

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
February 9, 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 7:01 pm

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

Commissioners absent: Ken Alper

Staff present: Jill Maclean, CDD Director; Teri Camery, CDD Staff; Alexandra Pierce, CDD Staff; Sherri Layne, LAW; Teresa Bowen, LAW

Assembly members: Loren Jones

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

III. APPROVAL OF MINUTES

A. Draft Minutes – January 12, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the Planning Commission Regular Meeting January 12, 2021 minutes.*

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION - Chairman LeVine briefly explained the rules for participating via Zoom format.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS –

Emily Ferry – 836 Calhoun Ave – Spoke on the Calhoun project supporting a study to increase pedestrian and bike safety and suggested a contractor, Dan Burton, and his firm as someone she thought could perform the study well.

Frankie Pillifant – Ms. Pillifant is familiar with Dan Burton and his work and said she supports Ms. Ferry’s suggestion.

VI. **ITEMS FOR RECONSIDERATION**- None

VII. **CONSENT AGENDA**- None

VIII. **UNFINISHED BUSINESS**- None

IX. **REGULAR AGENDA**

AME2021 0002: Text amendment to update Title 49 flood management regulations to meet Federal Emergency Management Agency requirements

Applicant: City and Borough of Juneau

Location: Borough-wide

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings, and make a recommendation to the Assembly to APPROVE the proposed text amendment to update Title 49 flood management regulations to meet Federal Emergency Management Agency requirements.

Staff Presentation

Planner Camery presented **AME2021 0002**.

Questions for Staff

Commissioner Winchell asked why easement, covenants, and deed restrictions were removed. Ms. Layne explained the revisions were written by City Attorney Palmer and the changes were meant to clarify the Ordinance and make it more precise but there were no major changes.

Ms. Maclean explained covenants are usually civil matters and often are not enforceable by CDD and that is why they were removed. As they are not enforceable, it would make sense to remove them in the rewrite.

Mr. Arndt had wordsmithing questions. Ms. Pierce explained that most of the changes are written as prescribed by FEMA and cannot be changed.

Mr. Arndt accepted that and put forth the following questions:

- Packet Page 35 Item 3 lines 2-17 itemizes what must be collected and must be provided before processing a floodplain development permit. However, not all of those items apply to all situations. What is done in those cases?

Ms. Camery answered that in cases where items do not apply, they are not required to be submitted.

- Packet Page 36 item G1b reads “*A manufactured homes must*”. The singular ‘a’ and plural ‘homes’ do not work together.

Ms. Maclean said that could and would be corrected.

- Page 7 item 5 “*Review of floodplain developments must include*” and item D “*Provision of an elevation certificate*”. It is unclear as written. Does this mean the applicant must provide a certificate or is this a heading?

It was decided this is a grammatical error and could be corrected. Ms. Layne agreed.

- Page 12 item 6 “*Industrial Uses*” sub-item A “*sand gravel operations recreational activities open space and parking lots*” Why are recreation activities, open space, and parking lots included as industrial uses?

Ms. Pierce explained this is referring to specific uses within the 100-year flood plain wherever in the community it exists. It is required FEMA language saying these types of uses are allowed as long as they do not increase the flood hazard.

Mr. Voelckers asked why it is dated August 24, 2020 and whether that needs to be updated.

Mr. LeVine explained item A was passed August 24, 2020, they are looking at Attachment Item C now.

Public Comment

Dave Hanna – 11495 Mendenhall Loop Road – Mr. Hanna had a few questions saying some of the terms seemed overly vague. Mr. Hanna had concerns with the sections of the ordinance addressing berms around stockpiles, flood openings under structures, and locating septic systems and thought they might need to be ‘tightened up.’

Additional Questions for Staff

Ms. Maclean spoke to remind everybody that CDD has very limited flexibility with this as it is written under FEMA guidelines. The purpose of this is to allow CBJ to participate in the flood insurance program. If it is changed significantly, CBJ could be out of compliance.

Mr. Voelckers mentioned Mr. Hanna's concerns with the potential contradiction in the terms of requirements regarding the location of septic tanks and asked whether this was a new issue or if the language could be reviewed.

Ms. Camery answered the septic language is mandated by FEMA.

Mr. Arndt mentioned Mr. Hanna's comments about building play structures within the flood way. Mr. Arndt clarified there is a difference between the flood hazard area and the flood way. Substantially, is this the same requirement that has always existed? Ms. Camery affirmed that it is the same, they have only changed a single word in that section.

