

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
May 10, 2022

I. LAND ACKNOWLEDGEMENT – Read by Commissioner Voelckers

II. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:05 p.m.

Commissioners present: Commissioners present in Chambers – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Erik Pedersen

Commissioners present via video conferencing – Mandy Cole; Joshua Winchell

Commissioners absent: None

Staff present: Jill Maclean, CDD Director; Irene Gallion, CDD Senior Planner; Chelsea Wallace, CDD Administrative Assistant II; Ryan Roguska, CDD Administrative Assistant I; Sherri Layne, Law Assistant
Municipal Attorney

Assembly members: Alicia Hughes-Skandijs

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – At the request of Commissioner Voelckers, Other Business was moved up the agenda to precede Regular Agenda items.

IV. APPROVAL OF MINUTES

A. Draft Minutes for April 12, 2022, Committee of the Whole Planning Commission

MOTION: *by Mr. Arndt to approve the April 12, 2022 Committee of the Whole Planning Commission minutes.*

B. Draft Minutes for April 12, 2022, Planning Commission Regular Meeting

MOTION: *by Mr. Arndt to approve the April 12, 2022 Planning Commission Regular Meeting minutes.*

- V. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Chair LeVine explained the rules and procedures for participating via Zoom and in person
- VI. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None
- VII. **ITEMS FOR RECONSIDERATION** – None
- VIII. **CONSENT AGENDA** – None
- IX. **UNFINISHED BUSINESS** – None
- X. **OTHER BUSINESS** – Mr. Levine took a moment to announce Mr. Dye will be leaving the PC and thanked him for his years of service. May 24 will be Mr. Dye’s last meeting.

Mr. Voelckers, Mr. Winchell, and Ms. Cole piled on with kind words. He will be missed on the panel.

- XI. **REGULAR AGENDA** – Note: The items were heard and discussed together and then voted on separately.

SMP2021 0007: Subdivision of one tract of land into four
Applicant: Creative Development
Location: Tract A, Blacktail Mountain Estates, A Fraction of U.S. Survey 471

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **DENY** the requested preliminary plat for the Blacktail Mountain Estates, Tract A. This permit would allow the applicant to submit for the final plat application.

If the Planning Commission approves the private shared access subdivision, this approval should be subject to the following conditions:

- ~~1. Prior to approval of the final plat, the private shared access must be revised to meet the Land Use Code, not create double frontage lots [CBJ 49.15.420(b)], and not create more than four (4) lots total [CBJ 49.35.260]. [Removed on Motion]~~
2. Prior to approval of the final plat, the developer shall submit a final drainage plan to be approved by CBJ Engineering & Public Works. This drainage plan must be prepared by an Alaskan licensed engineer in accordance with CBJ 49.35.510.

3. Prior to approval of the final plat, Certification from the CBJ Treasurer is required showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.
4. Prior to approval of a final plat, the applicant shall submit a complete set of construction plans for all required improvements to the Community Development Department for review by the Director of Engineering & Public Works for compliance with CBJ 49.35.140.
5. Prior to approval of the final plat, the applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.

If the Planning Commission approves the subdivision, this approval should be subject to the following plat notes:

AT THE TIME OF PLAT RECORDING, DEVELOPMENT, INCLUDING FURTHER SUBDIVISION OR USE, OF LOTS IN THIS SUBDIVISION IS SUBJECT TO CBJ 49.35 ARTICLE II DIVISION II 'PRIVATE SHARED ACCESS'. SEE THE CITY AND BOROUGH OF JUNEAU LAND USE CODE FOR CURRENT REGULATIONS.

