Agenda
Planning Commission
Committee of the Whole
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
September 13, 2016

I. ROLL CALL

Ben Haight, Chairman, called the Committee of the Whole (COW) Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:07 p.m.

Commissioners present: Ben Haight, Chairman; Bill Peters, Percy Frisby, (telephonically) Nathaniel Dye, Matthew Bell, Carl Greene

Commissioners absent: Paul Voelckers, Michael LeVine, Kirsten Shelton-Walker

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Roger Healy, Director of Engineering and Public Works

II. REGULAR AGENDA

A. AME2015 0012: Consideration of Title 49 Amendments regarding private access roads

Ms. Boyce provided examples of current access road situations which are distributed throughout the community as they currently exist in Juneau. Atwater Estates is located on Douglas, said Ms. Boyce, and the properties are zoned D-18 which is multi-family zoning. Roughly seven lots share access, with the access easement ranging in width from 20 to 30 feet, she said. All lots share access on Douglas Highway, and because it is an arterial access it is restricted, she said. This is a situation where single-family and common wall lots share a common access point, said Ms. Boyce.

Bellevue Subdivision is also located on Douglas island, said Ms. Boyce, which consists of common wall townhouse units which share a driveway easement with neighboring condominiums in the area. All units have street frontage but since the property is so steep it made more sense for the development to have access behind the units, she said.

Forest Edge Condominiums provide a different pattern, said Ms. Boyce, where all of the land is owned by the home owners association, in which 32 condominiums all share a private driveway which is accessed from Douglas Highway, she said. This easement proceeds through a neighboring parcel which is not owned by Forest Edge Condominiums, said Ms. Boyce.

Beach Drive is also located on Douglas Island with access provided by Second Street. All of the properties indicated by Ms. Boyce share a private road which is not maintained by the City; rather it is maintained by the property owners. This land is also zoned D-18, she said.

Ski Street is located on North Douglas, said Ms. Boyce. The property in this area is zoned D-1, with parcels which do not have frontage onto a publicly maintained right-of-way. They share an access easement to Ski Street, she said.

Three properties located on Nine Mile Creek Road on North Douglas share an easement due to the steepness of the lots even though they all have frontage on a publicly maintained right-of-way, said Ms. Boyce.

Mr. Greene asked if the Ski Street lots were constructed by a developer and then the road was subsequently turned over to the City for maintenance after it was constructed.

Ms. Boyce answered in the affirmative.

Peterson Creek Subdivision is located at the very end of North Douglas Highway, said Ms. Boyce. These nine lots share an easement from North Douglas Highway via other property, she said. The access within the subdivision is a 15 foot access and utility easement, she said. The access to the subdivision from North Douglas Highway is a 40 foo access easement, said Ms. Boyce. The home owners association maintains both of those easement segments, she said. This land is zoned Rural Reserve, she added.

In the Amalga Harbor area there is a series of lots that all share access easements, said Ms. Boyce. They do not have frontage on a publicly maintained right-of-way, she noted. They utilize easements through other properties to access Amalga Harbor Road, she added. These lots are zoned Rural Reserve, she noted.

Off of Glacier Highway near the ferry terminal there is an unbuilt public easement with four stacked lots, said Ms. Boyce. All of the lots do have frontage on a right-of-way, but it is an unbuilt right-of-way, she said. They do not have frontage on a publicly maintained right-of-way, said Ms. Boyce. They all currently have access to Glacier Highway through a series of lots, she said. This area is zoned D-1 transitioning to D-3, she said. They all share in the cost of maintaining the 25 foot access easement, said Ms. Boyce.

Ferry Height subdivision was approved in 2013, said Ms. Boyce. It is located right across from the ferry terminal, she said. There are five lots that share an access easement which varies in width from roughly 20 to 30 feet wide, she said. These lots were formulated under the

Director's discretion portion of the code which is no longer relevant, she said. These lots all share the access and have an agreement for its maintenance, she noted. This is also called the "minimum rectangle provision", said Ms. Boyce. A lot can essentially be designed that has at least a minimum of 30 feet of frontage on a right-of-way but it has the appearance of the panhandle lot, she noted.

