has the city received
complaints from either of these locations with regard to the process odors?

CAMERY: I’m not aware of any complaints. I’ve been with the city about two and half years, it’s possible that there have been complaints in the past, but I’m not aware of any in my time there.

BAVARD: Okay, and another questions I have are, as far as the other appropriate permits, what is the status of other appropriate permits for this project. Are they all in order or is there more outstanding work that needs to be done by the applicant for other permits?

CAMERY: Well, Chris Crenshaw can fill in on this, but the project is undergoing Alaska Coastal Management Program review and the JCMP review that’s included in your staff report will be our comments to the state under that process. That’s a 50-day review period and that review time clock has been stopped at day 33 pending Planning Commission review, so that will start up again tomorrow, if the project is approved, otherwise obviously it’s off. So, I know they have to finish the ACMP process, I know that they have their deep water waste disposal permit from EPA, I’m not sure what is left.

CRENSHAW: The only other permit required is Corp. of Engineers and it’s provisional, it’s dependent upon Commission [indisc.].

BAVARD: Thank you, Dan you had a question?

BRUCE: I have a couple comments or questions, and you know, I, do we have jurisdiction to state where boats can anchor?

CAMERY: That’s an excellent question, actually I don’t know the answer.

BRUCE: Dale knows the answer.

PERNULA: I would suggest that if you have, if you can link that as a condition to mitigating some impacts of the development, I think you probably do have the ability to do it. It might be a tough linkage to make, but I would say if you could demonstrate that in excess, you could do it.

BRUCE: I guess that leads me to, you know, if the issue is concern about prop wash and stirring sediment, it would seem to me that there should be some perhaps some lines drawn in the cove in which boats that are waiting to unload can’t cross, you know, they have to stay in deeper
water. I have a hard time finding that a 40-foot gill netter that . . . and also speed zones . . . that there should be a certain area in which the boats have to go to a faster than three or four knots, but I . . . you know, I have a hard time believing that a 40-foot gill netter operating in the area of the ferry terminal is going to cause more turbulence than a 400-foot state ferry. So, you know, it seems to me to be one way to potentially mitigate eelgrass concerns. But I don’t know if we have the jurisdiction to impose that kind of a condition on boats that are operating on navigable waters. I just don’t know.


SCHOLZ: I just had a question about the current anchorage, I know that there are some boats that anchor out there now. Is that public anchorage? Is that known as an anchorage on the charts? I was just kind of curious.

CAMERY: There are a lot of boats that are washed up within the tide flats there and I do not know, that’s . . . I know a lot of people are upset about those boats being there and I don’t know anything about the ownership or where they’ve come from or how to go about dealing with that.

SCHOLZ: Just as a follow up, I think there are also boats that anchor out there right? There’s homeowners that have . . .

CAMERY: I don’t know. I don’t know if there are boats that have permanent anchorage out there or not. I haven’t seen any, but that’s not a conclusive answer to your question, I’m sorry.

BAVARD: Further comments? What we’ll do is we will have the applicant come up first and describe his project, answer questions that we may have, or that staff may have, and then we’ll open it up for public testimony. Can I see a show of hands of people that might want to testify? I just want to get an idea about how long we’re gonna, okay, there’s a number of people that want to testify. Then we’ll wrap . . . after public testimony we’ll have the applicant come back up and wrap up his presentation. There may be further questions that we might have, or comments that he might make, to correct some outstanding issues. As far as the public testimony goes, we’re here to hear of the project tonight and the public testimony, but we want to hear new information.
If you’re going to get up and say the same thing the next person said, you know, and we also have a number of letters in the packet, we’ve all read these letters so there’s no need to come up and read your letter verbatim that we’ve already had in our packet, that we’ve already been issued last week. Comment Dan?

BRUCE: Mr. Chair, given the number of people that would wish to testify, I think perhaps a time limit would be appropriate also.

BAVARD: Yeah, I, maybe we could try to keep it down so that we can get everybody to testify here, I know there was a number of hands here. I hesitate to say that we’ll just have a three minute or a four minute time limit but if you could be respectful that other people want to testify tonight and be brief with your comments, that would be much appreciated for us because we would like to get through this process tonight. So, that said, why don’t we have the applicant come up and start in with their project.

CRENSHAW: Where do we sit?

CAMERY: Oh, right here.

CRENSHAW: Hello Mr. Chairman, commissioners, I’d like to thank you for the opportunity to speak tonight. As you know this has been a rather long drawn out process trying to get to this point we’re at tonight. I don’t want to waste a lot of time going over . . . Terri did a fantastic job presenting our project and what we’re anticipating doing. There are some public issues that including number one would be smell. As far as our process goes, Jim Erickson is the owner of Alaska Glacier Seafood and I’ll probably let him speak more toward that. I’m the engineer on the job so I really don’t know seafood process, but everything we do waste-wise will be put into sealable totes and stored inside the building, and then trucked to a barge site and sent out to Taku Harbor, or Take Inlet, and that’s were our permit is for dumping. As far as other issues of the site, traffic will not, DOT believes it will not be significantly impacted any way. With the ferry terminal right next door, they don’t see a significant impact in traffic. Basically that’s all I
ERICKSON: Thank you for giving us the opportunity to speak. My name is Jim Erickson, I’m one of the owners of Alaska Glacier Seafoods. The main issues I’d like to touch on of course, I think concerns of the property owners in the nearby area, number one being smell. I would like to state in ’99 and 2000 we operated off the Allen Marine dock in Auke Bay. We did that for two seasons. We moved over a million pounds of fish off of that dock, or nearly a million pounds, each of those seasons. To my knowledge, we did not have any complaints of smell. That dock is primarily a tourist activity dock, my point being is it’s a very sensitive area for a seafood unloading site. I feel that we were able to keep it very clean and virtually odor free all the time. Of course when your unloading fish there’s always a smell of fresh fish. I think the smell that bothers people is when fish gets rotten. If fish are rotting, we’re doing something wrong. We have never had that problem. So, going back on the issue of smell, a clean plant should not have any offensive odors. Will there be the odor of fresh fish at time in our immediate vicinity? Yes. The second issue that I’d like to touch on is the increased traffic in the area. Many of the people that work for us ride the bus. There is not a huge influx of vehicles into our current facility so a shuttle system would definitely be in order for us to transport our workers from the closest bus site, which I believe is DeHart’s. Therefore, as far as work traffic coming into our plant, it could be as low as three or four vehicles a day. There will be some deliveries, local deliveries. We try to minimize those to one time a day. But as far as increased traffic from work force, we don’t see that as being a real issue just because of the fact that most of our workers do ride the city transit system and they will be brought on site by a crew bus, so to speak. That’s really all I have to say unless there’s questions I can answer right now.

BAVARD: Thank you, Jody.
VICK: Mr. Chairman. Do you have any future plans to do any cooking, like running a can line, maybe [indisc.], or , ,

ERICKSON: No. We are not a cannery, we’re primarily involved in fresh and frozen seafood. It seems like these days, market trend is moving away from canned canneries. Canneries are kind of the dinosaur of the industry. Juneau is in a great location for fresh and live product, which we are involved in currently and we have no intentions of ever starting a canning operation. Our current [indisc.] I believe there is somewhere in the neighborhood of three years of pink salmon inventory in cans around the worlds. You know, the market demand is not really there.

BAVARD: Thank you, Merrill.

SANFORD: What kind of conversations did you have with the ferry terminal people, the ferry people?

ERICKSON: We’ve had several conversations with the ferry terminal. When I speak of the ferry terminal I’m referring to DOT. DOT, I don’t know exactly the thrush of your question but, because we’ve had so many different conversations with them regarding different matters. Primarily our conversations with them have been they would have preferred to buy that property from us but they don’t have the funding. That property has been offered to them for sale. One of the reasons we looked at the west side of the ferry terminal was a possible lease arrangement with DOT which as was discussed earlier, the lease agreements just were not suitable for our situation. So the bulk of our conversation with DOT has been directly related to them purchasing our land.

SANFORD: Just a follow up. What about boat traffic and the ferry system traffic?

ERICKSON: The meetings I’ve attended with DOT, there has . . . you know, that was a few years ago when we had those meetings, because after that we attempted to permit the opposite side of the ferry terminal and to my knowledge the number of boat landings we had proposed did not seem to be a major issue with DOT, but at the same time their mind set was on acquiring our property, which has not occurred.

SANFORD: Just a real quick follow up for staff please.

