

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
June 23, 2020

I. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, 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, Assistant Clerk; Ken Alper; Dan Hickok; Weston Eiler; Josh Winchell; Erik Pederson

Commissioners absent: None

Staff present: Jill Maclean, CDD Director; Irene Gallion, CDD; Emily Wright, Law; Alix Pierce, CDD; Teri Camery, CDD

Assembly members: Greg Smith

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

III. APPROVAL OF MINUTES

A. May 12, 2020 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. Voelckers to approve the Planning Commission May 12, 2020, Regular Planning Commission Meeting minutes.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION- None

VI. **CONSENT AGENDA** - None

VII. **UNFINISHED BUSINESS**- None

VIII. **REGULAR AGENDA**

CSP2020 0004: Disposal of 848 Basin Road by land sale to the neighboring property owner
Applicant: City & Borough of Juneau
Location: 848 Basin Road

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of **DENIAL** to the CBJ Assembly for the land disposal.

Alternately, if the Planning Commission would like to consider approval of the disposal of the land, staff recommends that sale be contingent on a boundary and mitigation study drafted in accordance with 49.70.300(a)(4) & (5). That study should either establish that the property is not in a moderate hazard zone, or propose effective mitigating measures for development in the moderate hazard zone.

Staff Presentation:

Ms. Gallion presented **CSP2020 0004** and recommended **DENIAL** based on the Comprehensive plan in Title 49 as the property in question is in a moderate slide area. Ms. Gallion explained that it may be allowed, however, under Title 53. It is allowable under Code but not under the Comprehensive Plan.

Commission Discussion:

Commissioners questions focused on the parking requirements, the retaining wall and how far it is set back from the property line, the possible necessity of a CBJ easement, stability of the slope around Cope Park, and the trailhead nearby.

Mr. Winchell asked whether the land was purchased by CBJ due to the landslide risk. Staff confirmed it was acquired due to the risk.

Mr. Voelckers asked about the dimensions of the lot and the parking spaces, the retaining wall, and access to the lot and whether there would be an easement required for the lot to be developed. Staff explained that there is currently no easement as it is CBJ land and we do not need an easement from ourselves. If the lot is sold, there would need to be an easement for the retaining wall but she was unsure about the parking area.

Mr. Dye inquired whether this property would be eligible for fee-in-lieu of parking. Ms. Maclean explained that it is outside the fee-in-lieu boundary but the owner could apply for a parking waiver.

My Arndt asked about the possibility of redrawing the lot line rather than pursuing an easement. Ms. Maclean explained redrawing the lot would result in the lot having no frontage.

Mr. Hickok asked the CBJ intent for the area. Is it CBJ intent to purchase all of the lots in the area as they become available? Staff was not sure and explained to her knowledge there is not a fund set aside to purchase lands as they become available and this particular acquisition may have been an act of opportunity.

Mr. Eiler asked if this CSP is before the commission because it is a sale of CBJ land to a private party. Staff explained that according to Title 53 requires and Title 49 recognizes that all land disposals to come before the Commission. Staff further explained this lot was identified for disposal in the land management plan. However, in the Comprehensive and All Hazards Mitigation plans it is mentioned that they are to purchase these lands to discourage development.

Applicant Comment and Discussion:

Dan Bleidorn, CBJ Lands, was available for questions. Mr. Eiler asked how many similar parcels does CBJ own in hazard zones. Mr. Bleidorn was not sure of the exact number but explained that most parcels in hazard or extreme wasting zones are owned by Parks & Rec and are considered park lands. These are not subject to sale or disposal.

Public Comment:

Ke Mell: Explained she sent an email to the CDD department which should have been included in the Commissioner packets. It was determined these had not been included and were to be sent out via email. The Chairman called a short recess for members to familiarize themselves with the new information.

At Ease from 7:55pm until 8:04 pm

Ke Mell: Ms. Mell testified the retaining wall is 32 feet and is not supporting Basin Road and spoke to the conditions which she believes supports her purchasing the parcel.