THE USE OF EACH LOT SERVED BY THE SHARED ACCESS SHALL BE LIMITED TO ONE SINGLE-FAMILY RESIDENCE AND ONE ACCESSORY APARTMENT [CBJ 49.35.262(b)(5)]

WETLANDS MAY EXIST ON PARTS OF THIS SUBDIVISION. SPECIAL REGULATIONS MAY APPLY. (Met, note 8 on preliminary plat)

ACCESS SUBJECT TO CBJ 49.35 ARTICLE II DIVISION II 'PRIVATE SHARED ACCESS' REQUIREMENTS. ACCESS TO LOTS A1, A2, A3, and A4 SHALL BE RESTRICTED TO A SINGLE DRIVEWAY IN THE SHARED ACCESS EASEMENT. USE OF THE ACCESS EASEMENT DELINEATED ON THIS PLAT IS SUBJECT TO THE REQUIREMENTS SET FORTH IN THE COMMON DRIVEWAY ACCESS, JOINT USE, AND HOLD HARMLESS AGREEMENT RECORDED WITH THIS SUBDIVISION. (Note 9 on preliminary plat, needs modification)

THE STORMWATER RUNOFF IS ACCEPTABLE PER BLACKTAIL MOUNTAIN ESTATES TRACT A DRAINAGE PLAN IN APPROVED CONSTRUCTION PLAN SET. ALL REQUIRED PUBLIC IMPROVEMENTS INCLUDING SURFACE DRAINAGE, DRIVEWAYS AND ROADSIDE DRAINAGE SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE FOR MAINTENANCE BY CBJ PUBLIC WORKS. MODIFICATIONS TO THE APPROVED PLANS WILL NOT BE ALLOWED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ 19.12.120 BEST MANAGEMENT PRACTICES. (Note 7 on preliminary plat, needs modification)

SMP2021 0008: Subdivision of one tract of land into four
Applicant: Creative Development
Location: Tract B, Blacktail Mountain Estates, A Fraction of U.S. Survey 471

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **DENY** the requested preliminary plat for the Blacktail Mountain Estates, Tract B. This permit would allow the applicant to submit for the final plat application.

If the Planning Commission approves the private shared access subdivision, this approval should be subject to the following conditions:

1. Trail from Bonnie Brae Estates to Treadwell Ditch Trail is relocated off of Tract B prior to final plat approval.
- ~~2. Optional: Plat 60-foot right-of-way access from the south end of Wee Burn Drive to the west for access to CBJ land. [Removed on Motion]~~
3. Prior to approval of the final plat, the developer shall submit a final drainage plan to be approved by CBJ Engineering & Public Works. This drainage plan must be prepared by an Alaskan licensed engineer in accordance with CBJ 49.35.510.
4. Prior to approval of the final plat, Certification from the CBJ Treasurer is required showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.
5. Prior to approval of a final plat, the applicant shall submit a complete set of construction plans for all required improvements to the Community Development Department for review by the director of Engineering & Public Works for compliance with CBJ 49.35.140.
6. Prior to approval of the final plat, the applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.

If the Planning Commission approves the subdivision, this approval should be subject to the following plat notes:

AT THE TIME OF PLAT RECORDING, DEVELOPMENT, INCLUDING FURTHER SUBDIVISION OR USE, OF LOTS IN THIS SUBDIVISION IS SUBJECT TO CBJ 49.35 ARTICLE II DIVISION II 'PRIVATE SHARED ACCESS'. SEE THE CITY AND BOROUGH OF JUNEAU LAND USE CODE FOR CURRENT REGULATIONS.

THE USE OF EACH LOT SERVED BY THE SHARED ACCESS SHALL BE LIMITED TO ONE SINGLE-FAMILY RESIDENCE AND ONE ACCESSORY APARTMENT [CBJ 49.35.262(b)(5)].

WETLANDS MAY EXIST ON PARTS OF THIS SUBDIVISION. SPECIAL REGULATIONS MAY APPLY.
(Met, note 8 on preliminary plat)

ACCESS SUBJECT TO CBJ 49.35 ARTICLE II DIVISION II 'PRIVATE SHARED ACCESS' REQUIREMENTS. ACCESS TO LOTS B1, B2, B3 and B4 SHALL BE RESTRICTED TO A SINGLE DRIVEWAY IN THE SHARED ACCESS EASEMENT. USE OF THE ACCESS EASEMENT DELINEATED ON THIS PLAT IS SUBJECT TO THE REQUIREMENTS SET FORTH IN THE COMMON DRIVEWAY ACCESS, JOINT USE, AND HOLD HARMLESS AGREEMENT RECORDED WITH THIS SUBDIVISION. (Note 9 on preliminary plat, needs modification)