BAVARD: Sure.
SANFORD: We haven’t got any letters from DOT that this is a problem with a conflict of boat and boats?

CAMERY: The only information, the only comments we’ve received from DOT are regarding the driveway permit.

SANFORD: Okay.

BAVARD: Okay, Jim you had a question? Further questions, that it?

ERICKSON: That’s all for now, yeah.

BAVARD: Okay, thank you. I saw there was a number of hands, maybe we can start it off. Yes sir.

AREHART: Thank you,

BAVARD: Can you come on up and sit down and state your name for the record please. Thank you.

AREHART: I have questions to both the staff and Mr. Erickson. My name is Scot Arehart, [indisc.] proposed put the site in, and that is, first off I think Juneau does need a place for processing fish. Can I ask Mr. Erickson who you primarily buy from?

ERICKSON: Yeah, we buy from many of the local fishermen, we buy from people as far away as Seattle and Oregon that come up here to fish the IFQ fisheries during the season. We had a boat last week that delivered from Kodiak. Basically we buy from boats all across the state that happen to be fishing in our area.

AREHART: Do you know where they’re fishing? Where do they go right afterwards?

ERICKSON: Where they went afterwards?

AREHART: Yes.

ERICKSON: A lot of them make a second trip.

AREHART: To the Icy Straits?

ERICKSON: It just really depends on what quotas of fishing and what fishery they are involved in.

AREHART: And the reason I ask that question is because part of the argument for reading section 49.07.905, which is the coastal development, was that there’s a long travel time through Gastineau Channel and that there was no other areas to be looked at. I believe that Gastineau Channel,
at three mile there’s some commercial areas available that would suffice, but it’s just that Mr. Erickson doesn’t own the land there. Has he looked at anything else? This travel time, the argument for not having other areas for travel time doesn’t buy it for me because the people are willing to come hundreds of miles to sell to him. An extra eight miles does not seem like a lot.

ERICKSON: Can I respond to that?
AREHART: Sure.
ERICKSON: It is in a fishery that’s fast paced, many times halibut boats deliver, they ice and bait and get turned around that exact same day to head back out. By being located downtown, basically we’re looking at an additional eight hours run time, by the time the unload is completed and all the paperwork is done, a lot of times it costs the boat an additional day. It may not seem like much, but there are, I think, we’ve had letters over the past few years from many fishermen that that site in Auke Bay is a good spot for them, just to make a turn around trip.

AREHART: Okay, and there’s also, in the staff report, there was a statement said there was people who were pushing for an outside Gastineau construction, is that back to fisherman? You had stated that people were pushing for an outside Gastineau construction.
CAMERY: Outside Gastineau Channel construction.
AREHART: For a site, yeah, I just wondered who that was.
CAMERY: I am sorry, I’m not sure exactly what you are referring to. I think I was speaking in general terms about fishermen being in support of a seafood processing plant north of Auke Bay.
AREHART: Okay, that’s it.
BAVARD: Thank you, yes sir.
McALLISTER: Mr. Chairman, I’m Scott McAllister, I’m a local fisherman here. I’m currently divested out of the long line fisheries. I’m primarily salmon fisherman, hand fisherman, and I’ve for years wanted to call Juneau my destination port for delivery as well as my home port, and it’s been very difficult. Over the last ten years or so, I’ve developed a relationship with Alaska Glacier Seafoods and when it’s been
appropriate and I have the species on board, and when ever I can I like to bring them to town. That extra eight hours is a major factor in the fisheries I participate in because in the salmon fisheries anyways, the timings of openings, the schedules and what not, very limit the amount of time that we’re able to have in town. And eight hours to resupply, to do repair work, to access local vendors, eight hours is a full day, is a full business day and often times it’s the difference between making a repair or resupplying or whatever it takes to do the turn around to make the next opening. It . . . that will be a great benefit to me as a fisherman. One other thing I want to say, the one other thing I’d mention is, between Taku Fisheries and Alaska Glacier, Juneau is an expanding port. There’s no other port here I think in the state that actually is attracting more fish all the time. Competition is a good thing. For me as a fisherman, having a choice of processors to sell to, having a . . . you have competition on the dock, and having the infrastructure and the facility in town, that increase processing facility will provide access to the vendors and the spin offs that down stream affects an economy that I rely on will become more efficient, there will be more of that. It’s very very important to me to see Juneau grow, if it can, as a port of deliver. This is the one site that really offers that option. I’ve been following this for years, I was intimately familiar with you know, Juneau Cold Storage, Douglas Cold Storage, our past history here in Juneau, and we went backwards very rapidly there in the ’70s and early ’80s as a delivery port, and through it all Sandro has put us back on the map. Mike is in the process of doing that and I really am anxious to see Mike be able to get a viable delivery port for us to operate from. Thank you.

BAVARD: Thank you, questions? Jim.

SCHOLZ: Yeah I just have a question about fish tax dollars. I’m not real clear on how that works. If you choose to sell somewhere else, the fish tax dollars go somewhere else, even though you’re home ported here? How does that work?
McALLISTER: There . . . I don’t know the exact details of it but yes, there are . . . there is an element of tax dollars to be captured within a community. I’d have to . . . I’d have to read up on it, but yes there is in fact . . . I think it’s optional as a community, I don’t know that . . . I don’t know where . . . maybe Terri knows whether Juneau actually captures direct dollars. There’s a one percent tax, it’s the raw fish tax that the state collects and then there’s another . . . there’s an element in tax where there captures a part of that one percent or whether it’s a tax on top of that that the local communities that I deliver in otherwise, I’m not sure, but I do know that they can be captured, yeah.

BAVARD: Thank you.

McALLISTER: Thank you.

BAVARD: Yes ma’am.

PICKERING: Hi, I’m Marsha Pickering, I’m one of the land owners on that stretch there by the cove. I have a small cabin, about 800 square feet, about two hundred feet up the side of that mountain. I just have a few questions for these gentlemen. Your hours of operations would be what?

ERICKSON: Primarily 8 to 5.

PICKERING: It would be 8 to 5?

ERICKSON: 8 a.m. to 5 p.m.

CRENSHAW: Isn’t there a regulation about how the boats can only dock between . . .

ERICKSON: Yeah, and also this just pertains to the IFQ federal fisheries, this is federal law that unloads have to occur or have to begin between 6 a.m. and 6 p.m. with a minimum of six hours advance notice to the National Marine Fisheries.

PICKERING: Okay, and between that 8 a.m. and 5 p.m., you’re also going to be limited to the tide, correct?

ERICKSON: That’s correct, and that has been a concern of ours. We will continue to utilize the downtown unloading site which is publicly available, and also we currently use Gitkov’s dock, for a fee of course, and we plan on using that at times when our site is not suitable because of the tide.
PICKERING: And the answer to that question about other boats being out there in the summer time there’s at least two mid size sail boats, a single mast and a double mast, that park there each summer. There’s folks that seem to live out there or go back and forth with their canoe to that outer inlet point, and then there are other folks that every once in a while will park a small boat there for a small period of time, maybe a week or so, and then they’re gone. Currently, there is one more boat that went upside down one of the last goes rounds of weather and it needs to be dealt with, and there’s a couple other abandoned ones but, there are folks that use that recreational . . . as a recreational area for overnights. My other question is, what is your building going to look like?

ERICKSON: Well, we have discussed that with some architects. Obviously we haven’t gone too far along on that, we want to make sure that . . . we need to be fortunate to achieve permitting, it doesn’t make a lot of sense right now to spend a ton of money on architecture when this project is still in question.

PICKERING: Right, but how do you visualize it?

ERICKSON: Well, if I had a dream building, what comes to mind is the DIPAC facility. I think it’s beautiful, you know, the way it’s designed. This . . . we’re going to try to minimize costs and its not going to be an over done building by any means, but we would like to make it look aesthetic, what ever that may be. To be honest, we haven’t gotten that far.

PICKERING: I know one of the other issues in the . . . I’m sorry, I hope I’m not taking up too much time, but one of the other issues was the vegetation that you wouldn’t have to do a whole lot of landscaping because of the small size of the lot. The ferry terminal is a nice looking place, it does have a little bit of greenery, it does have just a little bit of buffer. It’s a sharp looking building for the most part.

BAVARD: Yeah, that’s a variance, that’s the next item on the agenda is the discussion on that part of the project.
PICKERING: Okay, okay, that was the questions I have. Oh, now I have one more, it was property value. As far as the city’s concerned, somebody who’s bought a $165,000 cabin, if they’re next door to what’s considered now industrial instead of commercial, how would that affect the property values? That was . . .

