

MINUTES
Planning Commission Regular Meeting
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

December 8, 2015

I. ROLL CALL

Mike Satre, 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 7:00 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Michael LeVine, Mathew Bell, Nicole Grewe, Paul Voelckers, Dan Miller

Commissioners absent: Ben Haight

Staff present: Rob Steedle, Interim Planning Director and Deputy City Manager; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Jill Maclean, Senior Planner; Jonathan Lange, Planner II; Greg Chaney, Lands and Resources Manager; Dan Bleidorn, Deputy Land Manager

II. APPROVAL OF MINUTES

- November 10, 2015 – Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the November 10, 2015, Planning Commission Regular meeting minutes with any minor corrections by staff or commission members.*

The motion passed with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

North Douglas resident Margo Waring said that she wanted to discuss the issues related to the development of Juneau over the many years that she has lived here. There were 13,000 people in Juneau when she moved here, she said, when the City Charter was established. The City and Borough of Juneau Charter was adopted by voters in 1970. She said at the time a lot of the land use designations were based upon the availability of land for water and sewer.

At that time, no one lived in the Rural Reserve (RR) areas, she said. Most homes had their own catchment systems or wells and septic systems, she said. Now neighborhoods located in Rural Reserve areas look identical to those located in D-1 zoning, she said. However, the zoning does not reflect this, she said. Ms. Waring said that zoning should reflect these changes which have happened over time.

The Commission needs to revisit residential neighborhoods in Rural Reserve areas, said Ms. Waring, and see if there are substantial differences from D-1 zoning. If there are not substantial differences, she said, then the maps and the zoning should reflect that.

D-1 zoning is still based upon old Department of Environmental Conservation (DEC) standards which are no longer relevant, she said. Maybe more housing could be supported in some D-1 zones, said Ms. Waring. This is one way to revisit the availability of land while maintaining a compact community, said Ms. Waring.

Ms. Waring said she felt it was time to actually take steps towards the establishment of the North Douglas Bench Road by surveying it and at least for the first mile or two make sure that developments have the necessary easements to attach to that road, she said. This would establish that everything would connect properly, she said.

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison to the Planning Commission Mr. Loren Jones reported that due to the unexpected death of the newly elected mayor, the most recent Assembly and Assembly Committee of the Whole Meetings have been canceled. The next full Assembly meeting will be held December 21, (2015) said Mr. Jones. There will be an Assembly retreat on December 14, but all committee meetings on that day have been canceled, he said. The memorial service for Mayor Greg Fisk would be held Sunday, December 13, from 1:00 p.m. - 2:00 p.m., said Mr. Jones.

The Committee of the Whole meeting to fill vacancies on the Airport Board, the Planning Commission and Hospital Board has been changed from December 15, (2015) to December 22, (2015), said Mr. Jones. They will be interviewing five applicants for the three vacant seats on the Planning Commission that evening, said Mr. Jones. They will make those appointments that evening, he said.

Mr. Jones said he wanted to take this opportunity to thank Commission members Dan Miller, Dennis Watson and Chairman Mike Satre for their service on the Commission. Each of these Commission members has served a full nine years, said Mr. Jones.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

AAP2015 0028: Converting an existing garage into an accessory studio apartment on an undersized lot.
Applicant: John and Emily Harvey
Location: 1624 Glacier Avenue

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Accessory Apartment permit. The permit would allow the development of a 372 sq. ft., studio accessory apartment on an undersized lot as per the submitted plans.

The approval is subject to the following condition:

1. All exterior lighting fixtures shall be of a "full cutoff" design.

MOTION: *by Mr. Miller, to approve the Consent Agenda as read with any findings, analysis or modifications made by staff or commission members.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2015 0015: Review and Recommendation to the Assembly of the 2015 Land Management Plan Update.
Applicant: City and Borough of Juneau
Location: Borough-wide

Staff recommends that the Planning Commission recommend to the Assembly that AME2015 0015, 2015 Land Management Plan Update is consistent with Title 49, Title 53, and the 2013 Comprehensive Plan.

