



# TITLE 49 ADVISORY AD HOC COMMITTEE AGENDA

October 28, 2024 at 12:00 PM

Assembly Chambers/Zoom Webinar

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<https://juneau.zoom.us/j/84200247973> or 1-253-215-8782 & enter Webinar ID: 842 0024 7973

**A. CALL TO ORDER**

**B. LAND ACKNOWLEDGEMENT**

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!

**C. ROLL CALL**

**D. APPROVAL OF AGENDA**

**E. AGENDA TOPICS**

**1. Introduction of Committee members and project staff**

**2. Committee Organization**

i. Election of Vice-Chair

ii. Boardmember Orientation (presentation by Municipal Clerk staff)

[CBJ Board Informational Pamphlet Link](#)

**3. Title 49 Rewrite Project Overview** (presentation by Rob Dumouchel)

**4. Overview of initial Phase 1 text amendment proposals** (presentation by Rob Dumouchel)

**F. STAFF REPORTS**

**G. COMMITTEE MEMBER COMMENTS AND QUESTIONS**

**H. NEXT MEETING DATE**

**I. SUPPLEMENTAL MATERIALS**

**J. ADJOURNMENT**

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: [city.clerk@juneau.gov](mailto:city.clerk@juneau.gov).

## We are a new CBJ Advisory/Ad Hoc Committee, Now What?

October 28, 2024

Municipal Clerk Beth McEwen, MMC



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### CBJ Board Toolkit

There are a wealth of resources on the CBJ website <https://juneau.org/clerk/boards-committees> and available through the Municipal Clerk's office. The best resource is the CBJ Board Informational Pamphlet that includes information on:

- ▶ Open Meetings Act (OMA)
- ▶ Role of the Staff Liaison
- ▶ Common Do's & Don'ts,
- ▶ Advisory Board & Assembly Rules of Procedure
- ▶ Sample Agendas, Motions, Scripts for Chairs
- ▶ And much more!



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## OPEN MEETINGS ACT (OMA)

aka: Sunshine Laws

*OMA = The People's Business*



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## Meetings are OPEN to the public

### ► Open Meetings Act

Alaska Statute [AS 44.62.310-312]

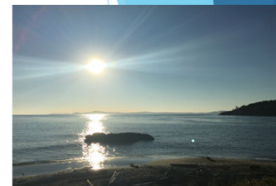
All government meetings are open to the public.

The public must be told about the meeting:

What, When, Where, and preferably Why

The public has a reasonable opportunity to be heard at regular and special meetings.

[AS 29.20.020(a)]



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### *This information applies to all municipal governmental bodies*

- Elected - Assemblies, Councils, School Boards
- Appointed - Planning Commission, Advisory Boards, Enterprise or Empowered Boards, Mayoral Ad Hoc Committees & Task Forces
- Any subcommittees of the above groups
- Appeal Boards - “Quasi-Judicial”\*\*

*(\*\*Some OMA exemptions apply to quasi-judicial bodies.)*

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### *What Constitutes a Meeting?*

The Alaska Supreme Court has broadly interpreted the term "meeting", and has held that investigation, fact gathering, discussion, and deliberation, whether formal or informal, by a public body is covered by the OMA.

What constitutes a meeting is different depending on the type of powers a body has:

- ▶ Authority/Decision making bodies, or
- ▶ Advisory bodies

**The same OMA rules apply for any subcommittees or work sessions of those bodies.**

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### *What Constitutes a Meeting?*

For **POLICY/DECISION** making bodies, a "meeting" occurs when more than three (3) members or a majority of the members, whichever is less, are present and they collectively consider a matter upon which their body is empowered to act.

For **ADVISORY BODIES**, a "meeting" occurs when more than three members or a majority of the members, whichever is less, gather at a prearranged meeting for the purpose of considering a matter upon which the governmental body is empowered to act. Notice that the OMA does not apply to impromptu or chance encounters of members of an advisory body.

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### *What IS NOT a Meeting?*

The OMA does not, however, regulate the social activities or gatherings of public officials who are participating in national, statewide, or regional meetings where they hold membership - example Alaska Municipal League meetings.

For ribbon cuttings and other similar events, it is always best to advertise and invite the public in the event more than three members of a decision-making body are present.



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## NO QUORUM? NO MEETING!

- AS 29.20.160 (c) A majority of the **total membership of a governing body** authorized by law constitutes a quorum.
- In the absence of a quorum, any number of members may recess or adjourn the meeting to a later date.
- Even if your board/committee has vacancies you need a simple majority of the total membership.
- For subcommittees, quorum is based on majority of subcommittee membership.

<u># of Members</u>	<u># for Quorum</u>
9	5
7	4
5	3
3	2



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## Actions taken in violation of the Open Meetings Act are voidable.

- ▶ This means - you might have to do it all over - again!
- ▶ Avoid serial or impromptu meetings.
- ▶ Online Document Share Programs - So Tempting, BUT Just Don't Go There!



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## Meetings DOs & DON'Ts

### DOs:

- ▶ Use Staff liaisons as the hub of the wheel whenever communicating about board business;
- ▶ Have agendas and minutes for all meetings - even subcommittees or worksessions;
- ▶ Schedule your meetings far enough in advance to include in the usual CBJ Public Notice venues (CBJ website, Juneau Empire ad, & Social Media postings)

### DON'Ts:

- ▶ EVER USE Reply All if all the board members are sent an email;
- ▶ Get into serial meeting scenarios either in person or via technology.

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## *Role of the Staff Liaison*

The liaisons are staff professionals with significant work responsibilities in addition to their board liaison activities. In general, liaisons are individuals who have significant staff responsibilities that relate to the same work area as the board. **The liaisons do not work for or at the direction of the board;** they are assigned by the City Manager and **follow the direction of the City Manager or the Manager's designee.\*\*** They are professionals who work with the board to develop information and recommendations for the Assembly's consideration.

**\*\* Enterprise Boards hire their manager for that enterprise and any staff liaisons report to that manager (not the board).**

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## *Role of the Staff Liaison*

Some staff liaison duties include:

- ▶ Serving as the conduit for communication amongst the board, CBJ staff, the Assembly, and the public;
- ▶ Preparing Agendas, Packets, and Minutes;
- ▶ Scheduling meetings and ensuring public notice is given of all meetings of the body or subcommittees;
- ▶ Staffing meetings to provide parliamentary and technical assistance;
- ▶ Providing professional guidance, analysis, and information,
- ▶ Working with Clerk staff on membership, annual reports and other communications with the Assembly.

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## Questions?

Remember...We're all in this together!



Contact us if you have more questions:

[City.Clerk@Juneau.gov](mailto:City.Clerk@Juneau.gov)

907-586-5278

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Presented by: The Manager  
Introduced: 06/09/2014  
Drafted by: A. G. Mead

## **RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2686**

### **A Resolution Repealing Resolution 2662 and Reestablishing the Rules of Procedure for Assembly Advisory Boards.**

WHEREAS, citizen advisory boards are an important community resource for the Assembly; and

WHEREAS, "Advisory Board" is a general term and includes those boards, commissions, and committees that only have the authority to advise or make recommendations to the Assembly, but that do not have the authority to establish policies or make decisions for the Assembly; and

WHEREAS, it is necessary for the orderly conduct of board business that policies and rules of procedure are adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

#### **SECTION 1. RULES OF PROCEDURE. The following rules of procedure are adopted:**

##### **Rule 1. Membership.**

**A. Residence.** Members of Boards, Commissions or Committees shall be residents of the City and Borough of Juneau with special consideration to be made in certain instances to provide for necessary expertise as the need arises.

**B. Non-discrimination.** Unless otherwise required by federal or state programs, nominations to boards, commissions, or committees shall be made with due regard to talent, interest or requirements of code or ordinance, and without regard to race, creed, color, age, religion, national origin, sex, marital status, political ideology, sexual orientation, or sensory, mental or physical handicap.

**C. Diversity.** Committee appointments shall reflect a membership appropriate for accomplishing the goals of the committee, and should include cultural, social, political, technical and economic viewpoints sufficient to ensure wide-ranging and active debate.

**D. Board Vacancies.** Candidates for nomination to vacancies on advisory boards shall be solicited from residents through appropriate public announcement of vacancies. Vacancies shall be announced for a period of at least ten days between the public announcement of a vacancy and the date on which nominations take place, unless the Assembly has determined that a lesser time is appropriate under the circumstances of a particular appointment. During such periods, residents may convey recommendations of candidates for nomination to vacancies to members of the Assembly or the Clerk's office.

**1. Definitions:**

**a.** "Advisory Board" is a general term and includes those bodies entitled "board," "committee," "commission," "council," or the like, and comprise a governmental body of the City and Borough of Juneau having authority only to advise the Assembly rather than to establish policies or make decisions for the Assembly.

**b.** "Vacancies" include vacancies in positions which have never been filled; vacancies caused by the vacation of a position by an incumbent for any reason prior to expiration of term of office; and vacancies which will occur at the expiration of an incumbent's term whether or not the incumbent has signified a desire to succeed himself or herself.

**c.** A vacancy on a City and Borough advisory board shall exist under the following conditions:

- (i) If a person appointed to membership fails to qualify and take office within 30 days of appointment;
- (ii) If a member departs from the City and Borough with the intent to remain away for a period of 90 or more days;
- (iii) If a member submits his or her resignation to the Assembly;
- (iv) If a member is physically unable to attend board meetings for a period of more than 90 days; or
- (v) If a member misses more than 40 percent of the board meetings in a 12-month period.

The chair of the advisory board shall notify the Clerk's office of any vacancy on the board. Upon notification, the Clerk shall follow the procedures for filling vacancies as outlined in this section.

## **Rule 2. Appointment Process.**

**A. Applications.** All new applications are kept on file with the Municipal Clerk's office for one year. In the event a vacancy occurs in the interim, the applicants will be contacted by the Clerk's office to determine if the applicant would like his or her application submitted for the vacant seat. Applications, except those of appointed board members, are purged after the one-year period has expired and applicants will need to reapply for future vacancies.

**B. Reappointment Of Committee Members.** Incumbent committee members may seek reappointment at the end of their term of office. Incumbent members will need to submit new applications to be considered in the same manner as all other applications. Factors considered in re-appointing incumbents are the enthusiasm of the individual, need for continuity, and the attendance record of the individual. Appointments and reappointments are based on merit, and incumbent members are not automatically reappointed.

**C. Terms.** Members of advisory boards shall be appointed for a term of three years unless otherwise specified in their governing legislation. The Assembly shall endeavor to make appointments during the month in which the terms expire, provided that a board member shall continue to serve until a successor is appointed and takes office. Appointments to fill vacancies shall be for the unexpired term. In the event a seat has 6 months or less remaining to the unexpired term, the Assembly, at its discretion, may choose to appoint the member to the remainder of the current term as well as to the full term immediately following the expiration date of the unexpired term. The members of the boards who are serving at the time of adoption of this resolution shall continue to serve the duration of their terms of office.

**Rule 3. Officers.** Officers of each board shall consist of a Chairperson, Secretary, Treasurer, and any other officers as the board may from time to time deem necessary. Officers shall be elected at the first regular meeting after which the regular annual appointments of board members are made by the Assembly. Each officer shall serve for a one-year term or until such time as offices become vacant. The advisory board shall elect one of its members as a Secretary to record, keep, and file with the Clerk minutes of all committee meetings.

**Rule 4. Staff Liaisons.** The Manager may appoint a staff member or members as appropriate or as requested by the Assembly to serve as a liaison to an advisory board. The Manager, at the time of appointment, will provide the staff liaison with a memo outlining the duties of the assignment. The role of the staff liaison is to serve as a link between the board and the City's departmental staff and the Assembly. Boards shall not direct the work of staff liaisons in their advisory role to the Assembly. Liaisons shall not have the power to vote on the board or commission, and are not to be counted in determining whether a quorum of the board or commission is present.

**Rule 5. Ad-Hoc Committees/Task Forces.** Ad-Hoc Committees shall be appointed by the Mayor to develop recommendations on a single issue. The appointment of members shall be accompanied by a memorandum outlining the committee's charge, defining the deliverables, and giving the sunset date of no more than two years from the date of appointment.

**Rule 6. Reports.** Advisory Boards shall report to the Assembly at least annually. Reports to the Assembly shall be approved by a majority vote of the board. Minority reports may accompany the report approved by the Majority. Each board shall submit to the Assembly a brief annual report setting forth the activities and accomplishments of the committee and the attendance record of each committee member during the preceding twelve months. The Assembly will strive to review each board's annual report at the same time it takes up the annual appointments of members. A representative of the board should be present at any Assembly or Assembly committee meeting at which the report is to be considered.

**Rule 7. Evaluation.** The Assembly may periodically evaluate each advisory board. Such evaluation shall consider the board's mandate, its goals and objectives, its success at reaching its goals and objectives, its activities, the extent to which it has attracted citizen participation, and suggestions for methods of improving the disposition of board business. A report of the evaluation shall be made and returned to the advisory board and shall include recommendations for future functions of the board.

**Rule 8. Removal.** Unless otherwise specifically provided, members of boards, committees and commissions which are created by non-code ordinances, resolutions or motion and are appointed by the assembly serve at the pleasure of the assembly and may be removed at any time by an affirmative vote of six members of the assembly.

**Rule 9. Procedure.** Advisory committee procedure shall be governed by Robert's Rules of Order except where superseded by the Assembly Rules of Procedure, as such may be amended from time to time.

**SECTION 2. REPEAL OF RESOLUTION.** Resolution 2662 is hereby repealed.

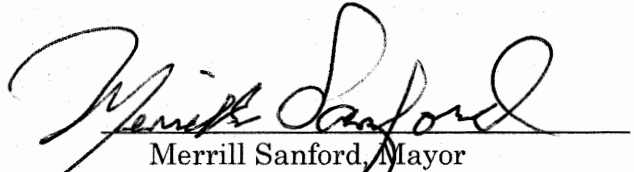
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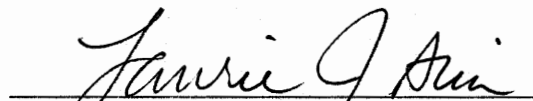
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**SECTION 3. EFFECTIVE DATE.** This resolution shall be effective immediately upon adoption.

Adopted this 9<sup>th</sup> day of June, 2014.

  
Merrill Sanford, Mayor

Attest:

  
Laurie J. Sica, Municipal Clerk



City and Borough of Juneau  
City & Borough Manager's Office  
155 Heritage Way  
Juneau, Alaska 99801  
Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly  
FROM: Rob Dumouchel, Special Project Planning Manager  
THROUGH: Katie Koester, City Manager  
DATE: 10SEPT24  
RE: Vision for Phase 1 & 2 of Title 49 – Land Use Code Rewrite

A rewrite of Title 49 (land use code) was identified as a project during the 2023 Assembly Retreat and funded as a capital improvement project priority for fiscal year 2025. This project is based in the Manager's Office. Project funds became available in July 2024, and I joined the team as a Special Project Planning Manager in August. I have been meeting with internal and external stakeholders, reviewing existing planning documents, and analyzing the current code in order to develop a vision for how to move this project forward efficiently.

Improving and modernizing Title 49 was scoped as a three-year process broken down into two phases. Phase 1 will focus on general code housekeeping, process streamlining, and the pursuit of existing planning goals that have not yet been realized. The second phase is expected to be a more transformative rewrite driven by the outcome of the upcoming Comprehensive Plan update.

**Phase 1:** This phase consists of text amendments that are not dependent upon the update of the 2013 Comprehensive Plan. These items are driven by a need to quickly provide the Assembly, Community Development Department (CDD), developers, and the public, improved tools to pursue critical needs like the streamlined development of more housing of all types.

Phase 1 Elements	
<b>Wayward Code:</b> There are sections of Title 49 that would be more appropriately housed elsewhere within CBJ's Code of Ordinances (e.g., hillside endorsement – 49.70.200 et seq.)	<b>Unfulfilled Aspirations:</b> There are suggested actions existing within adopted planning documents that remain aligned with current Assembly and public interests.
<b>Process Improvements:</b> Many planning processes would benefit from streamlining efforts aimed at increasing clarity and efficiency.	<b>Unfinished Business:</b> This includes code updates that have been initiated but not completed due to staff capacity, issues in legal review, and other complications (e.g., accessory dwelling units, etc.).

Phase 1 initiatives will be considered/prioritized based on answers to the following questions:

- Is it supported by the 2013 Comprehensive Plan and/or other adopted plans?
- Does it streamline a process and/or remove barriers to reasonable development?
- Does it move forward one or more 2024 Assembly Goals<sup>1</sup>.

**Phase 2:** Phase two will be driven by the updated Comprehensive Plan. CDD long-range planning staff will have the project out for proposals shortly, and the plan update should be initiated within the next few months.

<sup>1</sup> **2024 Assembly Goals:** 1. Housing – Assure adequate and affordable housing for all CBJ residents; 2. Economic Development – Assure Juneau has a vibrant, diverse local economy; 3. Sustainable Budget and Organization – Assure CBJ is able to deliver services in a cost efficient and effective manner that meets the needs of the community; 4. Community Wellness, and Public Safety – Juneau is safe and welcoming for all citizens; and, 5. Sustainable Community – Juneau will maintain a resilient social, economic, and environmental habitat for existing population and future generations.

Once the plan is complete, a more transformative rewrite will be possible using the policies, standard operating procedures, development goals, and implementing actions targeted in the plan. This phase will also be an opportune time to review how Title 49 is written, and work to “translate” it into plain English which makes the code easier to interpret at the staff level, and easier for applicants to develop projects that comply with the code.

Phase 2 Elements
<b>Transformative Change:</b> It is anticipated that the updated Comprehensive Plan will adopt a vision that requires significant changes to Title 49 such as rezones, changes to dimensional standards, changes to the table of permissible uses, etc.
<b>Restructuring:</b> Title 49 would benefit from an update that restructures the title in a more logical and easier to use fashion.
<b>Plain English:</b> Title 49 can be transitioned into a writing style that is easier to comprehend and work with for all parties

**Process & Public Engagement:** In the past, amendments to Title 49 tended to take a very long time, due, in part, to the processes followed for review and approval. It has not been uncommon for an amendment to span two years of development, meetings, public review, and legal review. Often a change at one level would reset the process sending a draft back to various committees and commissions to re-review an amendment, a cycle which could be repeated numerous times.

An objective of the Title 49 Rewrite project is to reduce the time from development of an amendment to its final consideration by the Assembly while still maintaining a public and transparent process. This will be accomplished, in part, by using a Special Project Planning Manager focused on this project, a contracted land use attorney, and the selective use of technical planning consultants who specialize in niche code disciplines. The Special Project Planning Manager and contract attorney exist outside the typical departments for Title 49 text amendments and are not impacted by day-to-day short-term planning or emergency events the same way as CBJ planners and lawyers. The project team will also be encouraging the Assembly to provide a “shot clock” for review when it sends amendments to the Planning Commission. Without a firm deadline for review, it has not been unusual for an amendment to go back and forth for over a year between the Planning Commission, Title 49 Committee, CDD, and legal. Staff will be suggesting that the Assembly provide amendments to the Planning Commission with a 60-day window for policy review.