BAVARD: I think in staff’s, I’m not going to speak for staff, but I think you did talk about the property values in your staff report. Do you have a copy of the staff report? There may be one in the back. Yeah. Yes ma’am.

REDDEKOPP: I’m Carolyn Reddekopp and I’ve already submitted a letter so I won’t go through the letter, but I have a couple comments. Dwayne and I own the property directly above this fish process plant, if it goes in. We had comments about the traffic, the traffic that comes by the house, we have at least up to 30 turn arounds from the ferry terminal during the summer, so traffic in front of that part of the house is not a problem. Any traffic that goes to the fish processor is not going to go further up the road anyway, we’re the last house at that part. The ferry terminal also operates 24 hours a day. The ferries come in at 3:00 in the morning, they have their loud speakers on, so that’s not a question either. I think the fish processing plant will be a lot quieter. Down at Western Auto, I’ve been down there and you have no odor from there. We are directly for this processing plant, I think it would be good for Juneau, my husband is going to be a fisherman hopefully, he’ll be closer to home, but I would urge the Planning Commission to vote this conditional use.

BAVARD: Thank you, questions? Yes, Jim.

SCHOLZ: Just a clarification. Did you say you’re the closest house?

REDDEKOPP: We’re right directly across the street. Right directly. It was our tidelands and we sold them. Oh, as an added comment, they were patented tideland and we purchased it in 1976 and in 1980 we started processing for a marina. The processing was so exhausting and that’s when financing was getting difficult, so we gave it up. But it could have been a nice little marina.

BAVARD: Thank you, Dan you had a question?
BRUCE: Ms. Reddekopp, how long has the property been zoned Waterfront Commercial?

REDDEKOPP: As long as I can remember. When Chris Jorgensen put in for his patented tidelands back in 1967, I don’t know for sure, but it could have been Waterfront Commercial then. That’s . . . the city should know someplace. It’s been as long as I’ve know it.

BAVARD: Thank you. Yes ma’am.

HOFERKAMP: Good evening, my name is Lisa Hoferkamp. I’m a resident of the Auke Nu Condominiums and I’m a research chemist and I currently teach environmental chemistry at the University. First thing I’d like to comment on is if this particular facility goes in its going to already . . . . its going to impact an already impacted water flow into that cove, which might not be too much of a problem, except even if they do haul out the fish waste, there’s going to be a problem with gray water which would include detergent, antibiotics, that kind of, excuse me, anti-bacterial type things, assuming you use that kind of thing when you’re processing fish. That’s all going to probably be washed into that cove which would affect an already pretty seriously nutrient heavy area, which would inevitably result in significant algae blooms and probably smother any kind of animal . . . aquatic life that might be reestablishing after the construction of the ferry terminal or the Auke Nu Condominiums. So, I can’t really see that being a nice thing to propagate, further more, how nice will that look for people coming in on the ferry. Wouldn’t be a very nice feel of Juneau, so, just for the record I’d like to say that I, from an aesthetic standpoint, I don’t support this project. And, while I do support sustainable development in Juneau, and I hope that we all do, I don’t think this is a very good example of sustainable development. Thank you.

BAVARD: Thank you, any questions? Jim.

SCHOLZ: Just a question. Can you tell me where the sewer from your home goes?

HOFERKAMP: Exactly, that’s part of what’s impacting that particular cove all ready is it’s got a septic system, however the septic system that does treat the
sewer from those condominiums is quite well engineered. However, it does load, you know, put a certain nutrient load into that cove. Right now there’s enough movement in and out of that cove probably to deal with it, not that you’re ever going to see, I believe what was once a very healthy herring run, reestablish in that cove, but it does seem to be on the mend anyways and able to deal with the current load.

SCHOLZ: Great, thank you.

BAVARD: Thank you.

HOFERKAMP: Thank you.

BAVARD: Yes ma’am, way in the back.

DONNELLY: Hi, I’m Marsha Donnelly and I’m a sales associate with Century 21 Totem Property and I was asked to come tonight to share an experience with you that I had last year with respect to a sale at the Auke Nu Condominiums and what occurred in March of 2001 was that I showed a condominium to a forest service employee who was being transferred to Juneau. She liked the unit, made an offer on it and the offer was accepted by the owner. As part of the condominium sale, a potential buyer is given an opportunity to review condominium documents before deciding to proceed with the transaction. Included in these documents were the minutes of a meeting held by the Association where in the request, the opposition and the denial of the permit to build the fishing processing plant on the east side of the ferry terminal had been discussed in the minutes. My buyer decided she did not want to live near a fish processing plant and she didn’t want that hanging over her head in the future and did rescind the contract. So, I think there is some evidence that it is going to have a pretty serious impact on the area. As a realtor, if you tell someone there’s a ferry terminal in the area, that kind of has a charm, but when you tell them that it’s going to be a fish processing plant, I don’t think you’re going to get that same reaction. So to call that a harmonizing to the neighborhood and the community I think is pretty off based there. The other . . . only other thing that I was going to refer to is that last year
there was a parcel of Commercial Industrial land at the Auke Bay harbor that was for sale and I didn’t know if that had been pursued.

ERICKSON: I had and if it’s the one, and I’m not certain I know the land that you’re talking about, but if it was last year, we’ve owned this property for a few years now so it didn’t make a lot of sense to me to try to buy a second piece of land if we don’t know if we can get [indisc.].

DONNELLY: Oh, because this, to me, people expect to smell fish at the boat harbor. People don’t necessarily expect to smell fish when they are coming off a ferry. Thank you.

BAVARD: Thank you. Who’s next? Yes sir.

FISK: Good evening, thanks for the opportunity to testify. My name’s Greg Fisk, I’m the chairman of the CBJ Fisheries Development Committee and you have our letter in support of this project on file, so I’ll try to go over the issues that were raised in the letter. We’re very much in support of it. People have mentioned the scarcity of sites north of the bar to have a seafood site and this is a critical issue for the fishing fleet and a lot of people have already spoken to that. So if you have any questions of me, or of our committee, I will take them, but I’d just like to address a few issues that had been . . . I’ve heard raised here tonight. One of them is the odor issue that people have spoken to. I believe Mr. Chairman mentioned the fact that Taku Smokeries is right downtown in the midst of a high development area and I, for one, live near that area and haven’t noticed any odor problems and we have several hundred thousand tourist who walk right by the plant every year and indeed it’s an attraction. A lot of people are there to look at the seafood activity. They even have an outdoor restaurant, or a restaurant with an outdoor plaza, immediately adjacent to the plant and that certainly doesn’t seem to drive customers away, so I really think that the odor issue, while it would be a legitimate concern if this was like a herring laundering plant, or a fish moor plant or something, I think that the type of operation that the Erickson’s have planned, which is largely an offload facility and freezing operation and that sort of thing, that odor really won’t be a problem. Another issue that was
raised here was the question of vessel navigation around the ferry terminal. I would again raise the point that hundreds and hundreds of fishing vessels come and go at Taku every summer, dozens a day, right around the cruise ship traffic and that has not created, as far as I know, any safety incidents. I’m sure it’s a concern, but everybody is careful about navigation so I don’t think that with the occasional, relatively occasional ferry landings there, compared to the number of cruise ships that come into downtown, that this would really be a serious problem in the area. Mr. Bruce raised the question about whether or not this organization as a city would have a right to designate any anchorage areas. I’m not sure we would but I suppose that you could probably ask the coast guard to designate a line inside of which there would be no anchorage. I just throw that out as a suggestion. The other thing that was raised, I think which is quite important, is the issue of fishery business taxes, which I think Mr. McAllister touched on, and the simple answer to that is that the basic tax on seafood is three percent, fishery business tax, which is collected by the state, and half of those receipts come back to the municipality in which the fish are landed. Juneau fishery business taxes have gone up from a low of somewhere around $35-36,000 in the mid-1980s to over $200,000 today. In large measure that’s due to the activities of Taku Smokeries and the Erickson’s and a few other processors, smaller ones, but there’s a lot of room for growth and I believe that their proposed facility will add to that growth significantly by increasing the landings in Juneau area because currently we only get about 40% of the fish that are caught in the immediate areas of Juneau are actually landed here. Most of them are tendered out of the city and go someplace else and those communities get credit for that, or if it goes to some place that’s outside an organized borough then the state keeps all of that 3% business tax money, or fishery business tax. So I think that you’d see this facility result in significantly higher landings, Salmon and other species, and as a result a substantial increase in the city’s fishery business tax revenues. So I think it’s a very important
project to support and I hope you will grant the variance that has been requested.

