

Agenda  
**Planning Commission**  
***Committee of the Whole***  
CITY AND BOROUGH OF JUNEAU  
*Ben Haight, Chairman*  
March 12, 2019

**I. ROLL CALL**

Ben Haight, Chairman, called the Committee of the Whole Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:34 p.m.

**Commissioners present:** Ben Haight, Chairman; Paul Voelckers, Michael LeVine, Nathaniel Dye, Ken Alper, Shannon Crossley, Dan Hickok, Andrew Campbell, Travis Arndt,

**Commissioners absent:**

**Staff present:** Jill Maclean, CDD Director, Alix Pierce, Planning Manager

**Assembly members:** Wade Bryson

**II. REGULAR AGENDA**

**A. Planning Commissioner Training**

Ms. Mores reviewed rules and tools for an effective Planning Commission meeting using the Rules of Order. The most important things the Commission can do to assure effective meetings are:

- ✓ Preparation
- ✓ Public notification
- ✓ Explain the process
- ✓ Role of the chair person
- ✓ Respect and decorum
- ✓ Listen and keep an open mind
- ✓ Receive public comments
- ✓ Keep to the agenda and stay on topic

In its role as a quasi-judicial decision-maker, the Commission gives the public and parties a reasonable opportunity to be heard by a fair and impartial tribunal. It objectively reviews and ascertains the facts, and it has to be able to set aside individual values to determine whether or

not the issue complies with the law, regardless of personal feelings on the matter, said Ms. Mores. If they are in violation of proper procedure the Commission's actions can be challenged, she said.

The role of the chair person is to conduct and control the meetings, by ascertaining that digressions are avoided and that the agenda is followed, said Ms. Mores. It must be a fair and respectful forum which is open to the public, she said. The chairperson restates motions and their results to help create a clear record, said Ms. Mores. The chair person is to avoid digressions and keep the panel to the agenda.

Comments made during the meeting are made through the chair person, and no one is to participate until they are recognized by the chair person, said Ms. Mores. The public should also be notified that their comments are to be through the chair person, she added.

When public participation is closed, and the last person has spoken, a good way to excuse a speaker is to thank them for their testimony, said Ms. Mores. This shows a respect for the process and for the speakers, she said.

The purpose of the Commission for asking questions is to obtain and clarify information. The questions and comments from the Commission should never be argumentative, said Ms. Mores. The process should always be respectful, welcoming of comments and fair to the participants, said Ms. Mores.

Once public participation is closed, that is final, said Ms. Mores, unless there is two thirds vote of the Commission to re-open public comment.

Mr. Voelckers said the Commission has witnessed many times an individual from the public wanting to make a comment after the public comment period is closed. He clarified that the meeting would stop and the Commission would need to vote whether to re-open the public comment period.

Ms. Mores said this is the process. If the chair was not interested in re-opening public comment, the chair could state that the public comment period is closed, she added. Obtaining recognition from the chair is a very important piece of the process, said Ms. Mores. This keeps the meeting moving along, and makes for more orderly and effective meetings, she said.

Mr. Dye asked where rezones fit into the spectrum of the role that the Commission plays.

Ms. Mores said a rezone is done as a legislative matter of the Assembly.

Mr. Alper asked about the time limit portion of the rules. He said it appears that the default time limit is five minutes, but that the Chair has the discretion to reduce that time limit for all public comments. He said it appears the Commission has also stuck to the rules by giving one person more time if they spoke for more than one person.

Ms. Mores said that is also a good item to review for the public prior to the commencement of the meeting.

Mr. LeVine said it did make some sense for people to be able to consolidate their time when making public comments.

Chairman Haight pointed out that if someone is speaking for other people, then those people should be present at the meeting.

Ms. Mores said an individual cannot give their unused time to another, and they also cannot give their time to another person. That is different than allowing one person a little extra time to speak for others.

The general Roberts Rules of Order for motions, is that a motion is made prior to discussion, said Ms. Mores. These rules are not always absolute, she noted. She noted it is allowed for the Commission to discuss the issue prior to having a motion on the floor. She added that is not a huge problem. She said it is helpful that a motion be written prior to verbally making the motion, so that it is a clear motion.