Despite the desire for a faster pace, public engagement remains extremely important to this the Title 49 rewrite project. The mayor is set to appoint a stakeholder committee that will provide guidance to project staff. The text amendments will be subject to traditional public comment opportunities at the Assembly and Planning Commission levels. The project intends to work collaboratively with the Comprehensive Plan update to conduct public engagement activities which will be an efficient use of time and money resources while also reducing the odds of public participation burnout among stakeholders.

The current vision for the flow of text amendments is as follows:

- A mayor-appointed advisory stakeholder group provides guidance on code amendment initiatives.
- Manager's Office develops amendment to Title 49 in collaboration with CDD and contract attorney.
- Assembly decides whether to initiate text amendment process; if yes, Assembly sends draft to Planning Commission for comments/recommendation with a targeted return date (i.e., 60 days).
- Planning Commission reviews amendment and holds a public hearing; Commission may refer amendment to subordinate committees if desired but must adhere to the Assembly's timeline.
- Amendment returns to Assembly and is routed to Assembly-level committees as needed.
- Assembly considers adoption of amendment.
- If adopted, text amendment is implemented by CDD

# CITY AND BOROUGH OF JUNEAU

## AD HOC TITLE 49 REWRITE ADVISORY COMMITTEE

### CBJ Ad Hoc Title 49 Rewrite Advisory Committee

There is created within the City and Borough of Juneau a **seven-member** Title 49 Rewrite Advisory Committee. The Committee is composed of an Assembly liaison, Planning Commission liaison, Juneau Chamber of Commerce representative, Tlingit-Haida Regional Housing Authority representative, and Representative of the Building Trades and Development Community.

The proposed member from the Assembly is Gregory Smith, the proposed member from the Planning Commission is Mandy Cole, the proposed member from the Juneau Chamber of Commerce is Maggie McMillian, the proposed member from Tlingit-Haida Regional Housing Authority is Lorraine DeAsis, the proposed member from the Building Trades is Corey Baxter. The proposed members from the development community are Rich Harris and Bill Heumann.

Assemblymember Smith shall serve as chair. The Committee shall elect a vice chair from its members at its first meeting.

### Purpose

The purpose of the Committee shall be to provide strategic advice to the Manager’s Office and the Assembly, and to advance a rewrite of Title 49, CBJ’s land use code. The motivation behind the re-write is to draft a code that is easier for the public and staff to understand and follow, remove conflicts and inconsistencies, and produce a code that promotes housing and removes barriers to development. The Title 49 rewrite project has been visioned as having two phases – Phase 1 will be focused on improvements that are supported by the existing comprehensive plan and work towards current Assembly goals; Phase 2 will be focused on a more complete transformation of Title 49 in terms of both form and content which will be driven by the concurrent comprehensive plan update.

#### 1. Phase 1, the Committee will:

- a. Review and recommend sections of Title 49 for removal, improvement, or replacement.
- b. Evaluate and provide feedback on proposed Title 49 text amendments before they are routed to the Assembly.

#### 2. Phase 2, the Committee will:

- a. Advise on public engagement strategies related to zoning and development topics and assist in the interpretation of feedback received from public engagement events and efforts (which may be held in conjunction with the comprehensive plan update’s public engagement efforts).
- a. Review and comment on the concepts, standards, and processes to be retained, modified, or created for the next generation of Title 49.
- b. Ensure consistency is maintained between the updated comprehensive plan and revised Title 49.



CITY AND BOROUGH OF JUNEAU

AD HOC TITLE 49 REWRITE ADVISORY COMMITTEE

c. Provide input on the form and structure of the rewritten Title 49.

**Timeline**

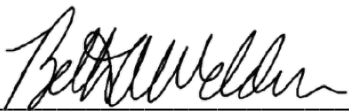
The members shall serve until completion of the Title 49 rewrite project. The Committee shall report to the Assembly Committee of the Whole as scheduled by the Deputy Mayor.

**Meetings, Officers, Records, Quorum, Staff Support**

The Committee shall determine its meeting schedule according to its workload and at the call of the chair. All meetings shall be open to the public and advertised through the Municipal Clerk’s office and shall be conducted in compliance with the Assembly Rules of Procedure.

The City Manager’s Office will provide staff support and assistance to the Committee as appropriate and as time and priority allows.

Dated: September 16, 2024



Beth A. Weldon, Mayor  
City and Borough of Juneau

## Title 49 Rewrite Project Introduction & Committee Kickoff

Ad Hoc Title 49 Advisory Committee  
28OCT24



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## Presentation Agenda

- Why was this Project/Committee Created?
- Title 49 Project Vision
- Title 49 Basics Refresher
- Title 49 Rewrite Committee Basics
- Title 49 Project Phases Explained
- Title 49 Project Workflow



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## Why Was The Title 49 Project Created?