THE STORMWATER RUNOFF IS ACCEPTABLE PER BLACKTAIL MOUNTAIN ESTATES TRACT B DRAINAGE PLAN IN APPROVED CONSTRUCTION PLAN SET. ALL REQUIRED PUBLIC IMPROVEMENTS INCLUDING SURFACE DRAINAGE, DRIVEWAYS, AND ROADSIDE DRAINAGE SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE FOR MAINTENANCE BY CBJ PUBLIC WORKS. MODIFICATIONS TO THE APPROVED PLANS WILL NOT BE ALLOWED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ 19.12.120 BEST MANAGEMENT PRACTICES. (Note 7 on preliminary plat, needs modification)

SMP2021 0009: Subdivision of one tract of land into four
Applicant: Creative Development
Location: Tract C, Blacktail Mountain Estates, A Fraction of U.S. Survey 471

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **DENY** the requested preliminary plat for the Blacktail Mountain Estates, Tract C. This permit would allow the applicant to submit for the final plat application.

If the Planning Commission approves the private shared access subdivision, this approval should be subject to the following conditions:

- ~~1. Prior to approval of the final plat, the private shared access must be revised to meet the Land Use Code, not create double frontage lots [CBJ 49.15.420(b)], and not create more than four (4) lots total [CBJ 49.35.260]. [Removed on Motion]~~
2. Prior to approval of the final plat, the developer shall submit a final drainage plan to be approved by CBJ Engineering & Public Works. This drainage plan must be prepared by an Alaskan licensed engineer in accordance with CBJ 49.35.510.
3. Prior to approval of the final plat, Certification from the CBJ Treasurer is required showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.
4. Prior to approval of a final plat, the applicant shall submit a complete set of construction plans for all required improvements to the Community Development Department for review by the Director of Engineering & Public Works for compliance with CBJ 49.35.140.

5. Prior to approval of the final plat, the applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.

If the Planning Commission approves the subdivision, this approval should be subject to the following plat notes:

AT THE TIME OF PLAT RECORDING, DEVELOPMENT, INCLUDING FURTHER SUBDIVISION OR USE, OF LOTS IN THIS SUBDIVISION IS SUBJECT TO CBJ 49.35 ARTICLE II DIVISION II 'PRIVATE SHARED ACCESS'. SEE THE CITY AND BOROUGH OF JUNEAU LAND USE CODE FOR CURRENT REGULATIONS.

THE USE OF EACH LOT SERVED BY THE SHARED ACCESS SHALL BE LIMITED TO ONE SINGLE-FAMILY RESIDENCE AND ONE ACCESSORY APARTMENT [CBJ 49.35.262(b)(5)].

WETLANDS MAY EXIST ON PARTS OF THIS SUBDIVISION. SPECIAL REGULATIONS MAY APPLY. (Met, note 8 on preliminary plat)

ACCESS SUBJECT TO CBJ 49.35 ARTICLE II DIVISION II 'PRIVATE SHARED ACCESS' REQUIREMENTS. ACCESS TO LOTS C1, C2, C3 and C4 SHALL BE RESTRICTED TO A SINGLE DRIVEWAY IN THE SHARED ACCESS EASEMENT. USE OF THE ACCESS EASEMENT DELINEATED ON THIS PLAT IS SUBJECT TO THE REQUIREMENTS SET FORTH IN THE COMMON DRIVEWAY ACCESS, JOINT USE, AND HOLD HARMLESS AGREEMENT RECORDED WITH THIS SUBDIVISION. (Note 9 on preliminary plat, needs modification)

THE STORMWATER RUNOFF IS ACCEPTABLE PER BLACKTAIL MOUNTAIN ESTATES TRACT C DRAINAGE PLAN IN APPROVED CONSTRUCTION PLAN SET. ALL REQUIRED PUBLIC IMPROVEMENTS INCLUDING SURFACE DRAINAGE, DRIVEWAYS, AND ROADSIDE DRAINAGE SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE FOR MAINTENANCE BY CBJ PUBLIC WORKS. MODIFICATIONS TO THE APPROVED PLANS WILL NOT BE ALLOWED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ19.12.120 BEST MANAGEMENT PRACTICES. (Note 7 on preliminary plat, needs modification)

STAFF PRESENTATION – By Director Maclean presented **SMP2021 0007**, **SMP2021 0008**, and **SMP2021 0009** together.

