MEETING NO. 2012-33: The Special Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 5:00 p.m. by Mayor Merrill Sanford.

I. ROLL CALL

Assembly Present: Mary Becker, Karen Crane, Johan Dybdahl, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Carlton Smith, and Randy Wanamaker.

Assembly Absent: None.

Planning Commission Present: Marsha Bennett, Nicole Grewe, Glen Haight, Jerry Medina, Dan Miller, Mike Satre, Dennis Watson.

Planning Commission Absent: Nathan Bishop, Karen Lawfer.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; John Hartle, City Attorney; Hal Hart, Community Development Director; Greg Chaney, Planning Manager; Ben Lyman, Senior Planner; Laura Boyce, Planner II; Rorie Watt, Engineering Director.

II. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None.

III. NEW BUSINESS

A. Joint Meeting With The Planning Commission.

Mayor Sanford said that it had been too long since both bodies had met together and he recalled Mr. Dybdahl’s and his own service on the Planning Commission. He said many things had been done to improve processes for permitting and planning in the community since that time, while maintaining the community values shared by all.

The group, including Planning Commission members, Assembly members and staff, took turns introducing themselves and noting their positions, experience and thoughts.

Mr. Satre thanked the Assembly for the opportunity to meet and noted that there were only two members currently seated on the Assembly that had served on the Planning Commission. Mr. Watson attended many Assembly meetings, but the most the Assembly saw of the Planning Commission was during appeals of the Planning Commission decisions. He hoped to have more frequent contact. The Planning Commission was a very technical body regarding Title 49 and how it related to city engineering, the Lands Division and it was a rare night that the packet for the meeting is small. The Planning Commission had a diverse membership, none were planners by trade, and the members worked well together when looking at the technical issues before the commission. It was a quasi-judicial body and acted as a permit granting organization, without the ability to talk to members of the public outside of the meetings on
many issues, to avoid ex-parte communication. It was always amazing to him how well the Commission worked and he hoped this showed through the record coming before the Assembly on appeal. Mr. Satre distributed a paper distilled from notes that the Planning Commission had made regarding items before the Planning Commission, things they would like to move forward or get direction on from the Assembly. An item not on the list was the update to the Comprehensive Plan – which was currently underway with diligent work by the commission. This effort had taken a year and a half, as the Commission unearthed issues it never planned to touch on. The commission had completed its initial revisions and was ready for public meetings and comments, then to forward it through the Assembly’s committee process. Mr. Lyman assisted with this effort. Some significant issues before the commission include the noise ordinance, the eagle tree ordinance, the cell tower ordinance, the updates to Title 49 - clarifying and simplifying the permitting process, and he spoke a bit about each topic. Diversification of housing and affordable housing were important to the commission and some changes were being made within the commission’s ongoing work to assist in this area.

Mayor Sanford said the Assembly was working on its goals and had started work on pieces of some of them. Housing, economic development, the water supply plan, Juneau’s role as the capital and a southeast hub, and the solid waste plan were all important and he was hoping to get to some decision points within 6 months to a year and to incorporate comments from the Planning Commission. He thanked the Assembly Ad-Hoc Housing Committee in setting up a forum to find some stepping of points to see what the community needed in housing – to take a bite of the apple. If they made mistake, that could happen, but the progress needed to be made. Mayor Sanford said that every Assemblymember should have a tour of duty on the Planning Commission as a good learning opportunity. The interface between the Assembly and the Planning Commission was very good, and he hoped to have a minimum of two full group meetings a year and more meetings with the Chair to confer on important topics. To be able to help the public and developers to understand the processes for planning and permitting was a good goal.

