

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
August 10, 2021

I. ROLL CALL

Michael LeVine, Chairman, 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 7:02 P.M.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell; Erik Pedersen

Commissioners absent:

Staff present: Jill Maclean, CDD Director; Alexandra Pierce, CDD Planning Manager; Irene Gallion, CDD Planner; Teri Camery, CDD Planner; Sherry Layne, Law

Assembly members: Loren Jones; Carole Triem; Beth Weldon; Alicia Hughes-Skandijs

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

III. APPROVAL OF MINUTES

A. Draft Minutes July 13, 2021 Planning Commission Committee of the Whole Meeting

MOTION: *by Mr. Voelckers to approve the July 13, 2021 Planning Commission Committee of the Whole Meeting minutes.*

B. Draft Minutes July 13, 2021 Planning Commission Special Meeting

MOTION: *by Mr. Voelckers to approve the July 13, 2021 Planning Commission Special Meeting minutes.*

C. Draft Minutes July 13, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the July 13, 2021 Planning Commission Regular Meeting minutes.*

IV. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Chair LeVine explained the rules for participating via Zoom format.

V. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

VI. **ITEMS FOR RECONSIDERATION** – None

VII. **CONSENT AGENDA** – None

VIII. **UNFINISHED BUSINESS** – None

IX. **REGULAR AGENDA**

AME2021 0009: Rezone from Industrial to General Commercial
Applicant: Bicknell, Inc. & GSA, LLC
Location: Honsinger Drive

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings, and forward a recommendation of APPROVAL to the Assembly for the requested rezone from Industrial to GC on Honsinger Drive.

STAFF PRESENTATION by Planner Gallion

QUESTIONS FOR STAFF

Mr. Winchell asked if there are any agricultural activities in the area that would be prohibited. Ms. Gallion said agriculture is not explicitly prohibited so long as it is not an attractant to wildlife like birds or deer.

Mr. Arndt disclosed one of the applicants does engineering work for him but he has no financial involvement with this project and he can be fair and impartial. He was allowed to remain.

Mr. Arndt asked what is different now since when this came before the PC in 2013 there was a finding that GC is not appropriate for the area. Ms. Gallion explained the airport has expressed concern regarding excessive residential expansion in the area. Ms. Gallion felt the area is unlikely to be developed residentially. Ms. Maclean added CDD has the tools through the permit process

to mitigate the concerns regarding residential development. Given the health concerns and noise decibels in the area, it would be reasonable to deny a housing development.

Mr. Dye asked for clarification of what CDD could do for residential developments under twelve units. Ms. Maclean said the CDD staff seek agency comments and review even for permits approved at the Director level. For the lots in question, the FAA could prohibit them based on the health and decibel concerns noted.

Mr. LeVine asked if the location of the proposed GC in 2013 is identical to this proposal. Ms. Gallion said it is similar but there are some differences. It is a smaller area than the previous proposal.

Mr. Arndt noted the assembly has been pushing for industrial land and asked how CDD staff is weighing Assembly desires for industrial land with this proposal. Ms. Gallion answered this land is expensive and is not ideal for industrial uses and added the uses being considered by interested parties are largely industrial type uses with complementary office spaces which makes them more suited to GC than to purely industrial.

Mr. Dye asked if this rezone is relevant since the area is considered a rural reserve thoroughfare in the Comprehensive plan and any of the zoning districts apply. Ms. Gallion explained that while the area is being developed, we should be cautious of zoning districts that are not complementary. GC provides for a good transition between industrial and residential areas.

Mr. Dye said if they are using the Comp Plan idea of thoroughfare then why are lots 1 and 7 not included in the rezone when lots 13, 12, 11, and 10 are included when they don't seem to meet the description of a thoroughfare. Ms. Gallion said the lots are visible from the thoroughfare and lots 1 and 7 were left out in an attempt to create an industrial buffer.

QUESTIONS FOR APPLICANT

Spike Bicknell was available for questions.

Mr. Voelckers asked for a description of the types of parties interested in the property. Mr. Bicknell said there have been several potential buyers but not being able to have an office on-site is a deterrent for them. Mr. Arndt asked if there is an increasing demand for industrial properties. Mr. Bicknell said the interest is much more for General Commercial type activities than industrial.

Mr. Dye asked why lots 7, 8, and 9 are not included as GC. Mr. Bicknell said the uses for lots 7, 8, and 9 are undetermined and given their size and location, he would like to leave them open for now.

Mr. Winchell asked what types of uses are being thought of. Mr. Bicknell said they've had interest for real estate, vegetable farming, storefronts, and office buildings.