APPLICANT PRESENTATION

Bruce Griggs, President, Creative Development Incorporated and Peter Peel presented their plan for the Blacktail Mountain Estates subdivision.

Mr. Peel presented their stance on the CDD reasons for denial. Mr. Peel disagreed with CDD's conclusions that (1) the development circumvents development standards, (2) the shared access bisects Lot A1 creating a double frontage lot, and (3) the double frontage results in five lots where only four are allowed.

Mr. Peel explained their stance on the three points. (1) They are not circumventing standards as they followed procedures as suggested to them by CDD staff. (2) The shared access code quoted by CDD relates to streets and roads and not to private easements. Therefore, it does not apply to this request. (3) A private easement does not create a new lot.

QUESTIONS FOR APPLICANT

Mr. Voelckers asked whether any blasting would result in debris removal or if the debris would remain to build the sites. Mr. Peel said a blasting plan has been submitted and is currently under review with CDD and Engineering. They do plan to blast and to use material from that site to build the subdivisions.

Mr. Hickok asked why the easements are not located closer to the property lines to maximize the lot sizes. Mr. Peel explained they are located in the only place they can be due to design and construction limitations regarding grading and drainage.

Mr. Alper asked how the road would be treated between the lots. Mr. Peel explained it would be owned jointly between the owners of the lots and will be managed and maintained jointly.

Mr. Arndt asked if each bisected lot (A1, C1, and C2) would have single legal descriptions, or would each half have a separate description. Mr. Peel said they would each have single legal descriptions. Bisecting the lots will not create second lots.

Mr. Pedersen asked if there was any objection to the conditions or plat notes suggested. Mr. Peel said he objects in particular to condition #1 in Tract A.

Mr. Winchell asked for clarification if their position is that code **CBJ 49.35.262(b)(2)** refers only to three lots or less. Mr. Peel explained the shared access is limited to four or fewer lots. Since no subsequent common wall subdivision is intended and their private shared access easement already serves four lots, this code does not apply to their application.

Mr. Dye asked if there was a preferred right-of-way width and if the PC were to allow that reduction, would it have an impact on the amount of blasting and fill that would be needed. Mr. Peel had originally requested thirty to forty feet and that would require slightly less fill.

Mr. Hickok asked if their intent is to sell the lots developed and if they were sold undeveloped, is there potential that the buyer would build an attached home or common wall. Mr. Peel answered the plan is to sell the lots minimally developed and buyers would be made well aware of the restriction disallowing further subdivision of the lots.

Mr. Alper asked why they did not just take the uphill side of the lot and make it lot A2. Mr. Peel said one reason was this plan provides some privacy for Lot A1.

PUBLIC COMMENT

Margie Vador, 7595 North Douglas Highway – spoke in support of the project saying this will provide needed building lots to the community. They will be large lots that will bring an infusion of investment dollars and will help maintain property values to the neighborhood and surrounding area.

Emily Palmer, Bonnie Brae resident - spoke against the project saying Juneau is experiencing a housing crisis and she does support more development but putting only twelve houses on such a large tract of land does not meet the need. She felt the lots should be built to a higher density. Ms. Palmer felt that the project should be viewed as a single project and not broken into three separate parcels. She said the impact on the neighborhood will be the same as a twelve-unit subdivision and should be required to meet the rules for such. She said breaking this into multiple phases was akin to cheating the system.

Mr. Voelckers asked Ms. Palmer for specific examples of where shortcuts were being taken. She said there have been many dump trucks passing by her home from the site already and people have already supposedly purchased the lots. She feels the applicant is not following the rules.

Kevin Sledge, 9077 North Douglas Highway, SJS Creative Development – Mr. Sledge is an employee of the applicant and spoke in support of the project saying the applicant is reputable and their work improves neighborhoods.

Emily Thompson, Bonnie Brae resident – spoke against the project saying the applicant knew what he was getting into when he purchased it and added if it is that expensive to develop, then how will it add to affordable housing.