Thane Landing is located at the very end of Thane Road, said Ms. Boyce. This seven lot subdivision shares a driveway which is a 30 foot wide access, drainage and utility easement, she said. No more than two lots could be built upon until the road was improved to meet the Fire Department standards, added Ms. Boyce. This was another minimum rectangle Director's discretion subdivision, she added. They all have 30 feet of access on a publicly maintained right-of-way but they share access, said Ms. Boyce.

Dock Street off of Fritz Cove Road contains lots which share access onto Dock Street, said Ms. Boyce. They share frontage on a right-of-way which is not publicly maintained, she said. Their access to Dock Street is gained through other properties, said Ms. Boyce. These lots are zoned D-1, she said.

On Point Stephens Road in the Tee Harbor area lots created in the 1950's share a 60 foot wide easement with a 12 to 15 foot wide trail through the property, said Ms. Boyce.

All of the above properties are zoned residential, noted Ms. Boyce. She mentioned other properties which are zoned industrial such as nine lots on Sherwood Lane that share two easements. They all have frontage on a publicly maintained right-of-way but they do not use their frontage for the access, she noted.

The current language in the draft ordinance would limit development to only a single family home with an accessory apartment on lots with shared access, said Ms. Boyce. Unless approved prior to the code change existing properties would not be able to develop beyond the stipulations within the newly adopted ordinance, said Ms. Boyce. The Commission may want to consider adding language which states that parties with access approved prior to the date of the ordinance change are exempt from the new requirements, said Ms. Boyce. Ms. Boyce also provided other examples of Industrial zoned properties with shared access.

Ms. Boyce provided a chart for the Commission indicating different types of uses and the number of estimated trips generated per use on a weekday. For example, a single family detached home generates an estimated 9.52 Average Daily Trips (ADT's). A day care center is estimated to generate roughly 74 trips per day per 1,000 feet of floor area, said Ms. Boyce.

In the draft ordinance there is a limit of 50 average daily trips set as the upper limit for the shared access roads, said Ms. Boyce. This is for a single-family home with an accessory apartment per lot for three lots, she said.

The staff would like direction from the Commission on the number of lots and if this ordinance should be limited to just single-family zoned lots or if the Commission wanted to expand the zoning for shared access. If the zoning is expanded the Commission would need to decide if the uses should be limited, said Ms. Boyce.

Mr. Greene stated that if a day care center for example wanted to use a shared access it would need to come before the Commission in any case for a Conditional Use Permit.

Ms. Boyce responded that this would not always be the case. However, the current draft ordinance would limit shared access for only a single family home with an accessory apartment, she said, and single family zoned districts. Under this scenario, a day care would not be allowed, she said.

Ms. McKibben clarified that a child care home with fewer than eight children would be permitted outright in a single family home without a Conditional Use Permit.

Murray Walsh
Mr. Walsh stated that on one particular piece of property on North Douglas that was rezoned to D-18, it is very difficult to develop because of the topography and other considerations. One of the best things the community can do to alleviate the housing shortage is to produce inexpensive single-family housing on small lots. This is the gold standard of the real estate market, he said. This type of housing is in high demand, added Mr. Walsh. He said he was in favor of shared access for properties zoned D-18. A standard CBJ road now costs $2,000 a linear foot, said Mr. Walsh. It would cost $50,000 to provide the standard 50 foot frontage for a home, said Mr. Walsh. That is a huge cost to add to the cost of a home, he said, before construction of the home would even commence.

Mr. Walsh advocated a double tier frontage situation for the lots where two rows of homes would be constructed on either side of the standard street. This design would allow for less driveway access on to a City street. The cost of the street is also shared among more houses, he stated. This scenario could not be constructed under today's rules but it could become a reality if the City allowed shared driveway access, he said. The only change which would need to be made to the proposed ordinance would be the number of houses, said Mr. Walsh, upped to four homes sharing a driveway. This should be allowed outright, said Mr. Walsh. If it's a good idea then it's a good idea, he added.

