

MINUTES

PLANNING COMMISSION
Committee of the Whole
City and Borough of Juneau
Mike Satre, Chairman

November 13, 2014

I. ROLL CALL

Dennis Watson, Vice Chairman, called the Committee of the Whole meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 6:01 pm.

Commissioners present: Dennis Watson, Vice Chairman; Karen Lawfer, Ben Haight, Nicole Grewe, Gordon Jackson, Paul Voelckers, Dan Miller

Commissioners absent: Mike Satre, Chairman; Bill Peters

Staff present: Hal Hart, Planning Director; Travis Goddard, Planning Manager; Laura Boyce, Senior Planner; Robert Palmer, Assistant Attorney II

II. REGULAR AGENDA

TXT2009-00001: An overview introduction to the proposed amendments regarding subdivision requirements.

Applicant: City and Borough of Juneau

Location: Borough-wide

Vice Chairman Watson noted the purpose of this Committee of the Whole meeting was to approve the subdivision ordinance proposal prior to going before the Planning Commission and the public for public comment so that it could subsequently be placed before the Borough Assembly for final approval.

Mr. Watson explained that this evening's Committee of the Whole meeting was not for the introduction of new material to the subdivision ordinance, but for discussion on Title 49 and nothing else. He added that two items presented to the Commission that were not in the packet consisted of a simple small provision to a right-of-way, and the other item he felt should be covered at the end of the meeting.

Ms. Grewe said that she saw two distinct areas to be dealt with on the agenda, one of which was administrative in nature, and she requested that item be dealt with first. Ms. Boyce stated the issue would come up during her presentation on Title 49.

Work has been ongoing on the subdivision ordinance since 2007, explained Ms. Boyce. The Subdivision Review Committee just finished its review of the proposed changes. The reason for the proposed revisions are numerous, explained Ms. Boyce. Some subdivision requirements in existing code originate from the 1960's. Many amendments and additions were made to the code resulting in a piecemeal approach to the subdivisions. Furthermore, said Ms. Boyce, code sections concerning subdivisions are scattered throughout Title 49. This has led to code sections that conflict with each other, are out of date, or are repetitive, explained Ms. Boyce.

This proposed ordinance should rectify many of these problems as well as consolidate requirements into a new chapter solely for subdivisions. Ms. Boyce provided for the Commission a summary of some of the more significant changes to the code. In general code sections of Title 49 that deal with subdivision development will move into a new chapter solely for subdivision requirements which will be in Chapter 17, said Ms. Boyce.

Some of the most important code sections include:

- ✓ The monumentation and platting requirements for Title 4 of the CBJ Administrative Code;
- ✓ The minor and major subdivision permitting section (with changes) in Chapter 15;
- ✓ The subdivision design and monumentation sections for Chapter 35;
- ✓ The remainder of Chapter 35 will be consolidated to a new section, Subdivision Improvements, in the new subdivision chapter, Chapter 17;
- ✓ The access section from Chapter 40 Access, Parking, and Traffic;
- ✓ The remote subdivisions section, the bulk of which is from Chapter 70; and
- ✓ A portion of the Common Wall section of code from Chapter 65.

The submittal approval of construction plans will be integrated into the subdivision permitting process, said Ms. Boyce. Formerly, even though approval of construction plans and completion of public improvements were a fundamental part of subdivision development, they were not clearly integrated into the subdivision approval process.

Ms. Boyce explained it is proposed that the permitting process be altered to reflect two types of subdivision permits, each with its own process:

- ✓ Minor Subdivision (1 – 13 lots), and
- ✓ Major Subdivision (more than 14 lots)

Minor Subdivisions

She said the Director's decisions on minor subdivisions would be formalized with the Notice of Decision for the preliminary plat. The purpose of this change would be to clarify and

standardize the approval process for minor subdivisions, and the Notice of Decision would clarify the status of the subdivision, and itemize all the remaining conditions. This would streamline the permitting process, allowing more applications to be approved by the Director. Currently, said Ms. Boyce, any subdivision with over four lots is deemed a major subdivision, and therefore requires two full public hearings before the Planning Commission. This new proposal would allow the Director to evaluate and use his discretion to approve larger subdivisions, explained Ms. Boyce.

