

APPROVED MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Erik Pedersen, Chair

November 18, 2025

A. LAND ACKNOWLEDGEMENT – Read by Ms. Rintala

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

B. ROLL CALL

Erik Pedersen, Chair, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar, and telephonically, to order at 6:00 p.m.

Commissioners present: Commissioners present via video conferencing – Erik Pedersen, Acting Chair; Adam Brown, Clerk; Jessalynn Rintala; Douglas Salik; Mandy Cole; Nina Keller; Larry Gamez

Commissioners absent: Lacey Derr, Vice Chair; David Epstein, Vice Clerk

Staff present: Jill Lawhorne, CDD Director; Rob Dumouchel, Special Projects Planning Manager; Madeline Carse, CDD Administrative Assistant; Irene Gallion, Senior Planner; Kathryn Oberlin, Planner I

Assembly members: None

C. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. October 14, 2025, Draft Minutes, Regular Planning Commission
2. October 28, 2025, Draft Minutes, Regular Planning Commission

MOTION: by Mr. Salik to approve the October 14, 2025, and October 28, 2025, Planning Commission Regular Meeting minutes.

Motion passed.

E. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

G. ITEMS FOR RECONSIDERATION

H. CONSENT AGENDA

I. UNFINISHED BUSINESS

J. REGULAR AGENDA

1. AME2025 0005: Title 49 Phase 1 Text Amendments, Wave 2

Applicant: City and Borough of Juneau

Location: Borough Wide

Director's Report

The proposed ordinance amends the Title 49 Land Use Code relating to reasonable accommodations for individuals with disabilities, internet-based Official Zoning Maps, subdivisions on arterials, and housekeeping edits. Commission recommendations are due by November 21, 2025. Staff recommends modifications to clarify staff roles in reviewing reasonable accommodation, manage version retention of digital maps, and clarifying standards for roadway classification.

Staff Recommendation

Staff recommended forwarding the proposed ordinance with a recommendation of APPROVAL to the Assembly, with recommended changes.

Mr. Dumouchel explained there is a case number for the Planning Commission and CDD, but the ordinance at the Assembly level is Ordinance 2025-40. The included concepts were discussed at the Title 49 Advisory Committee in February, an ordinance was developed and then introduced by the Assembly September of 2025. The Title 49 Committee had it on their agenda two more times, once in September and once in October, and decided to not forward any additional comments to the Assembly or Planning Commission. Mr. Dumouchel also did a presentation for the Lands Committee.

This is a different process than what has been used historically. The Assembly can initiate amendments, as well as the Planning Commission. The Assembly is initiating amendments asking the Planning Commission to have a defined window of time in which to review and have a recommendation and then bring it back to the Assembly for decision. Today is the Planning Commission portion, and it will go back to the Assembly December 15.

Reasonable accommodations is a new section of code but is connected to a Federal Fair Housing Act which has always existed. This portion of the amendment is to give staff and the public clarity regarding the process of how it can be used and protect the rights of those with disabilities to equal access to housing. An example is someone that uses a wheelchair and purchases a home and they need a wheelchair ramp for their new home and the ramp will push into the setback under the zoning code. This will allow CBJ to consider each modification or deviation to the code on a case-by-case basis to allow equal access to the home.

The zoning maps portion allows CBJ to use a digital map as the official map. Currently a 184-page paper atlas is being used. This will not change any processes related to the map itself. Rezoning will not be affected. Some issues regarding record retention will need to be addressed.

Subdivisions and arterials, the D-1 standard has to be used, and this has been a frequent barrier to developing housing. This is an item that has been discussed by the Planning Commission in the past and has been approved and moved forward but never made it to the Assembly to be voted on. The entirety of 4935, Public Private Improvements, will be rewritten in early 2026, but for now Mr. Dumouchel would like to provide this as an option so that persons wanting to build houses can get in the queue and get built next year. As far as housekeeping, references to the Subdivision Review Committee does not exist anymore, and the Coastal Management Program was also removed.

