ASSEMBLY STANDING COMMITTEE
LANDS, HOUSING & ECONOMIC DEVELOPMENT COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA

May 10, 2021, 5:00 PM.
Zoom Webinar/Virtual Meeting Only
Lands, Housing, and Economic Development Committee Attendee link:
https://juneau.zoom.us/j/94215342992 Or iPhone one-tap : US: +13462487799,,94215342992# or +16699006833,,94215342992# Or Telephone: Dial(for higher quality, dial a number based on your current location): US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592 Webinar ID: 942 1534 2992

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

- **A. April 12, 2021 Draft Minutes**

V. PUBLIC PARTICIPATION

VI. AGENDA TOPICS

- **A. Lena Point Communication Tower lease to Vertical Bridge**

VII. STAFF REPORTS

- **A. Off Road Vehicle Working Group and 35 Mile Parcel**
- **B. Montana Creek Master Plan and State of Alaska Juneau State Land Plan**

VIII. STANDING COMMITTEE TOPICS

- **A. Status of Housing Initiatives**
- **B. Status of Title 49 Updates**

IX. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

X. NEXT MEETING DATE

XI. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

ASSEMBLY STANDING COMMITTEE MINUTES
LANDS HOUSING AND ECONOMIC DVELOPMENT COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
April 12, 2021, 5:00 P.M.
Zoom Webinar Meeting

I. CALL TO ORDER

II. ROLL CALL

Chair Gladziszewski called the meeting to order at 5:00pm.
Members Present: Chair Maria Gladziszewski, Wade Bryson, Alicia Hughes-Skandijs, Greg Smith
Members Absent: none
Liaisons Present: Chris Mertl, Parks and Recreation
Liaisons Absent: Dan Hickok Planning Commission, Chris Dimond, Docks and Harbors
Other Assembly Members Present: Loren Jones
Some Members of the Public Present: Rashah McChesney, Lacy Derr, Claire Mueller, DOWL
Staff Present: Dan Bleidorn, Lands Manager; Roxie Duckworth, Lands & Resources Specialist; Scott Ciambor, Chief Housing Officer; Jill Maclean, CDD Director, Tom Mattice, Emergency Programs Manager; Robert Palmer, City Attorney; Teri Camery, Senior Planner

III. APPROVAL OF AGENDA

Agenda was approved as presented.

IV. APPROVAL OF MINUTES

March 15, 2021 Draft Minutes were approved as presented.

V. PUBLIC PARTICIPATION

Those participating via telephone can press *9 or those that are participating on Zoom can use the "raise their hand" function to participate. No public participation.

VI. AGENDA TOPICS

A. ADOT Request for Easements along Douglas Hwy.

Mr. Bleidorn discussed this request. The State of Alaska Department of Transportation and Public Facilities (DOT&PF) has submitted an application to acquire 380 square feet of City property, four permanent easements across City property totaling approximately 1,000 square feet, and ten temporary construction easements totaling approximately 35,000 square feet. The DOT&PF proposes to improve portions of the Douglas Highway between Egan Drive and St. Ann's Avenue. The proposed project will include resurfacing, sidewalk repairs, and upgrades to the bus stops, curbs, drainage improvements, and structural retaining wall improvements. The project begins at Egan Drive continuing across the Gastineau Channel Bridge to St. Ann's Avenue and will be completed in three stages. City management of the requested properties is complex and includes land managed by the Lands Office, Parks and Recreation, the Fire Department, the Library, and Docks and Harbors. The Lands Office will work with the managing departments to request comments and to insure that all concerns are addressed prior to this request being introduced to the Assembly by ordinance.

Mr. Bryson asked if there has been any community communication. Mr. Bleidorn replied that these easements are just on City property and that many of them are minor in scope and already existing sidewalks.

