

ATTACHMENT K

TO: Dale Pernula, Director
FROM: Oscar Graham, Planning Supervisor
SUBJECT: Completion of Totem Creek Golf Course Review
FILE: USE1997-00074
DATE: November 25, 2002

In light of the contentious and lengthy review history associated with this proposal I thought it might be useful to outline the steps required to bring the conditional use permit back to the planning commission for final action. In addition I will identify the review activities that may benefit from my participation as a consultant to the City and Borough of Juneau.

1. **Completion of the information requested by the Planning Commission at the March 27, 2001 meeting.** The information should be in a form that satisfies both the commission and, where applicable, other agencies possessing technical expertise or direct jurisdictional authority.
 - Site Plan – The site plan has been found to satisfy ADFG concerns relating to the protection of fish habitat. It may require some adjustments to locate and identify points of water withdrawal and revised cart path locations. In addition the course architect is preparing a narrative to accompany the site plan which addresses the construction sequence and measures for controlling the effects of site disturbance.
 - Habitat Management Plan – A revised habitat management plan has been received which responds to concerns raised by ADFG. CDD will need to determine whether the document satisfies the Planning Commission's request for information or be subject to further review by ADFG. I believe the revised document should be provided to ADFG however it appears to satisfy the commission's request.
 - Integrated Pest Management Plan – ADFG has provided a memo to DEC requesting review of the IPMP relative to the effects of pesticides on aquatic life. DEC has indicated that they will likely not provide a response to ADFG on this issue although they will respond to the matter of pesticide effects on human consumption. CDD has continued to urge DEC to communicate directly with TCI to resolve both sets (impacts to aquatic life/human consumption) of issues.
 - Windfirm Buffer Analysis – The applicant has provided an analysis assessing the effects of wind throw on the forests of the Peterson Creek site. While the analysis is quite general and draws few conclusions it does provide recommendations for mitigating the effects of wind throw. In the end this is an issue which is difficult or impossible to fully mitigate.

- Alluvial Fan Analysis – The commission did not require this analysis. However the applicant provided it in response to public comments and an issue summary prepared by retired CBJ engineer Ben Pollard. The report concludes that the course has been redesigned to avoid the active channel migration areas and that there is little hazard associated with alluvial fans and the proposed land use.
2. **Completion of the Coastal Consistency Modification process.** DGC has provided detailed memoranda outlining the steps for completing this process, however, the unknown is how individual agencies will respond to the review. Given the timing and political sensitivity of the proposal it is unlikely that agencies will make unreasonable requests for additional information. However it is important that CDD remains sensitive to the distinction between information submitted pursuant to conditional use review and applications for permits from other agencies. We should guard the integrity of our process by assuring that the information submitted in conjunction with the conditional use does not become technical fodder for staff from other (state) agencies who remain unsatisfied with the proposal. Of course where an agency has direct jurisdiction through a stand-alone permit (i.e. DNR (water rights), ADFG (stream crossings) DEC (water quality)) they may take any stand they are prepared to back up. In the case of DEC's water quality review, the agency has both direct authority relative to their water quality certification and under CBJ's land use code relative to watersheds and water quality. This makes resolving any IPMP issues particularly important. While DGC will coordinate the coastal modification process the following must be submitted prior to initiation of review.
- Revised site plan depicting all changes to the project since the 1997 Final Consistency Determination.
 - Project summary listing the proposed project changes.
 - An integrated pest management plan that informs the use of pesticides. The original proposal indicated that pesticides would not be used.
 - Updated applications for DNR water rights permits.
 - Updated applications for ADFG habitat permits addressing stream crossings.
 - Modification of Corps of Engineers wetland fill permit.
3. **Distinguishing between the conditional use permit process and the requirements of Resolution 1811.** Many of the opponents of the project point towards the lack of a credible financial feasibility assessment or the appropriateness of utilizing public land as a golf course in the first place. I think it is important to recognize that the commitment to consider this site as a golf course was made by the legislative body of the CBJ. The assembly sought proposals for the project and identified the conditions under which the site could be developed including:
- Protection of Peterson Creek watershed
 - Demonstration of economic feasibility
 - Regulatory compliance
 - Use of the land
 - Programs for local users

- CBJ repurchase option
- Environmental management (Audubon Certification)

While it may be argued that several of the provisions of the resolution overlap with land use code requirements it is important to distinguish between conditional use permit review and review by the assembly pursuant to the actual land transfer. Following approval of the conditional use permit the Assembly will consider the elements involved in the transfer of the land and determine if the applicant has satisfied the conditions of Resolution 1811 and/or subsequent legislative directives.

