

Agenda  
**Planning Commission**  
***Regular Meeting***  
CITY AND BOROUGH OF JUNEAU  
*Michael LeVine, Chair*  
August 22, 2023

**I.     LAND ACKNOWLEDGEMENT** – Read by Commissioner Voelckers.

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**

Michael LeVine, Chair, called the Regular 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 7:01 p.m.

**Commissioners present:**     Commissioners present in Chambers – Michael LeVine, Chair; Erik Pedersen, Assistant Clerk; Paul Voelckers; Matthew Bell; Adam Brown; David Epstein

Commissioners present via video conferencing – None

**Commissioners absent:**     Travis Arndt, Clerk; Mandy Cole, Vice Chair; Nina Keller

**Staff present:**             Jill Maclean, CDD Director; Irene Gallion, Senior Planner; David Peterson, Planner II; Lily Hagerup, CDD Administrative Assistant; Emily Wright, Law Assistant Attorney III.

Staff present via video conferencing – Ilsa Lund, CDD Administrative Assistant;

**Assembly members:**     ‘Wáahlaal Gíidaak (Barbara) Blake

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

**IV.   APPROVAL OF MINUTES** - None

V. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – by Chair LeVine

VI. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** –

Laura Stats – Ms. Stats spoke in support of the appeal from 8/4 to rescind the granting of the CUP for Huna Totem Corporation. It is her opinion there was not broad enough public notice. She felt Parkshore and other downtown residents should have been more informed.

VII. **ITEMS FOR RECONSIDERATION** – None

VIII. **CONSENT AGENDA** – All items moved to Regular Agenda by public member

IX. **UNFINISHED BUSINESS** – None

X. **REGULAR AGENDA**

**SMF2023 0003** and **SMF2023 0002** (from Consent Agenda) were presented and considered together.

**SMF2023 0003:** Shared Access Subdivision: Final approval for shared access subdivision of Tract B into four lots. Access via Wee Burn.

**Applicant:** Peter Peel

**Location:** N Douglas Highway

**Director's Report**

The applicant requests approval of the Final Plat for the Tract A subdivision, one of three shared access subdivisions above Bonnie Brae Subdivision on North Douglas. The Commission approved the preliminary plat under SMP2021 0007 at its meeting on May 10, 2022. Proposed conditions require that Right-of-Way improvements are completed with General Engineering approval, and that homeowners documents explicitly address utilities in the access easement.

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the requested Final Plat. The permit would allow final plat approval for the shared access subdivision of Tract B into four (4) lots.

Approval is subject to the following conditions:

1. Improvements made under the Right-of-Way End of Project Checklist must be approved by General Engineering before the Chair of the Planning Commission signs the Final Plat.
2. ~~Note 9 must be updated to include, "...RECORDED WITH THIS SUBDIVISION," before the Chair of the Planning Commission signs the Final Plat.~~ (this condition met prior to meeting)
3. ~~The agreement required under CBJ 49.35.261(2) must include explicit recognition of and allowances for drainage and utilities before the Chair of the Planning Commission signs the Final Plat.~~

**SMF2023 0002:** Shared Access Subdivision: Final approval for shared access subdivision of Tract A into four (4) lots. Access via Kristi  
**Applicant:** Peter Peel  
**Location:** N Douglas Highway

### **Director's Report**

The applicant requests approval of the final plat for the Tract B subdivision, one (1) of three (3) shared access subdivisions above Bonnie Brae Estates Subdivision on North Douglas. The Commission approved the preliminary plat under SMP2021 0008 at its meeting on May 10, 2022. Proposed conditions require that Right-of-Way improvements are completed with General Engineering approval, and that homeowners' documents explicitly address utilities in the access easement.

### **Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the requested Final Plat. The permit would allow final plat approval for shared access subdivision of Tract A into four (4) lots.

Approval is subject to the following conditions:

1. Improvements made under the Right-of-Way End of Project Checklist must be approved by General Engineering before the Chair of the Planning Commission signs the Final Plat.
2. ~~The agreement required under CBJ 49.35.261(2) must include explicit recognition of and allowances for drainage and utilities before the Chair of the Planning Commission signs the Final Plat.~~

STAFF PRESENTATION – By Director Maclean

### QUESTIONS FOR STAFF

Mr. Pedersen asked if the final plats substantially conform to what was approved in the preliminary plats regarding layout and road design. Ms. Maclean confirmed they do.