BAVARD: Thank you, question? Thank you. Yes sir.

STONE: My name is Robert Stone and I’ve lived in Auke Bay since 1985. Obviously there exists a conflict between two user groups in this project. The seafood industry wants a transfer and process facility north of Gastineau Channel that they can eliminate a costly 30 mile round trip around Douglas Island. This is certainly a reasonable request and the need for such a facility appears to be substantiated. On the other hand, the public stands to lose at the hand of continued habitat degradation, a very valuable wetlands area. This is also substantiated by hundreds of pages of documentation provided by resource agencies reviewing projects in that area since about 1981. This documentation can be found in files at the Corp. of Engineers and at the Division of Governmental Coordination. I realize that Terri already hit on some important points from the Coastal Management Plan, but I’d like to make a few points on that. This project is located outside of a special waterfront area. That’s defined as an area that is designated in the Juneau Coastal Management Plan as appropriate for development. This can all be found in this nice summary that was provided this evening dated October 3rd for the Planning Commission. In this document, the Juneau Coastal Management Plan reads that if an industrial or commercial waterfront use cannot be located within a special waterfront area, it must meet the criteria of section 49.7095 and Terri already did go over them this evening. That section states the industrial commercial uses on or adjacent to shore lines in navigable waters must be located in the appropriate waterfront designation established in that section, unless there is no feasible or prudent alternative to meet the public need for the use and the nature of the use requires a specific location and no other location will suffice. Yesterday I contacted the Community Development Department and requested a copy of the report that was done to support the department’s ruling that both of these criteria were met. Implicit to
these statements was the fact that some sort of study had been undertaken to determine that indeed no alternative site existed. That is a site where there was not as much public and resource agency concern about habitat degradation. I was told that no study had been undertaken, no report was available. Apparently, aside from the site, on the other side of the ferry terminal, 450 meters away no other site was even considered for this project. I asked how do you know that no other site is available and I was told that it was the applicant’s responsibility to look into this. This is a very important decision for many of us in this community and I ask that the commission request that a comprehensive study be completed to determine if there is a more suitable location north of Gastineau Channel for this development. And just to add that with the passage of proposition last week by Juneau voters to construct a commercial vessel loading facility in the Auke Bay area, that it might be in the best interest to the community to identify an area with current special waterfront area designation where both of these projects can be located together. That’s all I have and I appreciate the opportunity to comment.

BAVARD: Thank you. Questions for Mr. Stone? Thank you Mr. Stone. Let’s take a five minute break and we’ll come back and start in.

BAVARD: I’d like to reconvene as a Planning Commission. We’re under public testimony on this item. What I’d like to do is . . . we’ve been going on with public testimony for over an hour now. Can I see a show of hands of people who would still like to testify, see where we’re at here. Okay, we’ve got a few then. Yes sir, you in the back, why don’t you come on up. Don’t forget to state your name and sign in for the record please.

BECKER: Thank you Mr. Chairman, my name is Jim Becker, I’m a lifelong Juneau resident and currently a commercial fisherman, but I’m here in capacity as a board member of the Juneau Chamber of Commerce and we generally accept the idea and support the idea of a processing plant in the Auke Bay area. Part of the gill net harvest takes place in the lower Lynn Canal and it’s quite a volume . . .

END OF TAPE ONE, SIDE B
BECKER: . . . and most of those fish need to be brought all the way back into Juneau to get to a processing plant and having a plant in Auke Bay makes it more convenient, cuts down the term around time as other people have testified. And then another thought occurred to me as I was listening to testimony tonight, with the salmon industry being in the dire straights it is now, the quality is a big factor. I talked to the applicant during the break there and they will be dispensing ice to their vessels there at the plant and they also would make ice available to other vessels, so that adds to the quality of the salmon harvested in the Juneau area. As an addition note, knowing what I know about fisheries, they would attract additional vessels to offload at Auke Bay that would ordinarily offload on tenders and go to other communities, Excursion Inlet, or Petersburg, or Wrangell or Ketchikan. They would get a higher price by on-loading at Auke Bay and that would bring additional money to the City and Borough of Juneau. That’s all I have.


KOSKI: Thank you, my name is K. Koski, I’m a habitat biologist with the National Marine Fishery Service, Auke Bay Laboratory. I’m also chair of the Wetland Review Board, and I’m not speaking on either behalf of the National Marine Fisheries or the Wetland Board, mainly because when the Wetland Board reviewed the comments, or actually listened to the applicant here in August, we made some recommendations at that time that Terri just discussed with you. It wasn’t to our knowledge until September that there was as much habitat in Auke Nu Cove as there is, as much eelgrass. I guess the main issue I would like to address is the fact that there is a need, a public need for a seafood processing plant and I don’t deny that at all, and you’ve heard some good testimony to that effect, but there’s also a real public need for eelgrass. Eelgrass is an extremely important habitat. It’s listed as an essential fish habitat in an area of habitat of particular concern, which needs special protection and management. That’s because eelgrass provides habitat for 12 to 15 important commercial fish species, mainly
rock fish, and other species, mainly salmonids, and it also provides habitat and food and prey for other species of wild life like birds. It’s a very, very important habitat and that habitat out there, that eelgrass is provided over the years many . . . much [ndisc.] for herring spawn. That use to be a very important herring spawning area out there and there’s still some herring that spawn out there. Habitat destruction as related to [ndisc.] about three acres remaining, three to four acres. Any more development in that area, I mean where do you draw the line, any more development in that area is going to actually make it worse and continue to the decline of that habitat. Hydrocarbons coming off and road run off coming off of the area, the ferry terminal as well as the seafood processing plant, are going to result in a detriment to that habitat. So I guess I urge you to look at the eelgrass, a very important public need, public resource. I also urge you then to look at alternative sites. I don’t think that’s been explored enough at all. There really does need to be an alternative site in order to make this viable for everybody concern. Thank you very much.


SCHOLZ: Are you aware of anything being done now to increase the eelgrass habitat? Is there a movement underway to stop anchorage in that area?

KOSKI: You mean in Auke Nu? No I’m not aware of anything. It’s a very difficult situation out there because it’s . . . the exposure and such, and eelgrass takes a lot of extra care in planting, that sort of thing. And, because of the situation out there with the continual runoff from the road situation, hydrocarbons coming in from the ferry terminal and such, its kind of a losing battle, so it’s a really difficult thing to restore, but there’s no operation that I’m aware of right now underway to restore or maintain that eelgrass habitat.

SCHOLZ: Thank you.

KOSKI: Thank you.

BAVARD: I can’t remember who all had their hands up, yes sir.
TAKOW: Yes, my name is Bruce Takow, I’m a property owner in Auke Bay, right above the site that is being proposed. There’s a family of four and we live up in the hill and if this project goes through, it will be basically right in front of our house, and that’s why for me it’s quite an emotional issue. But, the bigger picture is that when you think about, and this is a question I’d like to direct to you sir, is that if your site is coming off the road, will it be right at road level all the way out to the end of the fill?

ERICKSON: We haven’t gotten that far in our engineering, it will be close to road level or slightly below, but it will [indisc.]

TAKOW: Okay, and so, lets assume you go out 170 feet with fill off the road level, and you’re design doesn’t show really any elevation drop off the road . . .

ERICKSON: Correct. Well maybe Mr. Crenshaw . . .

CRENSHAW: Yeah, we’re . . . basically we’re floating a one percent from the edge of the road level down to 24.5. We should be about half a foot lower then the ferry terminal parking lot.

TAKOW: All runoff will be going the one percent, basically be heading toward the bay, or is there going to be . . .

ERICKSON: It’s our intention to have a oil collection system on site with all slopes headed toward that collection system.

TAKOW: Collection system off the entire parking lot or just . . .

ERICKSON: That’s correct.

TAKOW: I see, so there will actually be a collection ditch on the top of the pad running all the way around?

CRENSHAW: No sir, we’ll be using a catch basin system for around the building, around the parking lot. We’ll have an oil/water separator at our discharge point at the bay.