Seth Koch, 6147 Marguerite Street – spoke in support of the project as proposed saying it would be cost prohibitive to build to a higher density due to topography, drainage, and other problems.

Mr. Dye asked is there any feasible way to develop this property to more than twelve lots. Mr. Koch said it is 'possible' but would not make sense considering the terrain.

David Love, Bonnie Brae resident – spoke saying he has concerns regarding the possible increase in vehicle traffic as there are a lot of children in the area. If this is approved, he would hope the city would increase the road maintenance in the area. He also would like to see the park area protected.

Mr. Alper asked how the park near the proposed subdivision is currently used and what is its status. Mr. Love said the CBJ parcel viewer identifies it as park designation. His primary interest is that he enjoys spending time in the woods.

Andrew Kalk, 2908 Simpson Avenue – Mr. Kalk is a potential buyer for one of the lots and would like this to be approved. As a commercial fisherman, these lots have extra room where he can store his commercial fishing gear.

Mackenzie Wilson, Juneau resident – Mr. Wilson spoke in support of the project saying he is a Juneau resident who had to move to Fairbanks in part due to the lack of reasonably priced housing. He likes the idea of the larger lot sizes.

Stephen Clark, 12200 Mendenhall Loop Road – Mr. Clark spoke in support of the project saying he and his family have been looking for housing. During their housing search, a local realtor told him about this project. He and his family are hoping to purchase one of the proposed lots and they are working with a contractor hoping to break ground soon. He said they understand and support the restrictions on further subdivision.

Terry Schwarz, 6742 Sherry Street – Mr. Schwarz is a hydrologist and expressed concerns regarding the drainage impacts that would come from the proposed subdivision. He said the culverts in the neighborhood are already undersized and inadequate during rain on snow events. His major concern is how the development and paving will affect and divert the drainage through the muskeg. There is already flooding in the area during weather events. He would like it written into the lot descriptions that the lots cannot be subdivided further saying that could overwhelm the existing infrastructure.

Mr. Voelckers asked what would be an appropriate interval for a storm event plan. Mr. Schwarz said 100 years is typical and he would prefer to see a plan for more than just a rain event. A rain on snow event would be better.

Josh Anderson, 8544 North Douglas Highway – spoke in support of the proposed subdivision saying it takes into consideration adjacent neighborhoods and zoning and would add high end homes with scenic views to the area. He feels CDD is proposing denial based on their interpretation of unclear codes and he would like it to be reconsidered.

Wayne Coogan, Auke Bay – spoke to support the project. Mr. Coogan said the applicant was being characterized as circumventing the rules but they had actually strictly conformed to Title 49. Addressing the concern that that would not be affordable housing, Mr. Coogan said every housing unit built contributes to solving the housing problems.

Dave Jones, 1634 2nd Street, Douglas – spoke in support of the development as he hopes to purchase one of the lots. He grew up in Juneau and wants to raise his family here. He added his job is relocatable and if he cannot find housing in Juneau, he would consider moving to Anchorage or Fairbanks.

Paul DeSloover, Bonnie Brae resident – spoke with concerns saying Bonnie Brae has many children and no sidewalks. He expressed concern that the increase in truck and heavy equipment traffic during the construction phase would create a dangerous situation. He cited a lack of stop signs and yield signs at the ends of Wee Burn and Bonnie Doon streets as contributing to the danger. He was also concerned that if there is blasting, his house is about 400 feet from where the blasting would occur and wants the commission to be aware of that and to consider ways to mitigate impacts of blasting on neighbors.

Evan Morgan, 6725 Marguerite Street – spoke in support of the project. He owns a business that relies on SJS Construction. He and his wife are potential buyers. If they purchase a lot and build a home there, then the house he currently lives in would be available for rent.

Kaity Morgan, 6725 Marguerite Street – spoke in support saying this development would help them to achieve the home of their dreams. They have considered moving out of Juneau if they are not able to build the house they want here. She did not think the addition of twelve houses to the area would negatively impact the neighborhood.

Kate Dempsey, 2769 Sherwood Lane – spoke in support of the development saying she is a potential buyer. She was having trouble finding housing options when she heard about Blacktail Estates about a year and a half ago and the applicant has offered to work with her so she could stay in Juneau and build her home. She loves that the property will not be further subdivided.

