

# 2024 Planning Commission Training

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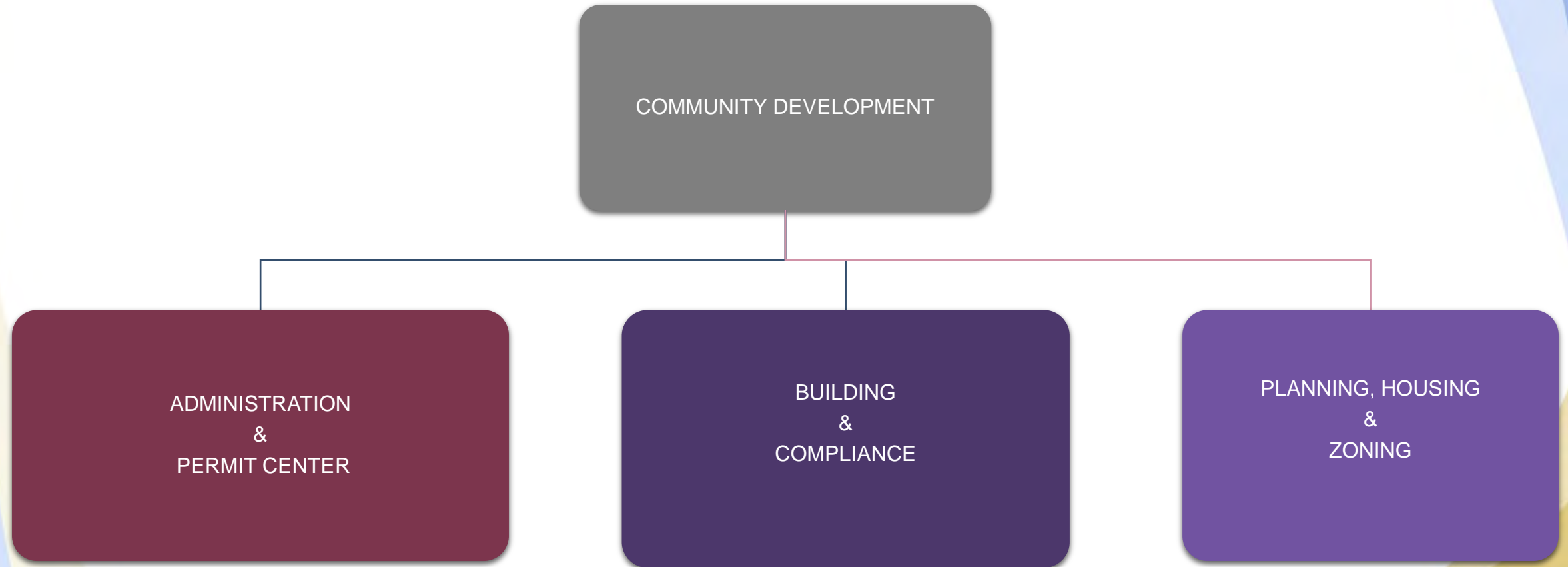