Mr. LeVine asked Ms. Mell to explain about the trail on the property. Ms. Mell explained as long as she has lived there, the trail has existed. It is steep and she is not aware of anybody else in the area who uses it regularly. Only a couple of time each year does she see that it has been traveled.

Mr. Voelckers asked about her perceptions of the parking in the area. Mr. Mell answered the parking, as shown, is part of the parcel.

Kimberly Metcalfe: Ms. Metcalfe spoke in opposition to the land sale stating concerns with the stability and erosion along the road in that area.

Continued Applicant Discussion:

Mr. Bleidorn addressed the question of what happens if the land sale is allowed and then deemed undevelopable stating that the purchaser could decide not to purchase it or the Lands department could discontinue the sale. He added that the parking is contained on the property and would not be subject to an easement. Only the retaining wall would be in the easement.

Mr. Arndt asked about the possibility of redrawing the property line rather than obtaining an easement in order to keep the retaining wall and parking under CBJ control. Mr. Bleidorn did not think it would be easier nor necessary to redraw the lines and explained that CBJ has several easements and this is not an

unusual thing for them.

Mr. Voelckers asked how Lands will value the land for sale. Mr. Bleidorn explained in order to transact a sale, they will first have to have the property appraised and will have to ask fair value for the parcel.

Mr. Arndt asked why this lot was not included with other parcels under Parks & Rec ownership. Mr. Bleidorn was not sure why this was the case but he thought it was purchased to protect the road and to build the retaining wall.

Mr. Hickok asked what does the CBJ gain by this sale? Mr. Bleidorn explained CBJ would get fair market value for the property and one more housing unit downtown.

Commissioner Discussion:

Mr. Winchell asked to Law or CDD, Policy 7.17 says to retain ownership of CBJ Lands with moderate to high potential for avalanche or mass wasting. Is there any regulatory guidance that allows CBJ to dispose of rather than retain properties in the Hazard zones? Ms. MacLean said currently, the Comprehensive Plan is clear the we should retain these properties. There is a landslide and avalanche underway currently but it has not finalized, reviewed or adopted.

Commissioners discussed with Staff the options that CBJ or the purchaser would have regarding development if the sale were to be allowed.

Mr. Dye asked how does Title 49.70.300 (a)(5) apply to a CSP land disposal or where would it apply in the process. Ms. Wright explained the Commission is tasked with reviewing this as it pertains to Title 53 and making a recommendation to the assembly. They have broad latitude in this case. Ms. Maclean agreed the Commission focus at this time is to make a recommendation to the assembly. If they do not go with the Staff recommendation then they will need to determine their own conditions and findings to support their recommendation. Their role at this meeting is ONLY to recommend to the assembly to retain or dispose of the land.

Mr. Voelckers and Staff discussed the steep slope ordinance and how it would apply in this case. A hillside endorsement would be required at the permitting stage.

MOTION: *by Mr. Dye to **APPROVE** CSP2020 0004 to make recommendation to the Assembly to pursue disposal of this lot.*

Mr. Winchell objected based on Comprehensive Plan Policy 7.17.

Mr. Voelckers spoke in support of the motion stating the steep slopes ordinance and the fact that there has been a home on the property in the past as mitigating factors.

Mr. Pederson spoke in opposition based on the condition of the road and the fact that the lot was acquired to facilitate construction to support Basin Rd.

Mr. Arndt spoke to oppose based on the land being a moderate hazard and in the mass wasting zone.

Mr. Voelckers spoke against the motion based on the rules but would like to see a modification to the rules in the future.

Mr. Eiler spoke in support of the motion stating that while he is sensitive to the objections of other members, this is at a very preliminary stage.

Roll Call Vote:

Yes: Dye, Voelckers, Alper, Eiler,

No: Winchell, Hickok, Pederson, Arndt, LeVine

The motion failed on Roll Call vote.

MOTION: *by Mr. Hickok to accept staff's findings, analysis and recommendations and **DENY** CSP2020 0004.*

Mr. Dye objected on the same grounds stated earlier.