Mr. Dye asked if in the double row situation all of the lots shared access to a common right-of-way.
Mr. Walsh said this addresses the issue of if there should be any lots which have no connection to the right-of-way. He said he was not personally in favor of this model. There ought to be

some connection with the right-of-way, he said. Then if something goes wrong between the homeowners, he said, there is always that direct connection to the right-of-way.

Mr. Dye asked for clarification on what he called a panhandle ordinance and how it would relate to the proposed ordinance.

Ms. Boyce responded that if shared access situations continue to be allowed, that all lots have some type of frontage onto a publicly maintained right-of-way. While they may not use that frontage, she said, they share the access. A panhandle is the way to provide minimum frontage to that right-of-way, she said.

Mr. Dye asked if there would be a way to encourage the use of a panhandle rather than not having any access to a public right-of-way. He said he was trying to ask if there would be a way to make the ordinance more encompassing.

The panhandle section of the ordinance was withdrawn as it is viewed as a separate item, said Ms. Boyce. Following Mr. Walsh's scenario there would be four lots sharing access onto a right-of-way, said Ms. Boyce. If there were changes made to the panhandle section of the ordinance this model could be pursued, she said.

Chairman Haight said in the memo the allowable easement width is 40 feet with a reduction of 20 feet possible at the Director's discretion. In the memo the staff strongly recommends that the easement width be no less than 40 feet.

Mr. Peters asked the staff what the concern was with the easement reduction from 50 to 40 feet.

There is not a concern reducing the easement from 50 feet to 40 feet, said Ms. Boyce. The concern of the staff is further easement width reductions from 40 feet, she said. The CBJ Street Department has strong concerns about an easement width being less than 40 feet, said Ms. Boyce. If the road were to be taken over by the City it would need to comply with City standards which would be a width of 40 feet, she said.

Chairman Haight asked what criteria were used for the Director to make a decision on an easement width reduction.

Mr. Steedle said it would involve a consultation with the Director of Engineering and Public Works to ensure that the proposed easement could be properly maintained by City standards should that be implemented in the future as a publicly maintained right-of-way.

If they are looking at a situation involving four lots, said Chairman Haight, would that necessitate an easement being at least 40 feet in width since there was a low probability that only four homeowners could fund the construction.

For the four lot subdivision scenario, said Mr. Steedle, it would be very unlikely that the easement would be developed into a public right-of-way. However, he said, if there is land beyond that four lot subdivision, then it is not a clear-cut scenario. If the easement was too narrow for City standards and the development had already taken place then there could be problems, he said. That is why they are advocating a 40 foot minimum easement, he said.

Ms. Boyce said the ultimate long term goal would be for the CBJ to have interconnecting streets and neighborhoods.

Chairman Haight said the goal is for the City to be able to take over easements as a publicly maintained right-of-way when possible, but there are going to be situations where that is not going to be attainable. He said for those easements it seemed reasonable to him to allow them to be less than 40 feet in width.

Mr. Dye asked how this fit with the City's easement requirement of 60 feet in width for publicly maintained right of ways.

Ms. Boyce said with the Director's discretion the 60 foot easement requirement can be reduced to 40 feet for public streets.

Chairman Haight said he is in favor of maintaining the 50 foot width and allowing the Director to reduce it by 20 feet.

There was general concurrence by the Commission with Chairman Haight's suggestion.

Mr. Greene asked if 30 feet was the absolute minimum standard providing for utilities, drainage and City emergency vehicles.

Mr. Steedle said the width could be less than 30 feet but that what was under discussion was the possibility for future acceptance by the CBJ.

Mr. Peters pointed out that there are two versions of the table of roadway construction standards. The width of a private easement was changed and he said there was also a change going from "no" on paved roadway required to "yes". He asked if they should leave that as a requirement or if they should change it back to "no" since they were leaving the width at 50 feet.