- Title 49 has been identified as a barrier to development and Assembly goals
- Title 49 has aged to the point that a large-scale overhaul/rewrite is a very appropriate action
- The project is too large to be absorbed by existing CDD staff and required a separate team



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## Title 49 Project History

- Title 49 Rewrite identified as a project at 2023 Assembly retreat
- Project approved June 2024 in FY25 budget
- Special Project Planning Manager joins CBJ August 2024
- Ad Hoc Title 49 Rewrite Advisory Committee appointed by the Mayor September 2024
- Committee meets for first time October 2024
- Contract Attorney joins team October 2024



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## Project Vision

The updated Title 49 will be streamlined and easy to understand, improving the experiences of the public, the development community, and CBJ staff. Title 49 will be modernized to better meet current needs and set CBJ up for success in the future.



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## What is Title 49?

- Title 49 is the Land Use portion of CBJ's Code of Ordinances
- Title 49 covers zoning districts, allowable uses, parking, dimensional standards, subdivisions, permits, and much more
- The current iteration of Title 49 was written in 1987 and has been amended many times since



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## Title 49 Purpose and Intent (49.05.100)

- Enact the comprehensive plan
- Grow CBJ in a way that is aligned with the values of its residents
- Maximize benefits of growth while minimizing the negative impacts
- Ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities
- Promote public health, safety, and general welfare
- Provide adequate open space for light and air
- Recognize the economic value of land and encourage its proper and beneficial use



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## Title 49 Chapters

49.05 Establishment	49.55 Financial Responsibility
49.10 Administration and Compliance	49.60 Bonus Procedures and Policies
49.15 Permits	49.65 Specified Use Provisions
49.20 Appeals, Variances and Interpretations	49.70 Specified Area Provisions
49.25 Zoning Districts	49.75 Rezoning, Special Standards, Regulations and Text Amendments
49.30 Nonconforming Situations	49.80 Definitions
49.35 Public and Private Improvements	49.85 Fees for Land Use Actions
49.40 Parking and Traffic	



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## Title 49 Administration – Planning Commission

- Planning Commission has the following duties under 49.10.170:
  - Comprehensive plan review
  - Review of the capital improvements program
  - City and borough land disposals and projects
- **Development code amendments** – The Commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezonings, indicating compliance with the provisions of this title and the comprehensive plan
- Land use actions and related decisions – plats, permits, appeals, variances, boundary interpretations, similar use determinations, etc.



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## Title 49 Administration – CDD

- CDD Director is authorized to carry out duties set forth in Title 49 (49.10.500)
- The Director may delegate authority to staff to assist in the administration of Title 49



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## Ad Hoc Title 49 Rewrite Advisory Committee

- Created in September 2024
- Members Appointed by Mayor Wheldon:
  - Gregory Smith, CBJ Assembly, - Committee Chair
  - Mandy Cole, CBJ Planning Commission
  - Maggie McMillian, Juneau Chamber of Commerce
  - Lorraine DeAsis, Tlingit-Haida Regional Housing Authority
  - Corey Baxter, Building Trades Representative
  - Rich Harris, Development Community Representative
  - Bill Heumann, Development Community Representative



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## Committee Purpose

- **Provide strategic advice** to the Manager's Office and the Assembly
- Advance a rewrite of Title 49, CBJ's land use code



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### What is This Committee's Charge?

- Phase 1
  - Review and recommend sections of Title 49 for removal, improvement, or replacement
  - Evaluate and provide feedback on proposed Title 49 text amendment concepts before they are routed to the Assembly



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### What is This Committee's Charge?

- Phase 2
  - Advise on public engagement strategies related to zoning and development topics and assist in the interpretation of feedback received
  - Review and comment on the concepts, standards, and processes to be retained, modified, or created for the next generation of Title 49
  - Ensure consistency is maintained between the updated Comprehensive Plan and the revised Title 49
  - Provide input on the form and structure of the rewritten Title 49



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### Committee Output

- Strategic advice to project staff
- Recommendations to the Assembly on proposed text amendments



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### What is Outside the Committee's Scope?

- Financial Issues
- Comprehensive Plan Update (Separate Project)
- CDD Operations
- Review of Specific Development Projects
- The Committee does not approve/deny Title 49 Project work product



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### Phase 1 Elements

Wayward Code	Unfulfilled Aspirations
Process Improvements	Unfinished Business



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### Phase 2 Elements

Transformative Change
Restructuring
Translation to Plain English



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## Phase 1 – Prioritizing Considerations

- Is it supported by the 2013 Comprehensive Plan and/or other adopted plans?
- Does it streamline a process and/or remove barriers to reasonable development?
- Does it move forward one or more 2024 Assembly Goals?



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## 2024 Assembly Goals

- **1. Housing** – Assure adequate and affordable housing for all CBJ residents
- **2. Economic Development** – Assure Juneau has a vibrant, diverse local economy
- **3. Sustainable Budget and Organization** – Assure CBJ is able to deliver services in a cost efficient and effective manner that meets the needs of the community
- **4. Community Wellness and Public Safety** – Juneau is safe and welcoming for all citizens
- **5. Sustainable Community** – Juneau will maintain a resilient social, economic, and environmental habitat for existing population and future generations.



