

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
September 11, 2018

I. ROLL CALL

Ben Haight, 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: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Percy Frisby, Dan Miller, Dan Hickok, Andrew Campbell, Carl Greene, (telephonically)

Commissioners absent:

Staff present: Jill Maclean, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Tim Felstead, Planner II; Robert Palmer, Municipal Attorney

Assembly members:

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. July 24, 2018 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the Planning Commission July 24, 2018, regular 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

AME2018 0015: A text amendment to Title 49, the Land Use Code, CBJ 49.35.240, regarding improvement standards

Applicant: City & Borough of Juneau

Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation for approval to the Assembly.

Mr. Felstead told the Commission that this is a recommendation to amend the method by which stub streets are platted. Currently, financial guarantees are required for stub streets, he said. In Chapter 35 there is an allowance for a waiver for construction of stub streets, said Mr. Felstead. Stub streets are often required to meet connectivity standards, in which connections are required for connectivity to unsubdivided land, he said, as well as to promote street connectivity when analyzing subdivisions.

Sometimes stub streets are used to provide connectivity to an adjoining property, but are not used to provide access to any of the lots within the subdivision, said Mr. Felstead.

The Director can waive all parts or none of the construction of the stub street, explained Mr. Felstead. The Director can require that roads be constructed but not surfaced, or water utilities to be extended in length, but the street may not be surfaced, he said. There are a few instances of this in Juneau, he said, especially out in the Valley.

Another method that is used to ensure that street connectivity can still be provided to adjoining parcels is to plat what are called temporary cul-de-sacs, said Mr. Felstead. Temporary cul-de-sacs are a cul-de-sac that consists of easements on either side of the platted, permanent right-of-way, he explained. Once the road is extended to adjoining property, those easement areas then go away, and they must be removed.

There are a couple of mechanisms within the code to either construct the stub streets or to remove the temporary cul-de-sac, said Mr. Felstead. In 2015 when there was a major rewrite of how subdivisions are addressed within the land use code, there was a new requirement for both stub streets and for temporary cul-de-sacs to follow a five-year bonding process so that the current sub divider was required to provide a financial guarantee for the removal of the temporary cul-de-sac and construction of a stub street, if it was not required by the Director at the time of the subdivision, said Mr. Felstead.

Once the five year requirement is up, the bond would be returned and it would be on the next sub divider to provide the construction of the stub street or to remove the temporary cul-de-sac, explained Mr. Feltstead.

This has been discussed with the Title 49 Committee, said Mr. Feldt said. The 2009 minutes from the Planning Commission highlighted that there had been some Planning Commission discussion on stub streets and temporary cul-de-sacs, said Mr. Feltstead. Most of that discussion revolved around temporary cul-de-sacs, he noted. A situation was mentioned in which the Planning Commission was discussing what would happen if a temporary cul-de-sac was not platted all the way to the boundary of the subdivision, said Mr. Feltstead. The 2009 requirements suggested that for temporary cul-de-sacs they should be platted all the way to the boundary of the subdivision, he noted. The right-of-way must still be constructed to the boundary, he noted.

The discussion in the 2009 Planning Commission minutes indicated that the Planning Commission wanted these remnants to almost be treated like a stub street and to allow for some sort of bonding requirements, said Mr. Feltstead. The staff's concern is that if they remove the bonding or financial guarantee requirement for stub streets, that it would also remove any option for the remnant area identified in red to also have some sort of a bonding mechanism if it were not to be constructed, said Mr. Feltstead.

The staff recommendation is that the five year financial guarantee requirement be deleted from the land use code, said Mr. Feltstead. The basis for this is to try to provide some sort of fairness to the current sub divider who provides rights-of-way and often constructs significant amounts of right-of-way to the adjoining property, he added. They would also not be penalized at the same time with a five-year financial guarantee, said Mr. Feltstead.

Commission Comments and Questions

Mr. LeVine asked if the recommendation of Mr. Palmer in the staff report encompasses the concern with the red rectangular portion of land or if the recommendation was made prior to that identification.

Mr. Feltstead said that the recommendation in the staff report did occur before this remnant issue was identified. The staff continues to bring it before the Planning Commission, so that this can be identified by the Commission as either a major or a minor issue, he said, that may or may not need to be addressed by the Assembly.

Mr. Voelckers commented that the current requirements relative to cul-de-sacs state that they have to be at the furthest extremity to the property line unless there are specific issues that make that impractical. Mr. Voelckers remarked that the red rectangle identified on the drawing was not a typical scenario.