Land Management Plan Process

Mr. Chaney told the Commission that at this meeting he would be answering the questions raised at the last meeting. The first item dealt with the land management process, he said. Mr. Chaney reviewed the text recommended to be added to the Recommendations section of the draft Land Management Plan:

When new CBJ plans are adopted by ordinance, it would be appropriate to concurrently adopt an update of relevant portions of the new plan to the Land

Management Plan so that the Land Management Plan will reflect all current adopted plans.

Commission Comments and Questions

Mr. Watson noted that Docks and Harbors has put out an RFP for the development of its waterfront property. He asked how this would fit with the proposed language in the draft Land Management Plan.

If it fit with the Land Management Plan they would recommend that the Plan be modified by the Assembly to accommodate that development, said Mr. Chaney. A modification of the Land Management Plan would be adopted concurrently, he added. That would need to first go before the Planning Commission to make sure that it was a reasonable proposal, said Mr. Chaney.

Mr. Voelckers remarked that one of the issues which still bothers him is that there does not appear to be unity and communication between the various City agencies which control land within the Borough. There does not appear to be a mechanism in place to assure that all of the various City departments march towards the same goal, said Mr. Voelckers. Items such as bench roads and sea walks tend to involve several different City departments, he said. The proposed language helps but it does not assure that all of the departments have a common goal, he said.

Mr. Chaney said that he did agree with Mr. Voelckers, but that the Assembly existed to provide overall guidance. The departments do have different missions, said Mr. Chaney. When departments are not in unison upon an issue, then the Assembly needs to step in and make those decisions, he added.

Concurring with Mr. Voelckers, Mr. LeVine said the more a mechanism could be developed to provide overarching guidance to reduce instances of conflicts, then the issue could possibly be resolved even before having to go before the Assembly.

Property for Housing on CBJ Land near the Downtown Core

Mr. Chaney said he reviewed CBJ property near downtown and its suitability for housing, and that the results of this review were beneficial. Lands parcel 1089 is located at Norway Point, and labeled that it resides within the hazard zone, said Mr. Chaney. There is a property of over 20 acres with about seven of its acres outside of the mapped hazard zone, said Mr. Chaney. He suggested that the parcel be labeled “retain/dispose” and that the language read: *“Norway Point and Behrends Avenue; a portion of this lot is outside of the avalanche hazard zone and could be investigated for development.”*

The second property recently brought up by the Assembly is located near the bridge next to what is being called “Whale Park”, said Mr. Chaney. Potential housing could be explored for this area, he said. They would label this land “retain/dispose” and investigate it further, he said. There is also a small lot on Basin Road which could potentially be built upon, said Mr.

Chaney. Although the lot is steep, it could feasibly be built upon, he noted. The small park which was located near the Gastineau Apartments is also another possibility for development, said Mr. Chaney.

Strategic Rezoning

Mr. Chaney said he had been asked to review strategic rezoning; to review areas where rezoning might facilitate planning goals. This is an area where he felt very uncomfortable about the Land Management Plan directing the goals of the Comprehensive Plan, said Mr. Chaney. Therefore he would be discussing primarily areas where direction has already been provided through the Comprehensive Plan, said Mr. Chaney.

The Auke Bay property located behind the Fire Department and the RV Park could be developed if it had access, said Mr. Chaney.

They are recommending that two lots located on Indian Point be managed and protected in a manner that is sensitive to the cultural heritage of the A'ak'w Kwa'an people, said Mr. Chaney. This is part of the A'ak'w Kwa'an traditional homeland, said Mr. Chaney, and is a sacred site.

Commission Comments and Questions

Mr. Voelckers asked if there is a specific entity that can speak on behalf of the A'ak'w Kwa'an people.

Mr. Chaney responded that at this juncture it is not exactly clear, but that it is an area they are working on.

Mr. LeVine asked why the word "should" was used in the related verbiage instead of the words "must" or "will".

Mr. Chaney replied that he is open to suggestions from the Commission on the wording.

Mr. LeVine said that he suggested that the word "will" be used because it is a directive about the Plan.

