

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-23

An Ordinance Amending the Land Use Code Relating to Essential Public Facilities

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. Chapter 49.15 Permits, is amended by adding a new Article to read:

Article IX. Essential Public Facilities

49.15.900 Purpose.

The purpose of this article is to provide a process to site essential public facilities that are typically difficult to site or where the provision of the service is substantially connected and dependent upon its location. This chapter establishes the process and criteria the department and the planning commission will use in making a decision on an application for an essential public facility.

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2 **49.15.910 Determination of applicability.**

3 (a) The manager may request in writing that a proposed facility be reviewed through the
4 essential public facilities siting process. The manager's request shall address the criteria in
5 subsection (b) of this section.

6 (b) The director shall review the request and approve it if the criteria in subsections (b)(1)
7 and (2) of this section are met. If approved, the application shall be submitted to the
8 commission for its consideration.

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10 (1) The facility or site will be used to provide a service to benefit the health, safety,
11 and welfare of the public and will be delivered by a government agency or private or
12 nonprofit organization under contract to or with substantial funding from a government
13 agency.

14 (2) The facility is a type difficult to site because of one or more of the following:

15 (a) The facility needs a type of site of which there are few sites;

16 (b) The facility can locate only near another public facility;

17 (c) The facility has or is generally perceived by the public to have significant
18 adverse impacts that make it difficult to site; or

19 (d) There is need for the facility in a particular location.
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21 **49.15.920 Application Process.**

22 (a) An application, on a form specified by the director, and a site plan for the proposed
23 essential public facility shall be submitted to the director for consideration.
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2 (b) After accepting the application and determining it is complete, the director shall
3 schedule it for a hearing before the commission and shall give notice to the developer and the
4 public in accordance with section 49.15.230.

5 (c) The department shall hold a neighborhood meeting at least 30 days prior to the public
6 hearing before the planning commission. The purpose of the neighborhood meeting is to provide
7 the public with a means of obtaining information about the application and an opportunity to
8 comment on it in advance of the public hearing. Public notice of the meeting shall be published
9 in a newspaper of general circulation a minimum of ten days prior to the date of the meeting.
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11 (d) The director shall forward the application to the planning commission together with a
12 report setting forth the director's recommendation for approval or denial, with or without
13 conditions together with the reasons therefor.

14 (e) Copies of the application or the relevant portions thereof shall be transmitted to
15 interested agencies as specified on a list maintained by the director for that purpose. Referral
16 agencies shall be invited to respond within 15 days unless an extension is requested and
17 granted in writing for good cause by the director.
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20 **49.15.930 Decision criteria.**

21 (a) At the hearing on the essential public facility, the planning commission shall review the
22 proposal to consider:

- 23 (1) Whether the development as proposed is consistent with the goals and policies of
24 the City and Borough's Comprehensive Plan; and
25 (2) Whether the application is complete.

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2 (b) The commission may approve an application for a proposed essential public facility, with
3 or without conditions. Conditions may include one or more of the following:

4 (1) *Development schedule.* A reasonable time limit may be imposed on construction
5 activity associated with the development, or any portion thereof, to minimize construction-
6 related disruption to traffic and neighborhood, to ensure that development is not used or
7 occupied prior to substantial completion of required public or quasi-public improvements,
8 or to implement other requirements.

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10 (2) *Use.* Use of the development may be restricted to that indicated in the
11 application.

12 (3) *Owners' association.* The formation of an association or other agreement among
13 developers, homeowners or merchants, or the creation of a special district may be required
14 for the purpose of holding or maintaining common property.

15 (4) *Dedications.* Conveyance of title, easements, licenses, or other property interests
16 to government entities, private or public utilities, owners' associations, or other common
17 entities may be required.

18 (5) *Performance bonds.* The commission may require the posting of a bond or other
19 surety or collateral approved as to form by the city attorney to guarantee the satisfactory
20 completion of all improvements required by the commission. The instrument posted may
21 provide for partial releases.

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23 (6) *Commitment letter.* The commission may require a letter from a public utility or
24 public agency legally committing it to serve the development if such service is required by
25 the commission.

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2 (7) *Covenants.* The commission may require the execution and recording of
3 covenants, servitudes, or other instruments satisfactory in form to the city attorney as
4 necessary to ensure permit compliance by future owners or occupants.

5 (8) *Revocation of permits.* The permit may be automatically revoked upon the
6 occurrence of specified events. In such case, it shall be the sole responsibility of the owner
7 to apply for a new permit. In other cases, any order revoking a permit shall state with
8 particularity the grounds therefor and the requirements for reissuance. Compliance with
9 such requirements shall be the sole criterion for reissuance.

10 (9) *Landslide and avalanche areas.* Development in landslide and avalanche areas,
11 designated on the landslide and avalanche area maps dated September 9, 1987, consisting
12 of sheets 1—8, as the same may be amended from time to time by assembly ordinance,
13 shall minimize the risk to life and property.

14 (10) *Habitat.* Development in the following areas may be required to minimize
15 environmental impact:
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- 17 (A) Developments within 330 feet of an eagle's nest located on private land; and
18 (B) Developments in wetlands and intertidal areas.
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20 (11) *Sound.* Conditions may be imposed to discourage production of more than 65 dBA
21 at the property line during the day or 55 dBA at night.

22 (12) *Traffic mitigation.* Conditions may be imposed on development to mitigate
23 existing or potential traffic problems on arterial or collector streets.

24 (13) *Water access.* Conditions may be imposed to require dedication of public access
25 easements to streams, lake shores and tidewater.

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(14) *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.

(15) *Lot size or development size.* Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.

(16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.

(17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.

(18) *Other conditions.* Such other conditions as may be reasonably necessary to enhance public health and safety.

(c) A development permit issued under this section shall be subject to the provisions of CBJ 49.15.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk