MINUTES

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

July 28, 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; Michael LeVine, Ben Haight, Matthew Bell, Paul Voelckers, Dan Miller

Commissioners absent: Nicole Grewe, Bill Peters

Staff present: Hal Hart, Planning Director; Beth McKibben, Planning Manager ; Jonathan Lange, Planner II, Tim Felstead, Planner I

II. APPROVAL OF MINUTES

- June 23, 2015 – Regular Planning Commission Meeting Minutes

MOTION: *by Mr. Miller, to approve the minutes for the June 23, 2015, Regular Planning Commission meeting with any minor modifications by staff or Commission members.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Subdivision Ordinance
Assembly Liaison Loren Jones reported that the Assembly Committee of the Whole (COW) held a meeting last night on the Subdivision Ordinance. After discussing the Ordinance for four hours last night, the Subdivision Ordinance has been continued to the August 3, (2015) meeting. The way the Ordinance is written, the staff cannot continue performing as it has in the past, said Mr. Jones. The Department of Law is being consulted on certain aspects of the Ordinance, he said.

The Assembly passed an amendment which changed the public notice requirement which previously required noticing property owners within 500 feet of the affected property, said Mr. Jones. The Assembly continued that notice requirement for major subdivisions and for minor subdivisions changed the notice requirement to adjoining property owners.

There was a lot of discussion about shared access roads, said Mr. Jones. There was concern expressed from Assembly members about the consequences if a home owners association disintegrates, and the subsequent effect on how the access road would be maintained under those circumstances. This has not been settled, said Mr. Jones. The Ordinance is currently scheduled to be acted upon by the Assembly August 10, (2015) said Mr. Jones, but it can be delayed until August 30, (2015) if necessary.

State Marijuana Control Board Appointment
Mr. Jones has been appointed to the State Marijuana Control Board.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Mr. Voelckers requested that VAR2015 0016 be removed from the Consent Agenda and placed on the Regular Agenda for purposes of discussion.

Mr. LeVine said that he consulted with the Law Department and was told that his residential proximity to the applicant for VAR2015 0018 does not constitute a conflict of interest.

VAR2015 0018:	Variance request for the parking requirement for a single family dwelling.
Applicant:	Myra Pugh
Location:	617 W. Eleventh Street

Staff Recommendation
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2015 0018.

The Variance permit would allow for a reduction in the parking requirement from one space to zero on-site spaces to allow an existing garage to be converted to living space.

MOTION: *by Mr. Miller, to approve the revised Consent Agenda as read with staff's findings, analysis and recommendations.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

Mr. Miller recused himself from hearing this item due to a conflict.

VAR2015 0016:	A Variance request to allow for an access and utility easement to be within the 50' anadromous stream buffer for Andsoh Subdivision Lots 5, 7, 8 and 9.
Applicant:	Andsoh Associates, LLC
Location:	Sherwood Lane at Glacier Highway

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2015 0016. The Variance permit would allow for the access and utility easement for Lots 5, 7, 8, and 9 of ANDSOH Subdivision to be 35 feet from the Pedersen Hill/Case del Sol Creek, which is designated as an anadromous stream and impaired water body; with the following conditions:

1 Prior to Certificate of Occupancy for development on Lots 5, 7, 8, and 9 of ANDSOH Subdivision, a bioswale shall be installed between the access and utility easement for Lots 5, 7, 8, and 9 of ANDSOH Subdivision and Pederson Hill/ Casa del Sol Creek; and the applicant shall implement storm water best management practices.
2 Prior to issuance of a Building Permit and/or Grading and Paving Permit for Lots 5, 7, 8, and 9 of ANDSOH Subdivision, a Deed Restriction shall be placed on Lots 5, 7, 8, and 9 stating that the driveway shall not be improved with impervious surfacing.
3 No development of primary or accessory buildings shall occur within 50 feet of Pederson Hill/ Casa del Sol Creek.

The lots in question are located in the Mendenhall Valley, across the street from the Department of Motor Vehicles, said Mr. Lange.

Commission Comments and Questions

Mr. Voelckers said he would appreciate some further detail provided by the staff on the location of the bioswale, and snow removal in the area.

Mr. Lange said the applicant is requesting a variance to the anadromous 50 foot no-development buffer of the stream to construct an access and utility easement to be within approximately 35 feet of an anadromous stream. He said a bioswale would be located at the northern portion of the access easement. He said use of the requested easements would allow the applicant to use an area which has already been filled. Mr. Lange said the purpose of the bioswale is to filter any run-off which may come off the road into the stream.

He added that when this issue was before the Wetlands Review Board in June, that the majority of the members were in favor of maintaining the 50 foot buffer or no development setback.

In answer to inquiries from Mr. Voelckers regarding snow removal, Mr. Lange said that snow removal had not been made a condition of approval, but that the concern expressed was that as snow was removed from the road that it would be pushed over the bioswale with the road residue going untreated into the adronomous stream. He said he spoke with the applicant prior to the meeting, and that one suggestion from the applicant was that the snow could be pushed in the direction off the road away from the stream.

Mr. Voelckers asked who would monitor that best practices by the applicant would be observed.

Mr. Lange answered that the Engineering Department monitored this work.

Mr. LeVine noted that in the older minutes from the Wetlands Review Board meeting, that one of the items which was highlighted was adherence to the 50 foot buffer. He asked if this issue had come before the Planning Commission and if it had been discussed.

Mr. Lange said the 50 foot setback was discussed at a previous Planning Commission meeting, but that he did not have a copy of those minutes currently available.

Mr. LeVine clarified that the effect of not granting this variance would require the applicant to construct the easement 50 feet from the stream instead of 35 feet from the stream.

Mr. LeVine said that he noted that the fill comes to within 25 feet of the stream. He said he assumed when this was first reviewed by the Planning Commission and the Wetlands Review Board that the assumption was that the fill stopped within 50 feet from the stream.

Chairman Satre said the pre-existing fill is a nonconforming condition, which is not something the Commission typically needs to consider for a variance.

Applicant
Mr. Haight asked applicant John Armstrong how the condition of the pervious soil would be changed with the granting of the variance.

Mr. Armstrong answered that all of the property is filled with shot rock, which drains very well and does not hold standing water. The road surface would be 2 inches of crushed rock, said Mr. Armstrong, which would continue to keep the water free flowing.

Mr. Haight asked if the applicant believed that the crushed rock would provide some filtration for the water.

Mr. Armstrong answered that it would create filtration for any water hitting the road, combined with the bioswale.

Chairman Satre verified with the applicant that it was acceptable that a potential condition of no snow storage on the north side of the easement be established.

Mr. Armstrong replied that this condition would be acceptable.

MOTION: *by Mr. Voelckers, that VAR2515 0016 be approved by the Commission with the addition of a Condition Number Four stating that, "Snow storage be placed on the uphill side of the bioswale with run-off captured by the bioswale."*

Speaking in favor of his motion, Mr. Voelckers said that he felt this was a nice application although it was unfortunate that some of the fill was so close to the stream. He said that the proposal to create the bioswale with care that the snow storage happens upstream from the bioswale is a good, mitigative measure.

Mr. Watson also spoke in support of the motion, stating that this is a tremendous improvement to the area compared to its former uses as a parking lot and for equipment storage. The negative ecological impact to the property of the proposed uses will be much less than the former uses were to the property, said Mr. Watson.

The motion was approved with no objection, with the addition of Condition Number Four as stipulated in the motion.

Mr. Miller rejoined the Commission following the vote.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

- **Amendment to Title 49 related to Marijuana uses.**

This is an informational item and will be taken up by the Title 49 Committee on August 14, said Ms. McKibben. This reflects direction given by the Marijuana Committee, she said.

On the above item Chairman Satre, who is also a member of the Marijuana Committee, commented that the Table of Permissible Uses items may be fairly simple, but that how to permit this will probably add a lot of complexity to the process.

Mr. Voelckers asked what some of the underlying motives were for the recommendations.

Chairman Satre explained that they looked to the directive of the Initiative itself which was to regulate liquor stores. For example they mimicked buffers for both marijuana and liquor in the recommendation, explained Chairman Satre. In the Table of Permissible Uses, they filtered it down to its basic elements, which would be Agriculture and Industrial Use. They did make the recommendation that Rural Reserve land could be designated for some marijuana (commercial) cultivation facilities for example, said Chairman Satre.

Mr. Voelckers said he didn't understand why it was excluded from categories such as D-3 to D-18 zoning.

Chairman Satre replied that it was a general sense to keep this out of the main residential zones and that this would reflect the desire of the community as well. He later stipulated this was for commercial use and that residential cultivation regulations would not be affected.

XII. DIRECTOR'S REPORT

Juneau Coordinated Human Services Transportation Plan
Mr. Lange reported that the Juneau Coordinated Human Services Transportation Plan deals with human services: specifically people with disabilities, seniors and low income categories. It is required by the state to be updated every five years, said Mr. Lange. It enables the service providers to apply for grants from the state for their services, he explained.

They conducted stakeholder meetings to assess the needs, and distributed a Transportation Needs Survey to senior centers and on the website. They received about 95 completed surveys from the community, said Mr. Lange. In addition they conducted two public meetings, said Mr. Lange. The Plan is to come up with priority projects the group wants to work on to improve services in Juneau, he added.

Mr. Lange mentioned that other additional priorities listed by the group include:

- ✓ Large percentage of lift accessible taxis - currently there are only two taxis available
- ✓ Communicate on priorities for transportation needs
- ✓ Bus stops - perhaps a community group could maintain a bus stop throughout the winter
- ✓ Share vehicles among agencies

This plan will next appear before the Committee of the Whole (COW) for the Assembly, said Mr. Lange. It would then need to be adopted by resolution by the complete Assembly, at a public hearing scheduled for August 31, (2015) he added.

Mr. Miller asked if there have been any other adopt-a-stop programs in any other communities. He said he thought this was a great idea.

Mr. Lange said he thought there were comparable programs in other communities.

Mr. Hart added that the snow removal issue was of primary importance in Auke Bay. The discussion has already begun, he said, about whose responsibility it will be to remove snow off of sidewalks which have not yet been constructed.

The staff has been analyzing lately what the actual cost and components of a subdivision are, said Mr. Hart, such as the cost of lighting, for example. The Engineering Department had mentioned that road width is the largest potential opportunity for savings, said Mr. Hart.

Housing Action Plan

Ms. McKibben spoke about the Housing Action Plan. The current consultants were here at the beginning of the month to meet with the Affordable Housing Commission, and to present a working draft. The Affordable Housing Commission met last week and will meet again to refine the draft before it is ready for public review, said Ms. McKibben. They anticipate the document being ready for public review in the fall, she added.

Lender Opportunities for Downtown Juneau
As part of the discussion last week, said Mr. Hart, he contacted six local lenders in Juneau. The issue was how to do lending in Juneau, and create larger buildings and bigger projects, to provide a multi-tiered lending opportunity in downtown Juneau. Last week a Chamber of Commerce representative had individuals from his bank consisting of some of his loan officers and managers tour downtown Juneau. They were very excited about the opportunities that they saw, said Mr. Hart.

Mr. Watson commented that he hoped once subdivision estimates were being calculated that private estimates were being used, and not public engineering estimates. Mr. Watson said this issue had arisen some months back and that the public engineering estimates were far too low compared to private estimates for construction.

Mr. Watson said he would like the CDD staff to consider strategically the order of its presentations to the Assembly. It took the City Attorney after the Assembly meeting last night (July 27, 2015) to try to explain a portion in the Subdivision Ordinance, said Mr. Watson. He said because of the order the information was presented to the Assembly, it was confusing the Assembly's understanding of the information.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

- May 21, 2015 Wetlands Review Board Meeting Minutes
- June 1, 2015 Lands Committee Meeting Minutes
- June 22, 2015 Lands Committee Meeting Minutes

Marijuana Committee
Mr. Watson reported that the Marijuana Committee met last Thursday night, and that the primary focus of the discussion revolved around the state proposed regulations. The City Attorney spoke about some of those regulations and a letter from the Ketchikan Gateway Borough was also read, which contradicted a lot of the proposed state regulations. There are a lot of contradictions between statutes and regulations, said Mr. Watson. Public Works gave a presentation on what types of activities would be allowed based upon the National Building Code, said Mr. Watson.

Subdivision Committee
Mr. Voelckers reported that the Subdivision Committee met last Wednesday (July 22, 2015), and it discussed small subdivisions and access granted by private easement from lot to lot.

They were trying to basically formalize what has been happening on an ad hoc basis between various small groups of lots up to four lots in size as far as access goes, said Mr. Voelckers.

Auke Bay Charrette
Mr. Bell reported that he attended the Auke Bay Charrette which had a tremendous turnout. He commended the staff for putting together a well-planned process. He said it was exciting to see all of the enthusiasm in the room.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers said the other item on this evening's agenda (VAR2015 0018: Variance request for the parking requirement for a single family dwelling) for him raised the issue of parking in our streets. He said there should be some thought given to parking on streets, and why that is not legitimate.

Mr. Hart said that is one of the key points for the forthcoming Auke Bay meeting. The center of Auke Bay is a state road, said Mr. Hart, which prohibits parking along its roads. Streets are the bones of a neighborhood, said Mr. Hart, around which everything else is planned.

XV. ADJOURNMENT

The meeting was adjourned at 8:04 p.m.