Chairman Satre said that from previous discussions it was his understanding that this was land that should not be touched, so that he had no problem with stronger language being used regarding these land parcels.

Mr. Miller said that he would hesitate to use the word "will" until the politics of the area have been clarified. When they know to whom they should be addressing their comments, then they could address the verbiage in a different manner, he said. The word "should" retains the flexibility to make that future change, said.

Mr. Bell said he first wanted to commend staff for properly pronouncing "A'ak'w Kwa'an people". He added that he felt the current recommended language was appropriate. It could

be redefined once all of the players were identified, he said, adding that there would be a number of them.

Referencing the land identified by Mr. Chaney near the bridge, Mr. Voelckers asked why this land could not only be made available but actually look at the underlying zoning in this particular case.

Acknowledging that the current Waterfront Commercial zoning may not be the best zoning for this lot, Mr. Chaney commented that he would defer to the Comprehensive Plan and that if the Comprehensive Plan needed to be updated, then they should first update that before returning to the rezone of this parcel.

There is a big chunk of land containing 655 acres located uphill from the North Douglas Highway stretching from the Juneau Douglas Bridge to the Bonnie Brae neighborhood which will be coming before the Commission for a rezone request, said Mr. Chaney. This is a rezone driven in part by the Comprehensive Plan, he noted. This land has been designated by the Comprehensive Plan as Medium Density Residential (MDR), said Mr. Chaney. He said the Lands staff recommends rezoning this portion of LND-1430 to D-10. The stream corridor portion of the area would not be developed, said Mr. Chaney. Multi-family development can more easily be clustered with D-10 zoning, said Mr. Chaney.

There are many possibilities for the zoning and development of this area, said Mr. Chaney. Although he did not anticipate this specific zoning going into the Land Management Plan he wanted to bring this to the attention of the Commission.

Every lot has its own bouquet of issues, said Mr. Chaney.

Commission Comments and Questions

Mr. Miller commented that he was not a fan of the Comprehensive Plan maps. Within those maps there was no way to foresee the issues which may arise, he said. Mr. Miller said he has fought hard on the most Recent Comprehensive Plan update to establish that the Comprehensive Plan maps are not directives set in stone.

Mr. Miller asked if any time the Commission was provided with more extensive information if that information could be incorporated into the Land Management Plan.

Stating that he knew that Mr. Chaney was a proponent of D-10 zoning, and that he felt that he himself was, he asked if anyone has built upon that zone. Mr. Miller said he felt it may be a good idea to put a small test parcel property on the market zoned D-10 to see how it did. It would be good to know if the market in Juneau supported property with this zone, he added.

Mr. Chaney said that he had recommended D-10 zoning in this circumstance because clustered density would be allowed.

Mr. Voelckers stated that he felt this particular instance of proposed land rezoning would be a

perfect addition to the Land Management Plan. He said this would allow the Assembly and the Commission to go on record stating that this was an important area in which to focus.

The end result of this may be a little bit too restrictive in the long run, said Mr. Chaney.

Mr. Voelckers said he felt it was good to simply identify a parcel which may be going through this process of a rezone and of densification. He said this fit very closely the directives given in Title 53 to the Commission regarding its review of the Land Management Plan.

Establish Right-Of-Way Needs

The first item is the Auke Bay Bypass, said Mr. Chaney, as well as access to CBJ lands, a second channel crossing and the North Douglas Bench Road. These are all transportation items that should be considered in the Land Management Plan, said Mr. Chaney.

For the Auke Bay Bypass, a practical route would involve building the road around the hill at a relatively uniform elevation, avoiding the proposed CBJ Pederson Hill residential subdivision altogether, said Mr. Chaney.

Most of the land which would be involved in the proposed route belongs to the CBJ and the University, said Mr. Chaney. Language could be added to the Land Management Plan regarding the bypass, said Mr. Chaney. It is such a long term proposal with so little certainty about the future that it is hard to be too explicit at this point, said Mr. Chaney.

The North Douglas Bench Road is already shown on the maps of the Comprehensive Plan, said Mr. Chaney.