Mr. Felstead indicated that he was in agreement with the comments of Mr. Voelckers. He said it is not really known what transpired after that 2009 Planning Commission meeting, and why it was not explicitly written into that cul-de-sac section. The staff concern is that if the rectangular portion of land indicated in red is removed, that it would be contradicting the action of the Commission in 2009, said Mr. Felstead.

Mr. Miller said that currently a developer is required to plat a right-of-way, giving up the land at considerable expense. It makes no sense to build an additional hundred feet of road after the cul-de-sac, he said. This would not benefit the current developer but the next developer, he said. He said he agreed with the staff recommendation.

Mr. Dye asked if there is a real concern on the part of staff that they would be missing something if they removed the rectangular portion of land or if it was simply a matter of compliance.

Mr. Felstead said the subdivision related changes in Chapter 35 were all discussed in 2009 by the Commission, and were subsequently put on hold until the subdivision changes in Chapter 15 were also rewritten. He said the understanding of staff is that Chapter 35 was not dealt with much after 2009.

Mr. LeVine asked the staff for their interpretation of the last sentence on page 2 of the proposed text amendment:

If that is not practicable, then any portion of ROW between the temporary cul-de-sac and the exterior property line must be constructed.

He asked if this sentence mandated that the rectangular portion of land was required to be constructed.

Mr. Felstead said this is correct. The land use code currently stipulates that this portion of land is required to be built. The 2009 minutes from the Planning Commission meeting indicate that some sort of bonding option was to be provided should this situation with the rectangular piece of land occur.

Mr. LeVine clarified that under the current code the developer must build that rectangular piece of land should this situation occur.

Under the current code, the only way the red area would not be constructed is if it was considered a stub street, said Mr. Felstead.

Mr. Miller said if this situation occurred in a D3 area, the lots could be up to 125 feet wide.

The area indicated in red could feasibly be 100 feet of road. At \$1,000 per foot of road, it could cost the developer \$100,000, said Mr. Miller. To prevent this situation, said Mr. Miller, in 2009 the Commission proposed that the developer instead post a bond, good for five years, which would cost \$5,000 instead of the cost of building that portion of the road. That is where the bond came in, he noted. It makes more sense not to require a bond or the building of that portion of the property, said Mr. Miller. A future developer would already profit from the infrastructure already put in place by the first developer, said Mr. Miller. If the subsequent builder has to pay for construction of 100 feet of road, said Mr. Miller, at least it is not for 400 feet of road.

Mr. Dye said if they were to call the additional portion of land a stub street, then it would be required that the last sentence of the proposed text amendment read by Mr. LeVine would also have to be changed.

Mr. Feltstead said that is correct. The staff is asking for clarification as to if the red area should be considered a stub street, and if a bonding requirement was put in place as indicated in the 2009 Planning Commission meeting minutes, they would be cutting off the only route by removing the bonding requirement for five years to stub streets.

In answer to a question posed by Mr. Voelckers, Mr. Feltstead said if the Commission decides that the red area should not be considered a stub street, then as the code is currently written the remnant street would have to be constructed.

Mr. LeVine asked if there is a bonding requirement for removal of a temporary cul-de-sac.

Mr. Feltstead said that a bond would be required if the temporary cul-de-sac was removed.

Mr. LeVine said it appears that Mr. Miller was stating that Commission action in 2009 called for a bond if the temporary cul-de-sac was to be removed and also a bond for the construction of a stub street.

Mr. Miller said he did not recall the requirement of two bonds, but that perhaps one bond would have covered both instances.

Mr. LeVine said it made sense to him that if a developer could bond for the removal of a temporary cul-de-sac, they should also be able to bond for the construction of the road connecting to adjoining property (stub street).

Mr. Palmer read a provision at the beginning of *Stub Streets*:

The Director for minor subdivisions and the Commission for major subdivisions may waive all construction of a roadway within a

right-of-way that is required to provide access to a bordering property and that does not provide required access to any lot within the subdivision. The Commission and the Director may require provisions of a road bed, utility line extensions or other appropriate improvements.

Mr. Palmer said in his opinion this is a very powerful position for the Commission to be in. It implies that if the Director or the Commission believes that a stub street is necessary because of some future development occurring within the next five years, then that is the only time that the bonding question comes into play. Otherwise, if the Commission or the Director does not believe that the adjoining parcel is going to be developed within the next five years, they could waive that stub street requirement, at the platting stage, said Mr. Palmer.

Mr. Voelckers said he did not think this language sounded bad. The Commission has the power not to require any expenditure on the part of the developer, he said. He asked how many instances there have been since 2009 when this language came into play.