Mr. Dye commented FEMA has some definitions that are not the same as CBJ definitions. In particular, is the "on site waste disposal system" defined separately from sanitary sewage system. Is it important to have those listed somewhere other than in Title 49?

Ms. Camery explained there is very little flexibility for them to make changes to the Ordinance but the standard is 'reasonably safe from flooding'.

MOTION: *by Mr. Arndt to accept staff's findings and recommend the assembly approve text amendment **AME2021 0002** subject to minor grammatical changes.*

The motion passed with no objection.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS**

A. *Notice of Withdrawal of Appeals for Decisions **NCC2020 0065, NCC2020 0066, and NCC2020 0067***

Ms. Bowen explained the applicant has withdrawn their appeals and are asking for concurrence from the Commission to close the matter.

MOTION: *by Mr. Dye to accept the order to dismiss Appeal numbers **2020 0004, 2020 0005 and 2020 0006** for decisions **NCC2020 0065, 2020 0066, and 2020 0067***

The motion passed with no objection.

B. ***AME2019 0005: South Douglas West Juneau Area Plan Steering Committee Assignment***

MOTION: *by Mr. Dye to appoint Liz Smith to the South Douglas West Juneau Area Plan Steering Committee*

The motion passed with no objection.

C. Subcommittee Assignments

Title 49 Committee: Mr. Dye, Chair; Mr. Arndt; Ms. Cole; Mr. Pedersen; Mr. Winchell

Governance Committee: Mr. Voelckers, Chair; Mr. Alper; Ms. Cole; Mr. Hickok

Liaison Assignments:

JCOS – Mr. Alper

Lands – Mr. Hickok

PWFC – Mr. Voelckers

Wetlands – Mr. Arndt; Mr. Winchell

Blueprint Downtown – Mr. Dye

Douglas – Mr. Pedersen

XII. STAFF REPORTS

Ms. Maclean reported:

- Mr. Hudson from the Southeast Watershed Coalition will give a brief presentation to the Commission at an upcoming meeting
- All Commissioners can attend the Commissioner training at the upcoming APA Conference this year. Please respond by tomorrow.
- Governance Committee is meeting tomorrow
- Title 49 Committee will meet on February 18 to discuss downtown parking
- COW is tentatively scheduled March 9th 5:30 pm to discuss downtown parking
- Please remember to check and respond promptly to Staff emails

Mr. Voelckers asked about the status of Auke Bay and downtown zoning. Ms. Maclean answered downtown parking is the priority CDD has been assigned to work on. She believes the revisions will be before the commission soon. Then, her preference would be to move Auke Bay forward.

Mr. Arndt asked if it would help to move items in the table of permissible used from 3s to 1s. as a way to reduce the number of conditional use permits and shift some workload away from the staff. Ms. Maclean answered that it has come up but is not a priority at this time.

Mr. Dye asked what comes next after parking for Title 49. Ms. Maclean and Mr. Dye will meet and discuss upcoming topics outside of this meeting.

Mr. LeVine stressed the Commissioner training opportunity stating it is very useful training.

Mr. LeVine also reminded the commission to check and promptly respond to staff emails.

XIII. COMMITTEE REPORTS

- Mr. Voelckers reported as liaison with Public Works and Facilities Committee. They have met twice to discuss Calhoun and it is likely to come back to the PC.
- Mr. Pedersen reported JCOS met last week. They reelected officers and discussed federal funding and EV charging stations.
- Mr. Dye reported Title 49 will meet on February 18th.
- Mr. Dye reported Blue Print has a meeting coming up

Ms. Maclean added because of COVID, there are two packets available. When looking for the packet on the website, the online agenda is the most up to date.

- Mr. LeVine reported Governance committee will be meeting tomorrow at noon

XIV. LIAISON REPORTS

- Deputy Mayor Jones reported the Assembly meeting on Monday was cancelled.
- The Landfill will likely be an issue on the Assembly COW meeting on the 22nd

Mr. Dye asked for an update on the Norwegian property. Mr. Jones answered he is not sure it will come before the Planning Commission.

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS-

Dave Hanna – Spoke to ask when the draft streamside setback ordinance would be available to the public for comment.

Mr. LeVine explained that this is a time for Public testimony but Commissioners are not able to answer questions at this time.

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. LeVine reiterated the importance of the APA training
Mr. Dye agreed all members should attend.

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 8:30 p.m.