The second channel crossing is still very speculative, said Mr. Chaney. There are many places where it could begin and end, he added.

Commission Comments and Questions

Mr. Voelckers said he felt the Comprehensive Plan showed two or three alternate alignments for the North Douglas Bench Road. He said he felt it may be smart to bore down to a more specific level if they were doing things such as identifying stream corridors. It would be good to begin identifying the initial corridor for the bench road, said Mr. Voelckers. He added that was the job of the Commission.

Industrial/Commercial Land Base

The CBJ has very little land that is in the vicinity of commercial or industrial zones, said Mr. Chaney. He added that Lemon Creek is an exception to this. CBJ property that is zoned Industrial is located at the end of Anka Street on the east bank of Lemon Creek. This property is currently being used by the City as the Lemon Creek Material Source, and rock and gravel are extracted as needed for City and State projects, said Mr. Chaney.

Mr. Watson asked which CBJ entity controlled the impound lot located behind the prison.

That land is currently managed by Lands and Resources, answered Mr. Chaney.

West Douglas Master Plan

The West Douglas area represents an area where the community could expand in the future, said Mr. Chaney. The City owns over 2,000 acres in West Douglas, said Mr. Chaney. Construction of a pioneer road to this area by the City should commence next summer, said Mr. Chaney. This portion of road will be close to two and a half miles in length, he added. Although CBJ has significant landholdings in this region, all of the waterfront property available for development is owned by Goldbelt Inc., said Mr. Chaney. As a result of this ownership pattern, Goldbelt will lead the development of specific waterfront areas where CBJ lands will largely be utilized for accessory uses on the landward side of these locations, he said.

The staff recommends that the following language for parcel LND – 1470 be amended to contain the following sentence:

This parcel should be managed in a manner that complies with the West Douglas conceptual plan as Incorporated in the Comprehensive Plan under CBJ§49.05.200 (b)(1)(G).

The Acquisition List

An acquisition list can prove unhelpful, for example promoting property speculation may inflate property values, said Mr. Chaney. He proposed that the acquisition list be removed from the Land Management Plan requirements, and by deleting it from Title 53. The City Attorney has stated that this would be an acceptable thing to do, said Mr. Chaney.

Commission Comments and Questions

Mr. Watson asked land acquisition information would be made available to the Commission or the Assembly in the future.

This is an acquisition list, said Mr. Chaney, not a land disposal list.

If there was not an acquisition list, said Ms. Grewe; how would that discussion be instigated on a public level.

There are several existing plans such as those for Docks and Harbors and the Auke Bay Plan, said Mr. Chaney, and they all have identified properties for acquisition which accompany them. Parks and Recreation also has a lengthy list of acquisitions which should show up when it updates its management plan, said Mr. Chaney. The acquisition lists should live in the more specialized plans such as for Docks and Harbors or Parks and Recreation, said Mr. Chaney.

Mr. Chaney said if the Commission felt it was better to have an acquisition list then he could come back at the next meeting with a list of properties for the Commission to review.

Ms. Grewe said she feels neutral as to whether an acquisition list should remain or be eliminated from the Plan.

Commission Comments and Questions

Mr. Voelckers said there is a lot of land both behind the High School and in the Gastineau Apartment/Star Hill Area that is inaccessible because it is in a severe hazard zone. There have been some instances where property within these areas has been developed, he said. He said he would like an update on when the hazardous area maps were drawn and if there will be a process to update those maps. Mr. Voelckers said he felt this would be a useful exercise because there are hundreds of City acres of land located in this area.

Mr. Lange said there are an adopted set of maps attached to the land use maps that were developed around 1972 which determine both moderate avalanche landslide areas and severe areas of this type. There was another study of that area in 1992, which had similar findings to the 1972 maps. The 1992 study was not adopted, said Mr. Lange. In 2011 there was a study performed for the Behrends and White subdivisions, said Mr. Lange. That study attempted to find if avalanche risk within the area could be mitigated. That plan was not adopted by the Assembly, said Mr. Lange.