Mr. LeVine said at other meetings he has attended that motions are actually typed and placed upon the projector for all to view for clarity. He said that may be helpful for some of the more complicated motions.

Mr. Voelckers asked about whether motions are supposed to be structured in the affirmative.

Roberts Rules states that motions are to be made in the affirmative, with either a request for passing the motion or for denying the motion, said Ms. Mores. She added that if a motion is made to adopt an item, and it fails, there may not be a clear reason articulated why the motion failed, she said. She said it helps for each member to speak to the motion and their reasons for voting, she said.

Mr. Dye asked if a motion can be made that fails with a vote, then a subsequent motion is made on the same item and it passes.

Ms. Mores said she saw no problem with this.

Mr. Voelckers said he understood that a vote by the Commission does not have the same weight on appeal as a vote by the Commission with each commissioner stating their reasons for how they voted.

Ms. Mores said the fact that the findings that are adopted are in the staff report, that carries an adequate weight for an appeal. She said it would be good to have the reasons for the vote expanded and clarified for the record if necessary.

Mr. Voelckers noted that at a recent meeting the Commission made a vote on a controversial issue late in the evening, when the members were fatigued. He said he felt with that issue that not as much information was perhaps put on the record due to the late time in the evening.

Ms. Mores said the recommendations and findings in the staff report are what the Commission is voting upon, and the staff report is a solid part of the record. She said it would be important for a member to speak about a particular finding they did not agree with, she said, which would be important for the record.

Chairman Haight said he felt like Mr. Voelckers, that after a certain hour in the evening the Commission's ability to deliberate clearly and in a thorough manner is limited due to fatigue. He said as they review the rules, that perhaps it should be considered that the Commission not make votes after a certain hour in the evening. He said they could continue to take testimony but when that was concluded, that they could continue the topic from that point on at a subsequent meeting.

Ms. Maclean said she would suggest that Commission members not only read the staff reports but pay close attention to the particular type of permit they are reviewing. The Commission mostly reviews use permits, said Ms. Maclean, but there are other types of issues they review, such as subdivisions, said Ms. Maclean. They do not follow the same process as use permits, she added.

#### **B. AME2017 0011: Text amendment of CBJ Land Use Code for regulation of livestock**

In answer to a question by Mr. Voelckers, Ms. Maclean said the point of bringing this item up before the Commission at a COW is to review the draft ordinance, at which point it could go to the law department for review prior to coming back to the Commission, or it could also come back to a COW for further review, if the Commission felt that was necessary.

The Juneau Commission on sustainability (JCOS) held several meetings on urban agriculture, said Ms. Maclean. The current Title 49 states that six hens can be retained as personal agriculture, with no other options, said Ms. Maclean. Everything beyond that would be considered commercial agriculture, she said. With that designation, the restrictions become much tighter and the zoning districts more specified, she said. It would also typically require a Conditional Use Permit, she added.

With the JCOS meetings, other animals were added as possible additions for personal agriculture, said Ms. Maclean. Bees were also included, she said. There was also a lot of discussion about what zoning districts roosters belonged in and where they did not belong, said Ms. Maclean. At the last Title 49 meeting, it was discussed that roosters could be kept in RR, D1 and D3 zones, said Ms. Maclean. They also discussed the number of animals which could be kept on a property, said Ms. Maclean. This was decided according to the size of the animal, she

said. This would be cumulative, she said; a property owner could not have the maximum number of smaller animals and also the maximum of larger animals.

Chairman Haight said he felt their purpose was to review this at this time since there were new commissioners.

Mr. LeVine said there were some thorny issues they were discussing at the last Title 49 meeting this item was brought up. There was discussion about how the standards regarding noise and odor would be expressed, he said. Mr. LeVine said he would be interested in having the legal language applied to this ordinance before it came before the Commission for review again.

Mr. Alper asked what the task of the Commission was at this point. He said he was not clear on what action was expected of them at this juncture in the process.

Chairman Haight explained this was before the Committee of the Whole to bring everyone up to date as to where they are with this issue, and to also garner any feedback the Commission may have on this item at this juncture.