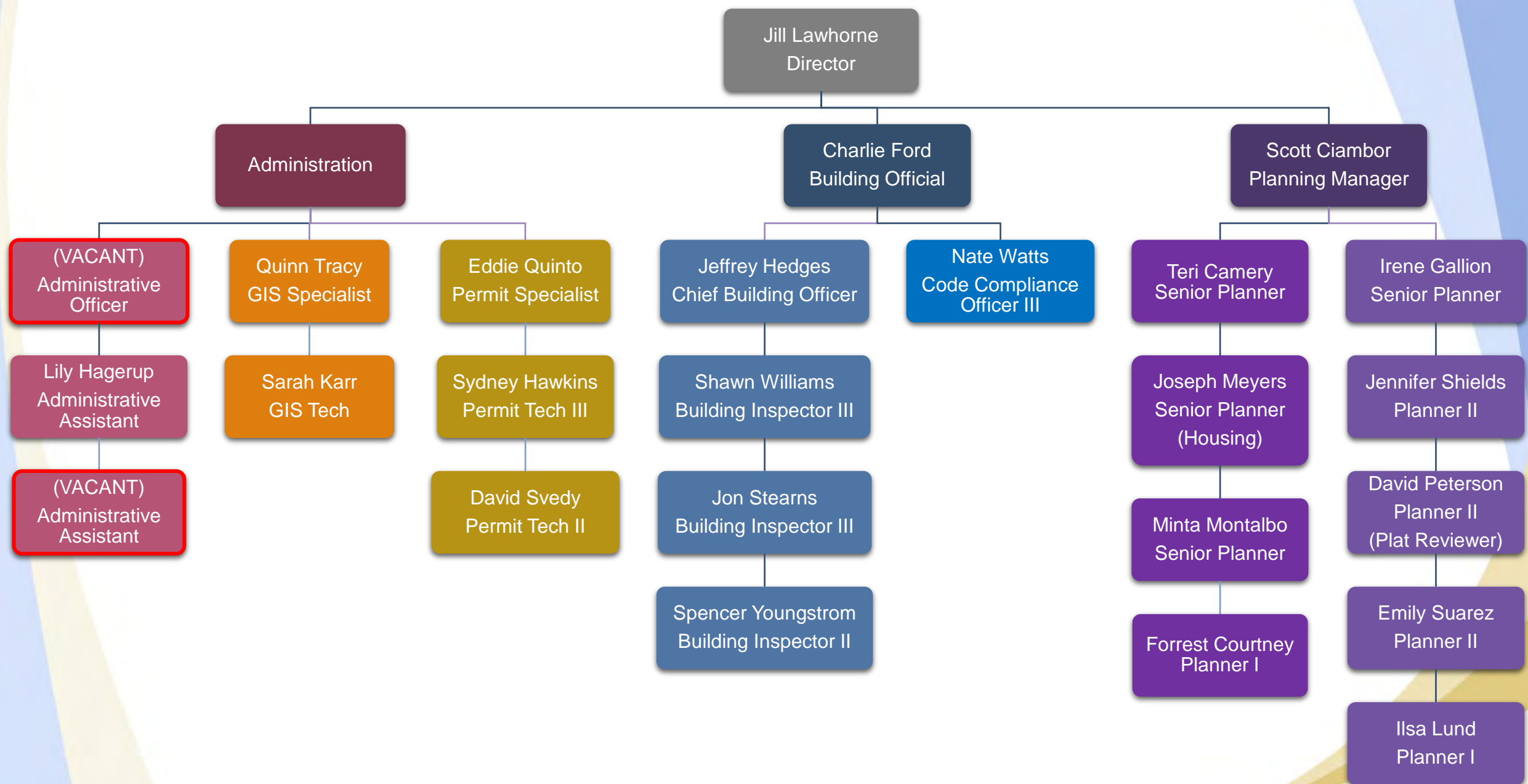
# Agenda

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- **CDD OVERVIEW**
- **STAFF'S ROLE**
- **COMMISSIONER'S ROLE**
- **OPEN MEETING ACT (LAW)**
- **CONFLICT OF INTEREST (LAW)**
- **RULES OF ORDER (CDD, LAW)**
- **HOW TO MAKE MOTIONS (LAW)**
- **STAFF REPORT 101 (CDD)**
- **TYPES OF CASES**