It would be a good idea to update the maps, said Mr. Lange. It would be more helpful for the public to have the maps updated, he added. That could be a possible item for a Capital Improvement Project (CIP), said Mr. Lange. It would be a long, expensive process, said Mr. Lange.

Chairman Satre said the LIDAR photography performed in recent years would be an excellent tool for initial assessment of landslide risks. This would be a good direction for the Commission to promote because it fits with the need for housing within the community, he added.

Mr. Voelckers said he understood that if an individual owned private property within one of these hazard zones that they could have their own engineering studies performed and proceed with construction.

Mr. Lange responded in the affirmative. He said in Title 49 even severe hazard zones can be developed to a single family home. However, he said, no subdivision of that property could transpire.

Mr. Watson said while it was true that one could build on this kind of land with their own funds, that property insurance would not be obtainable. He added that he felt it was worthy to pursue further study of this area.

Mr. Voelckers said his understanding was that once the items were reviewed for the Commission by Mr. Chaney this evening that the Commission would then be presented with an improved draft of the Land Management Plan reflecting any changes approved by the Commission.

Mr. Watson asked when the edited draft could be presented to the Commission.

Mr. Chaney said they could have a draft to present the Commission at its next meeting.

Mr. LeVine said it appeared that before Mr. Chaney could proceed with the draft that he needed an answer from the Commission as to whether to get rid of the acquisitions list from the plan and provide additional needed information for Mr. Chaney to complete the revisions.

Chairman Satre said this would be the time to provide direction to Mr. Chaney regarding the Commission's input on the Land Management Plan so that he could then prepare a cohesive document to bring back to the Commission at its next meeting.

Mr. Miller said he felt the issue of zoning also needed to be cleared up. Mr. Miller said he agreed with Mr. Chaney that the Land Management Plan should not have maps adopted that have zone changes.

Mr. Voelckers said he agreed with Mr. Miller about leaving specific zoning examples out of the Land Management Plan. He added that it makes sense to identify a region as an area identified for further study. Mr. Voelckers said that he felt that Sixth Street in Douglas would be an appropriate area to identify specifically for development.

Mr. Chaney said he would like to go through the recommendations one at a time and receive the Commission's direction on each recommendation.

Under the topic of strategic rezoning Mr. LeVine said he would like to keep the terms general and not specify a particular zone. He said he would be comfortable with identifying a parcel that the City might consider for strategic rezoning.

Under the establishment of Right-Of-Way Needs Mr. Voelckers said he would like to define the bench road within the North Douglas parcel of land.

Mr. Chaney said that he recommended the establishment of an alignment recommendation for the bench road in the Land Management Plan rather than engineer an alignment, which could be a big project on its own merit.

Mr. Voelckers said the intention is that as land parcels become identified on North Douglas that the bench road be developed in lockstep so that they would be harmonious with one another. He said he foresaw future development in conjunction with Goldbelt in the West Douglas area when there was a big carrier project such as a coast guard dock, for example.

On the question of whether to eliminate the acquisition list from the Land Management Plan, Mr. Watson said that he concurred with the recommendation of the staff to remove the acquisition list from the Land Management Plan.

Mr. Voelckers asked how the proposed development of Sixth Street would be handled within the Land Management Plan.

Mr. Chaney said this portion of land differed from development proposed on North Douglas for example because it is land directly contiguous to the community. This land was identified for

development in the 1930's, said Mr. Chaney. Some of these house lots are already platted, said Mr. Chaney. The Affordable Housing Commission was in favor of this proposal, he noted. The biggest hurdle in the development of this property would be the construction of Sixth Street, said Mr. Chaney.

Under questioning from Ms. Grewe, Mr. Chaney said that his recommendation was to leave all of the language regarding acquisitions within the Land Management Plan without the specific land acquisition suggestions.

Mr. Chaney said he understood that the long property on North Douglas would be accompanied by a statement on strategic rezoning with the definition of the bench road alignment through that area.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Subdivision Ordinance

Mr. Steedle reported that as a result of the Assembly's adoption of the Subdivision Ordinance that there is some cleaning up which needs to be accomplished due to regulations relating to platting and surveying of minor subdivisions that conflict with the Subdivision Ordinance. They will be repealing that ordinance pending its revision, said Mr. Steedle.

