

Agenda

**Planning Commission Special Meeting
City and Borough of Juneau
Mike Satre, Chairman**

September 10, 2013
Assembly Chambers
6:00pm

I. ROLL CALL

II. REGULAR AGENDA

INQ2013 0016: Adoption of hearing procedures relating to appeal cases.
Applicant: City and Borough of Juneau
Location: Borough-wide

APL2013 0003: Set schedule for appeal proceedings.
Applicant: Eric Twelker
Location: 10471 Dock Steet

III. OTHER BUSINESS

IV. REPORT OF REGULAR AND SPECIAL COMMITTEES

V. ADJOURNMENT

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: September 5, 2013
TO: Planning Commission
FROM: Beth McKibben, Senior Planner *BMC*
SUBJECT: Appeals of Director's Decision

Attached to this memorandum, for Planning Commission consideration, is a draft Planning Commission Hearing Procedures Relating to Appeals. These rules, once adopted, will establish the general rules for Planning Commission hearings for appeals of a director's decision.

Once the Hearing Procedures Relating to Appeals is adopted, the Commission will need to schedule the following dates for appeal case APL2013 0003:

- (1) Motions for intervenors to enter;
- (2) motions to supplement the record;
- (3) responses to each party's motion to supplement the record;
- (3) Planning Commission's receipt of the entire record;
- (4) date of the appeal itself.

For the Commission's information in considering dates for the hearing proceedings:

Eric Twelker is unavailable Sept 6-8 and 11-13;
Keith Comstock is unavailable Sept 9-21;
Teri Camery has conflicts on Sept 3, 9, 11, and 23-27.

CITY AND BOROUGH OF JUNEAU PLANNING COMMISSION

HEARING PROCEDURES RELATING TO APPEALS (CBJ 49.20.110)

1. Intent and Construction. A hearing before the City and Borough of Juneau Planning Commission is intended to be an informal, fair proceeding, with due regard for the rights of the parties involved. These procedures shall be interpreted in a manner consistent with that intent.

2. Rules of Evidence. Any document, any information or any testimony upon which responsible persons would rely in the conduct of serious affairs may be considered, regardless of the existence of any common law, statutory or court rule that might make such evidence inadmissible in a civil or criminal action. The chair will rule on any objections to evidence presented.

3. Attendance. A party or the party's designated representative must attend the hearing. A party who fails, without good cause, to appear at the hearing waives his or her right to participate in the hearing.

4. Burden of Proof. The party challenging the director's decision bears the burden of proof of establishing by a preponderance of the evidence that the decision should be reversed or modified.

5. Conduct of Hearing.

(a) The chair or, in the absence of the chair, the vice-chair, shall preside at the hearing. The chair shall maintain decorum, rule on objections to evidence, and assure that all parties have reasonable opportunities to present their cases. The chair may hold one or more pre-hearing conferences with the parties for scheduling or other purposes prior to the hearing.

(b) The hearing shall be recorded, electronically or by a court reporter. A party may request copies of the tapes or a transcript of the hearing. The requesting party shall bear the cost of copying or transcription.

(c) Unless otherwise determined by the chair, the hearing shall proceed as follows:

(1) Each party may make a short opening statement summarizing their position and the evidence they intend to introduce;

(2) The party with the burden of proof shall present their evidence through testimony and introduction of exhibits;

(3) The other parties, starting with the CBJ staff, shall then present their evidence through testimony and introduction of exhibits;

(4) The Chair may, in the Chair's discretion, allow the party with the burden of proof to present additional rebuttal evidence and testimony; and

(5) Each party may make a short closing argument summarizing their case and stating what action, if any, they believe the Commission should take.

(d) The Commission shall, in its discretion, recess and reconvene the hearing for the convenience of the participants and the Commission members.

(e) After the parties have presented their evidence and argument, the Commission shall deliberate in executive session. The Commission shall recess and reconvene its deliberations as it believes appropriate.

7. Presence at Hearing and Voting. A Commission member who was not present at the hearing shall not participate in the board's deliberations or in the board's decision.