Mr. Miller said there have been a few instances when he personally had to build a temporary cul-de-sac. They were not required to put it all the way out to the property line, he said. He said he did not see the need for constructing all of the property to the line, but that it should be platted. He said there are numerous occasions when that portion of the property has never been required to be built. He said he does think it is a good idea to have that existing option to prevent a parcel being locked in the future.

Mr. Voelckers said it appears to him that it is effective that the small portion of land be defined as a stub street, and that the requirement be removed that the cul-de-sac be taken all the way to the end, unless it was impractical to do otherwise. Referring to Mr. Palmer's remarks, Mr. Voelckers said it appears that the Commission has the discretion to eliminate those requirements.

Mr. LeVine said he was not sure if simply defining the portion of land between the temporary cul-de-sac and the end of the property line would solve the problem because it would require the Planning Commission to make contradictory findings. In order to allow a temporary cul-de-sac, the Commission or the Director would have to find that construction on the adjoining property is imminent. On the other hand, in order to waive the construction of a stub street, the Commission or the Director would have to find that it is not imminent, said Mr. LeVine.

Mr. Feltstead said the recommendation only applies to a standard stub street. Anything short of the cul-de-sac would have to be constructed, because the current recommendation is to not change language in the temporary cul-de-sac section.

Mr. LeVine said he would like to see this proposed text amendment go back to either the Title 49 Committee or the staff for further work, because he, personally, would appreciate more analysis and interpretation. He said he would like them to deal with the entire problem at once instead of acting on small portions requiring multiple steps.

Mr. Miller said he agreed with Mr. LeVine. While they are just discussing stub streets, maybe language could come back covering both stub streets and cul-de-sacs.

MOTION: *by Mr. Frisby, to send the proposed text amendment back to the Title 49 Committee for further analysis and interpretation.*

Mr. LeVine said he wanted to verify that both temporary cul-de-sacs and stub streets would be addressed in the review, and also the potential point where they may overlap.

Mr. Miller said he was interested in potentially removing the bonding requirement from a temporary cul-de-sac as well.

Mr. Voelckers said the problem with the piece of property outlined in red is that the code currently specifies that it be finished as a street, which they do not want to do.

To clarify, Mr. LeVine stated that the red rectangle is currently not a stub street. Therefore, there is no discretion to waive its construction. Currently, he said, that right-of-way has to be paved.

The motion passed with no objection.

The proposed text amendment will go back to the Title 49 Committee for further review and analysis.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

A. Status update of the CBJ Parks and Recreation Master Plan

Alexandra Pierce, project manager for Parks and Recreation, said the Parks and Recreation Master Plan will be coming before the Commission for review in November. The largest change in this document affecting the Commission, is the provision for a process for land acquisition and disposal, said Ms. Pierce.

There are also some tracts of land which are described as land associated with parks and recreation, but they do not know why, said Ms. Pierce. Certain tracts of property associated with parks and recreation either need to be reclassified or sold, she explained. And they need to provide a process for land acquisition and disposal, she said.

Parks and Recreation land is grouped into two broad categories, said Ms. Pierce; recreation service parks and natural area parks. Recreation service parks are programmed for various activities, and they may contain built features such as playground equipment and sports fields. Natural area parks may include some amenities such as shelters or picnic tables, but their primary purpose is to support users' enjoyment of their natural surroundings, explained Ms. Pierce. These two categories are further classified into park types based on size and intended use:



Recreation Service Parks

These include parks developed for active recreation and programmed it use and may be a single use or activity area.



Mini-Parks

Specialized facilities that serve the local population or a specific user group such as very young children or senior citizens.



Neighborhood Parks

Neighborhood parks are intended to offer experiences for all ages and are designed to provide unstructured play areas.



Community Parks

A community park is a larger park providing active and structured recreation activities for youth and adults.



Special Use Areas

Public recreation lands being used for a specialized or single use facility or activity that does not fit into any of the other categories.



Natural Area Parks

Natural area parks differ from recreation service parks in their underlying purpose. These are areas of natural quality designed to serve the entire community by providing open space, access to water, and opportunities for more passive and dispersed recreation activities.



Semi-Primitive Areas

An area left predominantly in its natural state with minimal to moderate evidence of the sights and sounds of people.



Developed Natural Areas

A natural setting where evidence of people is obvious but blends in with the natural environment.



Conservation Areas

A natural area with recognized environmental qualities of high value, set aside for the protection and management of the natural environment with recreation as a secondary objective.