Ms. Maclean informed the PC that asbestos has been found on the property. She let them know this is not within PC jurisdiction and cannot be considered.

Mr. Voelckers referenced a citizen comment regarding roads linking phases and asked if the roads would remain after completion of construction. Ms. Maclean explained the temporary road was built only for construction of the subdivision and would be removed at end of the project. Leaving it in place would be against code and would effectively create an illegal subdivision.

APPLICANT PRESENTATION – Peter Peel explained ~~conditions have been met or they are working to complete them~~ the plats had been revised per staff comments, and the Shared Access agreement had been updated with language that met General Engineering's concerns. The applicant was working with General Engineering to complete punch list items. Addressing the asbestos, Mr. Peel ~~explained~~ noted it is a common mineral in this area and, unless aerated, it poses no health risk. Mr. Peel expressed

concerns that a report from a private individual might be used to deny the final plat, even though the issue of asbestos was under the Alaska Department of Conservation jurisdiction. An environmental engineer has been hired to investigate and determine whether they will need to take mitigation actions.

#### QUESTIONS FOR APPLICANT

Mr. Voelckers asked for clarification regarding location and access to a park site. Mr. Peel explained the access would be via tract C and would include a hiking trail and a 20-foot easement to allow Parks and Rec equipment into the park as needed.

#### PUBLIC COMMENT

Augie Jensen, Bonnie Brae resident ~~—Spoke against approval—~~ Mr. Jensen had found the samples and hired an environmental engineer to analyze them. submitted it the samples ~~that~~ were found to contain asbestos. He feels that safety measures need to be in place and implemented before ~~moving forward~~ the final plat was approved.

#### ADDITIONAL APPLICANT COMMENTS

Mr. Peel reiterated the asbestos issue is not under CBJ jurisdiction. Creating a private report is not the way it should work. Mr. Peel notes he will be raising his own family in the neighborhood, and said he takes the situation seriously and has hired an independent consultant.

Mr. LeVine asked Mr. Peel if he was obligated to find if there is a regulatable amount of asbestos in the area. If so, would he be obligated to take mitigating action? Mr. Peel said yes to both.

Mr. Epstein asked if the DEC been notified. Mr. Peel explained he had just found out about it yesterday and notified CDD today. He is taking steps to determine the concentration extent, and ~~whether it will be regulated or not~~ there are regulatable quantities.

**MOTION:** *by Mr. Voelckers to accept staff's findings, analysis, and recommendations, and approve with conditions SMF2023 0003 and SMF2023 0002 subject to conditions as explained in the additional materials packet.*

***The motion passed with no objection.***

<b>AME2023 0003:</b>	A text amendment to the Land Use Code amending sections of Chapter 35 Public and Private Improvements including provisions to allow for subdivisions on arterials to meet the underlying zoning district requirements for minimum lot size, and revisions to private shared access.
<b>Applicant:</b>	City & Borough of Juneau
<b>Location:</b>	Borough-Wide

## **Director's Report**

The proposed language would amend sections of Chapter 35 Public and Private Improvements. These revisions include eliminating the requirement that lots located on an arterial must meet the D1 lot size standard (36,000 sq. ft.) regardless of the underlying zoning district to subdivide; provide the governing right-of-way agency the authority to approve additional access, if deemed safe; increase the number of lots that may use Private Shared Access to subdivide from four (4) to 13 lots; and setting a maximum acreage that may use Private Shared Access to subdivide. These revisions facilitate subdivision and support the development of housing in Juneau.

## **Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and recommend approval of the ordinance to the CBJ Assembly.

STAFF PRESENTATION – By Director Maclean

### **QUESTIONS FOR STAFF**

Mr. Voelckers noted a perception of tension between the Assembly and Title 49 committee decisions and asked Director Maclean for a summary of the tension and the issues of concern. Ms. Maclean explained PC and the Lands Committee are not that far apart. The total acreage of Blacktail Subdivision was a topic of concern. Discussion at Title 49 centered on limiting acreage while increasing allowable number of lots.

Mr. LeVine asked if one of the things being suggested intended to allow the maximum number of lots times the smallest size to preclude creating 13 lots. Ms. Maclean agreed.