TAKOW: So, even at a one percent grading, whatever, if you go out your 167 feet, what side, how high will your face be there? In other words, to look at your diagram, you’re going out 167 whatever it is, and you’re going 185 this way . . .
CRENSHAW: Yeah, well our one percent will just be where the driveway is. Once we hit our fill area, we'll flatten out and be 24 50 at the edges and probably slope down to 24 inside the perimeter of our facility.

TAKOW: Okay, yeah, well what I'm trying to get at is what . . . for people coming into the bay, what will they be looking at for the 185 feet? What will they actually be looking at in terms of height above the low water level?

CRENSHAW: Well, they're gonna see . . . well they'll see concrete panels is what they'll see from the bank side . . .

TAKOW: Vertical concrete panels, okay. And that will extend out below the mean low water level?

CRENSHAW: It will extend to minus one.

TAKOW: Okay, minus one, so basically when commercial vessels unload there, they want to be able to unload say like on an incoming tide . . .

CRENSHAW: Plus four tide.

TAKOW: . . . incoming tide primarily.

CRENSHAW: Yes sir.

TAKOW: So any bilge pumps are going off, anything going in the bay will essentially be washed up into the bay and not washed out because it will primarily have to be unloading in that circumstance. Okay, another question I got is how many boats are you anticipating coming and going since this . . . the way you talk about several fishermen come up here, and I myself am a commercial fisherman, I've been fishing in Southeast Alaska since 1965, presently working out of Petersburg. I'm curious, how much IFQ fish will you be handling? Halibut and Black Cod?

ERICKSON: On the average, one delivery a day. Most of our salmon fishery will be tendered to our dock so all that we may have a fleet of 20 – 30 salmon boats, we may only see one tender delivery a day from all those boats. It's not our intention to have the whole gill net fleet sitting out in Auke Nu Cove waiting to unload.

TAKOW: Yeah, I understand that, sure.

ERICKSON: It's not good for the habitat and it's not efficient for us.
TAKOW: So are you going to allow vessels to tie up at you’re . . . .when your not unloading?

ERICKSON: No they can’t, it would be ridiculous with the tide situation.

TAKOW: Now is your unloading platforms going to be on the east side or on the outside of the facility?

ERICKSON: It has to be on the outside, within our property boundaries.

TAKOW: Right, well that can get quite a bit of weather at times. How are you planning to deal with it?

ERICKSON: You know, I guess I would use Taku Fisheries downtown as an example. In the winter months and the early spring, the weather down there seems to be much more horrendous and the reason I say that with some experience is because I spent two years out in Auke Bay on Allen Marine’s dock. 90% of the time just given that location, and the protection it has, we thought the weather concerns were very [indisc.].

TAKOW: Yeah, I appreciate that. Well I think it’s a little bit an apples and oranges situation when you talk about Taku Seafoods versus what’s going to be happening in Auke Bay.

ERICKSON: I was speaking in reference to weather.

TAKOW: First of all, Taku Seafoods pumps, if I’m not mistaken, pumps up all their waste into the bay and it attracts quite a bit of bird activity. But out here, we’re talking about keeping quite a few totes inside your steal building until you put them on a boat that hauls them down to Pt. Salisbury to your dumping site.

ERICKSON: Usually during our peak season we do that on a daily basis. The reason I say that is because we have salmon tenders deliver on a daily basis. The way to transport that is that after the salmon tender has done away with the product, the waste is then placed on that tender, if it’s headed to Taku Inlet, for discharge.

TAKOW: Another question I have regarding your site there, and thank you for the answers, is you’ll have freezing capacity, granted . . . .

ERICKSON: Correct.

TAKOW: But what about your refrigerated vans, freezer vans. Are you expecting to have three or four freezer vans churning outside your . . .
ERICKSON: Given the size of our lot and the dimensions that the building will take up, it looks to us that the feasible number of vans will be two vans on site.

TAKOW: That will be plugged into electric power?

ERICKSON: Yes.

TAKOW: And so they will be . . . okay. Have you . . . has there been any issue with the state regarding the use of that property for the fast ferries that are coming up here?

ERICKSON: Yes there has, and that property was offered to the state for purchase for a very extended period of time. For whatever reasons, DOT has not been able to purchase that property but the property has been made available to them.

TAKOW: Well, thank you. In summary, I'd like to just say the big picture here is whether to allow private enterprise, with potentially 20 or 25 people making some money, versus the impact on an area. I can feel for Glacier Seafoods, it would be really neat if you could find a zone that wasn’t so controversial. But, in terms of where Auke Bay is at, in terms of what’s happening in . . . all the way out the road, seems like Auke Nu Cove maybe is the last little chance to take a stand against any more inroads and already it’s suffering. It’s suffering for lots of reasons, but some of those can be turned around, but once you allow a structure, coming off road level that’s 170 feet by 185 feet, that’s pretty much it. It will . . . there’s a lot of people that come off the ferries that like to walk the beaches. The ferry, as far as the vessel traffic, I feel that it’s going to change significantly in that area because the ferries come in, they tie up, they unload and they’re gone and I can speak personally, because the property . . . our property in Auke Bay is directly behind their proposed site. We also own the beach rights directly west of their site. We got a parcel. But, what I would . . . primarily what I’d like to say is I think that the ferries come in, they take care of their business and then they’re gone and then there’s some serious good periods of silence out there and no people, but with a production like this going on, with Glacier Seafoods coming in there,
and going on for eight or ten months during the eight month IFQ season, the four or five month salmon season, it’s going to dramatically change the noise level and it will lessen the quality in the bay. I think there’s some serious issues here and I also don’t think you can compare what’s happening with Taku Seafoods down there with what’s going to happen out the road. I think it’s again the apple and orange issues. Primarily I think that . . . lets not fool ourselves, there’s going to be a lot more boat traffic coming in there and in order to avoid the ferries they’re gonna stick close to the shore, they’re going to go around Cogland come right down that shore and go straight across to Glacier Seafoods or they’ll be waiting out there and I’m not suggesting a conflict with the Alaska State Ferries because I don’t think that’s going to be the case, I’m suggesting that there’s going to be a lot more props and a lot more bilge pumps churning up that water right in that area and the majority of time with the Southeast weather and the wind direction it’s going to be pushed right down the bay and it’s going to make for a worsening situation then what is all ready going on there. So, it’s a serious issue and this is . . . I offer my questions. That’s all I have, thank you for your time.

BAVARD: Thank you,
TAKOW: Thank you.
BAVARD: Next person please, yes sir.
FISK: Yeah, thank you, my name is Ian Fisk, I’m a 21 year resident of Juneau and a commercial fisherman. I didn’t come down here tonight with any prepared testimony but I just would like to make some brief comments in relation to sustainability and where we see our community going. You could say I have a vested interest in the commercial fishing industry and therefore my comments about sustainability would be tainted, however, I also have a degree in geography and environmental studies and consider myself an environmentalist. I strongly support fisheries development in this community. I think it can benefit more than 20 to 25 people. And I think that it’s about time that . . . if we want to talk about taking a stand,
it’s time that the city take a stand to support one of the most important activities in the borough. The seafood industry has contributed an immense amount to Juneau throughout its history and it will continue to do so if the Planning Commission takes a positive step tonight in supporting this project. So I think that all though there are some localized concerns, we have to look at the big picture in terms of, you know, our overall habitat, which in Southeast Alaska is not a problem. I think we need to really take a stand and support the industry here. The benefits are going to be distributed throughout the community and I urge you to support this project. Thank you very much.

BAVARD: Thank you. Anyone else want to testify on this item? Last chance, yes sir.

CONNANT: My name is Bruce Connant, I live in the area and I’d just like to say it’s a good project, it’s in the wrong location. This area should be saved for any future expansion needs of the ferry terminal. That’s all.

BAVARD: Thank you. Further public testimony? Seeing none, public testimony is closed at this time. What we’ll do now is we’ll bring the applicant back up, wrap up any further comments or question that we may have. Any comments that they may want to make on some of the issues that were brought up, feel free to tackle those.

ERICKSON: I don’t have a whole lot to add to my previous testimony, but I would like to comment on just a few of the people who did testify. Mr. Stone testified not in support of our project. I would like to say the last time this came in front of the city, and the other agencies involved in this, it’s to my knowledge that his major concern was waste disposal and that ending up in Auke Nu Cove. I would like to say that I feel like we’ve taken a very positive step in eliminating that by discharging our waste in deep water, as we do currently. I would also like to ask, Mr. Stone made the comment as well a few other people, regarding other potential sites and if any other studies have been done looking for those sites. We have looked extensively in the Auke Bay area for other sites and to our knowledge there are none, and if there is, I would like someone to please identify those sites. The available sites
are just not there. At the same time, I would like to say we do plan on being sensitive to the people around us.