Chris Hinkley, 5994 Pine Street – is a potential buyer and spoke in support of the development. He said the restrictions on the lots and the shared access and shared utilities, snow plowing, etc. have been made clear to him and, he thinks all buyers are aware of them. He expressed frustration at how long the process has taken saying the longer it takes, the more it will cost owners to build on the land. While he can understand the concerns of the residents of the neighborhood, he feels the new construction will have minimal impact on the existing neighborhood.

Amanda Compton, 301 Cordova Street – spoke in support saying buying a house in Juneau is difficult and housing is needed. She heard about the proposed subdivision last year and would like to purchase one of the lots. She has reviewed a proposed purchase agreement and understands the restrictions on subdividing. She stated she is a professional working in Juneau and has been looking for housing for several years. This would give her the opportunity for a home of her own. If she is unable to purchase or build a home of her own then she may be forced to leave Juneau.

Craig Brown, 5383 North Douglas Highway - spoke in support saying this is an opportunity for his family to own land and build a home.

Gabe Hayden, 17001 Towers Road – Mr. Hayden is the design engineer for the subdivision and wanted to make himself available for questions. He drew most of the plans for the shared access easement alignments and were based on the land topography.

Mr. Voelckers asked Mr. Hayden to explain design assumptions used in the rain models. Mr. Hayden said the CBJ standards require ditches be designed for a 25-year 24-hour rain event.

Mr. Dye asked if they had looked at the effects of reducing the easements. Mr. Hayden said he would be reluctant to reduce them to less than 40 feet.

Mr. Pedersen asked if the shared accesses could be moved to the lot line and still achieve the required 12% grade. Mr. Hayden said they located the shared accesses in such a way that they would not increase flow to non-CBJ rights-of-way.

Doug Peel, 800 6th Street – Mr. Peel read his previously submitted written comments in support of the development.

Paul Martz – expressed concern regarding drainage saying the proposed shared drive road could cause drainage from the muskeg along the Treadwell Ditch access to the homes along Wee Burn Drive.

Dave Hanna, 11495 Mendenhall Loop – spoke in favor of the subdivision saying Juneau has a housing crisis and this needs to be approved. He said this proposal has taken over two years and there are several other proposed subdivisions he knows of that have been more in process for more than a year that are not yet approved. This proposal will meet a need in the community. He has no direct connection to this proposal and is speaking only as a member of the development community and encouraged the PC to support any reasonable proposals that come before them.

Anies Sadeghi, 4104 Taku Boulevard - spoke in support saying he is a recent homebuyer in Juneau and affordable housing is hard to find. He said this is an opportunity for needed housing in the area.

At Ease 9:35 p.m. – 9:47 p.m.

ADDITIONAL APPLICANT COMMENTS

Mr. Peel stated the proposals do not violate CBJ code or development standards. As for the public comment, he feels this project is a compromise regarding lot sizes, drainage considerations, and other factors.

Mr. LeVine asked if he had any comments regarding the plat notes. Mr. Peel said he has no problem with the proposed plat notes as listed. As for the conditions, he disagrees with Tract B condition #2 saying it would muddy the process of the application being accepted and is potentially unnecessary.

Mr. Dye asked if the proposed access easement would be within the private shared access. It would. Mr. Pedersen clarified it is not an easement, it would be a right-of-way. Mr. Hickok asked the size of the easement. It would be 43 feet long by 60 feet wide.

Addressing the conditions in Tract C, Mr. Peel said they reject condition #1 saying the code citations do not apply.

QUESTIONS FOR STAFF

Regarding the blasting plan, Ms. Maclean explained it is reviewed by CCFR and CBJ Engineering and the final permit is issued by the fire marshal and not by CDD. The construction plans are under review but they cannot be approved until the preliminary plat is approved. This is in accordance with **CBJ 49.15.401(d)**.

Mr. LeVine asked about the email from Planner Gallion and asked what other possible concerns CDD has regarding phasing. Ms. Maclean answered, explaining the tiered approach to private shared access was intended to allow access for smaller narrow lots and not for a large 90-acre lot. Therefore, the tiered approach was used to divide the large lot into smaller lots as the first 'tier'. Ms. Maclean felt the project as proposed did not meet the code but the Commission has more discretion than she does and that is, in part, why staff proposed an alternative with phasing and plat notes. She cautioned the PC against overly constraining the lots considering the need for housing.