Mr. Voelckers noted the recommended lot limit had jumped from 4 to 13 and asked for an explanation of the reasoning behind the three-fold increase. Ms. Maclean explained the 13 was chosen to coincide with minor/major subdivision permitting. There was discussion about the number of property owners sharing a single access. It could be a way to keep housing costs down but owners need to know that they are responsible for maintaining that access. It is not a public road.

Mr. Pedersen asked about CDD's stand regarding the shared access agreements. Ms. Maclean said she is comfortable with them. The agreements are subject to regulation by several CBJ departments.

Mr. LeVine asked how the determination was made that 13 would be the cutoff between minor and major subdivisions. Ms. Maclean did not know as that determination was made prior to her joining CBJ.

**\*\*At Ease 7:49 p.m. – 753 p.m.**

### **PUBLIC COMMENT**

Mike Heumann – Spoke in support of allowing shared access and advocated adding D15 and D18 ~~to the shared access allowance~~ to zoning districts where shared access subdivisions are allowed. He felt this would facilitate development of new housing.

Shawn Kantola – Spoke in support of increasing the number of lots allowed in a private shared access easement. The number of acres or maximum size is tricky because building new city streets is costly and may not be economical in D1 or D3 zoning. Mr. Kantola noted a price of approximately 2,500 per linear foot for roads built to CBJ standards. Costs spread across 15 properties would be less than if spread across five.

#### Questions for Staff

Mr. Epstein noted in Anchorage they have ‘limited road service areas’ and asked if that would work in Juneau. Ms. Maclean is not familiar with that and not sure if or how it would work in Juneau.

Mr. Voelckers asked whether accessory dwelling units count toward average daily trips (ADT). Ms. Maclean answered accessory units count toward ADT but they do not count toward density.

Mr. LeVine suggested staff ask Law to draft ordinance verbiage regarding the number of lots and maximum acreage.

Mr. LeVine took an informal poll of the PC to gauge what the consensus would be for appropriate number of lots to recommend.

- Mr. Brown suggested 8 and based his opinion on discussions of the Title 49 committee. Mr. Voelckers and Mr. LeVine agreed 8 would be appropriate.
- Mr. Pedersen was supportive of 13 and cited the Blacktail Subdivision as an example of where this would work well. Mr. Epstein was in agreement with Mr. Pedersen but reminded the PC that it is written as “13 or fewer” and the market will bear out the correct amount. Mr. Bell also expressed agreement with 13.

Mr. LeVine instructed Director Maclean to have staff draft ordinance language with 8 and 13 and leave it up to commissioners to decide at a later meeting.

Mr. LeVine said he is reluctant to use simple multiplication of minimum lot size by the number and would rather provide a maximum based on the lot size. Mr. Bell agreed. Mr. Pedersen preferred to leave out the maximum and felt if it was included, it should be at least double the minimum lot size. Mr. Voelckers agreed with Mr. Pedersen. Mr. Brown spoke in support of a maximum.

Ms. Maclean told the commissioners that the Lands committee looks to the PC for guidance and expertise and they have signaled clearly that they want a maximum set.

Mr. LeVine recommended Law draft an ordinance with a maximum lot size double the maximum number of lots by the minimum lot size to bring back before the PC with full attendance.

Mr. Voelckers referred to public testimony and said he felt it worth considering adding D15 and D18 zoning districts as districts where shared access could be used. Mr. LeVine disagreed saying if the D15 or D18 zone cannot be built to D15 or D18, then they should be zoned down to what can be built.

Ms. Maclean said **49.35.240** reads: *Upon preliminary plat approval by the director, the applicant shall construct the shared access pursuant to the corresponding standard in Table 49.35.240 for a roadway with 0-70 average daily trips*. She interprets this to say any private shared access approved under this ordinance, regardless of number of lots or ADT, must be built to the 0-70 standard.

Mr. LeVine asked if that would apply even if they exceeded 211 ADTs with private shared access. Ms. Maclean said her interpretation is that regardless of number of lots, they ~~still have to build to that would~~ build to the 0-70 standard.

Mr. Voelckers agreed this can be interpreted in two ways and suggested Law might be able to provide an interpretation.