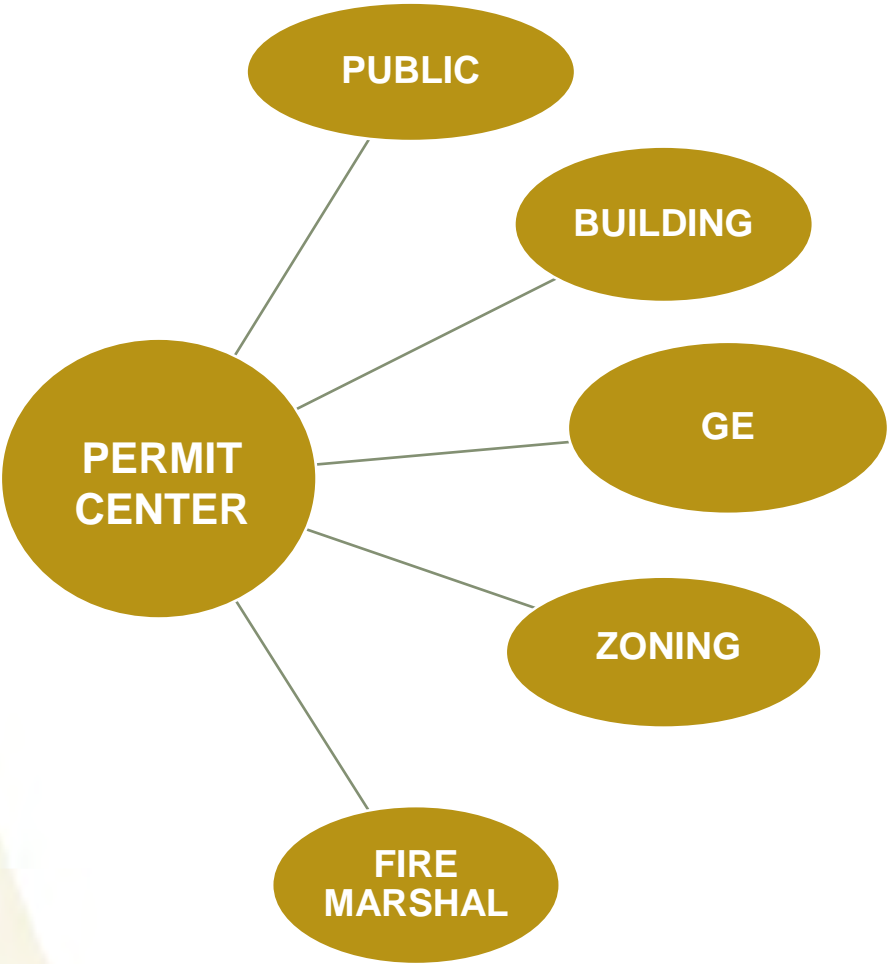
# Community Development





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# STAFF'S ROLE IN THE PLANNING PROCESS

- **ADMINISTERS LAND USE REGULATIONS**
- **PREPARES REPORTS AND POSTS MEETING NOTICES**
- **UNDERSTANDS AND EXPLAINS LAWS AND ORDINANCES**
- **CONDUCTS COMMUNITY AND AREA PLANNING INITIATIVES**
- **RESEARCHES PLANNING TOPICS AND LAND USE ISSUES**
- **ADVISES COMMISSION**
- **EDUCATES AND ASSISTS THE PUBLIC**
- **NEGOTIATES WITH AGENCIES, DEVELOPERS, AND PUBLIC**
- **ENFORCES CODE AND CONDITIONS OF APPROVAL**

# PLANNING & COMMON GOOD

A CRITICAL CONCEPT TO UNDERSTAND IS THE PROTECTING AND PROMOTING OF THE “COMMON GOOD” AND WHAT IT MEANS FOR THE PLANNING COMMISSION’S PURPOSE, ROLES, AND DUTIES AS ARTICULATED BY THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN.

- ~~FAIR, EVEN,~~ **EQUITABLE** AND CONSISTENT APPLICATION OF THE LAW
- CONTRAST: PERSONAL GAIN OR BENEFIT TO A SMALL NUMBER OF PEOPLE WITH NO BENEFIT FOR THE COMMUNITY AT LARGE
- PUBLIC HEALTH, SAFETY AND WELFARE

# COMMISSIONER RESPONSIBILITY

- COMMISSION MEETS THE SECOND AND FOURTH TUESDAY EACH MONTH
- ADMIN WILL EMAIL (CBJ EMAIL) WHEN THE AGENDA IS POSTED ONLINE
- AGENDA PACKETS WILL BE READY FOR PICKUP THE WEEK PRIOR TO THE MEETING
- IT IS YOUR RESPONSIBILITY AS A COMMISSIONER TO NOTIFY THE CHAIR, THE DIRECTOR, AND ADMIN IF YOU CANNOT ATTEND A MEETING



# Open Meeting Act

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**A.S. 29.20.020, A.S. 44.62.310, Charter 3.12(d)**

All meetings to be public.

Public have an opportunity to comment at regular and special meetings.

## **Advisory-only board**

a prearranged gathering of board members (b) for the purpose of considering a topic that the body is empowered to act upon

## **Decision-making or Policy-making board**

When more than 3 members or a majority, whichever is less, are present and consider a topic that the board is empowered to act upon.

# Open Meetings Act

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- ❖ OMA purpose is to ensure deliberations of a board are done in public.
- ❖ Minimize private Board member discussions, this includes during breaks during your PC meetings.
- ❖ “Serial” meetings: Avoid using “reply all” in email!
- ❖ Reasonable notice of any meeting.
  - *24 hrs. min., more notice for complex issues*
- ❖ Cure by completely redoing illegal action.

# Conflict of Interest

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## **AS 29.20.010 and CBJ charter 15.1-15.2**

You are a municipal officer

You are prohibited from using your position to:

- ❖ Gain a benefit (including gifts)
- ❖ Secure employment or contracts
- ❖ Take or withhold action if you have P/F interest
- ❖ Use CBJ time or equipment for P/F interest
- ❖ Vote or deliberate if you have a P/F interest

### **Concepts: Impartiality and Transparency**

- ❖ If in doubt, contact your attorney
  - Shield: If you act consistent with attorney advice, then you are immune from personal liability
- ❖ Close calls, disclose in meeting

# Staff Report 101

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# TYPES OF APPLICATIONS...