Ms. Maclean said the draft language the Commission has before it is not yet a draft ordinance. It would go to Law and be reviewed into a draft ordinance the Commission could see.

Mr. Dye said he recalled the biggest highlights at the Title 49 level were electric fences, manure and roosters.

Mr. LeVine said he recalled JCOS recommending that roosters be allowed more or less everywhere, and that discussion centered on where roosters should be allowed, and if Conditional Use Permits would be required. He said this language before the Commission this evening is where they left the discussion.

Mr. Dye said while there is no minimum lot size required to have a rooster, but that a certain amount of buffering would be required to be around that rooster.

Mr. Voelckers said there was a sense that roosters are one of the thornier problems in this ordinance. He said they felt it would be best to ease into this somewhat conservatively, as roosters were a source of resident complaints. He said he felt this made the Title 49 Committee less lenient than JCOS on what areas and how roosters could be kept. He added he did not see any discussion in this language about enforcement.

Mr. Dye added that the issue of odor was found to be difficult to define and regulate.

Mr. Arndt said he felt it was good to begin as they did with accessory apartments, where the regulations were rather tight to begin with, and opening up as they saw how it was proceeding. Opening up and lessening regulations was an easier process than tightening them as time went on, he said. He added that enforcement may be an issue. Stream side setbacks may also be a problem, said Mr. Arndt. There have been times recently where Twin Lakes has had high rates of fecal matter in the water.

Chairman Haight said the biggest issue for bee keeping is swarming. Bees are going to go where they want to go, he said. There is only so much that can be done to control bees, he said.

Mr. Voelckers said he would like to see a draft ordinance for review with more specificity, rather than the overview currently before them.

Mr. LeVine said that he thinks the intent of the ordinance is to allow poultry on smaller lots. He said he wondered how setback rules would apply to small lots in the Flats, for example. He also said he would like more information on what it meant that existing livestock under certain circumstances would be made nonconforming by this article (49.30.100). He asked if that meant if he purchased 12 chickens if he could keep six on his property. He said his suggestion was that the individual would be allowed to retain their nonconforming livestock until those animals died, at which time the number of animals would move into conformance.

Mr. Alper asked if there is a swarming problem with bees.

Chairman Haight said while bees typically do not attack during swarming, that there have been incidences of swarming in the community. He said that bee keeping has become more popular recently.

Mr. Alper asked if the Commission was going to have to go over this all over again when the planner in charge of this ordinance returned to work.

Ms. Maclean said the Commission has requested more specificity with this ordinance. She said the ordinance does address proximity of livestock to wells and water. She suggested if the Commission has further comments that those comments be mailed to her, Ms. Pierce and Mr. Felstead. She said current priorities are nonconforming property, with the stream buffer setback next, with urban agriculture addressed after that. There will be time before this item is addressed by the Law Department, she said.

Mr. Voelckers asked if the next step with this item would be going back to the staff for more refined language or if the next step would be this item going directly to the Law Department for more specific language. He said his remarks referred to this item going back to the staff for cleaning up and clarity, then coming back to the Commission.

Chairman Haight suggested that this draft ordinance go back to the Title 49 committee prior to going to the Law Department.

Mr. LeVine said he felt once this draft ordinance went to the Law Department it could then come back to a COW for review, prior to a full meeting before the Commission.

Mr. Dye said without more polished language there is not much more that the Title 49 Committee can do with this.

Mr. Campbell said this seems to be a subject matter that will be hard to get perfect. He said spending more time at this stage to work out any potential problems would not be a good use of time.

Ms. Crossley asked how the City currently deals with nonconforming situations.

Ms. Maclean said they have one code compliance officer, borough-wide. Livestock is not typically their current priority, she added. Swampy Acres has taken in a few animals that became a problem, she said. Sometimes the complaints go to the humane society, she said. They received more complaints about roosters than the City, she said.

**III. OTHER BUSINESS**

**IV. REPORT OF REGULAR AND SPECIAL COMMITTEES**

**V. ADJOURNMENT**

***The meeting was adjourned at 6:43 p.m.***