<b>AME2023 0004:</b>	A text amendment to the Land Use Code amending sections of Chapter 65 Bungalow Lots and Structures, and Chapter 25 Table of Dimensional Standards for Bungalow Lot setback requirements.
<b>Applicant:</b>	City & Borough of Juneau
<b>Location:</b>	Borough-Wide

### **Director's Report**

The proposed language would amend sections of Chapter 65 Bungalow Lots and Structures, and Chapter 25 Table of Permissible Uses. These revisions include reductions to yard setbacks. These revisions facilitate subdivision and support the development of housing in Juneau.

### **Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and recommend approval of the ordinance to the CBJ Assembly.

STAFF PRESENTATION by Director Maclean

### **PUBLIC COMMENT**

Mike Heumann – Spoke in support and added a request for an increase in allowable size from 1000 to 1200 square feet. Mr. Heumann noted that the 200 square feet was the difference that would allow provision of ADA features.

Regarding setbacks, Mr. Voelckers noted that it seems like people are more sensitive to side setbacks than they are front/back. Mr. Heumann agreed saying people are wary of fire risk.

Shawn Kantola – Spoke in support of setback reductions. Reducing setbacks would increase buildable area by 9 feet of width.

#### COMMISSIONER DISCUSSION –

Mr. Pedersen asked if the section of code that allows the ability to change the square footage dimensions. Mr. LeVine cited 49.65.610(a)(4) is where the 1000 square feet is listed.

Mr. LeVine asked if there had been discussion at Title 49 regarding leaving minimum setbacks in place. Mr. Brown confirmed that was one of the items brought up in committee.

Mr. LeVine directed PC members to send ideas to Law/Staff/Chair to be discussed again at a later date.

**\*\*At Ease 850 p.m. – 9:01 p.m.**

### **XI. OTHER BUSINESS**

#### **PC Rules of Order – Revision**

June 15, 2023 Governance Committee Revisions

- Rule 11A – Mr. LeVine noted the deadline for packets will be unchanged.
- Rule 11C – Mr. LeVine suggested a change to allow people attending a meeting and providing public testimony via Zoom to have a representative in the room distribute materials to PC members. Currently, only attendees physically in the room can submit written comments.
- Rule 2A - Changing the start time from 7:00 to 6:00 p.m.
  - Mr. Bell, Mr. Brown, Mr. Voelckers, Mr. LeVine supported leaving the start time at 7:00 p.m.
  - Mr. Epstein and Mr. Pedersen supported a change to 6:00 p.m.
  - Chair LeVine reported he had consulted the absent members. One of them preferred a change to 6:00 p.m. and two had no preference.
- Rule 2F - Changing the end time - Currently, meetings must adjourn by 11:00 p.m. and can only be extended past 11:30 by super majority and vote of the Chair. Mr. LeVine suggested moving the end time back by a half hour. (10:30 and 11:00 p.m.)

Mr. LeVine suggested staff prepare the revisions and bring it before the PC at a later meeting with full attendance.

### **XII. STAFF REPORTS**

- Title 49 discussed allowing ADU in industrial zoning districts. There was interest and concern with safety and industrial uses.
  - Sept and Oct Title 49 meetings are cancelled
- With the flooding emergency, CDD is working with affected residents to help with permitting
- CDD has hired a GIS tech, Sarah. She arrived just in time for the flooding event.



- CDD has hired a Planner II, Forrest Courtney started with CDD recently  
Assembly Committee of the Whole meeting this Monday at 6:00 p.m. Topics will include Telephone Hill

Mr. LeVine suggested a Committee of the Whole meeting to discuss the bungalow ordinance.  
Ms. Maclean said there may not be staff coverage to accommodate that.  
She will miss the next meeting but will be at the 9/26

**XIII. COMMITTEE REPORTS - None**

**XIV. LIAISON REPORTS**

The Assembly has accepted the appeal.

**XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None**

**XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS –Mr. LeVine spoke to the public testimony regarding lack of public notice. He stated he does not doubt that code was followed but he would like to explore other ideas to be sure notice is given.**

**XVII. EXECUTIVE SESSION – None**

**XVIII. ADJOURNMENT – 9:24 p.m.**

Respectfully submitted by *Kathleen Jorgensen Business Assists (907)723-6134* 🇺🇸