Mr. Dybdahl thanked all the commissioners for their hard work. There was a public perception of what the Planning Commission could do and it was a bit off. They saw that the Planning Commission could be lobbied and that public pressure would move the commission – but they did not understand the code constraints of the commission. He recalled the AJ Mine hearings – with over 160 meetings through the process, and all the media attention on how each person on the commission would vote. However, people did not understand the process and when the commission voted 9 – 0 the public was shocked. The best thing the Planning Commission could do was to have good, well-documented findings, which made the Assembly’s job during appeals much easier. The Comprehensive Plan was a large part of the commission’s job. Many in Juneau believed that the Comp Plan was like Moses’ tablets, but it was a dynamic document under constant update. Everyone was interested in what happened in his or her neighborhood, but the Planning Commission had to take a broad, borough-wide view. Some projects took significant time and morphed while under consideration. The public did not have time to keep up with all the projects and could often be surprised about projects before the Planning Commission. Keeping the public informed was a big challenge.

Mr. Satre said some of the comments from Commissioners would be from their individual perspectives.

Ms. Grewe said the role of the commission in the borough was two-fold – the quasi-judicial aspect of permitting, which filled a majority of the time, and making recommendations to the
Assembly for long range planning was also an important purpose. Reviewing ordinances that were problematic for the public was important — she was chair of the Title 49 committee and she hoped that the Assembly would pick up that important task to enact some of those changes recommended by the Planning Commission. Ms. Grewe noted the nature of the relationship with the Lands Committee, the Public Works and Facilities Committee and the staffs of those departments. She said it was important for the Assembly to support a culture of the importance of planning in the community. She believed her most important role was to do justice to the public, and to ensure that a Comp Plan was in place, acknowledged, referenced, followed and up to date. She did not know if there was a relationship issue with other departments — but noting the importance of planning was a role of the Assembly. She was concerned when the Engineering staff proceeded without consulting the Planning Commission or started a project before Planning Commission review. The Planning Commission had been quietly working on affordable housing. She said regarding the role of government in housing, there were some things the borough could do and there were some things that were out of its reach.

Mr. Jones said he was present to listen and learn.

Mr. Miller said affordable housing was not on the list before the Assembly, but it was being worked and had been worked on for several years. The Community Development Department used to be known as the “anti-development department” by developers in town, but he had seen marked improvement in this area and many good things were happening. The Noise Ordinance was very difficult to address — noise was difficult to define. It would be very interesting when this draft ordinance came before the commission and it would not be much fun. The cell tower issue was a matter of perspective. The town was full of telephone poles, wires, and this were all accepted, but was one single tower on the hill preferable? The Planning Commission does the tough work. The commission must be respectful of the applicants that came before the Planning Commission as the projects were very near and dear to the applicants and it could be intimidating to the applicants when they did not understand the full process. He had been an applicant before and it could be tough. Staff was working well with applicants to help them have success with their applications.

Mr. Haight said in addition to being a Planning Commissioner he was an engineer in the private sector that had some contacts with the city staff and understanding from that perspective. In pursuing economic development, he saw a need for greater inter-relations between our two bodies. He saw a conflict with residential and industrial developments happening more often and in the analysis of economic development, we need to build our residential community, at the same time we are affecting our industrial lands.

Mr. Wanamaker said he appreciated the work of the Planning Commission. There would be no economic development unless Juneau had the ability to build homes and build new businesses or modify existing buildings. The chronic complaint he heard about staff was that it took too long to get to a yes or no, and there were unnecessary conditions imposed that drove up the costs due to delay. The constituency was the entire city, not just those testifying before the Planning Commission. He heard from the community that if there were not more housing soon, there would be no economic development.

Mr. Watson spoke about his business experience in the community and said it was a culture shock to some of his employees when they found out how much it would cost to live in Juneau, and he did lose some employees. He had been an applicant with a losing proposal before the Planning Commission. Housing was a key issue. The Planning Commission saw many
variances and they come from downtown, Douglas and now Fritz Cove Road. It had to do with setbacks generally, and changes should be considered to allow people to be able to improve their homes. Those areas were zoned a long time ago with small lots and different configurations, and some flexibility was needed. He was concerned about the impacts to Riverside Drive with all the development in Dimond Park and was concerned about the lack of bus service on Riverside. This is a very populous area and walking to Loop Road could be difficult in the winter. People were being more vocal and speaking up and the Planning Commission was the one to hear the complaints. He thought land should be opened up on the road to Eaglecrest – the building setback was 1000 feet of parkland. He wants to see the Comp Plan continue to be a living document and continuously updated.