CDD staff recommended, regarding reasonable accommodations, that mention of the Federal Fair Housing Act be removed from everywhere except the purpose section. Mr. Dumouchel supports that change. Mr. Dumouchel does not support replacing the CBJ retention schedule with CDD policies regarding the zoning map because the clerk's office and the retention schedule is the highest level. Nothing stops CDD from having additional policies. Regarding subdivision and arterials, the staff report had updates related to defining collectors and arterial streets, and Mr. Dumouchel recommends them.

Chair Pedersen confirmed that the reason all the records retention information was in their packet was dealing with the zoning maps and clarified that, even with digital zoning maps, the existing paper record zoning maps would need to be retained.

Mr. Salik inquired regarding arterial roads being classified as minor and major and if that classification is an actual standard as he does not see it in Alaska Code. Director Lawhorne responded that it is not totally standard and that CBJ Assembly has authority even if it is a DOT

road. DOT has authority for permitting on their roads, but CBJ Assembly has authority over the classification of the road system in the City and Bureau of Juneau. The same language is not necessarily used. Mr. Epstein also sent in a comment asking if they could be more consistent, and staff agrees with that. Director Lawhorne stated using language that is more consistent with language DOT uses could work as well. Mr. Salik was hoping that they could adopt a standard that kept the language similar. Mr. Salik stated that the terms being used are not quite in alignment, but it could be because their location is different.

Ms. Rintala asked if the draft before them states the more general CDD policies or does it specify the records retention schedule. Mr. Dumouchel responded that it focuses on the CDD retention schedule and does not address CDD policy. Mr. Dumouchel encouraged them to have it but does not think it needs to be in code and the ordinance. Ms. Rintala asked if Mr. Dumouchel supports the draft in front of them. Mr. Dumouchel responded yes related to the zoning map.

Director Lawhorne added, regarding the zoning maps, that staff understood that there may have been challenges with retention only electronically and was looking for a way around but is not a hill that they were going to fight for. They were trying to get to the digital map.

Ms. Cole asked, regarding the reasonable accommodation standards, since the Fair Housing Act does not require anything, does it need to be mentioned at all? She asked because she runs another organization and notes that reasonable accommodation requests are incredibly difficult because what feels reasonable to the person asking for the request is not always what the agency or organization sees as reasonable, giving the example of an aging person requesting an accommodation to make it easier to shovel snow, which is not as cut and dried as a wheelchair ramp. Ms. Cole referenced a waiver process, noting that you cannot ask about the disability, and questioned whether they are trying to be as permissive as possible under the ordinance or if they are trying to strike some sort of balance. Ms. Cole does not feel there is enough in there to help the director with a request such as the example she gave. Ms. Cole asked about the intention.

Mr. Dumouchel responded that the intent, from his perspective, is to not be as permissive as possible. The City and Bureau of Juneau is not under an obligation to approve a reasonable accommodation request. It has to make sense. There is a handful of criteria. He recommends to CDD, if adopted by the Assembly, to create some policy standards or things that can be included in the application process to assure things are treated as consistently and equitably as possible. Mr. Dumouchel wants a place to start and noted it is a case-by-case thing. It is a big vulnerability to have nothing and feels it is safer to have a structure to build a policy from and handle those applications. Ms. Cole suggested adding language to the variance section that says variances can also be granted for reasonable accommodations for persons with disabilities would be a simpler way.

Regarding D-1 and arterials, Ms. Cole confirmed that the code was written very conservatively and it is as restrictive as it is to ensure that there are not too many driveways off of arterials.

Director Lawhorne responded that this is a section of the code that is more for commercial areas or areas with more highways and routes, and it was code from down south that was not tailored for Juneau.

Mr. Salik inquired regarding the dual retention and the legalities surrounding it. Director Lawhorne responded that she will work with Mr. Dumouchel and the city clerk and take their lead to not create a separate policy or separate retention schedule. Mr. Salik agreed and further stated the main standard should be reestablished, and he is hung up on this creating a second standard.

