

Agenda
Planning Commission
Committee of the Whole
CITY AND BOROUGH OF JUNEAU
Mandy Cole, Chair
March 14, 2023

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

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 Title 49 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 5:34 p.m.

Commissioners present: Commissioners present in Chambers – Mandy Cole; Travis Arndt; Matthew Bell; Erik Pedersen; Paul Voelckers; Adam Brown; David Epstein

Commissioners present via video conferencing – None

Commissioners absent: Michael LeVine; Nina Keller

Staff present: Jill Maclean, CDD Director; Teri Camery, Senior Planner; Ilsa Lund, CDD Administrative Assistant; Sherri Layne, Law Assistant
Municipal Attorney

Staff present via video conferencing – Lily Hagerup, CDD Administrative Assistant;

Assembly members: None

III. **REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA** – Agenda was approved by unanimous consent.

IV. ITEMS FOR RECONSIDERATION - None

V. REGULAR AGENDA

AME2021 0008: Avalanche & Landslide Hazard Maps Draft Ordinance

STAFF PRESENTATION – Director Maclean gave a brief overview explaining the main points of the draft Ordinance and the development of the maps from Tetra Tech.

COMMISSIONER QUESTIONS AND DISCUSSION

Mr. Voelckers understood the 1987 maps are based on a 1972 analysis and asked how those apply to the Tetra Tech study. Ms. Maclean explained Tetra Tech used all information and past studies available. The 1987 maps combined avalanche areas with landslide areas into a single presentation. The Tetra Tech study split those out. As a result, the avalanche zones were not significantly changed.

Mr. Epstein noted the proposed ordinance focuses only on high-risk zones and asked if it has no bearing on the moderate and low-risk zones. He asked what would be subject to regulation if this ordinance is adopted. Ms. Maclean answered the ordinance would include anything deemed to be high risk by the Tetra Tech reports.

Mr. Arndt asked if this would clear up the proposed downtown area projects with a Conditional Use Permit (CUP). Ms. Maclean said the new maps make the risk areas clearer and the new code will clarify what counts as development and what does not. This helps to solve the problem encountered previously with distinction of commercial and residential zoning.

Ms. Cole asked for clarification whether this will make clear the difference between occupancy and density. Density is dwellings per acre and occupancy relates to how many people can be in a building per fire code. Ms. Maclean said it was not clear before but this does clarify that.

Mr. Voelckers asked for an explanation of the phrase “and do not count towards density” on page 2/5 line 12 and on page 4/5 line 4. Ms. Maclean explained it is to say an accessory unit, whether attached or detached, is considered development greater than a single family home and would not be permissible. The accessory unit would not count towards density. She explained part of the reasoning for this is that, while property owners could reasonably be expected to know their property was in a severe hazard zone, renters might not know that. She did not want renters put into a potentially dangerous situation without being informed.

Mr. Pedersen asked how the requirement that landlords inform renters if their unit is in a severe zone would be enforced. Ms. Maclean agreed it would not be easily enforceable but hopefully it being in code would help remind them to inform tenants.

Mr. Epstein felt there is a duty to inform and this phrase is in support of public safety.

Mr. Arndt thought it is a great idea that we tell everybody, but is concerned if the ordinance is “SHALL” then the CBJ may be held responsible if it is not enforced. Ms. Maclean suggested changing “shall” to “should.” Ms. Layne said the enforcement would be complaint based. If someone filed a complaint, then the CBJ would enforce. She was also comfortable with changing it to should.

Mr. Brown asked, if the PC is adding a requirement to inform renters, then why would accessory apartments be restricted? Ms. Maclean said it would apply to existing accessory apartments but would not allow new ones.

Mr. Voelckers referenced the 2015 slide in Sitka and asked if the department had looked into that and whether that informed the proposed ordinance. Ms. Maclean explained Sitka has struggled to come to a balance between property owners’ rights and regulations for safety.

Mr. Arndt said there is a housing crisis but high-risk areas are not where we should be adding more units.

Mr. Voelckers referred to the limitations listed in the Tetra Tech study. The study recommended seeking further assessments of risk, magnitude, and frequency of events. Mr. Voelckers found the comparison of the old and new hazard maps informative but thought there should be a focused study on the areas deemed severe hazard areas. Ms. Maclean explained that there was not an intention for a more in-depth study. This was primarily due to cost and funding issues. This study was intended to inform the department and the PC.

Mr. Bell felt it is too difficult to gauge when there is no actual landslide data.

Ms. Cole asked how this applies to properties that are partially within a severe zone. It was determined that if any portion of a property is in a severe zone, then the entire property is.

Mr. Arndt asked about the status of funding for additional studies like Mr. Voelckers suggested. Ms. Maclean is not aware of additional funding and there is not any in the current year budget to support more studies.

Mr. Voelckers suggested criteria could be established that could be used to mitigate risks. He suggested possibly adding language regarding design or engineering that could lower risks to a property. Ms. Maclean pointed out that page 4/5 includes language informing owners how to prove their way out of a severe hazard zone.

Ms. Cole pointed out number 3 under B on page 2/5 does not allow subdivision on any lot lacking sufficient buildable site outside a severe avalanche area without the need for a variance and asked why there was a method for asking for a variance when she understood the point of the ordinance was to not ask for variances. Ms. Maclean said the point she was trying to make is a property owner cannot subdivide if it requires a variance. She agreed to work with Ms. Layne on the wording.

Mr. Arndt suggested striking the phrase 'licensed geotechnical engineer' and replacing it with 'civil engineer' on pages 2/5 and 3/5.

As a recap of unresolved questions to be discussed, Ms. Cole proposed:

1. If the verbiage is kept as 'landlord shall inform renters' in the severe avalanche zone, then should the addition of accessory apartments be allowed?
2. Are we comfortable with the distinction between severe avalanche and severe landslide?

Ms. Maclean explained in a severe avalanche zone a single-family dwelling can be constructed. An accessory apartment would require a conditional use permit. Accessory apartments would not be allowed in severe landslide areas.

Mr. Voelckers cited the City Manager's letters to the assembly which pointed out the landslide zones along Franklin have not produced slides. It seemed most of the historical slides resulted from vibrations related to mining. In the time since mining has stopped, there have been no significant issues. Based on this, it could be inferred that landslide risk along South Franklin may be mitigatable. Ms. Maclean had no opinion on this and suggested if there need to be changes, this is the time to take those into consideration.

Mr. Arndt asked for there to be clarification included to address changes between occupancy and density to avoid the confusion that prompted the Glory Hall case.

Mr. Voelckers suggested a verbiage change at the bottom of page 2 and top of page 3 as follows: rewrite the sentence ending "the proposed development is outside the proposed avalanche area the department shall proceed accordingly" with "If in the opinion of the Director of Engineering and Public Works, the studies clearly establish that the map boundaries are inaccurate, the hazard maps are edited and adjusted accordingly." Ms. Maclean said she would need to confirm with Law that they have the authority to adjust the Tetra Tech maps as they have been adopted.

Recommendation

Ms. Cole suggested to Ms. Maclean that they come back with a new draft to bring before the COW.

VI. STAFF REPORTS - None

VII. SUPPLEMENTAL MATERIALS
Additional Materials for AME2021 0008

VIII. ADJOURNMENT – 6:46 p.m.

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