




**PLANNING COMMISSION STAFF REPORT
TEXT AMENDMENT AME20230003
HEARING DATE: JULY 25, 2023**

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155 S. Seward Street • Juneau, AK 99801

DATE: July 10, 2023
TO: Michael LeVine, Chair, Planning Commission
BY: Jill Maclean, Director, AICP 

PROPOSAL: The proposed ordinance makes revisions to sections of Chapter 35 Public and Private Improvements.

STAFF RECOMMENDATION: Forward the proposed text amendment with a recommendation of APPROVAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- Eliminate the requirement that, in order to subdivide on arterials, the lots must meet the D1 lot size standard (36,000 sq. ft.) regardless of the underlying zoning district.
- Provide the governing ROW agency the authority to approve additional access, if deemed safe.
- Increase the number of lots that may use Private Shared Access to subdivide from four (4) to 13 lots.
- Discussed setting a maximum acreage that may use Private Shared Access to subdivide and did not propose a maximum acreage.

ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this text amendment. The Commission's recommendation will be forwarded to the assembly for final action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.10.170(d)

The Commission shall hear and decide the case per CBJ 49.10.170(d) Planning Commission Duties. The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.

GENERAL INFORMATION	
Applicant	Community Development Department
Initiated By	Community Development Department
Property Affected	Borough-wide

LAND USE CODE AMENDED	
49.35.210	Street system
49.35.260 - 263	Private shared access

WORK SESSION DATES	
Title 49 Subcommittee	March 26, 2022
	July 21, 2022
	February 23, 2023
	May 18, 2023
LHEDC	December 19, 2022

DISCUSSION

Background –

Recognizing that the Land Use Code no longer meets the needs of the community in certain areas of Chapter 35 Public and Private Improvements, staff proposed minor revisions and changes of this Chapter to the Title 49 Subcommittee.

These items include addressing minimum lot size required to subdivide on arterials, increasing the number of lots that may be subdivided using Private Shared Access, the maximum acreage threshold to use Private Shared

Access code for subdivision, and other minor or grammatical revisions. The Title 49 Subcommittee discussed these items most recently at the May 18, 2023, meeting.

Discussion –

The proposed revisions are consistent with the Comprehensive Plan, and the Assembly's Goal of increasing housing opportunities in Juneau. Additionally, the Lands, Housing, and Economic Development Committee (LHEDC) discussed Private Shared Access on December 19, 2022 (Attachments A and B). This meeting occurred post the Blacktail Subdivision that used three Private Shared Access' to subdivide a ~90-acre tract of land into 12 single-family / duplex lots. The LHEDC expressed concern whether this was the best use of land, and if the ordinance should be revisited to set a maximum acreage that may use Private Shared Access to subdivide. At the May 18, 2023, Title 49 Subcommittee meeting, staff informed the members of the LHEDC discussion.

Proposed Revisions -

- Eliminate the requirement that in order to subdivide on arterials the lots must meet the D1 lot size standard (36,000 sq. ft.) regardless of the zoning district.
 - Currently, regardless of the underlying zoning, in order to subdivide property on an arterial (major or minor), all lots created must meet the D1 standard (36,000 sq. ft.)
 - For example, if the property is zoned D5 on an arterial, D5 minimum lot size is 7,000 sq. ft., a property cannot be subdivided unless the lots created are 36,000 sq. ft.—more than five times the required lot size.
- Provide the governing ROW agency the authority to approve additional access, if deemed safe.
- Increase the number of lots that may use Private Shared Access to subdivide from four (4) to 13 lots.
- Discussed setting a maximum acreage that may use Private Shared Access to subdivide and did not propose a maximum acreage.