Chair Pedersen opened the meeting for public testimony.

Mr. and Mrs. Vansickle had technical difficulties with their audio and were unable to testify. Director Lawhorne noted that Mr. and Mrs. Vansickle did provide public testimony via email. The email somehow went to the junk email, which has not really been a problem in the past. The comments were emailed to the Commission earlier this afternoon. If needed the comments could be read into the record.

Mr. Salik read Warren and Joyce Vansickle's comments as follows: They are long-time residents and proud grandparents of a newly sworn-in firefighter/paramedic. They express their strong support to the proposed revisions to Chapter 35. Specifically, they urge the Commission to support the change that would allow subdivisions on arterial roads following the underlined zoning rather than defaulting to the D-1 lot size standard as is currently required. When they purchased their property in 2012, they did so with the understanding that subdivision in the future would be possible and, in fact, went before the Commission to make sure subdividing was possible and were assured it was. Now they want to subdivide their property for their grandson, who cannot afford to purchase land in town, and build a home on a portion of their property. Unfortunately, a 2015 code change now prohibits this. Their lot is now just 5,789 square feet short of meeting the D-1 minimum even though they live in a D-3 zoning district. They ask why they are being held to a standard that does not match the zoning in their own property. Their grandson was born and raised in this city, chose a career in public service, and yet cannot afford to live here. The Assembly has stated time and again housing is a top priority for our community. This section of the code has been flagged by Planning staff for years as a clear and critical barrier to development. Revisiting it now is a tangible and timely action that would remove unnecessary restrictions particularly in the area where added density is appropriate and needed. Updating Chapter 35 is more than a procedural change. It is meaningful towards keeping the city livable, equitable, and safe for future generations.

Chair Pedersen closed public testimony and asked if the applicant had further points of information they would like to share. Nothing further from Mr. Dumouchel.

Chair Pedersen asked for further Commissioner discussion and/or questions for staff.

Ms. Cole asked Director Lawhorne if she has any concerns figuring out what is a reasonable accommodation that could be clarified, recognizing it is appealable to the Planning Commission. Director Lawhorne responded she appreciates Ms. Cole looking out for staff. Director Lawhorne hesitates for it to be placed in the variance section. She understands it is much more defined, but she thinks that is where the reasonableness can be lost because it is tied to the features of the land and it can snowball pretty quickly. She thinks having it separate makes sense. She would like it to only reference the Housing Act only the one time and not expect a brand-new planner at the counter to be an expert in that code. Director Lawhorne has been in development and permitting for almost 25 years. She stated that Juneau is probably the hardest place to work in permitting. They do not appreciate the code and do not appreciate it is adopted and somehow the weight of the code is not understood by the public. She further stated that may be a bit about Alaska private property rights, which she understands and supports. Most would say she leans pro-development than other past directors. She likes Mr. Dumouchel's idea of creating policy if this is adopted by the Assembly to give staff or the Director or the Commission guidance. She believes it clarifies what is already legal and out there and will make it a little bit easier for staff and the public because they have something to lean on that they are being reasonable. She realizes there are going to be complaints and appeals. Herself and the Commission do their best to be consistent and equitable. She thinks it is important for people to understand that these are regulations that impact how development is done in the city.

Chair Pedersen stated this is similar to an administrative variance and that the applicant would first get their reasonable accommodation ironed out with staff and the Director before coming to Planning Commission if it was a larger-sized project that warranted coming to Planning Commission and asked for thoughts regarding same. Director Lawhorne responded that she has no thoughts or concerns and that this is similar to other matters where the discretion usually lies with the Director and most of them are in that range in Juneau.

