

Ms. McKibben agreed that (1) (A) was probably not necessary.

Public Comment

Mr. Murray Walsh said this is a great proposal and that the last time he checked it cost \$2,000 a lineal foot to build a CBJ compliant road scaled for residential use. It would cost \$70,000 on a lot in a D-5 zone for construction of the road, he said. This is a way to use CBJ standard roads more efficiently, said Mr. Walsh. A road that supported 20 lots would now support 30 lots, he said.

MOTION: *by Mr. Voelckers, to approve AME2017 0003 striking the language “excluding the Panhandle” in (a) (1) (A) of Lot requirements.*

Mr. LeVine said he supported the motion and that he commended the staff who moved this forward. He said this has been in development for a couple of years.

The motion passed with no objection.

→ **AME2017 0006:** Text Amendment to Title 49 to provide for siting Essential Public Facilities. ←

Applicant: City & Borough of Juneau

Location: Borough-Wide

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval. Additionally, staff recommends that the next update to the Comprehensive Plan include policies that expressly address the need for flexibility in providing for Essential Public Facilities.

The contents of this ordinance were discussed by the Planning Commission at its last Committee of the Whole meeting, noted Mr. Steedle. This ordinance contains changes recommended by the Commission at that meeting, said Mr. Steedle. They appear on page 5 in the Habitat section, he said. Minor grammatical edits were also suggested, he said, and upon discussion with the City Attorney they decided not to include those.

The Essential Public Facilities process is very similar to a Conditional Use Permit process, said Mr. Steedle. The key distinction is that the use and location are not governed by the Table of Permissible uses, he said. The use of this permitting process is limited to governmental functions that provide a service to benefit the health, safety and welfare of the public, said Mr. Steedle.

To be considered for this process the purpose must be to benefit the health, safety and welfare

of the community, and it has to be delivered either by a government agency or funded by a government agency, said Mr. Steedle. In order to approve this, the Planning Commission needs to make two findings, said Mr. Steedle - that the development project that is proposed is consistent with the Comprehensive Plan, and that the application is complete. In the process followed for Conditional Use Permits, the Director needs to make some findings which are then in turn reviewed by the Commission. For this ordinance Ms. Mead simplified the language considerably, said Mr. Steedle.

In the best case scenario, if the staff and Commission relied on the conditional use process and does not have a warming shelter for example in the Table of Permissible Uses, there would be numerous and timely steps which would need to be taken to approve a use taking months of time, said Mr. Steedle. This ordinance shaves approximately three months off of the typical Conditional Use process, noted Mr. Steedle.

Commission Comments and Questions

Mr. Voelckers suggested that the first sentence of item (b) (1) be amended to add “an essential” prior to the word “service”. He added that sometimes there may be the need to an uncommon weather event for an immediate response. Mr. Voelckers said he did not notice anywhere a comment on the duration of such an essential facility.

A special weather event necessitating a facility would be a very temporary solution to an emergent problem, said Mr. Steedle. There is already a provision in the code for that, which the Manager can implement, he added. This code before the Commission does not contemplate limited duration, said Mr. Steedle. He added a key difference in this ordinance is that the applicant for this facility is limited to the CBJ Manager.

Mr. Miller asked what the nature of a private organization might be where it is listed on line 11, page two of the draft ordinance.

Mr. Steedle said that it is not necessarily the CBJ which would own and operate an essential facility. This was broadly written so that any entity could enter into a contract with the CBJ to construct and operate a facility. That would flow from the Manager, to Community Development, and then to the Commission, he explained.

Mr. LeVine said he has similar questions to those of Commissioners Dye, Miller and Voelckers. He said he thinks this is in part because there is no definition of what an essential facility is.

Also, he said, nowhere in the ordinance does it explicitly state that this facility is not listed within the TPU.

Mr. Voelckers suggested that under (10) *Habitat* that after the first word “Development”, that “conditions or limitations” be added.

Mr. Steedle said if the Commission were to pass this ordinance, that he would give the recommendations to the Law Department that it be defined what an essential facility is, and that it be explicitly stated that the TPU is not referenced for the facility.

MOTION: *by Mr. LeVine, that AME2017 0006 be recommended for adoption to the Assembly subject to the changes recommended by the Planning Commission, specifically adding a definition of an essential public facility and that it be stated that the essential public facility could be cited independent of the restrictions of the TPU.*

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT

X. UNFINISHED BUSINESS

Change of Comprehensive Plan Land Designation

Mr. LeVine had made a motion at the July 25, 2017 meeting which was tabled until a larger quorum could be present.

MOTION: *by Mr. LeVine, that the Assembly change the Comprehensive Plan land designation for lots one through eight of Block 25, which includes 415 Fifth Street, and 416 and 419 Sixth Street, from Medium Density Residential to Traditional Town Center.*

Chairman Haight and Vice Chairman Voelckers recused themselves due to conflicts of interest.

Mr. Miller said that while Chairman Haight and Vice Chairman Voelckers were conflicted out for the zoning change work performed by the Commission, that even though this decision is related, the item for which they were conflicted has already been acted upon by the Commission. This decision is about whether the Comprehensive Plan land maps are changed, which is a broader question that he did not feel the two Commissioners had a conflict with.

Mr. Steedle said he believed that the question currently before the Commission is so directly linked to its previous action on this related item that a potential conflict still exists. While he said he felt Mr. Miller had a good point, that the Deputy City Attorney had suggested that the two Commissioners recuse themselves from this item as well.

This question arose in the process of a rezone of this particular parcel from D-18 to Mixed Use. The Commission did approve the rezone and tabled this motion to discuss the Comprehensive plan land designation, said Mr. LeVine. Mr. LeVine said he made this motion because he felt it was the job of the Commission to correct these sorts of problems. The Comprehensive Plan