Major Subdivisions

It is proposed that the criteria for the approval of major subdivisions be modified, said Ms. Boyce. Currently, major subdivisions are required to follow the Conditional Use permit process for approval by the Planning Commission. The proposed changes would eliminate this criterion, as well as others. A subdivision is a use of land that is presumed to be compatible with surrounding development when developed to its zoning standards, rather than the subdivision be treated as a use of land that may or may not be appropriate for the neighborhood, explained Ms. Boyce. The reason to treat subdivisions as compatible uses is that all lots in new subdivisions must meet the standards for the zoning district, and any future use of these lots must comply with the existing zoning district. These proposed changes to the current criteria do not preclude the Planning Commission from placing conditions on the plat approval, explained Ms. Boyce.

Ms. Boyce also covered additional proposed changes and additions to the subdivision ordinance. These included an:

- ✓ **Application Cancellation**
This is a new section that provides for an application to be canceled due to inactivity by the applicant. Currently, there is no provision in the code to cancel applications due to inactivity by the applicant.
- ✓ **Driveways in Public-Right-of-Ways**
This section is moving from the public improvements chapter (Chapter 35) to the permits chapter, which is Chapter 15, and it will be a standalone permit.
- ✓ **Access/Street Standards**
This section proposes provisions for the subdivision of land from publicly maintained access as well as from privately maintained access. This type of roadway is required as a proposal to be based upon average daily trips generated from the proposed subdivision, and is proposed to be shown in a new table called the *Table of Roadway Construction Standards*, in Chapter 17.
- ✓ **Right-of-way Acquisition Plats**
These are currently not addressed in the code, said Ms. Boyce. This section of the code will provide an orderly process to assist the CBJ and the State with right-of-way

acquisitions by tailoring the platting requirements to facilitate construction of a right-of-way, she explained.

✓ **Definitions**

There is also a large section changing existing definitions and adding new definitions which Ms. Boyce showed to the Commission.

Ms. Boyce then took the Commission through the detailed changes and additions proposed for Title 49 by chapter which can be viewed here:

<http://www.juneau.org/plancom/pdfs/20141112050619.pdf>.

Commission Comments and Questions

Ms. Grewe asked how membership and Planning Commission meetings got involved in a review of subdivisions. She asked if this had anything to do with executing the review of subdivision ordinance changes.

Ms. Boyce said that Chapter 10 had been open already for subdivision changes that affect this chapter. One of the members on the subdivision review committee proposed a change to the membership requirements, said Ms. Boyce.

There was no linkage made to more effectively executing the subdivision ordinance, clarified Ms. Grewe.

Ms. Boyce stated that she was not present at that particular meeting.

Mr. Watson stated that as he was reviewing Title 49, he noted that the current approved absences of the Planning Commission are at 40 percent, and having worked on the Subdivision Review Committee for as long a period as he had, that he recognized there were significant challenges on meeting attendance. He said an additional person needed to be added to the Subdivision Review Committee because of meeting attendance. Therefore he made the proposal, stated Mr. Watson, which was just a proposal, and it was up for discussion before the Commission.

Ms. Grewe said she wanted to clarify that this was regarding regular Commission meetings and not committee meetings. She added that she felt this appeared to her to be like a rider in the legislative sense. This was not something requested by the Assembly, not authorized by the Planning Commission, not run through Title 49, said Ms. Grewe. It was just slipped in, she said, when subdivision ordinances were being reviewed.

Mr. Jackson said he felt the subdivision ordinance made sense and he was glad they were moving forward with the ordinance.

Ms. Grewe said she has no problem with the subdivision ordinance as it stands, but at a later

time when it would be appropriate she would ask to reconsider the portion of the ordinance on administration.

Mr. Haight, who is chairman of the Subdivision Review Committee, said at this time he has no comments; most concerns that he may have, have already been addressed in the Subdivision Review Committee itself. He did say he wanted to make a special note that they had the excellent working relationship with the staff; they were a joy to work with; both the Law Department and the Community Development Department.