Mr. Dye asked if there was an issue with rezoning lots 7, 8, and 9 to GC. Mr. Bicknell said Lot 9 has been sold and the buyer does not want to be included in this rezone proposal. Mr. Dye asked if it would be acceptable if lots 2, 12, 13 stayed industrial and 7, 8, 9 were GC. Mr. Bicknell thought 13 would be ok but pointed out that lot 2 is road frontage.

PUBLIC COMMENT

Garret Gladsjo – 8890 Cedar Court – owns Lot 10 in the proposed rezone and wanted to voice his support for the rezone.

Mr. Dye asked Mr. Gladsjo if he was aware at the time of purchase that his lot was Industrial and not GC. He said yes, he was aware.

Barbara Sheinberg – 739 Fifth Street – is in support but would like to see conditions added requiring vegetative buffering between Egan Expressway and the lots in question.

COMMISSIONER DISCUSSION

Mr. Voelckers spoke to Ms. Sheinberg's suggestion regarding buffering saying he seemed to remember there was concern that it would attract wildlife to the airport area and asked if that had come up. Ms. Gallion said there are vegetative requirements for buffering at 5% coverage for industrial and 10% for GC. She added the time for vegetative buffering requirements would come up as part of the conditional use permit process. The main concern would be choosing plants that were not attractants for deer or birds. Ms. Maclean reminded the PC that on rezones they can only make conditions related to public safety or health and wellness. For example, infrastructure, or water/sewer improvements can be conditioned but not vegetative cover, landscaping or design elements.

Mr. Winchell asked what sort of restrictions would be necessary considering office spaces based on the decibel map and noise levels. Ms. Maclean said that issue would come up at the permitting phase. She added there are many offices and employees on-site at the airport now.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve AME2021 0009 with changes to the boundaries of the rezone citing staff findings related to the*

decibel map to exclude Lots 2, 12, 13 and for consistency with buffering to exclude Lot 10 and include Lots 7 and 8 in the General Commercial rezone to offset the loss of frontage and area to be consistent with what the applicant spoke to in terms of percentages.

Mr. Winchell likes Mr. Dye's motion but he thinks the issues he has would be taken up at time of permitting.

Mr. Dye explained the reason to exclude Lots 10 and 11 was because it would create a small jutting of GC into the industrial zone. He added it is too bad the owner of Lot 9 is not interested in the rezone because that would make more sense than the jagged zone lines being created. The effective rezone would be lots 3, 4, 5, 6, 7, and 8.

Ms. Cole expressed concerns about excluding lot 9 based on the owner's preference while not changing zoning on other lots that the owners did want changed. Mr. Dye answered that the owners knew what the zoning was when they bought it.

Mr. LeVine asked if there is an issue with the PC proposing rezoning to the Assembly of more than the applicant is seeking. Mr. Dye said as he understands it, members of the public can request a rezone up to twice per year but the Commission can initiate the process at any time. Based on this interpretation, he feels comfortable with his motion. Ms. Layne agreed with Mr. Dye that the Code does say the PC can initiate a rezone.

Mr. Hickok asked for Mr. Dye's reasoning for excluding the lots from the rezone. Mr. Dye explained Lot 13 is currently in the 65-70 decibel area and the modeling shows decibel levels up to 65-70 for the other excluded lots. He added lots 7 and 8 to balance out the area excluded.

Mr. Arndt agreed that he did not like the jagged zoning but he did not agree with rezoning some of the lots as requested but not all of them and then rezoning lots against the wishes of the owner.

Mr. Pedersen said if this was the case, then they could also rezone lot 9.

Mr. Winchell asked again for the reasoning for removing Lot 9. Mr. Dye said he excluded Lot 9 because it was not included in the original request and the owner had been approached but did not want to be rezoned.

Roll Call Vote

Yea: Dye, Alper, Voelckers, LeVine

No: Winchell, Hickok, Pedersen, Cole, Arndt

Motion fails 4 - 5

MOTION: *by Mr. Arndt to accept staff's findings, analysis and recommendations and approve AME2021 0009 with changes to the boundaries of the rezone to include Lots 3-11 in the change to GC and leaving the others Industrial and referenced staff findings and those expressed by Mr. Dye in his motion.*

Ms. Cole asked Mr. Dye's opinion of rezoning Lot 9. Mr. Dye said the owner of Lot 9 will have opportunity to petition the assembly if he does not want this change.

Mr. Alper asked if the motion was made with noise in mind. Mr. Arndt said that the noise map is why he excluded the lots he did.