4. Preparation of Staff Report, Recommendation and Conditions. The staff report will require redrafting to reconcile it with the current proposal. The findings which could not be made in conjunction with the previous proposal (i.e. JCMP, water quality, public health and safety) will need to be made. Conditions will need to be redrafted in light of the increased level of detail. The staff report, recommendation and conditions will need to be based on the resolves associated with items 1 and 2 above and in recognition of the items to be considered at a later date by the assembly under Resolution 1811 and/or a subsequent resolution. The staff report should be prepared well in advance of the public hearing in order to afford ample opportunity for the applicant to review the contents and discuss conditions with staff.

5. Utilization of Coastal Project Grant funds. Our coastal grant funds tasks associated with the completion of the project review including:

- Interagency meetings
- Documentation of site features
- Preparation of staff report, recommendation and conditions
- Preparation of power point presentation
- Presentation to Planning Commission

I have been billing against these funds and estimate that approximately \$8,500 dollars remain to complete review of the project. It is possible that the project can be completed through the Notice of Decision with the remaining funds.

6. Specific areas where the CBJ could benefit from consulting services. While this project appears to be very near completion careful attention should be paid to the following.

Coordination

- Maintaining the procedural track established by the Planning Commission through past hearings and meetings including the March 20, 2001 public hearing, March 27, 2001 public meeting and the November 12, 2002 Committee of the Whole meeting.
- Commitments made during interagency meetings hosted by CBJ over the past year should be honored relative to the conditional use process and reflected in CDD's responses to coastal consistency review.

- CDD should work with state and federal agencies to assure that the outcomes and commitments of the interagency meetings are acknowledged and reflected by reviewing agencies.
- CDD should take the lead in assuring that commitments made by the applicant through Planning Commission hearings and meetings and interagency meetings are adhered to and reflected in the final revised application.

Staff Report

- CDD should accurately reflect the directives of the Planning Commission and results of interagency meeting in the preparation of staff reports(s), recommendations and conditions and refrain from requesting additional information.
- CDD should actively encourage the resolve and commitment of state agencies particularly DEC in the review of the proposal and the development of appropriate conditioning language.
- CDD should develop conditioning language through close consultation with Engineering and the applicant that emphasizes environmental protection and on site monitoring during the construction phase.
- CDD should draft clear findings and conditions that demonstrate and assure compliance with the provisions of Title 49 relative to the JCMP habitat standards, water quality provisions and public health and safety standards.

Public Meeting and Hearing

- CDD should consider the option of holding a Committee of the Whole meeting to address the issue of pesticides and the adequacy of the IPMP. The meeting should be scheduled following resolution of the issue by the applicant and DEC. If the issue is not settled it will be important for staff to receive direction from the commission on how the issue should be addressed under the requirements of the land use code. This can best be accomplished at a work session as opposed to a public hearing.
- CDD should assure that full and accurate public notice is provided for all meetings. Details of the meeting/hearing agenda should clearly delineate the subjects to be discussed and indicate whether or not testimony will be received and if a decision is anticipated on the conditional use permit. The mailing list should be utilized as a source of mailing notices as well as abutting property owners.
- CDD should refine the power point presentation to assure that the base map/site plan is clear and easily navigated and that images are representative of important site features.
- CDD should prepare a staff report for the public hearing that summarizes past actions and directives including the results of the interagency meeting conducted between October 2001 and May 2002. The report should be concise and document how the directives of the Planning Commission relative to the provision of additional information have been satisfied and how findings absent at the March 2001 meeting have been established. The rationale of conditioning language should be provided including the requirement for on-site monitoring during the construction phase.

I will be arriving in WA State on Friday, December 6th. I will make arrangement to have a telephone connected immediately and will hook up my computer and establish e-

contact during the week of the 9th. I will be available if you require my assistance coordinating the concluding phases of project review, preparation of the staff report and presenting the report at the public hearing.