Mr. Dye said they had requested that the road be paved at the last meeting regarding this proposed ordinance.

Chairman Haight said the draft ordinance limits private access easements to three lots and that this evening they had been discussing four lots. They would be at 50 Average Daily Trips with three lots, he said.

The Commission discussed potential additional zone uses other than single family residential with an accessory apartment extending through D-10 SF.

Mr. Greene asked how many more Average Daily Trips would be generated by a duplex as opposed to a single family residence with an accessory apartment.

Ms. Boyce said there is not a number stipulated for duplexes. She said it would be roughly twice the Average Daily Trips generated by a single family residence.

Chairman Haight said he has not noted any interest on the part of the Commission in extending private access easements higher than a single family dwelling with an accessory apartment through D-10 SF zoning.

Mr. Peters asked if there have been requests beyond the stipulations in the proposed ordinance.

Ms. Boyce said when this was originally discussed with the Subdivision Review Committee, that four lots had been discussed and recommended for single-family homes with an accessory apartment, not to exceed 70 Average Daily Trips.

In response to a question posed by Mr. Greene, Ms. McKibben responded that a duplex is not a single family home and generates more Average Daily Trips than a single family home with an accessory apartment. She added that a duplex cannot have an accessory apartment. She clarified that four lots with duplexes would not comply with the proposed ordinance before the Commission.

Mr. Greene asked if duplexes could also be allowed.

Ms. Boyce explained to the Commission if they wish to allowed duplexes that the lot would need to be wider and that each of those lots would then require the construction of more road to serve the larger lots.

Mr. Dye said he felt it was important to discuss hardship as a reason for a private easement as opposed to outright zoning. If the easement was allowed outright there was the potential for it to be used in different ways versus a hardship scenario, he said.

Chairman Haight said there are currently two allowances for shared access: if the right-of-way has limited access or if access would create a safety hazard. The third option discussed at the last meeting was the issue of topography, said Chairman Haight. Chairman Haight said if topography is considered as a distinguishing characteristic whether that was an element of a safety hazard or not. If so, he said, then they would need to decide if it would need to be separately identified.

Mr. Bell said he thought it should be separately identified.

Mr. Greene asked if there were grade restrictions.

Ms. Boyce responded that in the current draft and within the current CBJ standard that no road or driveway can exceed a 15 percent grade. The grade can only be exceeded if the Fire Marshal signs off on it, she added.

A good example of topography being a hardship would be the Olmo variance request which was before the Planning Commission several months ago, said Ms. McKibben. These lots could not receive access to Douglas Highway because the grade is too steep, she said. She said that is an example of topography being a hardship.

Since in that instance they could not get a DOT permit because of the grade it would then be a hardship issue rather than a topography issue, stated Mr. Dye.

They would not be able to get a driveway permit for each of those dwellings even if the topography difficulty was eliminated, said Ms. McKibben, since that portion of North Douglas Highway was limited access since the proposed dwellings were common wall dwellings. She clarified that limited access to North Douglas Highway could qualify as a hardship scenario.

Mr. Steedle said in the Olmo example both conditions applied; topography and hardship. If the lots would have been located on a different section of North Douglas then DOT would perhaps have had no qualms about issuing a permit, he said. He said he felt it would be helpful to divorce the two ideas.

Mr. Peters clarified that allowing an access outright did not eliminate the other conditions which needed to be met. He said he felt access easements should be able to be allowed outright as long as the other conditions could be met.

Mr. Bell concurred.

Chairman Haight said he would be in favor of increasing the number of lots to four, and increasing the ADT to 70. He said he would propose retaining the use and zoning restrictions to

Rural Reserve through D-10 SF. He said he also proposed that they allow outright use of shared access with no hardship or access limitations.

Mr. Greene asked why a duplex could not be allowed if the lot met the size stipulations for a duplex.

Chairman Haight said the key point for him was the amount of the Average Daily Trips. He said possibly the 70 ADT could be met if there were three lots with a duplex located on one of those lots.