Ms. Lawfer said she concurred with the comments of Mr. Haight, and said it was time for the ordinance to be presented to the public for public comment.

Mr. Watson said one of the things the ordinance has done is clarify the authority and the role of the Director.

Mr. Voelckers asked what happens over time to make a driveway into a legitimate street. He added that he didn't notice any provisions in the ordinance for this type of evolution to transpire.

Mr. Goddard responded that the only mechanism currently in place would be triggered in the ordinance by the number of daily trips.

Mr. Voelckers responded that would solve part of the problem, but what about a situation such as a cul-de-sac serving eight homes for example, where home owners decided that they wanted their street to be an accepted City street. What triggers the mechanism for when a dirt road needs to be paved, or the discretionary ability to improve a road by a neighborhood, said Mr. Voelckers; how does it get to be an accepted city street and qualify for city services.

Road improvement requirements are triggered by the subdivision itself, said Mr. Goddard. If people want to improve a road in their area they would need to form some type of an association and pay for those improvements themselves, said Mr. Goddard. The City would not accept that road for services until it was brought up to City standards, he said.

Ms. Boyce said permits for future subdivisions are the triggers for upgrades for driveways and public right-of-ways.

Mr. Miller commented that this would be required to be noted on the plat or the deed so that the buyer would be informed of these requirements.

Mr. Watson asked why 49.70 (Article II) was proposed to be pulled from the ordinance.

Mr. Palmer said Section 210 describes the scope of hillside development and it lists types of scenarios in which hillside developments may or may not occur. The staff asked for clarification because there were too many double negatives, said Mr. Palmer. Staff is therefore asking for

additional time to draft this portion so that it makes sense, said Mr. Palmer, because it went beyond just the grammatical edits, he said.

In discussing the proposed changes to the Planning Commission attendance and vacancies in the ordinance, Mr. Watson said that he brought the issue up because he wanted the Commission to decide if it felt that 40 percent was an acceptable number for the Planning Commission in meeting attendance.

Ms. Grewe said that she feels strongly that the Subdivision Review Committee was assembled to do subdivision review work. She said that she feels it is an inappropriate use for what the Subdivision Review Committee was tasked for. Ms. Grewe stated that a seat on the Assembly is to be vacated if a member misses three consecutive meetings. You could theoretically miss more than 40 percent of Assembly meetings and still maintain your seat, said Ms. Grewe. She said she would phrase her opinion in the form of a motion.

Mr. Voelckers commented that when the Committee was working on the ordinance over the past few months, that the staff did come to them with house-keeping items and stated that it was a rare opportunity that Title 49 was open. Mr. Voelckers added that he did not think it was quite the black and white issue that Ms. Grewe may perceive it to be.

Mr. Miller said he felt the ability to make changes in any committee is probably fine. He added that he personally did not agree with the portion of the change stating that a Commission member miss 20 percent of the meetings or less. He said he felt that was unrealistic for a busy volunteer. But he said he felt it was an appropriate action for the question to be inserted into the ordinance for consideration by the Commission.

MOTION: *by Mr. Haight, that TXT2009-00001 subdivision change be presented to the full Planning Commission for consideration and presentation to the public.*

Ms. Grewe moved to amend the motion with removal of the change regarding 49.10.110(d)(5) membership if a member misses more than 20 percent of Planning Commission meetings in a 12 month period the seat will be vacated.

Mr. Miller asked to make a friendly amendment to the amendment. He asked that 49.10.110(d)(5) be removed from the ordinance and forwarded to the Title 49 Committee for further review and study.

Ms. Grewe agreed to Mr. Miller's friendly amendment.

Mr. Haight accepted Mr. Miller's friendly amendment.

MOTION: *by Mr. Haight, with friendly amendment by Mr. Miller, that TXT2009-00001 subdivision change be presented to the full Planning Commission for consideration and presentation to the public, and that 49.10.110(d)(5) be removed from the ordinance and forwarded to the Title 49 Committee for further review and study.*

The motion passed by unanimous consent.

III. **OTHER BUSINESS** - None

IV. **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None

V. **ADJOURNMENT**

The meeting was adjourned at 7:11 p.m.