Vacant Other Lands

These sites are lands that are controlled by Parks and Recreation and classified as natural area parks, but which do not fit the criteria for semi-primitive areas, developed natural areas, or conservation areas.

Ms. Pierce outlined the guiding principles for development of the Parks and Recreation Master Plan:



Promote community engagement, health, and wellness



Manage assets effectively



Ensure financial sustainability



Support community partnerships



Engage youth and encourage lifelong wellness



Serve the needs of a diverse and changing population



Foster environmental stewardship



Increase cultural awareness



Make programs and facilities accessible to all

They will recommend that the Parks and Recreation Master Plan be added as an addendum to the City and Borough of Juneau Comprehensive Plan, said Ms. Pierce.

Commenting that they had just finished the area plan for Lemon Creek, Mr. Voelckers said this area does not have enough parks, and that they hope to establish more parks in that area. He asked how this goal would fit in with the process for the Parks and Recreation Master Plan, and how it would tie in with the CIP (Community Improvement Projects) list developed annually by the City and Borough of Juneau.

Ms. Pierce said they do have a set of priorities for existing parks, and the need for additional parkland for Lemon Creek is a major issue. For the Lemon Creek area, providing access for children living in the area is a major concern, she said. They also need to be able to maintain new parks as they are developed, said Ms. Pierce. The plan does state that the need for parks in the Lemon Creek area should be addressed by the CBJ in the near future. Their biggest struggle is maintaining existing parks, said Ms. Pierce.

Mr. Voelckers asked by what mechanism is this accomplished.

Ms. Pierce said this can be addressed through a bond initiative, placed within the CIP, or by other funding mechanisms used by the City. She said they need to establish a baseline outlining existing parks with park needs in the future. She said they hope to outline the mechanisms for park funding in the financial chapter.

Ms. Maclean explained that planners have been assigned to each major area within Juneau, so that they can be more ahead of the process than in the past. She said they would be working with the Parks and Recreation Department to make sure that they are working in tandem with the City.

Mr. LeVine said he would like to encourage the Parks and Recreation Department to find ways to interface with the Planning Commission in the future as the CIP process is underway and as other developments affecting the entire community come up.

Ms. Pierce said the Switzer-Marriot Trail was identified as a priority for the Lemon Creek area.

She said the Rotary Club has been working with Trail Mix this summer on that project, which is funded through trail CIP funds, and Rotary grant funds. There were also some funds utilized through the Parks and Trails fund through the Community Foundation, she noted.

Planning Director

Ms. Maclean said she spoke to the Assembly at a recent Committee of the Whole meeting. They accepted the recommendation from the Planning Commission to proceed with a new Comprehensive Plan, so the staff is moving forward with creating a budget and may potentially put out a request for quotes. They need to work on a scope for services and determine if these services will be provided by the CDD staff or a consultant, said Ms. Maclean. With the CDD already at a minimum level of staffing, should the staff take on this task it would mean a significant reduction in staff time for other areas, said Ms. Maclean. They have been thinking of allocating funds through the course of several years, which would make the budget more manageable, said Ms. Maclean. She asked the Commission how they would like to proceed in terms of the Commission's involvement with this process.

Mr. LeVine volunteered to be the Commission liaison on this project with the CDD staff.

Chairman Haight accepted Mr. LeVine's offer.

Ms. Maclean noted that they are trying to get the Comprehensive Plan work identified for next year's budget process.

The Title 49 committee meets on September 17, (2018) and it will be discussing stream buffers and perhaps stub streets, said Ms. Maclean.

The September 25, (2018) meeting schedule for the Commission is packed, said Ms. Maclean. There will be a Committee of the Whole meeting that evening to discuss the Preservation Plan with a presentation for the Commission given by the consultant. There is also a fairly full

agenda for the regular meeting which entails accessory apartments, alternative residential subdivisions, an accessory apartment on a substandard lot and a few other minor issues.

For the October 9, (2018) schedule there is a Committee of the Whole meeting for nonconforming lots, and nothing else at this time for the regular agenda, said Ms. Maclean.

Ms. Maclean also mentioned some potential changes in regular Commission meeting schedules due to holidays. She added the Commission may want to wrap up certain items for the year prior to the introduction of new Commission members.

XII. COMMITTEE REPORTS

Mr. Dye reported that the Blueprint Downtown planning group met. There was a good turn-out for the meeting, and they hope to get more property owners involved in the process, he said.

Mr. LeVine reported that the first preliminary meeting for the Harris appeal will be held on Friday, September 14, (2018).

XIII. LIAISON REPORTS - None

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

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

The meeting was adjourned at 8:10 p.m.