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## Plain English Explained

- Plain English documents are organized in a consistent and logical way, with familiar words and simple sentences that maximize reader comprehension<sup>1</sup>
- A plain English zoning code is easily understood by all users, including residents, applicants, planners, and local officials<sup>1</sup>

<sup>1</sup>Quoted from: Zoning Codes in Plain English by Ben Noble in 2015 for the American Planning Association



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## Title 49 Project Workflow

- Title 49 Advisory Committee provides guidance on code amendment initiatives
- Manager's Office develops amendment to Title 49 in collaboration with CDD and contract attorney
- Assembly decides whether to initiate text amendment process (49.75.410);
  - If yes, Assembly sends draft to Planning Commission for comments/recommendation with a targeted return date (i.e., 60 days)
- Planning Commission reviews amendment and holds a public hearing;
  - Commission may refer amendment to subordinate committees if desired but must adhere to the Assembly's timeline
- Amendment returns to Assembly and is routed to Assembly-level committees as needed
- Assembly considers adoption of amendment
- If adopted, text amendment is implemented by CDD



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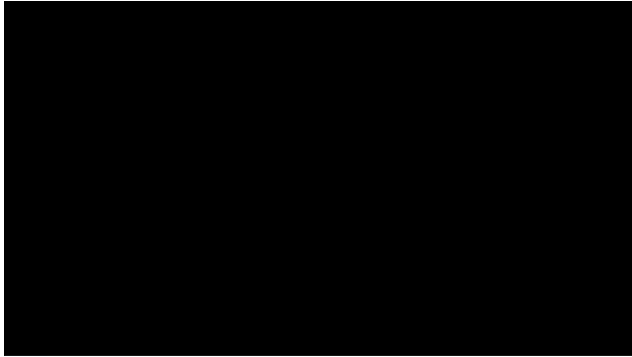
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## Thank you!

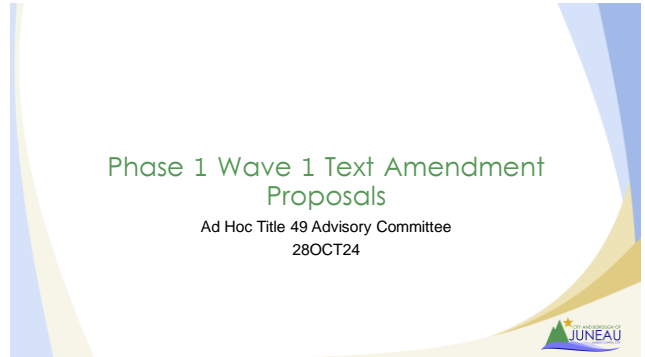
Rob Dumouchel  
Special Project Planning Manager  
rob.dumouchel@juneau.gov



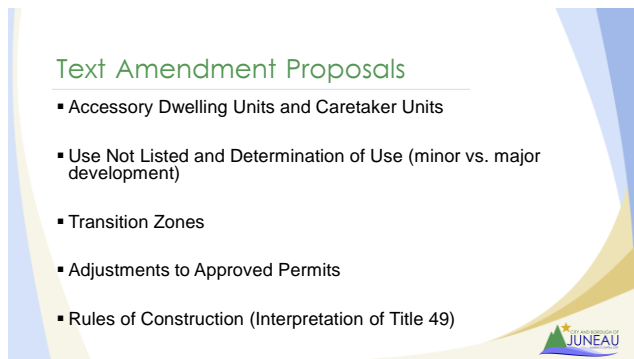
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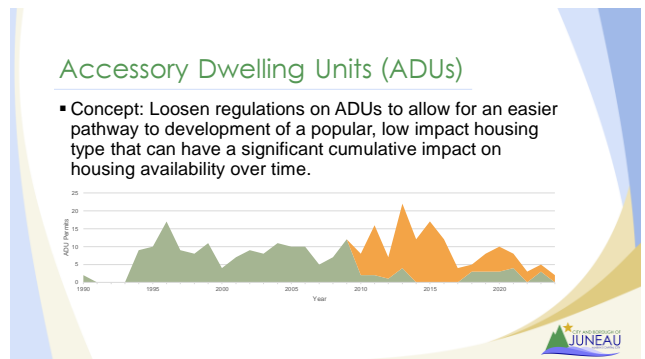
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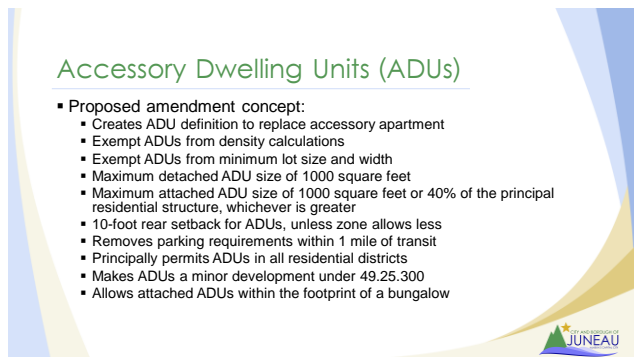
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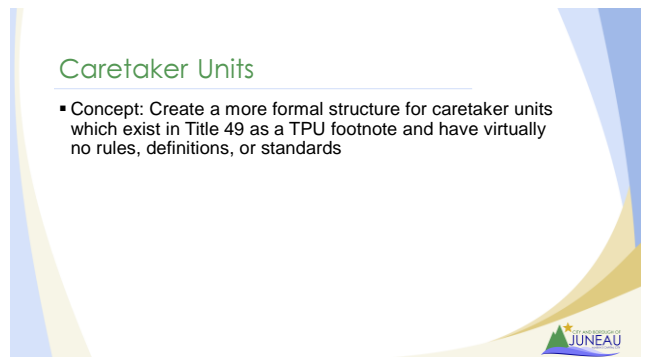
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### Caretaker Units