Mr. Mertl asked if Parks and Recreation manages any of these properties. Mr. Bleidorn replied that there was a couple that were managed by Parks and Recreation and that he was going to discuss those with the Parks and Recreation Director to determine if there will need to be an extra process, such as site visits, that would warrant taking this to the PRAC.

Mr. Bryson asked if there was an agreement in place with the construction companies as recent roadwork on Douglas created massive roadblocks with portions of traffic stopped at times. Mr. Bleidorn replied that the ADOT is still working on this issue and they like to have these issues addressed before going out to bid. If that does not happen, there could be a Planning Commission process that could give the public an opportunity for comment.

Staff request that the Lands, Housing and Economic Development Committee pass a motion of support for disposing of City property through negotiated sale and by granting permanent easements and temporary construction easements to the ADOT&PF for fair market value. Motion passed.

B. Floodplain Ordinance (Ord. 2021-06)
Ms. Maclean discussed this item and gave a brief update. The Assembly adopted the FEMA flood maps back on September 18, 2020. Due to COVID, FEMA has granted the City an extension to revise the ordinance after the maps were officially adopted. Staff has been working on this and it has been to the Planning Commission. This is a cleanup of the ordinance to bring it up to date. CBJ has participated in the flood insurance program since 1981. Adopting the ordinance and the flood map allows property owners to participate in the flood insurance program. The ordinance amends the Lands Use Code relating to the Floodplain Regulations and updates the Title 49 provisions to be consistent with the floodplain maps and policies of the National Flood Insurance program.

Mr. Bryson asked how many homes were forced to be included and had to purchase the additional insurance due to the floodplain map changing and how many people were charged more or less in insurance. Ms. Maclean replied that that she thought the amount of homeowners impacted by the change in maps was minimal and in the teens and there was approximately that many homes taken out of the map area. Mr. Mattice confirmed Ms. Maclean's recollection in the numbers.

Mr. Smith commented that he thought he read that 191 parcels were to be removed from the hazard area and 45 would be added. Ms. Camery confirmed that statistic was close in numbers, 41 where added and 141 were removed. Mr. Smith followed up by asking what type of additional burden might be on people trying to develop in floodplain hazard areas and keeping certain type of developments from occurring. Ms. Maclean replied that this new ordinance cleans up the terminology and clarifies definitions. At the time of the map adoption last year, CBJ did not adopt FEMA's definition of development, as it did not match the City's land use code definition of development. There may be certain developments now under FEMA's definition that may require a floodplain permit whereas the CBJ ordinance in the past did not require it. FEMA has tight authority of the ordinance. Mr. Smith asked about the permit process and if the fees are new or existed before. Ms. Maclean replied that there are existing building permits and there is a $45 fee for a floodplain permit, which covers administrative costs. Chair Gladziszewski asked how many floodplain permitted properties, on the average, in a year. Ms. Camery clarified that CDD has always reviewed the floodplain permits in the past through the intake of building permits and there has not been a separate fee for the floodplain development review.

Mr. Mertl asked if this includes the Tee Harbor mapping. Ms. Camery replied that the Tee Harbor mapping was a completely separate effort and a bonus that FEMA replied positively and created a separate mapping process for this area.

Mr. Bryson asked what the floodplain map does to available land for development. Ms. Maclean replied that the 141 properties going out of the map have greater development potential now and the few going in may find they need a permit for the development they wish to do. Generally speaking, the floodplain ordinance doesn't stop development it just tells one where and how to do the development you choose to do and in some instances it may not be viable.

Staff request that the Lands, Housing and Economic Development Committee pass a motion of support to forward Ordinance 2021-06, the Floodplain Ordinance to the whole Assembly. Motion passed.

