

# **APPROVED MINUTES**

Agenda

**Planning Commission**

***Committee of the Whole Meeting***

CITY AND BOROUGH OF JUNEAU

*Mandy Cole, Vice Chair*

January 9, 2024

## **I. LAND ACKNOWLEDGEMENT – Read by Mr. Pedersen.**

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

## **II. ROLL CALL**

Mandy Cole, Chair, called the Committee of the Whole Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 5:35 p.m.

**Commissioners present:** Commissioners present in Chambers – Mandy Cole; Erik Pedersen; Matthew Bell; Adam Brown; Nina Keller; David Epstein; and Lacey Derr

Commissioners present via video conferencing – Jessalynn Rintala

**Commissioners absent:** Travis Arndt

**Staff present:** Jill Lawhorne, CDD Director; Sherri Layne, Law Assistant Municipal Attorney; Irene Gallion, Senior Planner; Minta Montalbo, Senior Planner; Ilsa Lund, Planner I; Lily Hagerup, CDD Administrative Assistant

## **III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA- None**

#### **IV. REGULAR AGENDA-**

##### **Commissioner Training**

Director Lawhorne started by giving a brief overview of the material to be covered. She then proceeded to go over the staff organization chart for the Community Development Department (CDD) and explained the purview of several employees.

CDD will be taking on a major software migration that will streamline the processes of several CBJ departments and include a public interface that will allow applicants to track the progress of their applications.

The purpose of the PC is to protect and promote the common good and the Commission's goals and policies are set by the Comprehensive Plan. The PC meets the second and fourth Tuesday of each month. Staff will email Commissioners when meeting materials are available.

Attorney Layne went over the Alaska Open Meetings Act (OMA) (Alaska Statute (AS) 29.20.020, AS 44.62.310). The OMA ensures that deliberations of the Commission are done in public. Chair Cole clarified that meeting logistics and scheduling are precluded from the OMA and members are expected to contact the chair with any scheduling conflicts. Ms. Layne then explained conflicts of interest. If the members have any questions about potential conflicts, they are encouraged to reach out to CBJ Department of Law for clarification.

Mrs. Lawhorne explained the types of applications that might come before the PC and how to read the Table of Permissible Uses (CBJ 49.25.300). Chair Cole asked that Mrs. Lawhorne go into further detail regarding findings and conditions on Conditional Use Permits (CUP). After a brief overview, Mrs. Lawhorne reminded the PC that, if they were to change staff's findings or go against the recommendation of the Director, whatever the Commission decides must be legally defensible. Ms. Layne added that the more the PC articulates the findings for their decisions, the more easily defensible the decision is.

Phased permitting was discussed. The general rule is that the cumulative impact of an entire project needs to be considered and not just the impacts caused by an individual phase.

The appeals process was explained next. The PC was reminded that they currently have two pending appeals and should not be discussing those cases with members of the public. Appeals are a huge burden to staff. If the appellant is not represented by an attorney, then CDD or the PC also do not get an attorney during appeals. Typically, appeals whether at the Assembly or Commission level take six to nine months to process. It is not just a rehearing of the case. There has to be proof that the Director or the Commission were in error when a decision was made that goes against the Land Use Code.

Ms. Layne gave an overview of the Rules of Order. The Commission follows Robert's Rules of Order, but the PC also has their own Rules of Order. The Rules of Order and a cheat sheet on how to make motion are included in the binders of the Commission members. Mrs. Lawhorne added that PC that any member is allowed to call 'point of order,' or "point of information" if they have any questions regarding clarification on what is going on or would like to ask advice of Attorney Layne. Ms. Layne went on to explain how members are allowed to make amendments to motions. On any given motion, there are only two opportunities to make amendments. There is a motion to make an amendment, and a motion to amend the amendment. Any further amendment will need to be made to a new motion. Mrs. Lawhorne encouraged all members to read or reread the Rules of Order.

Regarding public comment, once the public comment period is closed, it takes a super-majority vote to reopen the public comment period. Mrs. Lawhorne reminded the PC that seeking guidance from CBJ staff outside of CDD can only be done during the public comment period. Members of the public are allowed to ask questions of the PC members – not staff—but in no way are the members of the PC obligated to answer questions posed by members of the public.

Commissioner Rintala sought clarification on when the Commission is no longer allowed to seek guidance from CBJ staff experts, like the Fire Chief. Mrs. Lawhorne clarified that the cut off is at the end of "Public Testimony." After that time, PC members are only allowed to direct questions to CDD staff.

Ms. Cloe asked additional CDD staff in the back of the room to introduce themselves to the Commission.

V. **COMMITTEE COMMENTS AND QUESTIONS-** None.

VI. **EXECUTIVE SESSION-** None.

VII. **ADJOURNMENT-** 6:38 p.m.