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- MAJOR / MINOR SUBDIVISIONS
- CONDITIONAL USE
- PLANNED UNIT DEVELOPMENT (PUDs)
- ALTERNATIVE RESIDENTIAL SUBDIVISION (ARS)
- CSP (CITY AND STATE PROJECTS)
- VARIANCE(S)
- ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT (ADOD)
- PARKING WAIVER(S)
- ACCESSORY APARTMENT

## CONDITIONAL USES (49.15.330)

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- A USE THAT MAY OR MAY NOT BE APPROPRIATE IN A PARTICULAR ZONING DISTRICT ACCORDING TO THE CHARACTER, INTENSITY, OR SIZE OF THAT OR SURROUNDING USES.
- PROCEDURE IS INTENDED TO AFFORD THE COMMISSION THE FLEXIBILITY NECESSARY TO MAKE DETERMINATIONS APPROPRIATE TO INDIVIDUAL SITES.
- THE COMMISSION MAY ATTACH TO THE PERMIT THOSE CONDITIONS NECESSARY TO MITIGATE EXTERNAL ADVERSE IMPACTS.
- IF THE COMMISSION DETERMINES THAT THESE IMPACTS CANNOT BE SATISFACTORILY OVERCOME, THE PERMIT SHALL BE DENIED.

## VARIANCES (49.20.200)

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**PURSUANT TO THIS ARTICLE, A VARIANCE MAY BE GRANTED TO PROVIDE AN APPLICANT RELIEF FROM THE REQUIREMENTS OF THIS TITLE. A VARIANCE IS PROHIBITED FROM VARYING ANY REQUIREMENT OR REGULATION OF THIS TITLE CONCERNING THE USE OF LAND OR STRUCTURES, HOUSING DENSITY, LOT AREA, REQUIREMENTS IN CHAPTER 49.35, OR REQUIREMENTS IN CHAPTER 49.65. APPLICATIONS FOR PROHIBITED VARIANCES SHALL NOT BE ACCEPTED FOR FILING OR SHALL BE REJECTED BY THE DIRECTOR.**

## VARIANCES (49.20.200)

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### (b) NON-ADMINISTRATIVE VARIANCES.

**(1) A VARIANCE MAY BE GRANTED TO PROVIDE AN APPLICANT RELIEF FROM REQUIREMENTS OF THIS TITLE AFTER THE PRESCRIBED HEARING AND AFTER THE BOARD OF ADJUSTMENT HAS DETERMINED THAT:**

**(A) ENFORCEMENT OF THE ORDINANCE WOULD CREATE AN UNDUE HARDSHIP RESULTING FROM THE UNUSUAL OR SPECIAL CONDITIONS OF THE PROPERTY;**

**(B) THE UNUSUAL OR SPECIAL CONDITIONS OF THE PROPERTY ARE NOT CAUSED BY THE PERSON SEEKING THE VARIANCE;**

**(C) THE GRANT OF THE VARIANCE IS NOT DETRIMENTAL TO PUBLIC HEALTH, SAFETY, OR WELFARE; AND**

**(D) THE GRANT OF THE VARIANCE IS NARROWLY TAILORED TO RELIEVE THE HARDSHIP.**



# **SUBDIVISIONS**

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**MINOR SUBDIVISIONS – 13 LOTS OR FEWER; DIRECTOR APPROVAL**

**MAJOR SUBDIVISIONS – 14 LOTS OR MORE; COMMISSION APPROVAL**

## PHASED PERMITTING

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**GENERAL RULE: THE CUMULATIVE IMPACTS OF AN ENTIRE PROJECT NEED TO BE CONSIDERED AND NOT JUST IMPACTS CAUSED BY INDIVIDUAL PHASES.**

***THANE NEIGHBORHOOD ASSOCIATION V. CBJ*, 922 P.2D 901 (AK 1996)  
REVERSED PC DECISION ON A MINING PERMIT BECAUSE THE PC DID NOT  
ADEQUATELY CONSIDER CUMULATIVE IMPACTS OF ALL PHASES**

### **EXAMPLE:**

- **DEVELOPER PROPOSES A 150 UNIT SUBDIVISION IN PHASES**
- **PC NEEDS TO ANALYZE IMPACTS OF ENTIRE PROJECT**
- **PC MAY THEN CONSIDER INDIVIDUAL PHASES OF SUBDIVISION**

# Appeals

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## **49.20.110 APPEALS TO THE PLANNING COMMISSION**

### **DIRECTOR DECISIONS MAY BE APPEALED TO THE COMMISSION.**

The appeal shall be heard unless it presents only minor or routine issues and is clear from the notice of appeal and any evidence offered at the consideration thereof, that the decision appealed was supported by substantial evidence and involved no policy error or abuse of discretion.

## **49.20.120 APPEAL TO THE ASSEMBLY**

### **PLANNING COMMISSION DECISIONS MAY BE APPEALED TO THE ASSEMBLY.**

The appeal of a commission decision not to hear a case shall be limited to that issue, the remedy for which shall be a remand to the commission for a hearing on the merits of the case. Appeals shall be conducted according to [chapter 01.50](#) of this Code, except as provided in this section.

# QUESTIONS