VII. STAFF REPORTS

A. Duck Creek Update (verbal)

Ms. Maclean discussed this item and noted that this item came about due to a development project along Duck Creek on Mendenhall Loop Road near Cinema Drive. There has been a stop work order for this project for the grading permit and is being appealed. It will appear before the Planning Commission tomorrow, April 13, 2021, and this committee will need to be careful as to what they discuss prior to that appeal process. It has come to Ms. Maclean's attention that there was a previous practice of interpreting the Coastal Zone Management section of the code where an exception was applied to certain developments, which was a misapplication. Chair Gladziszewski asked Mr. Palmer if this committee should be talking about this topic at all until after the appeal. Mr. Palmer commented that Ms. Maclean is able to lay out the basic facts but any further discussion should be tabled until after the appeal process. Ms. Maclean relayed that there is a development along Duck Creek and setback requirements for streams that are habitats for fish and there are floodplain permits. Ms. Maclean became aware that the coastal zone management section of the code was being applied and the state coastal zone code was repealed about ten years ago. Staff was under direction and there was a misinterpretation to development, which should not have been applied. When it came to Ms. Maclean's attention, she issued a stop work order. CDD is following up on that and it is being appealed. There is one section of the code that seems useful and that is being looked at to be retained.

B. Urban Avalanche Mapping & Operational Forecasting

Tom Mattice discussed this item and noted that Juneau has had an unusual winter weather season. Mr. Bryson asked if any properties have both avalanche and floodplain issues. Mr. Mattice said he was unaware of any properties that had concurrent issues, although there may be one or two properties.

Mr. Smith asked about this memo, if there will be any action with this, such as buyouts in danger zones or prohibiting development. Chair Gladziszewski asked Mr. Mattice when the study was complete, he replied 2012 and then asked about the one being completed now, which has new mapping proposals for landslides and avalanches. New hazard maps will be proposed once that study is completed with additional zoning recommendations. The 2012 study was very specific addressing mitigation for the Behrends Avenue and White Subdivision areas. Chair Gladziszewski asked if the new study is designed for the urban avalanche pass. Mr. Mattice confirmed and noted that technology and computer modeling have changed and they wanted the zoning maps to reflect those changes. Chair Gladziszewski asked when this study would be done. Ms. Camery replied that they are about two years into the grant they received and just received their second draft that is undergoing internal review. The second draft should be released to the public within the next month or so and a neighborhood meeting will be scheduled for all of the residents affected by the proposed mapping. Over the next few months, it will go to the Planning Commission and Assembly. That process should be completed by October or November of this year. There will be a second phase to the grant where we will go through a separate contract process to develop draft regulations and policies for the public, Planning Commission, and Assembly's consideration on what we want to do with those maps and if the Assembly wants to adopt them. Types of new policies, mitigation efforts, and different measures to implement will take place during a separate process.

Chair Gladziszewski asked about specifics of the memo that Mr. Smith was asking about, such as on page 47 of the packet "construction of new buildings should be prohibited in hazard zone," did we do that or reject to do that. Mr. Smith was wondering about the areas that were proposed to be done. Chair Gladziszewski commented that with the new study we would get more information to review. Mr. Mattice confirmed. The goal was to understand developable properties, such as Norway Point, as well as to be able to revisit mitigation for the jurisdiction and current zoning regulations and the recommendations came back from outside agencies but also from another country, the Swiss study. The goal is to get the best maps we can and revisit it with the modern zoning practices and bring those forward. Chair Gladziszewski asked if this study is similar to the 2012 study. Mr. Mattice said that it wasn't, it was a complete revision of our avalanche mapping and that the Swiss study is a very specific mitigation study on how we can mitigate these two areas, Behrends and White. The new study addresses the question of "is this an avalanche zone or isn't it, is this a landslide zone or isn't it," because our current maps are combined and were not built to the same standard. We need to split those maps out for people to understand if they are in an avalanche or flood zone and how that effects their property. The new study will also help us understand the best zoning practices and how we can build in those areas and maximize the best use of property and to mitigate efficient standards. Chair Gladziszewski commented that this new study reviews the maps and set up policies and regulations and asked if there is one entity conducting the new study. Ms. Camery replied that the contractor is Tetra Tech, an international company based out of Vancouver. Chair Gladziszewski asked for a link to the 2012 study, Mr. Mattice replied he would send that to the committee.