Area Plan Guidelines

Ms. Maclean told the Commission the staff was asked to develop guidelines for the development of community-based area or neighborhood plans. These guidelines are meant to create a framework for the staff, said Ms. Maclean. They cite clear deliverables about what is expected from the staff, and also establish clear guidelines for what is expected of steering committee members defining their roles and duties, said Ms. Maclean.

This also sets a time frame for staff to complete plans, explained Ms. Maclean. This ensures that each planning initiative is given equal attention with a clearly defined transparent process from start to finish, she said. It sets a minimum for public participation and public notification, said Ms. Maclean.

It also outlines the process on how the individual plans will be adopted, said Ms. Maclean.

Ms. Grewe said that under the *Request for Area or Neighborhood Plan* that "City Manager" be struck and that instead it be stated that neighborhood plans could be initiated by request of neighborhood associations.

Mr. Watson asked if this proposal has been vetted through the Department of Law.

Ms. Maclean said it has not been vetted through the Department of Law.

He asked if this would be coming back to the Commission for review after it had been run through the Department of Law.

Ms. McKibben said it could be run through the Department of Law if that is what the Commission requested.

Mr. Watson said he felt it would be a good idea to run this document through the Department of Law because of specificity of language such as language regarding missed meetings for steering committee members and the number of meetings that could be missed in a row.

Mr. Watson also stated that language in the document referring to the integration of this plan into the Comprehensive Plan would be difficult to accomplish because once the Comprehensive Plan is established it is not easily edited.

Ms. McKibben said that they regularly adopt elements of the Comprehensive Plan. For example she said the Auke Bay ordinance has been adopted as an element of the Comprehensive Plan. The Economic Development Plan has also been adopted as an element of the Comprehensive Plan, she added.

Mr. Watson said he would not be comfortable voting on this proposal until it had been reviewed by the Law Department.

Mr. LeVine said the items identified by Ms. Grewe and Mr. Watson were also areas of concern for him as well. He said he did think it might be difficult to say that a planning process should be initiated by a neighborhood association. He said he did find it difficult to imagine a process implemented which not was not at the behest of the Planning Commission, Assembly or CDD. He said they could set up guidelines for the operation of the Steering Committee to which the Steering Committee itself adopted its own operating procedures.

Chairman Satre concurred, stating that what they needed was a mechanism in place so that it was clear to others how the process would evolve. This may be appropriate to slate as a regular agenda item before the Commission, said Chairman Satre.

Ms. Grewe stated that these are guidelines, not an ordinance, and that she did not feel they needed to be reviewed by the Law Department. She said she felt it needed to be put on the regular agenda for public review. She said she also agreed with the remarks about the neighborhood association; she said she did not mean that a neighborhood association could make its requests directly.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Chairman Satre noted that this is Mr. Miller's last Planning Commission meeting after nine years of service. He said Mr. Miller has done the hard work of trying to be the common sense voice and making it possible for Juneau residents to develop their private land in a way that does not adversely impact their neighbors. He said the expertise brought to the Commission by Mr. Miller's experience as a developer has been invaluable. Chairman Satre said he could not thank Mr. Miller enough for the years and hard work he has put in on the Commission.

Mr. Miller said it is not a big deal for the Commission members and the staff to participate in every meeting. However, he said, when people attend the meetings for an issue, it is probably the only time they will come before the Commission. They are anxious and they are nervous and they have some big plan they want to accomplish for their life which is before the Commission for a decision, said Mr. Miller.

He said he is always tried to figure out some way to say "yes" to those making a request of the Commission. Staff can only go by the black and white rules, said Mr. Miller. The Commission has the ability to consider extenuating circumstances, said Mr. Miller. It is the gray areas the Commission must decide upon, he added.

XV. ADJOURNMENT

The meeting was adjourned at 8:58 p.m.