BAVARD: Thank you, questions for the applicant?

SANFORD: Mr. Chairman.

BAVARD: Merrill, go ahead.

SANFORD: Cleaning chemicals, somebody brought up the topic of what you use to clean your totes and clean everything up with and sanitize everything which . . . how's that going to be handled [indisc.].

ERICKSON: That . . . excuse me, that is obviously a concern of ours and it's something that needs to be looked at. We are looking at, and maybe Chris can better answer this with the engineering aspect of it, some sort of collection system, obviously for the hydrocarbons and the other cleaning agents that we may be using. I'm not an engineer, I'm not familiar with all the collection systems that are available out there. Once again, we haven't' gone into a full blown engineering project on the site, given our current permit situation. Chris could you maybe add to that?

CRENSHAW: Yes sir, we're looking at a . . . for inside the building anything, any water that comes out of the building goes through a treatment plant and discharge and anything outside the building will go through oil/water separators before they're discharged into the bay. I know that's probably not a specific answer but that's as far as design wise we've gone.


SCHOLZ: Can you tell me how this system would compare to systems that are in place in the area all ready? Is it going to be improved or superior system to what's in place?

CRENSHAW: As far as I know, there is no other system in place. I know the ferry terminal has a discharge right next to our property that we talked about in the Wetland Review Board meeting, that we would tie their system into ours to help clean the bay, but since it's on state land we're not allowed to do that, the state will not allow us on their land. So our system should be far superior to the ferry system's that's in place now.
SANFORD: What . . .

BAVARD: Merrill

SANFORD: Just to follow up on that, the ferry system probably just dumps down through a catch basin into the bay so there’s nothing.

CRENSHAW: Yes sir.

SANFORD: Right, okay.

BAVARD: Questions for staff, comments to the applicant? We’ve closed public testimony, sorry. Thank you.

ERICKSON: Thank you.

BAVARD: Terri, walk me through where you’ve been here. I’ve read the minutes of the . . . I read your staff report, and it looks like you, this has already gone through Wetlands Review?

CAMERY: Um hum.

BAVARD: Also, and I read that, earlier I also see that they didn’t have . . . I mean looking at a comment here, there’s no reason to deny it by one of the members on here, so what was the results of the Wetlands Review Board? Am I reading this . . . were you there?

CAMERY: Yeah, I did attend the meeting. It was . . . a seafood processing plant was reviewed at our August 2002 meeting. The Wetland Review Board did not come up with what I would call a conclusive recommendation one way or the other. The Board has the option of just generally discussing the item versus writing a formal letter with formal recommendations. They did not choose to write a letter on this project so, what I’ve provided for you in the staff report is my best summary of what took place in the meeting, and then I’ve also included the minutes of the Wetland Review Board meeting. I think it’s accurate to say that the Wetland Review Board did have concerns about eelgrass habitat and the general decline of habitat resources in the bay. At the time of the meeting, we did not have the report from the National Marine Fisheries Service documenting eelgrass in the immediate vicinity so they did not have that information to evaluate. Concerns were expressed regarding water quality and the build up of pollutants in the area from the ferry terminal and a number of other
sources, and there was a recommendation for an oil and water separator which we’ve included in our conditions. So, again, I would say that there was concern over possible impacts to the habitat, but there were also expressions of support for the project.

BAVARD: Thank you. Further questions or comments? Merrill.

SANFORD: Can staff go over the land assessments and what it’s going to do to surrounding . . . I know it’s in your staff report but could you just review those real quickly one more time for us?

CAMERY: Are you referring to the neighborhood harmony section?

SANFORD: Yeah, and any relationship of land evaluations and everything.

CAMERY: Uh huh. Okay, well I guess two things. Neighborhood harmony again is a difficult issue. I just . . . I guess opening that to the Planning Commission to make the determination. It was a difficult one for me to evaluate so I’ve tried to present both sides of the issue to you. I guess the overall summary on neighborhood harmony would be that the project is located in a Waterfront Commercial Zone which is an area that’s been designated as appropriate for this type of development with a conditional use permit. It’s adjacent to an established Waterfront Industrial area that includes the ferry terminal and other docks. It’s also immediately adjacent to low density residential areas. Condominiums and various other homes located along Glacier Highway. It is certainly going to impact their view of the cove. I didn’t evaluate odor, I think that’s been addressed through out this meeting. I did not go into an in-depth analysis of how that might impact property values. I just want to be open about acknowledging what I did address and what I did not. The noise and traffic impacts of the project are expected to be minimal, lighting impacts are expected to be minimal. And again, there’s already a lot of traffic and development in the immediate area. So I guess that would be my summary of that issue. In regards to alternative sites, our Land Use Code does not give us clear direction in terms of how that is to be undertaken. I just want to pull out the exact wording, but again I believe I had it on the screen here in terms of what the criteria say that there’s no feasible and
prudent alternative on . . . it has been departmental procedure that we defer to the applicant’s information on that. If we feel that the applicant has not provided us with sufficient information on alternative sites that we will request additional information. And an example of that would be the UAS Armory project where we requested more detailed information from them under that category. In this case I made the judgment as a staff member that there was adequate analysis, that they’re limited Waterfront Commercial and waterfront areas north of Gastineau Channel for this development and again the applicants lease is due to expire and the property on the east side of the ferry terminal was not available. So based on that information from the applicant, and the very limited number of sites within that zoning, I made the determination that that was adequate for an alternatives analysis. I hope that covers all your questions.


VICK: Mr. Chairman, I move that we adopt conditional use 27 with all the findings or analysis recommendations.

BAVARD: And that would include the additional recommendations?

VICK: Absolutely. Mr. Chair can I speak on that?

BAVARD: Certainly.

VICK: I’m going to speak in favor of the motion. I’ve gone through all the different criteria that the neighborhood’s concerned about and the processor, as far as odor goes, I inspect seafood processing all over the state, in Adak, Dutch Harbor, Petersburg, St. Paul, and I’ve never noticed, the only time I’ve noticed an odor or smell is when they’re in the cooking process and fish meal primarily. But fresh fish market odor smell is just not there. Herring, I want to, Mr. Chairman I want to address a couple issues if possible.

BAVARD: Go ahead.

VICK: Herring, herring coming back, I remember hundreds and hundreds of thousands of herring coming back every year. I personally think they have over fished the herring as a fish itself, is the reason we’re not getting the returns, but. The Wetland Review Committee, basically I
went through all their notes and they really saw no reason to deny this project. Commercial fishing, it’s a viable industry, it’s for Juneau and the community and for our infrastructure and expansion of it is a good thing. It’s good for the fishermen, it’s just good for the . . . I think its good for the town as a whole. And, it is Waterfront Commercial adjacent to Waterfront Industrial property and there’s just so little of it and one of the conditions they can do is have a processing plant like this. I think it’s a very, for a Waterfront Commercial property, it’s a very good use to commercialize or have seafood processing for the enhanced product value. Eelgrass, eelgrass, it’s a problem and every time we have something on the waterfront, eelgrass is brought up as a problem, but yet no body . . . everybody says the problem is going away or we can’t do this because of this or that, but I don’t feel I have enough information on eelgrass and I’d like to see more information on eelgrass. What destroys it, what makes it grow, can we do things to enhance eelgrass growing? But anyhow, so I’m speaking in favor of the motion Mr. Chairman.

BAVARD: Thank you, further comments? Dan.