Mr. Medina said that Mr. Satre did an excellent job presenting some main issues. He said he was often a lone vote on the commission. I had a lot of respect for his fellow members. He worked for four different cities, seven different mayors, in various size communities and it had been his job to enforce municipal codes so he could be “hard-nosed.” It is difficult to say no to those who are passionate about their issue. The testimony can be emotional, but some is not founded in fact. The Planning Commission had to be reasonable and look to the code and base its decision on the law. Ms. Grewe said that Mr. Medina’s comments generally made the Planning Commission’s decision findings more solid. Mr. Sanford said he appreciated that – the community was diverse and needed to come more to the middle.

Mr. Smith said that as the liaison to the Planning Commission, he had found the technical nature of the panel to be a good description of its work. He would like to see more creative formatting of the recommendations to the Assembly so that the Assembly could understand the issues with more clarity. A recent presentation of affordable housing areas for development was color coded and in a landscape format, sequenced, with the easier areas to develop identified, the more challenging, and the more costly. By using this type of creative presentation, the Assembly members were more likely to grasp the information. An alternative was a complicated staff report, which the Assembly needed as well. This would improve general understanding and he would like to see it become a trend.

Ms. Bennett said she was a sociologist and a business owner, born in Juneau and was empathetic with those who testified before the Planning Commission and wanted to make sure their concerns were heard. She thought the department was doing a terrific job in its work on density, permissible uses, and she was interested in getting a community plan for Auke Bay, due to the public support for a plan and timely nature with all the changes going on in the area. She would like to see the area be livable and walkable. She was excited about plans underway for housing. There were some new rental properties in the works, with condominiums on Atlin Drive, 24 units on Cordova, and St. Vincent de Paul was looking for support for Smith Hall developments. With a push by us all, hopefully more single and multi-family units would be going within the next few years. She said she knew people who were bunking together and the need was there.

Mr. Nankervis said he was new and had limited exposure to the Planning Commission. He thanked the commissioners for their volunteer service and acknowledged the lobbying that went on by the public. He understood the need to follow the rules, which could make the job thankless. When he was a police officer, there were storage units put in on LaPerouse, which would be burglarized on a regular basis. What stopped this was when an apartment was built over the units. It may not be a compatible use, but it really worked. This was also done in Lemon Creek and it puts “eyes” in the neighborhood 24 hours a day and those were good
decisions that were made. The Comp Plan does need updating and was a moving target all the
time considering the changing community. He cited the construction of Thunder Mountain
High School as one of the changes and said there needed to be flexibility.

Ms. Crane said she was glad to hear about the importance of the Auke Bay plan. She regularly
read the minutes of the Planning Commission and noted that she was not looking forward to
some of the issues down the road. She had an appreciation for the Commission’s work. She
said the Eaglecrest Board was looking at the possibilities for the land near Eaglecrest. CBJ
was working on a transportation / transit plan.

Mr. Kiehl thanked the Commission for its work and understood the role and the heat taken by
the Commission. He said sometimes things actually move very quickly and the minutes were
not always available in a timely manner to understand the issues. He appreciated the
commissions work on density. He visited several rental properties for those coming in to work
for the legislature and realized the situation was very tight. He hoped the changes made by the
Planning Commission would continue to bear fruit.