Ms. Maclean asked for findings on the motion. Mr. Arndt referenced Mr. Dye's findings and added Lot 7 has approximately the same amount of highway frontage as lots 5 and 6 and it makes sense that they should be subject to similar visual conditions regarding vegetative cover.

Mr. Voelckers and Mr. Dye spoke to say they support the motion. Mr. Winchell said this is well thought out and he supports it.

Mr. Hickok said he will be a no vote saying he does not see why the PC is rezoning lots to GC when they were purchased as industrial. Mr. Dye said he does not think rezones only happen during sales transactions nor does he think it is abnormal for rezones to happen without a change in ownership.

Roll Call Vote

Yea: Arndt, Cole, Pedersen, Alper, Winchell, Voelckers, Dye, LeVine

No: Hickok

Motion passed 8 - 1

At Ease 8:13 P.M. – 8:22 P.M.

AME2021 0008: An ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.70.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment

Applicant: City & Borough of Juneau

Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.70.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment.

STAFF PRESENTATION by Planner Camery

QUESTIONS FOR STAFF

Ms. Cole disclosed she is involved with the organization AWARE and they are directly affected by the map revisions in this proposal. She has no financial interest and can be impartial and was allowed to remain.

Mr. LeVine disclosed he owns a home that would be affected by the new maps. He feels he can be impartial and was allowed to remain.

Mr. Voelckers asked Ms. Camery to clarify if they were to adopt the new maps and findings now and then adopt regulations later, would the maps be utilized with the regulations currently in place. Ms. Camery said the only changes immediately would be to apply the development restrictions to the severe and high landslide areas.

Mr. Dye noted the maps and pages in the packet were marked 'issued for review third draft' and asked how issued for review compares with the final maps. Ms. Camery said if no final revisions are made then they will just remove the verbiage and update the dates.

APPLICANT PRESENTATION - Tetra Tech Consultants presenting were:

- Alan Jones, M.Sc., P.Eng., P.E., Senior Avalanche Specialist for Dynamic Avalanche Consulting;
- Rita Kors-Olthof, P.E., P.Eng, Overall Technical Lead and Senior Landslide Specialist
- Vladislav Roujanski, Ph.D., P.Geol., Project Manager and Landslide Hazard Assessment Lead
- Shirley McCuaig, Ph.D., P.Geol, Senior Geohazards Specialist

Mr. Jones presented saying his work was to map the avalanche hazard designations and to identify avalanche paths in the study area. He identified and classified fifty-two avalanche paths as Severe, Moderate, or Low hazard areas.

Rita Kors Olthof gave an overview of the mapping process and explained the hazard zone designations.

QUESTIONS FOR APPLICANT OR STAFF

Mr. Arndt asked about the return periods for avalanches and landslides and how the standards they used compare to industry standards for flooding and seismic hazards. Ms. Kors-Olthof answered saying it is difficult to define frequency and magnitude for landslides because of the variability. They would need to conduct a magnitude and frequency analysis to determine that

and it was not included in the project. In lieu of that, they determined activity level using air photos. Mr. Jones said for avalanches, the industry best practice is to look at thirty- to three-hundred-year return periods. They accomplish this using a modeling and other techniques. Ms. McCuaig added landslides are complex and require intensive work.

Mr. Voelckers asked if there had been comparisons with other communities or is Juneau unique in the number of residences in hazard areas. Alan Jones said the topography of Juneau makes it unique. Ms. McCuaig said it is common for residences to be developed on colluvial and fluvial deposits as those are often the flattest areas of a valley and sometimes the only land available.

Mr. Winchell asked what are the triggering events that would allow someone to assess the level of hazard. Ms. McCuaig said debris flows from saturated ground, heavy rainstorm, earthquakes, and other events are common triggers for landslides.

Mr. Voelckers asked if they felt Juneau has invested enough in hazard study or should they do more before coming to conclusions. Mr. Jones said certainly a lot more 'could' be done but it would be very costly.

Mr. Roujanski said they have been criticized for not doing landslide modeling but for proper modeling you need to drill for cores and this is quite expensive and the results would most likely be very comparable to the conclusions presented here.

Mr. Winchell asked what sort of low tech or common-sense methods locals or CBJ could do to mitigate or monitor the hazards. Mr. Roujanski said ongoing monitoring of what's going on above the houses and of ground water would be important. He suggested drone-based LIDAR monitoring would be useful. Ms. McCuaig suggested drainage improvements of the area would help for debris slides and debris flows, but would likely be less useful for rockfall areas.