BRUCE: Yeah Mr. Chairman, I also will speak in favor of the motion. I think you can compare this facility to Taku Smokeries and having grown up here, I mean, I remember the smells that use to come from Juneau Cold Storage. It was a much different type of plant back then then what operates at Taku, and over the course of the summer when Taku’s been in some of its heaviest production, I’ve run by that plant, I’ve set outside at the restaurant, odor is not an issue. I know when that plant was being . . . the permit was being processed for that plant, people were concerned about the odors coming from the smoking operations. I don’t think there’s ever been an issue with that and that’s something that won’t happen here. I think the waste disposal system that Alaska Glacier Seafood is going to implement is superior to the one that Taku Smokerie’s is using. I mean, currently they’re grinding their waste products and pumping it into the channel and you know, there’s going to be a much greater flushing action at Pt. Salisbury than there is in the
channel or as this was originally construed, I guess there was some people who were concerned about the waste going into Auke Bay. I also think that it’s a proper use of a properly zoned area. This has been zoned Waterfront Commercial property at least since the ‘60’s so everybody has been on notice that a commercial use of this piece of the waterfront could be . . . could occur. There are limited places where water dependent uses such as this can operate. I think the applicant’s clearly established that. I think also there is a need to protect a commercial fishing industry and not only the state of Alaska but certainly in Juneau. I can remember when Juneau Cold Storage closed, Douglas Cold Storage was on its knees and fish were being sent out of town and there was a dearth of opportunities for the fishing fleets here and boats left. I think bringing up additional processing facilities to the community is a boon to the entire community. I also think it is a sustainable industry, I mean, if anything, the history of the last 20 years with the salmon industry is proven that it’s sustainable, in fact they may be a victim of their own success to some extent right now with the current markets. I also think that having a processing plant close to the fishing grounds is critical in this day when highly . . . the market is highly competitive for high quality fish. If these are ever going to make money, that’s going to come off of quality. Quality means having a processing plant close to the fishing grounds to there’s minimal time when the fish are on the boat. I think Mr. McAllister’s testimony regarding the critical nature of time, I use to fish back in the ‘70’s. Eight hours is huge. If you need to get in and get your fish unloaded, make repairs, whatever, eight hours is a huge amount of time. I’ve also seen fish processing plants in Petersburg that are close to the ferry terminal. Juneau Cold Storage was close to the downtown ferry terminal. It certainly didn’t deter tourist related actions there. This summer when I was going to Haines, they were processing fish right next to the ferry terminal in Haines, so I don’t see that having a fish processing plant next to the ferry terminal is a deterrent. I also think that we can’t force a property owner to save their property for
somebody else’s future us of that property. This applicant has the right to seek to use his property for its properly zoned . . . or for its currently zoned purposes, and we can’t tell him that he has to save his property for a potential use in the future by some other person or entity. I think the . . . I don’t know if a condition can be added, I do think to the extent possible, if the applicant can use cleaning agents that are not chlorine based, or in some way avoid the discharge of those products into Auke Nu, or site their discharge outlet at a place where its going to have minimal impact or inflow into Auke Nu is an appropriate mitigation effort to help protect the eel beds . . . eelgrass beds. And I also note that Mr. Koski and he himself noted that it was a losing battle to protect the eelgrass beds and Auke Nu, and quite frankly I find it hard to believe that the commercial fishing traffic, given the size of the vessels, the speed at which they operate, represent any kind of threat to these eelgrass beds that you’re going to get when you have high speed ferries coming in, or you have just the ferry traffic itself. Those things are swinging huge props and creating much more turbulence. So, based on those findings, I would be in support of it.

BAVARD: Thank you, Merrill.

SANFORD: I just have a problem with number seven, no anchorage west of the site. There’s just no way to enforce that and no way for us to make that a rule, I don’t think, so . . .

BAVARD: Yeah, we talked about that, I mean, I don’t know what it hurts to leave it in there. Personally, I mean its . . . there’s many things that we run into through the permitting process that we have problems with enforcement, you know, we run into that all the time on how do we get there from here, and you’re right.

SANFORD: If we truly can enforce it and the people in the area know that it’s one of the conditions, then it’s going to create a problem back to us eventually.

BAVARD: Yeah, I suspect the city . . . the staff is going to hear that, you know, as soon as you see some of the . . . if you did see a boat in there. I think it’s so shallow that you couldn’t get in there anyway, but they would be
getting calls and then it would be . . . prompt a call to the property owners so.

CAMERY: I guess I would agree that it could be a challenging enforcement issue, but I think that there is a clear link between that condition and protection of the eelgrass, so I think that we are on solid ground in that respect.

BAVARD: Yeah, I guess I don’t have a problem with it. Dan.

BRUCE: Well, I guess, I’m always, you know, we get bashed all the time over enforcement issues and which we don’t have the jurisdiction to do the enforcement. I mean, once we put that condition on, we’re dependant upon somebody else to do it, and this . . . yeah, what happened when the owner of the catch that anchors out there comes in. That’s . . . are we telling that person now that they can’t anchor because of this project? It’s, how do we . . . then you get into a potentially equal protection issue. Does every boat that anchors in Auke Nu Cove that has a commercial number on the side of it, they get cited and normal pleasure boats don’t? I just think it’s a regulatory morass that I don’t know that we want to walk into. I mean, if there’s some way to have a complete ban of anchorage in Auke Nu, fine, but I don’t think it should be dependent upon this project. It may be a good thing to do for other reasons, for protection of the eelgrass, but I don’ think it’s part of this project.

CAMERY: I guess, if I may, it may be more appropriate to pursue that through agreement with the Coast Guard or whatever the appropriate entity is, that could enforce that. [indisc.] continue to deal with the issue that way.

BAVARD: So what I’m hearing then, under the list of recommendations, that we remove number seven and have seven recommendations and that you will pursue this with the Coast Guard?

CAMERY: Um hum. And Mr. Chair, if I may, in response to what Mr. Bruce said, I would recommend one additional condition similar to our condition regarding the oil/water separator. A condition that would read kind of, just kind of firming up what Mr. Crenshaw has described. It says “Prior
to the issuance of a building permit, the applicant shall submit a
treatment plan for warehouse gray water treatment.” Just to solidify
their commitment to treating in house waste before it’s discharged.

BAVARD: I guess that . . . can you read that again?

CAMERY: Sure. Prior to the issuance of a building permit, the applicant shall
submit a treatment plan for warehouse gray water treatment.

BAVARD: Okay, you’ve heard that. I guess what I’d like to do then is . . . this is
new to us and it’s also new to the applicant. The applicant has
probably seen the staff report. Do you have a comment on that
condition?

CRENSHAW: No, no, to us, I mean we were going to do that anyways so it’s nothing
new. I mean, this is just basically tying us into that category, but we
were going to do it anyway so it’s really a non-issue to us.

BAVARD: Okay, thank you, we have a motion then in front of us. What I’d like to
do is ask the maker of the motion to amend the recommendations then
as just presented.

VICK: I do amend it Mr. Chairman, to eliminate the parking on the west side
of the dock and to add to the preliminary design for gray water
discharge plan prior to permit.

BAVARD: Thank you, further comments on the motion? Jim.

SCHOLZ: Just briefly I would just like to say that this is a fairly difficult one
emotionally for me. I lived in that cove for about 15 years, it’s a great
place, it’s a beautiful place. But I have to say that the fact that these
are strictly privately owned tidelands out weighs my hesitation here. I
think if a person has ownership rights to Waterfront Commercial
development, they have to be allowed to develop that property, and so
I would speak in favor of the motion.

BAVARD: Thank you. I guess I’ll be brief also. I would echo a lot of the
comments that Dan made and Dan made a good job on a lot of the
notes that I had made that I was going to speak on, and I wont repeat
what the comments that he made, but I certainly do agree with a lot of
his comments in supporting the motion. And I would also like to note
that this has been a long process for the applicant. I think the
applicant has been working on this particular project for a number of years and has tried to do the right thing here with starting on the other side with DOT, trying to work with DOT and that didn’t work, so he’s certainly been through a long process here, the permit process. And also, I’d like to compliment staff on this report. I think that there’s a lot of time and effort put into this and I think Terri did a good job in working through this particular project. That said, I’d like to support the motion, any further comments? Roll call please.

[indisc.]: Commissioner Bruce?

BRUCE: Yes.

[indisc.]: Commissioner Sandford?

SANFORD: Yes.

[indisc.]: Commissioner Scholz?

JM: Yes.

[indisc.]: Commissioner Vick?

VICK: Yes.

[indisc.]: Commissioner Bavard?

BAVARD: Yes. Conditional Use 2002-27 is approved. (disapproval from members of the audience). We still have a meeting going on. Moving right along, we have another item on the agenda. I’d like to adjourn as a Planning Commission, reconvene as a Board of Adjustment. We have before us Variance 2002-38, a variance for approval to waive the minimum vegetative cover requirement on a tideland lot. Location Glacier Highway, Applicant Chris Crenshaw.

CRENSHAW: yes sir Mr. Chairman I . . .

BAVARD: Why don’t we give a staff report.

CRENSHAW: Oh, I’m sorry.

BAVARD: Start with a staff report and then we’ll do that.