Mr. Salik objected to the retention policies and asked, if the CBJ changes the policy, would the Assembly have to change the document retention? If the Director wanted to change the policy, would it literally be just the Director changing it? Director Lawhorne responded that she does not know what the whole process would be, because after discussion with the city clerk, they do not have any intention to create a separate retention schedule for CDD. They intend to work with the city clerk knowing they are taking this on in the next few months. The staff report went out, and then the conversation continued with the city clerk, and the CDD is comfortable and happy, and it makes the most sense to work with the city clerk on the retention schedule. Mr. Salik agreed a new standard should be there and electronic is the way to go. He just does not agree with that section of this and that would be the reason why he is not for it because the way it is right now looks like CBJ has a standard and CDD wants to come in below them and retain records at a different standard, and he thinks the public is looking for a similar standard as they work across the CBJ.

Chair Pedersen asked if there are any Commissioners that think they should go through the 12-page ordinance page-by-page. Director Lawhorne reminded Chair Pederson that this is not the wordsmithing of the code. The Assembly is looking for their recommendations on it but not necessarily down to the verbiage. Chair Pedersen stated his interpretation of what it says in the ordinance is different than Mr. Salik's. Page 7, line 20 says the official zoning map shall be retained by the City and Borough in accordance with the City and Borough retention schedule, so he does not see where it says something different, that it is all according to whatever standard is created by CBJ, and he does not have any concerns.

In general Chair Pedersen does not have any concerns with this and it removed a lot of things that have been in code that are no longer, such as Coastal Management Plan and Subdivision Review Committee. The biggest changes were related to the arterials and the reasonable accommodation. He supported the change of code as drafted, but if there is something someone feels strongly about, that can be discussed before a motion is made or someone can make the motion.

Mr. Salik thanked Chair Pedersen for the clarification, stating that it varies from what is on page 23 of the packet, which states that all versions of the official zoning maps shall be retained by the City and Borough in accordance with, and it strikes the City and Borough retention schedule and writes in Community Development Department published policies, to be linked on the zoning map. Mr. Salik does not think those two things connect one-to-one. He is good with CBJ. He does not want to create a second one.

Chair Pedersen followed up stating that as they develop the staff packet and the ordinance, sometimes things do not line up perfectly. What they are bringing forward to the Assembly is the 12-page ordinance. The Assembly is not going to integrate anything in the Planning Commission packet. Mr. Dumouchel confirmed Chair Pedersen's interpretation is correct. The ordinance is focused on CBJ's retention schedule. What they are reading in the packet was a suggested potential change and that is not incorporated unless they decide to make a recommendation to do so. Mr. Dumouchel reiterates the two items he does strongly support including but does not support the zoning map change.

Mr. Salik withdrew his objection, reiterating that he just did not want to create a second standard, and the two different readings are what he missed.

Ms. Cole commented regarding the accommodations section, number 6, which says the accommodation does not violate the City and Borough of Juneau's Comprehensive Plan unless the failure to grant the accommodation otherwise constitutes a violation of applicable law. She asks if there is any objection to saying, the accommodation remains consistent or it continues to be consistent with the CBJ Comprehensive Plan. She thinks calling things a violation of the comprehensive plan will cause trouble because the comprehensive plan is aspirational. Chair Pedersen states it makes sense to him, and that the comprehensive plan is not code, so it is hard

to violate it, but the idea is that things are consistent with the comprehensive plan. Chair Pedersen supports that type of language instead. Mr. Dumouchel would like to discuss that with his contract attorney for the project. Director Lawhorne agrees with the Chair's point that the comprehensive plan is not code and agrees checking with the attorney makes the most sense. The language usually says it conforms or is consistent with.

Chair Pedersen suggested they move the ordinance forward and give Mr. Dumouchel direction to potentially revise that section. It is still going through Assembly, so he feels comfortable as to how Mr. Dumouchel was able to resolve that. Ms. Cole stated that sounds reasonable, and if it says violates, she does not support it anymore.

Director Lawhorne reminded the Commission that they will be submitting a memo by Friday to the Assembly with their recommendation. If the Commission feels that that language should be conforms or something different, then that should be put in their recommendation memo to the Assembly.