Roll Call Vote:

Yes: Hickok, Pederson, Arndt, Winchell, LeVine

No: Eiler, Alper, Voelckers, Dye

The motion passed on Roll Call vote.

Recess 9:22 to 9:31 pm

AME2020 0003: Text amendment to revise and update Title 49 to **ADOPT** flood management regulations, maps, and a flood insurance study to meet Federal Emergency Management Agency requirements

Applicant: City & Borough of Juneau

Location: Boroughwide

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 revise and update Title 49 to adopt flood management regulations, maps, and a flood insurance study to meet Federal Emergency Management Agency requirements.

Prior to Staff presentation, Ms. Maclean explained that FEMA has a September 18, 2020 deadline we must meet in order meet FEMA requirements to adopt a new ordinance, flood study and map. Due to the impact of COVID, the workload of the Department and time limitations, there is no draft copy for the Commissioners to review but she hopes they can pass approval based on Ms. Camery's presentation and discussion. Ms. Maclean suggested a change to the staff recommendation to read "ADOPT an ordinance updating and adopting the flood management regulations" in place of "APPROVE the proposed text amendment to revise and update Title 49 to adopt flood management regulations."

Mr. LeVine suggested making a similar change to the staff findings in order to make it consistent with the

change in the recommendation.

Mr. Voelckers asked if Tee Harbor would be included in this. Staff explained the ordinance includes Tee Harbor. The ordinance is borough wide but the Tee Harbor area has undertaken a separate map process and there are other areas that have done similarly. Tee Harbor is included in the proposed ordinance but Tee Harbor has its own maps, already adopted outside of this ordinance.

MOTION: *by Mr. Winchell to **ACCEPT** staff's findings on AME2020 0003 and to recommend to the Assembly that they adopt an ordinance to adopt the Flood Plans as amended.*

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT - None

- X. OTHER BUSINESS** - Ms. Maclean asked the Commission to request from the Assembly to grant an extension of the ADODs currently due to expire on August 1, 2020 to December 31, 2020 for the Downtown Juneau ADOD and December 31, 2021 for the Douglas ADOD.

MOTION: *by Mr. Dye to forward a draft ordinance to the assembly for **APPROVAL** to extend ADOD to December 31, 2020 for Downtown Juneau and December 31, 2021 for Douglas.*

The motion passed with no objection.

XI. STAFF REPORTS –

- Ms. Maclean reported two appeals have gone to the Assembly APPEAL 2020-0001 will be heard in September. The parties to APPEAL 2020-0002 have filed a stay until September while they work to reach a solution. Mr. LeVine reminded members not to discuss the appeals.
- Title 49 meeting to address parking will be scheduled soon.
- Joint Commission/Assembly meeting is still in the works but no date has been set.
- Currently the Department has received about twenty nonconforming permit applications with about half of those have been issued. The process is working quite smoothly so far.
- Any comments on the new staff report templates should be forwarded to staff this coming week.

XII. COMMITTEE REPORTS

Mr. Voelckers reported he attended the Public Works and Facilities Committee meeting recently and CBJ is proceeding with grant funds for a fully electric bus. Additionally,

Engineering has obtained a grant to do public/private partnering to move on a composting project.

XIII. LIAISON REPORTS – Greg Smith, Assembly Liaison, reported the Assembly has been:

- addressing COVID issues,
- has passed the Budget and the 5-year CIP plan
- in passing the budget, the Mill Rate was left unchanged which led to some cuts in the CIP plan to include postponing maintenance to the Augustus Brown Pool
- the big project now is spending the CARES ACT funding
- 2020 CBJ municipal election will be voting by mail
- July 4th fireworks will go on with conditions for Social Distancing
- Confirmed joint Commission/Assembly meeting is in the works but no date has been set

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

- Mr. LeVine reminded members to contact Ms. Wright at Law if they are ever concerned that they may have a conflict on an issue.
- Mr. LeVine also reminded members to get their staff report template comments in this week.

XVI. EXECUTIVE SESSION - none

XVII. ADJOURNMENT - 10:10 p.m.