CAMERY: Okay. I did not prepare a presentation for this item. I thought after the first presentation you’d probably had enough views of the site plan and the surrounding area. So, I’ll just briefly address the proposal and the variance criteria. Again the applicant seeks a variance to waive the minimum vegetative cover requirement. In the Waterfront Commercial
Zone that vegetative cover requirement is ten percent. The applicant states that due to the demands of the seafood processing plant, boat mooring, loading, unloading activities, traffic etc., and the small size of this commercial lot, every available square foot is needed to run the operation. Again the lot is 25,225 square feet with a ten percent vegetative requirement they would be required to vegetate 2,772 square feet of the lot. Going through the requirement, the criteria, relaxation applied for or lesser relaxation specified by the board would give substantial relief to the owner of the property involved, and it would be more consistent with justice to other property owners. The relaxation applied for would allow the applicant, would allow the owner to make full use of the property, on a really tightly, small parcel that would be tightly packed for seafood processing operation. Compliance with the standard would result in a reduction of warehouse space, which is unacceptable for the operation, or a reduction in parking, which is unacceptable under CBJ code. Other property owners in the immediate area, including the Alaska Marine Highway, Allen Marine, and Greens Creek have lesser vegetative cover requirements. They are in a Waterfront Industrial zone which has a five percent vegetative cover requirement. Based on a look at those properties, I did not do a square footage analysis of the vegetative cover on those properties, but it doesn’t appear to me that they have met their five percent cover requirement. Second criteria, that one’s not significant, so I’ll just glance over it. The relief can be granted in such a fashion that the intent of this title will be preserved and the public safety will be preserved. We don’t see any conflicts with the intent of the title or any public safety and welfare impacts. Authorization of the variance will not injure nearby property, so that criteria is met. The variance does not authorize uses not allowed in the district. Criteria number five has . . .
CAMERY: . . . four sub criteria, or five sub criteria excuse me. Oop, four! Getting late. Compliance with the existing standards would unreasonably prevent the owner from using the property for a permissible use. Compliance with the standard would reduce the usable area of the lot by 2,722 square feet and prevent the owner from constructing the seafood processing plant due to the small size of the lot and a demanding operation for a parcel of this size. So criteria B, compliance with the standard would unreasonable prevent the owner from using the property in a manner consistent with other dock dependent operations in the neighborhood including Alaska Marine Highway, Allen Marine and Greens Creek. Sub criteria C is not met because there aren’t any unique physical features on the property. Sub criteria D is also not met because there are no preexisting non-conforming conditions, but again they only need to meet one of the sub criteria under item number five and they meet A and B. Last item, grant of the variance would result in more benefits then detriments to the neighborhood. A grant of the variance would have some aesthetic impact to the proposed project, however the variance will allow full use of the lot and enable construction of a seafood processing plant which would benefit the neighborhood and the community, so this criteria is met. In summary, we believe it meets the five criteria and we recommend in favor of the variance.

BAVARD: Thank you, questions for staff? I’d like to open this up for public testimony. Start with the applicant.

CRENSHAW: Yes sir, Mr. Chairman and commissioners, we by no means mean to just strip the site clean and just have a surgical looking site. Our main problem was the 10% of cover over the entire site would restrict us tremendously on traffic flows, on loading/unloading facilities. We fully intend to have landscaping part of our package, but we just want a waiver so that the 10% coverage minimum for our lot, when no body else on our side of the street meets that per the ferry terminal, Allen Marine, and Greens Creek, that we’re not held to a higher standard than the rest of the community.

PERNULA: It seems as though 10% is an onerous requirement on a small site where you have an intensive use. Is there a place where you can place landscaping on the site consistent with your site plan?

CRENSHAW: Yes sir, I fully intend . . . well see, that was my one question is, you know, if we use landscaping bricks or say grass blocks for our parking area, instead of asphalting that over, I mean we could do that, that would . . . that’s a lot of square footage that we could still use for parking, but it would still have a green area. We could do landscaping, or we will do landscaping around our building, but being able to eat up 10% of our lot in a landscape, strictly landscape, we just can’t match that and still use the site.

BAVARD: So you’re asking a question. I guess that’s . . . his response was . . .

PERNULA: . . . what percentage could he live with, I guess, and where could it be at?

BAVARD: Yeah.

CRENSHAW: Well, I mean, we could probably live with 5% if the city would allow us to use landscaping blocks for parking instead of . . . you know having grass boxes for parking instead of asphalt or gravel, using that and landscaping around the building, we could probably get close to 5%, if not 5%. I . . . we’re still in the preliminary design stage, but I know 10% will not work.

BRUCE: Mr. Chair?

BAVARD: Dan.

BRUCE: It seems to me that we’ve had these issues and I think in some of the presentations, and I can’t remember now where I saw it, if it was a traffic deal or a parking or whatever, but where there are, you know, island . . . the contours broken up some, where you have patches of a tree and some grass, and parking is around that, its integrated into the parking, is something like that could be accomplished. I don’t know that we can necessarily, given the kind of preliminary stage here, tag them with percentage, but maybe an approved landscape design. Can we do that?
CAMERY: We could add a condition that the applicant shall submit an approved landscape design prior to issuance.

BRUCE: Dale’s rubbing his forehead!

PERNULA: I’ve got a lot of forehead to rub! If you can give us some direction as to what you want to have accomplished. Is it a buffer between the highway and the site or is it landscaping within the parking area, or is it something to enhance the building?

BRUCE: Well I would think it would be something to buffer the site a little bit from the neighborhood and the road, but you know, there’s no way that they can come up with any kind of perfect buffer given the limitations of the site. So something that aesthetic and gives some . . . look at the landscaping around the Nugget Mall, for example, you know, and where some of those maple trees are now starting to become mature and get themselves established, I mean one nice tree gives a whole lot of relief so.

SANFORD: Mr. Chair?

BAVARD: Merrill.

SANFORD: I think something along the driveway, it’s going to be 30 feet from the road, you’re gonna have a 30 foot driveway there, and then your bank along the road?

CRENSHAW: Yes sir, the driveway is 30 feet and we’re 47 feet from the edge of pavement to where our property line starts.

SANFORD: So if you could put something along that face, you know a couple feet wide . . .

CRENSHAW: Yes sir, that is one of our . . . we’re going, how do I put this, I don’t want to say we’re in talks, but we had preliminary discussions with DOT about leasing that area between our property line and the edge of the road and if we can work that out with DOT then landscaping would be no problem.

BAVARD: Dale.

PERNULA: DOT usually has a problem with trees but usually not smaller shrubs or grasses, that kind of thing. Out in front that would certainly enhance
the site, and perhaps some trees on the site and accomplish some sort of buffering, it’s a little vague to me yet, but.

BAVARD: That’s a difficult area to try to grow things because you’re talking about, you know, the edge of a road where it really basically is a riprap.

SANFORD: Right.

BAVARD: Is what that is so that’s difficult, and then also planting in the right of way, I don’t know, that would be something you’d have to talk to DOT whether or not they would, you know, let you do something like that.

SANFORD: But of course, their face of their property line is away from the right of way, it’s 47 feet from the road now, you know, its way back there, so if they were able to do something along that line to break up the, you know, the squareness of the building and the squareness of the lot . . .

BAVARD: Yeah, their part of their driveway is in the right of way.

SANFORD: The driveway itself, but not the face of the, you know, the 150 feet or whatever, 165 feet face of that whole lot.

BAVARD: Yeah.

VICK: Make it pretty.

CAMERY: Well. I’m sorry.

BAVARD: Go ahead.

CAMERY: I was just, I have written up a condition, see if this addresses what’s been discussed here. Prior to the issuance of a building permit, the applicant shall submit a landscape plan that provides an aesthetic buffer between the road and surrounding parcels and surrounding the driveway. Is that acceptable?

VICK: I like it. It has a nice ring to it!

BAVARD: Further questions for the applicant? Thanks. Anyone here left over want to testify on this variance issue? Seeing none, public testimony is closed. Further questions, comments for staff? Jody.

VICK: Mr. Chairman, I move that we adopt variance 2002-38 with the findings, analysis, and amended recommendations. And I have to say, I wanted to say it last time, I think the staff has done an excellent job on both these presentations. I forgot to include that in my little sum up there but, it covered all the bases, it made it . . .
BAVARD: Comments on the motion? Is there any objection to the motion? Seeing none, motion is approved. Variance 2002-38 is approved with staff's findings, analysis and amended recommendation. Next item on the agenda is the director's report . . .