Mr. Greene asked what the recommendations were of the Subdivision Review Committee.

Chairman Haight repeated for Mr. Greene that the recommendations of the Subdivision Review Committee were four lots with 70 ADT.

Mr. Dye said that for the record he was in favor of hardship as a reason for a private access easement.

Ms. Boyce summarized that the Commission stipulated that four lots be included with 70 Average Daily Trips as the maximum number of daily trips within the single family zoned districts with an outright allowable use. The Commission recommended a 50 foot width with a possible reduction at the Director's discretion to 30 feet, said Ms. Boyce.

B. Overview of the Capital Improvement Program, FY2017-2022

Mr. Healy told the Commission that the City and Borough of Juneau is required to prepare annually a Capital Improvement Program (CIP) with a budget. The draft is to be completed by April 5, he said. The charter requires that a public meeting on the CIP be held by May 1, and that by June 15, that the Assembly approves the CIP. If it makes no recommendations the recommendations of the City Manager will be followed and approved for the following year. The action taken by the Assembly is by resolution, said Mr. Healy.

The Planning Commission is required to review the Capital Improvement Program annually, said Mr. Healy. They have interpreted this sequence of events to take place between the April 5, date and the May 1, date, said Mr. Healy. This is a one year program with a six year projection, he said. The projects are categorized by sales tax allocations and other funding allocations, said Mr. Healy. Traditionally $1 million has been identified every year out of the general sales tax for specified improvements, said Mr. Healy. The area wide sales tax priorities are one third of the 3% temporary sales tax, said Mr. Healy. This one percent of the three percent tax is to be used primarily for repairing and constructing streets, sidewalks, retaining walls, drainages and stairways as well as other capital projects.

The temporary one percent sales tax priority category is a list of projects approved in 2012, and is a specific list of projects amounting to about $9 million-a-year for those projects identified in the voter information pamphlet, said Mr. Healy.

Much of the remainder of the CIP is dedicated funds, said Mr. Healy, such as the Water Enterprise Fund, the Wastewater Enterprise Fund and the Docks and Harbors Enterprise Fund. A lot of the funding is pretty well dedicated either by voters or through the intent language in the ballot, said Mr. Healy.

Commission Comments and Questions
Chairman Haight said it appeared the Planning Commission had two roles in the process: to proivde its input on the current list of the priorities and to also suggest projects which may not be included in the CIP.

Funds not already identified would be the general sales tax coming in at about $1 million and also the Planning Commission may have a special recommendation for projects within the Lands Fund, said Mr. Healy.

Their role as the Commission at this point is to carefully review the CIP keeping in mind its opinion about the order of the projects and possibly contributing input to projects not currently mentioned within the CIP, said Chairman Haight.

A good time to forward specific recommendations to the Assembly is when and if the Assembly decided to renew a one percent sales tax in 2018, said Mr. Healy.

Chairman Haight requested that the Commission be provided with the list it had drawn up of projects for the CIP at the next meeting. He said they could use this as a starting point.

Ms. McKibben asked if something such as requesting funding for the Lemon Creek Area Plan fit inside this framework.

Mr. Healy said he would probably place that under the general sales tax category as a request. If it was a small enough funding request it could possibly be categorized under the area wide sales tax fund, he said.

Mr. Peters said that while the Commission has drawn up a list of projects and priorities for the CIP the window of opportunity for submission of this into the CIP was missed last year. He asked at what point opportunities would be lost for submission to the CIP list for 2018. He said he would like to know when they should include this list so that they do not lose the opportunity for 2018. At approximately this time of year they send out a letter requesting that departments submit their request for the 2018 CIP. Within the next month or two would be the time to submit the list from the Commission, said Mr. Healy.

Chairman Haight said this topic should be brought up again at the next meeting.

III. **OTHER BUSINESS** - None

IV. **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None

V. **ADJOURNMENT**

The meeting was adjourned at 6:41 p.m.