VIII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

No comments or questions.

IX. NEXT MEETING DATE

Monday, May 10, 2021

X. ADJOURNMENT

Chair Gladziszewski adjourned the meeting at 5:43 PM.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan_Bleidorn@juneau.org
(907) 586-5252

TO: Maria Gladziszewski, Chair of the Assembly Lands Housing and Economic Development Committee

FROM: Dan Bleidorn, Lands and Resources Manager *Daniel Bleidorn*

SUBJECT: Lena Point Lease to Vertical Bridge for a Communication Tower - Update

DATE: May 6, 2021

In April 2020, the Lands and Resources Committee passed a motion of support to lease City property to Vertical Bridge Holdings in the vicinity of Lena Point. In the time since that motion of support Lands Division Staff and the City Attorney's Office have been negotiating terms that will be included in an upcoming ordinance that if it is approved will authorize this proposed lease. The terms are similar to recent ordinances that the Assembly approved for towers with a few notable exceptions:

1) **Rent Escalation**: The applicant has requested a rent escalation of 2% per year for the first term. Existing tower leases on City property have a 3% annual escalation. Staff recommends that that lease include the 3% annual escalation. The reasoning for this is that all other towers on city property have a 3% and a recent reappraisal of a tower for a term renewal increased base rent more that the annual 3% at the start of a new term.

2) **Revenue Share**: In addition to the $1,300 base rent, which includes the first sublease, the City will receive a share of the revenue of all subleases at the rate of 35% for every additional sublease. Existing towers on City property have an increasing revenue sharing with the first sublease being 30%, the second at 40% and 50% for all subleases after the second. With a revenue share of 50% there is less incentive to allow additional subleases on towers and promoting co-location on towers is one of the objectives of the wireless communications facility master plan.

3) **Lease Term:** Vertical Bridge is requesting a 35 year lease duration, which would consist of a 5 year initial term with six additional 5 year renewal terms. Existing tower leases on City property have a 20 year duration, however tower owners are requesting lease amendments at about 10 years remaining on the lease in order to increase the lease duration. With the City code requiring a lease renewal every 5 years, there is little risk in allowing additional terms to the maximum allowable term of 35 years. Vertical Bridge has indicated that they are building infrastructure that requires a minimum of a 25 year lease.

Staff request that the Lands, Housing and Economic Development Committee pass a motion of support to the Assembly for approval of a lease to Vertical Bridge by Ordinance with a base rent of $1,300 per month, a 3% annual escalation, and revenue sharing set at 35% for up to 35 years.


Lena Point
Location of
Proposed Lease
Ocean View Dr.
Lena Loop Rd.
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CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
PARKS & RECREATION

TO: Maria Gladziszewski, Chair Lands, Housing and Economic Development Committee

FROM: Michele Elfers, Parks & Recreation Deputy Director

DATE: May 5, 2021

RE: Off Road Vehicle Working Group and 35 Mile Parcel

Last fall, after significant public comment from off-road vehicle (ORV) recreation enthusiasts on the Montana Creek Road closure request, Parks and Recreation (P&R) staff initiated meetings with various ORV groups in Juneau. This working group includes representatives from the Jeep Club, Motocross Club, and the Juneau Off-Road Association (JORA). The group's goals are to *identify ORV (Off Road Vehicle) riding sites, create a sustainable management structure, support safe riding, and build durable infrastructure that protects the natural and built features of the facilities.*

There has been considerable effort over the last twenty years in identifying and evaluating sites around Juneau. The work group is not intending to replicate previous efforts but rather use existing data to build on the previous work. P&R has facilitated the discussion and planning by the user groups to help them navigate the process required to develop and manage riding sites.