- Proposed amendment concept:
  - Creates definition for caretaker unit
  - Exempts caretaker units from density calculations
  - Allows caretaker units up to 2000 square feet (currently unlimited)
  - Makes caretaker units a minor development under 49.25.300
  - Adds caretaker units to the TPU in WI and I zone districts
  - Cleans up other references in code (i.e. mobile homes 49.65.300)

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### Determination of Use – Major vs Minor

- Concept: Modify language to make 49.25.300(c)(3) less confusion and avoid triggering use permits for projects that would otherwise easily meet existing objective development standards.

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### Determination of Use – Major vs Minor

- Proposed amendment concept:
  - Removes references to bedrooms leased on a daily or weekly basis
  - Clarifies that a project can combine minor uses without triggering a major development determination
  - Removes specific number limits for dwelling units in multifamily and commercial/mixed-use districts and instead relies on existing density and development standards
  - Specifies ADUs are minor uses in residential districts
  - Specifies that caretaker units are minor uses in industrial districts

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### Use Not Listed

- Concept: Create a streamlined mechanism that allows for Director-level approval of equivalent use determinations which speeds up approval process for new businesses. Uses not reasonably equivalent to existing uses must be considered by the Planning Commission.

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### Use Not Listed

- Proposed amendment concept:
  - Allows the CDD Director to consider a use not listed and approve it if it meets certain specific conditions
    - Director can instead refer to Planning Commission at their discretion
    - Director decisions are appealable to the Planning Commission
  - If a use does not meet conditions, it would have to go through a text amendment process to be added to the TPU

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### Transition Zones

- Concept: Title 49 has zones that are pre-approved for upzoning but there is not an efficient mechanism to make the change when eligible, this amendment would create a streamlined process for upzoning (T) zoned parcels

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## Transition Zones

- Proposed amendment concept:
  - Allows the CDD Director to initiate and ministerially approve upzoning of (T) parcels
  - Confirms that rezones of (T) parcels that differ from the pre-determined future zone, must go through the normal rezoning procedure in 49.75.130

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## Adjustments to Approved Permits

- Concept: Create a globally applicable permit modification mechanism for Title 49 which will allow for more flexibility in making minor modifications to dynamic development projects

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## Adjustments to Approved Permits

- Proposed amendment concept:
  - Creates a section for amendments of approved permits
  - Creates a definition for a minor amendment
  - Allows CDD Director to approve minor amendments
  - Routes major amendments back to the body that originally approved the permit complete with any public notices and public hearings
  - Deletes sections made redundant by this new section

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## Rules of Construction

- **Concept:** Improve the ability of planning commission, staff, developers, and the public to interpret Title 49 through clear and comprehensive rules of construction
- Rules of construction contain guidelines for how words are to be used, how the code is to be interpreted, and how to resolve conflicts between different elements of code

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## Rules of Construction

- Proposed amendment concept:
  - Deletes 49.80.110 – Rules of construction and replaces 49.05.140 – Interpretation with a new 49.05.140 – Rules of Construction, and address:
    - Addresses word usage issues like
      - Grammatical items such as tense, singular/plural, gendered terms
      - Meaning of words like "will," "must," "shall," "should," and "may"
      - The use of terms like "Department" or "Commission" to specifically mean Community Development Department or Planning Commission
      - The meaning of "and" and "or"
  - Addresses usage of lists
  - Clarifies measurement of time
  - Sets rules for rounding of fractions
  - Discusses delegation of authority in T49
  - Sets rules for solving conflicts between provisions

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## Discussion

### Options for today:

1. Discuss proposal concepts and vote to support all, some, or none of the concepts for development and forwarding to the Assembly
2. Discuss proposal concepts and continue to a future meeting for further discussion

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