Mr. Hickok asked if the lots are sold, are they being sold as conforming or nonconforming. Ms. Maclean referred it to the PC saying her recommendation was DENIAL because she does not believe it conforms with code, but CDD has included alternatives in case the PC finds it does comply with the code.

Mr. Voelckers noted the drives had a grading at 12 per cent and asked if there is something the PC needs to do to ensure that is followed. Ms. Maclean suggested stating "the subdivision must meet emergency access standards."

MOTION: *by Mr. Winchell to accept staff's findings, analysis and recommendations and approve SMP2021 0007 striking Condition # 1, retaining Conditions #2-5 and all plat notes.*

Proposed findings to support the motion:

- Mr. Alper: *Although per **CBJ 49.15.420(b)** double frontage lots should be ‘avoided’ the circumstances of topography of this parcel make this configuration in the proposal appropriate.*
- Mr. Winchell: ***CBJ 49.35.262(b)(2)** only applies if subsequent common wall residential subdivision is intended and the record shows it is not intended. Therefore, it does not apply.*
- Mr. Pederson: *Shared access is within a private easement. The private easement does not constitute or create a property boundary. Additional lots are therefore not created.*
- Mr. Arndt: *The proposal does conform to CBJ 49.15.411; CBJ 49.15.420; and CBJ 49.35.260.*

Mr. LeVine said this conversation is on record and sufficient to justify the motion.

Mr. Voelckers, Mr. Dye, and Mr. Pedersen spoke to support the motion. Mr. Voelckers thanked the community for coming out and testifying.

Mr. LeVine will support the motion but shares the concerns of the director saying it is consistent with the code but they would like to have seen more than twelve houses.

The motion passed on Roll Call vote with no objection.

MOTION: *by Mr. Winchell to accept staff’s findings, analysis and recommendations and approve SMP2021 0008 striking condition #2 and retaining Conditions #1, 3, 4, 5, 6 and all plat notes.*

The motion passed with no objection.

MOTION: *by Mr. Winchell to accept staff’s findings, analysis and recommendations and approve SMP2021 0009 striking condition #1, retaining Conditions #2-5 and all plat notes.*

Mr. Pedersen added the finding: Shared access is within a private easement. The private easement does not constitute or create a property boundary. Additional lots are therefore not created.

The motion passed with no objection.

XII. OTHER BUSINESS – None

XIII. STAFF REPORTS

Director Maclean reported:

- Title 49 meeting at Noon this Thursday
- Tomorrow at 4:30 p.m. DOT meeting regarding north channel crossing
- The housing specialist position has posted
- Assembly COW meeting June 6 to discuss housing pressures

Mr. Voelckers asked about the status of a joint meeting with the assembly. Ms. Maclean said it is looking like August but a date has not yet been confirmed.

XIV. COMMITTEE REPORTS

- Title 49 – Mr. Arndt reported the committee is meeting Thursday.
- Mr. Arndt reminded the commission that the Glory Hall appeal will be back in two weeks.
- JCOS – Mr. Voelckers reported CBJ Engineering is acquiring seven or eight new electric buses and EV stations installed.
- Lands, Housing and Economic development – Ms. Cole reported the committee met May 2 and forwarded two recommendations to the assembly

XV. LIAISON REPORTS

Ms. Hughes-Skandijs reported

- Assembly COW has discussed adjusted maps for street vendoring and the 1% sales tax projects and other topics
- They are currently working on the budget

Mr. Voelckers asked the status with mass wasting and avalanche issues hazard mapping. She will make a note and get back to the Commission.

XVI. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Dave Hanna spoke to say a joint meeting with the Assembly should be more than a couple of hours to discuss the housing crisis.

XVII. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. LeVine spoke, wishing Mr. Dye well.

XVIII. EXECUTIVE SESSION – None

XIX. ADJOURNMENT – 10:38 p.m.

Next regular meeting May 24, 2022, 7:00 p.m.