- Given the LHEDC discussion on setting a maximum acreage that may use Private Shared Access to subdivide, and further discussion of this topic at the Title 49 Subcommittee meeting (at which a recommendation was not made on this item), staff recommends the Planning Commission review the Table of Dimensional Standards (CBJ 49.25.400), and by zoning district determine the maximum acreage allowed to use Private Shared Access.
 - For example, in a D1 zoning district > minimum lot size 36,000 sq. ft. > multiplied by the maximum number of lots proposed under this revision (14 lots), > for a total maximum acreage of 12 acres.
- Per the Table of Roadway Standards (49.35.240), Average Daily Trips (ADT) must also be considered as the Table sets thresholds for street improvements (paving, sidewalk(s); lighting may still be required). The maximum number of lots cannot exceed 211 ADT per the Table.
 - For example, using the situation in the bullet above, if 14 lots are permissible, the ADT would be 133 trips [# of lots created multiplied by the ADT for Single-Family Dwellings (9.52 ADT)].
 - Providing the ADTs do not go above 211 average trips per day, this code revision will be consistent with other parts of the code.

Sections Amended –

The ordinance would amend the Land Use Code Chapter 35 (CBJ 49.35) in the following sections:

- 49.35.210 *Street systems*
- 49.35.260 - 263 *Private shared access*

COMPLIANCE WITH TITLE 49

CBJ 49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

(1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;

(2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;

(3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;

(4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;

(5) To provide adequate open space for light and air; and

(6) To recognize the economic value of land and encourage its proper and beneficial use.

TITLE 49 - The proposed text amendment complies with CBJ Title 49 Land Use Code. Additionally, the proposed amendment will not create any inconsistencies in Title 49 as recommended (Attachment C).

COMPLIANCE WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
3 (Community Form)	19	Policy 3.1	<p>The proposed text amendment supports Policy 3.1 by eliminating the need for costly infrastructure for minor developments.</p> <p>POLICY 3.1 TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY’S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.</p>
	20	Policy 3.3	<p>The proposed text amendment supports Policy 3.3 by encouraging minor residential development in rural areas.</p> <p>POLICY 3.3. OUTSIDE OF THE URBAN SERVICE AREA, PERMIT APPROPRIATE LOW-INTENSITY, LOW IMPACT DEVELOPMENT THAT PROVIDES AN OVERALL PUBLIC BENEFIT IN RURAL AREAS, WHILE ASSURING THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT, WATERSHEDS, SCENIC CORRIDORS, PUBLIC ACCESS TO THE SHORELINE AND INLAND WATER BODIES, AND RECREATIONAL OPPORTUNITIES.</p>
4 (Housing)	36	Policy 4.1	<p>The proposed text amendment supports Policy 4.1 by incentivizing residential development that may provide less costly housing due to decrease in infrastructure required.</p> <p>POLICY 4.1. TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ RESIDENTS.</p>
	37	Policy 4.2	<p>The proposed text amendment supports Policy 4.2 by facilitating subdivision of infill lots or other lands that do not front on a public right-of-way.</p> <p>POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.</p>

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.			
10 (Land Use)	129	Policy 10.1	<p>The proposed text amendment supports Policy 10.1 by providing opportunity to subdivide land that does not meet traditional subdivision requirements.</p> <p>POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS.</p>
	130	Policy 10.2	<p>The proposed text amendment supports Policy 10.2 by facilitating creative solutions to subdivide land that otherwise could not be subdivided.</p> <p>POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED-USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.</p>
	131	Policy 10.3	<p>The proposed text amendment supports Policy 10.3 by providing more flexible standards to lots that have challenging site conditions, for example, long linear lots along arterials.</p> <p>POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.</p>

AGENCY REVIEW

An agency review period was not conducted.

PUBLIC COMMENTS

Public Notice was provided in the July 12, and July 19, 2023 Juneau Empire Your Municipality section. No public comments have been received to date.

FINDINGS

1. Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?

Analysis: The proposed amendment balances the varied Comprehensive Plan policies and is generally consistent with the overall vision.

Finding: **Yes.** The proposed text amendment complies with the 2013 Comprehensive Plan.

2. Does the proposed text amendment comply with Title 49 – Land Use Code?

Analysis: The proposed amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes.

Finding: Yes. The proposed amendments comply with the purpose and intent of Title 49. Additionally, the proposed amendments do not create any inconsistencies within the code as recommended.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendments to CBJ Chapter 35 Public and Private Improvements.

STAFF REPORT ATTACHMENT

Item	Description
Attachment A	LHEDC Staff Memo
Attachment B	LHEDC December 19, 2022 Minutes
Attachment C	Proposed Draft Language