Mr. Hartle said he had a list of issues staff was addressing for both the Planning Commission
and the Assembly. The Mayor signed the final decision on the Mattson appeal of a conditional
use permit for rock crusher use at the Montana Creek gravel pit - affirming the planning
commission decision. The draft decision was circulated on the Osborne appeal of Dock Project
16b and would appear before the Assembly on December 17. Work started on an ordinance
regarding construction of the Sealaska Heritage Institute’s Soboleff Center. Work is also
ongoing for an ordinance regarding the Table of Permissible Uses. Mr. Hartle circulated a draft
of the noise ordinance at the meeting. He would check on the eagle tree ordinance and the
department was working on the cell tower ordinance with a consultant. Mr. Hartle, Ms. Boyce
and Mr. Chaney were making steady progress on the subdivision ordinance.

Mr. Sanford asked for a time frame for action on the noise ordinance. Mr. Hartle said the draft
for the Planning Commission was done, and there were policy calls to argue about. The
problem was in the details and it was difficult to measure sound. To make an enforceable
ordinance decibel meters must be purchased, calibrated, and training provided for the officer.
The ordinance also preserved the ability for an officer to declare a situation “too loud.” Mr.
Satre said the Planning Commission would get it back out to public hearing. Mr. Sanford
asked how the ordinance got so lengthy, as it was originally to be a tool for JPD to address
vehicles with loud subwoofers. Then noise from refrigeration units downtown were added, and
here was this comprehensive ordinance. Mr. Hartle suggested that each time someone touched
it - it grew larger. Mr. Sanford asked if he could have a meeting with staff to review it before it
went back to the Planning Commission, and he hoped to see an end to the issue in six months.

Mr. Satre said there were diverse voices on the commission but on the whole it wants to move
forward. The Planning Commission wanted to be a partner on policy where it could and was
willing to do the work on the front end, in the initial stages and get staff and public input, but
does not want to be an afterthought. Over the years, staff had found ways of getting agreements
on projects and the Planning Commission would be lost without the thorough work of the staff.
The Planning Commission wants to utilize the CDD staff efficiently. Sub-area planning could
be the best approach rather than taking up the entire Comprehensive Plan at one time.

Mayor Sanford asked Mr. Hartle about the eagle ordinance. Ms. Kiefer said she thought there
was some disagreement on how the issue should be addressed and she would follow up. Mr.
Satre said it was an issue that fell through the cracks due to staff changes. It needed coordination and to be put back in Title 49 committee’s hands. Mr. Chaney said the eagle ordinance was assigned to a planner, was somewhat complicated and was tied to other code. He did expect it to be done within six months.

Mayor Sanford asked for the timing of the cell tower ordinance. Mr. Hartle said it needed policy calls between the consultant and the CBJ staff. Ms. Kiefer said this should be done within a year. Mayor Sanford said he would like this prioritized. Ms. Kiefer said she did not want to over-promise.

Mayor Sanford asked for the timing of the changes to Title 49. Mr. Chaney said there were many areas underway – and there were fourteen items to be addressed. Mayor Sanford asked for a report and said he wanted an end date – the guidelines for applicants needed to be clear.

Mayor Sanford asked about Subdivision ordinance and was told it would be part of the Title 49 review. Mr. Hart said the Comprehensive Plan would be discussed in March.

Mr. Dybdahl suggested that some of the com plan could be contracted out and it might be worth considering this as it took so much staff time. He said he disliked late meetings and when he was on the Planning Commission the members agreed to keep their comments brief. He also suggested the Planning Commissioners request that staff draft alternative findings for the Commission’s consideration to reduce the time spent in meetings to draft findings, conditions and decisions.

Ms. Becker said that the Planning Commission had to consider each person affected by a decision made by the Planning Commission, specifically referring to the noise ordinance.

Mayor Sanford thanked all for their time.

IV. ASSEMBLY COMMENTS AND QUESTIONS – None.

V. ADJOURNMENT – 6:45 p.m.

Signed:_________________________ Signed:_____________________________
Laurie Sica, Municipal Clerk Merrill Sanford, Mayor