Ms. Cole asked CDD Staff to speak to the restrictions that will be put in place on the High and Severe properties. Ms. Camery said the restriction would be on increases in density citing Title 49.70.300(b)(1) and (2).

Mr. Alper said the landslide methodology seemed based on observations and avalanche methodology was based more on mathematical forecasting and asked if and why that was the case. Additionally, he asked for clarification to the criteria for severe avalanche hazard. Specifically, he asked if it is frequency **AND** impact pressure or is it frequency **OR** impact pressure. Mr. Jones said it is **OR**. An avalanche with over 600 pound of pressure per square feet or with a

return frequency of less than 30 years would create a severe hazard. As for the methodologies, observational data is an effective way to study landslides whereas avalanches analysis is more data based.

At Ease 9:45 P.M. – 9:47 P.M.

PUBLIC COMMENT

Michael Janes, Juneau – Mr. Janes is an avalanche forecaster with fifteen years of experience with avalanche mapping and mitigation. He said this study is important and needed but he thinks it could have been done better. He felt the timeframe for public comments was not enough considering the amount of information in the study. He pointed out that AELP, DOT, and other information sources were not consulted that should have been.

Mr. Winchell asked for Mr. Janes thoughts on LIDAR drones for monitoring and how open would his employer, AELP, be to sharing its avalanche data with CBJ or with the avalanche consultants. Mr. Janes said he thought AELP would be open to information sharing. He has used LIDAR to measure snow depths. He felt snow depth information should have been included in the study.

Casey Loofburrow, Spruce Street – Mr. Loofburrow is a geologist with experience in hill slope processes and does not agree with the assessment. His home is one of the ones that would be categorized Moderate. He would like to see the scientific explanation as to how his property is mapped as moderate when JDHS is not mapped at risk at all.

Steve Soenksen – Mr. Soenksen is a design-build contractor and said aspects of the study are vague and said the CBJ is culpable for some of the hazard zones based on the history of logging. He said any hazard zone on private property is wrong and should be changed to reflect that the hazards exist on public property.

Emily Haynes, 1772 Dimond Drive – Ms. Haynes spoke in support of new mapping but she does not support adopting these maps without looking at the impact on the affected properties.

Matt Voelckers, 228 Highland Drive – Mr. Voelckers thinks this is important work but he questioned the results. He said the landslides issue seems to show small rock and debris slides as risks even though they are not life threatening.

Teresa Yvette Soutiere, 634 6th Street – Ms. Soutiere’s home is in the zone. She said the maps are hard to decipher and the process felt rushed and she did not have enough time.

Shawn Eisele , 606 6th Street – Mr. Eisele said this meeting is the first chance for the public input and people should have had more say along the process.

Sally Schlichting, owner of 419 and 421 Kennedy Street – Ms. Schlichting said both of her houses have been moved to higher risks than before. She said residents need more time to be aware of the process and asked for a fuller conversation for discussion of effects on homeowners and mitigation steps to take.

Glenn Merrill, 603 4th Street – Mr. Merrill said the public needs more time to understand the issue and he perceived a problem in the working of the ordinance. As he reads it, the ordinance would allow the construction of a new four-bedroom home on a vacant lot but would not allow four homeowners to each add a single bedroom to their homes.

Olivia Sinaiko, 615 E Street – Ms. Sinaiko said her property moves from no risk to severe landslide risk designation. She said the landslide designation can be misleading. A severe landslide designation could mean risk of rock fall or mud and debris slides but it does not address actual risks to harm.

Norman Cohen, 739 Fifth Street – Mr. Cohen echoed previous testimony saying this is moving quickly and public needs time and asked they postpone taking action.

Bill Leighty, 227 Gastineau Avenue -- Mr. Leighty questioned the process of passing the ordinance now and making regulations later. He felt they should go jointly. He felt the Tetra Tech work was well done and the resulting information was adequate saying greater precision resolution is not needed and would be expensive and would not decrease risk.

ADDITIONAL APPLICANT COMMENTS

Ms. Pierce responded to testimony saying this work was funded by a grant from FEMA with a limited scope only for the mapping. There is additional funding available for the regulatory work but FEMA may not award the second grant until the maps are adopted.

COMMISSIONER DISCUSSION/Questions for Staff

Mr. Winchell asked the Tetra Tech team if their analysis could benefit from working with the AELP data. Mr. Jones said he would certainly be happy to talk with AELP but reminded the PC of the

various data sources they did use. Mr. Jones said that there is a limit to how much information can be processed and how much is useful. They utilized aerial photos dating back to the 1960's. He added that they had also reached out to DOT but received no response.