Mr. Gamez agreed with Ms. Cole regarding the violation language. Ms. Keller also agreed with Ms. Cole and is in favor with changing the verbiage to something more appropriate.

Ms. Cole stated that recommendations that the staff have for the records retention are different from what Mr. Dumouchel wanted or suggested and she is not sure where the Commission lies on accepting that recommendation from staff and would like to know where they are on that before making a motion. Chair Pedersen likes the way it is in the ordinance, and he is satisfied with that. Ms. Rintala agreed and supported how it is written in the 12-page draft ordinance in front of them. Mr. Salik concurs that the way it is in the draft is clearer and keeps them on one standard.

A motion was made and subsequently withdrawn by Mr. Salik.

Ms. Cole stated that they were going to specify that they were not in agreement with the staff's recommendation about the retention policy and they agree that they would like to eliminate the violation of the comprehensive plan text and asked if that is what Mr. Salik meant in his motion. Mr. Salik confirms that is exactly what he meant.

Chair Pedersen asked for the motion to be restated, and that they are recommending approval of the ordinance, and that that will keep the rest of the stuff that was discussed in the packet out of the motion. So, they are recommending approval of the ordinance along with a recommendation to change page 4, item 6. Ms. Cole clarified that the other recommendations are different from what is written in the ordinance, such as the elimination of the Fair Housing Act language. They are agreeing with all the changes that staff put forward except for the one about records retention and then they are adding one of their own. In Ms. Cole's mind, they are

forwarding the ordinance with staff's changes minus the one about records retention and adding one about not violating the comprehensive plan. Chair Pedersen agreed.

MOTION: *by Ms. Cole to forward the proposed ordinance with the recommendation of approval to the Assembly AME2025 0005 with the included staff recommendations, except for the zoning maps, attachment C, with the records retention, and adding a new recommendation to go along with the staff recommendations that include excluding the violation of the comprehensive plan language and instead including something along the line of continues to conform with the comprehensive plan.*

Motion passed.

K. OTHER BUSINESS

1. Housekeeping Item Regarding Regular Meeting Time Hours

Director Lawhorne stated that when the winter hours were shifted to a 6:00 p.m. start, there was discussion to move the end time from 11:00 p.m. to 10:00 p.m., making the winter hours 6:00 p.m. to 10:00 p.m. and summer hours 7:00 p.m. to 11:00 p.m. The winter hour end time of 11:00 p.m. did not happen, so it was added to tonight's other business. No public hearing is necessary to make this sort of housekeeping change.

MOTION: *by Ms. Cole to include a start time of 6:00 p.m. and an end time of 10:00 p.m. for winter hours in the Planning Commission Rules and retain the 7:00 p.m. to 11:00 p.m. for summer hours.*

Motion passed.

2. Proposed Planning Commission Meeting Dates for 2026

Director Lawhorne stated the second and fourth meetings of the year per rules of order with any adjustments due to holidays that may have impacted the schedule.

L. STAFF REPORTS

Director Lawhorne stated that December 9th is Zoom only due to work being done on the sound in chambers. There are no cases for December 16th and nothing else for the meeting if they choose to cancel it. Subdivision plat applications can be accepted but nothing is finalized. They cut off accepting plats November 20th due to the fact that they have to get them all signed. Plats get shipped to the recorder's office in Anchorage, and the turnaround is usually a minimum of two weeks, and then CDD and finance has to do some backend database work. If the recorder's office in Juneau was opened again, this would move a lot faster, but this is the best they can do. This last year CDD and general

engineering and others have been going through permit software system migration. They are almost at the end, but to get to the finish line, they have to shut down all permit intake on December 11th. That gives staff 18 working days or less to get it all done. The new system is to start January 12th.

M. COMMITTEE REPORTS

N. LIAISON REPORTS

O. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

P. PLANNING COMMISSION COMMENTS AND QUESTIONS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

The November 18, 2025 Planning Commission Meeting was adjourned at 7:27 p.m.