Mr. Hickok asked Staff if the PC approves the Ordinance, how would that affect property owners in the area in regard to insurance requirements and financing abilities. Ms. Pierce said CDD does not know what the effect will be from the maps to insurance and property values or how the market will be affected but homes already in high hazard areas are selling. Further public process and evaluation is not within the scope of the grant that funded this project.

Mr. Dye referred to table 1.4 in the report asking if the high and severe landslide areas are likely to cause loss of life or property damage. Ms. McCuaig said the Severe level could have a history that includes loss of life and high level was less likely to have that history but could have property damage. The high hazard landslide zones are areas with evidence of rockfall that does not necessarily knock over trees.

Mr. Arndt asked why one section of the proposed ordinance prohibited adding bedrooms and another just prohibited any addition. Ms. Maclean said they were intended to read "by additions, conversions of buildings, or otherwise" that would increase density. Ms. Maclean added the intent is to not create an additional unit.

Mr. Pedersen said he looked at the 1987 maps and asked if Staff had looked at those maps and how long the process took then. Ms. Camery said she did not. Ms. Pierce said the maps were based on work conducted in the 1970s.

Ms. Cole asked if you are not allowed to increase density, then why is building a new house on a vacant lot allowed. Ms. Pierce answered that legally if you own a property you are entitled to build a single-family home on that property. She reminded the PC that the purpose of the process at this meeting is to review and approve the maps and forward them to the Assembly where it will be extensively reviewed when it comes before the Committee of the Whole, the Lands Committee and again at a full Assembly meeting. Ms. Maclean stated the new construction is allowed because to deny that would constitute a taking.

Mr. Dye asked how to limit increases in density when accessory apartments do not count toward density. Ms. Pierce said the intent was to preclude accessory apartments and said they could specify "accessory apartments" in the verbiage of the ordinance.

Ms. Cole expressed concerns about how this will affect owners of properties being added to the hazard zones. Ms. Maclean said it is not unusual for areas to be rezoned and those rezones also affect property owners.

MOTION: *by Mr. Voelckers to forward **AME2021 0008** to the Assembly for direction on next steps for an appropriate community review and adoption process, including funding for steps which are deemed necessary. New Landslide and avalanche hazard mapping and study results should be held without adoption, pending development of associated hazard zone policies and regulations.*

Mr. Voelckers spoke to his motion saying the potential impact on downtown Juneau residences from the maps is substantial and they have raised numerous concerns. He believes more analysis is required. He is proposing an eight-month period to inform the community, receive additional public input, and collect information to allow the PC to approve hazard regulations and maps to be forwarded to the Assembly for adoption.

Mr. Winchell supports the motion and asked Mr. Voelckers to consider adding LIDAR verbiage.

Mr. Dye spoke against the motion saying it is not their place to require specific budgetary outlays. Further, the decision of whether to adopt this now or in tandem with regulation is a question for the Assembly to make. He felt their job at this meeting was to decide whether to support amending the maps based on new data presented tonight.

Mr. Alper spoke supporting the motion saying he is not comfortable forwarding the maps as presented saying there are too many unknowns for so many affected property owners.

Mr. Winchell spoke for the record that he has grave concerns of encumbering properties with high and severe designations.

Mr. Arndt spoke against the motion saying more time is not going to change the science. If they vote tonight to delay the process, the maps likely will not change. He said there are several assembly members watching the meeting and they have seen the concerns of the public and the intent of the PC by watching and listening to the discussion tonight.

Mr. LeVine spoke to say he has serious concerns for property owners who will be impacted. He said he supports Mr. Voelckers' motion but would also support an alternative motion to adopt the maps while delaying any policy changes until there is a fully formed legislative proposal. He was less concerned with the accuracy of the maps but very concerned with the affects on property owners without giving those owners full opportunity to become aware and understand the implications of this change.

Roll Call Vote

Yea: Voelckers, Winchell, Alper, Cole, LeVine

No: Hickok, Pedersen, Arndt, Dye

Motion passed 5-4

X. **BOARD OF ADJUSTMENT** – None

XI. **OTHER BUSINESS** – None

XII. **STAFF REPORTS**

Ms. Maclean asked members to check their emails and confirm their attendance for an upcoming Title 49 meeting.

XIII. **COMMITTEE REPORTS** – None

XIV. **LIAISON REPORTS** – None

XV. **CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

XVI. **PLANNING COMMISSION COMMENTS AND QUESTIONS** – None

XVII. **EXECUTIVE SESSION** – None

XVIII. **ADJOURNMENT** – 10:59 P.M.