Areas of interest identified by the user groups include:

- 35-mile CBJ parcel that was previously studied for ORV riding by a CBJ hired consultant
- Montana Creek area off of the Montana Creek trail on DNR land
- S&S Pond, private land along Lemon Creek and adjacent to Egan Drive
- Old sand and gravel pit behind Home Depot, CBJ owned
- Other privately owned lands

The ORV groups have very different interests in riding, including a track for motocross, a riding park that is designed with jump and play features for ATV's, and remote trails for riding jeeps and ATV's to camping spots and overlooks. It is unlikely that one location would be able to accommodate all of these types of recreation. The Juneau Off-Road Association (JORA) has expressed interest in working with CBJ on developing the CBJ parcel at 35 mile for riding. The riding at this site would be focused on remote trail development to campsites and overlooks but may have enough space in previously logged and developed areas by the road for a small riding park or youth training area.

P&R partners with many user groups to facilitate recreation on CBJ lands. Typically we develop a relationship formalized through a management agreement. Hank Harmon Public Range, the Archery Range, Community Garden, Treadwell Historical Park, SAIL Ropes Challenge Course at Amalga Park, AWARE Totem Pole, Juneau Nordic Ski Club, and Juneau Mountain Bike Alliance are all examples of facilities or user groups with agreements for recreation on parklands. P&R does not have the resources or capacity to develop and manage all of the incredible facilities we have around Juneau, so we rely on our community partners to do this.

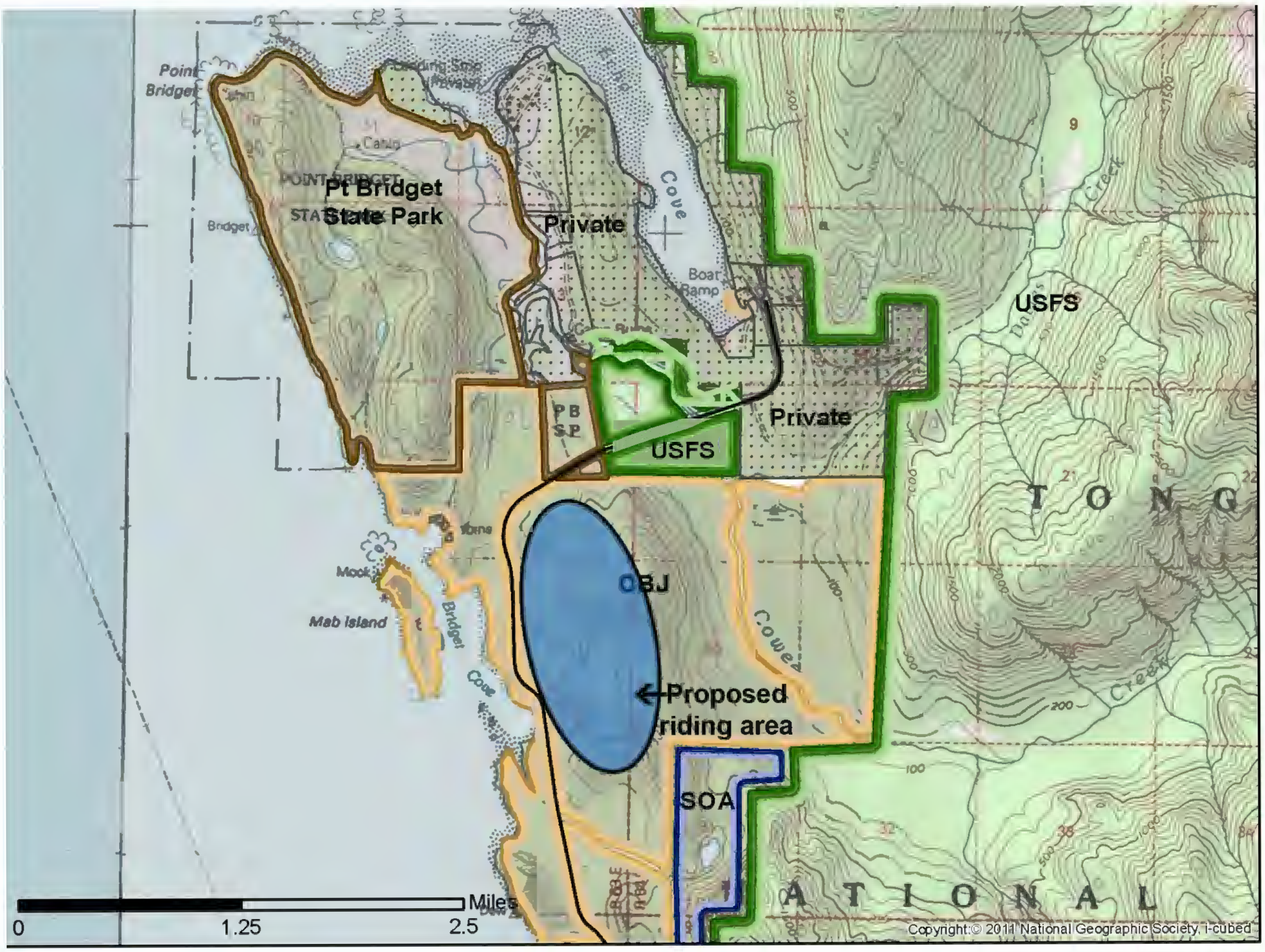
A community ORV riding facility can follow a similar partnership model for development and management as the facilities mentioned previously. A typical management agreement is with a non-profit organization and would include:

- Intent and Purpose of Facility for Public Recreation as aligned with existing CBJ plans
- Development Requirements – technical and environmental standards for construction, plan of development attached, all permits required as part of the agreement
- Management and Operational Requirements – duties required to minimize and mitigate for site impacts, including environmental considerations, site access, regulations and rules, fees charged by the user group, maintenance of improvements
- Reporting requirements – Annual operating plans submitted
- Roles and Responsibilities of CBJ – often in partnerships CBJ assumes a role as well such as allowing signage to be posted, reviewing rules, providing maintenance or development resources when able
- Insurance Requirements – entities are typically required to insure the activities occurring at the facility during development and operation
- Indemnification – CBJ applies standard indemnification language to agreements
- Term of Use – The agreement has an expiration date with terms for extensions
- Map – Shows use area

P&R staff is beginning to work with JORA to outline what a development and management agreement could look like for use of the 35 mile parcel. To determine if a partnership is feasible and the 35 mile parcel is appropriate for this use, the research and mapping previously performed on this parcel will be used to understand the opportunities and impacts of developing an off road trail system. Additional information may be obtained. For example, P&R will work with Trail Mix and JORA using these maps and some in-the-field GPS work to evaluate site access, trail locations, and site security. Preliminary trail and riding area layout work by Trail Mix can be funded through the existing Off Highway Vehicle CIP. Opportunities that exist on this parcel include an old network of logging roads and a parking area as well as steep topography that separates the watershed of the parcel from the Cowee Creek watershed. Challenges that need to be considered are the proximity to the Cowee Creek watershed and Héen Latinee experimental forest, and how to ensure site area control.

Upon evaluation of this site and the drafting of a development and management plan, the next step is likely a conditional use permit from the Planning Commission and approval of a management agreement from the Assembly by resolution. Staff will continue to work with JORA and anticipates providing additional information to the Parks and Recreation Advisory Committee, the Lands, Housing and Economic Development Committee, and the Planning Commission this summer.

Site Location and Land Ownership Map – 35 mile parcel is labeled as CBJ



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
PARKS & RECREATION

TO: Maria Gladziszewski, Chair Lands, Housing and Economic Development Committee

FROM: Michele Elfers, Parks & Recreation Deputy Director

DATE: May 5, 2021

RE: Montana Creek Master Plan and State of Alaska Juneau State Land Plan

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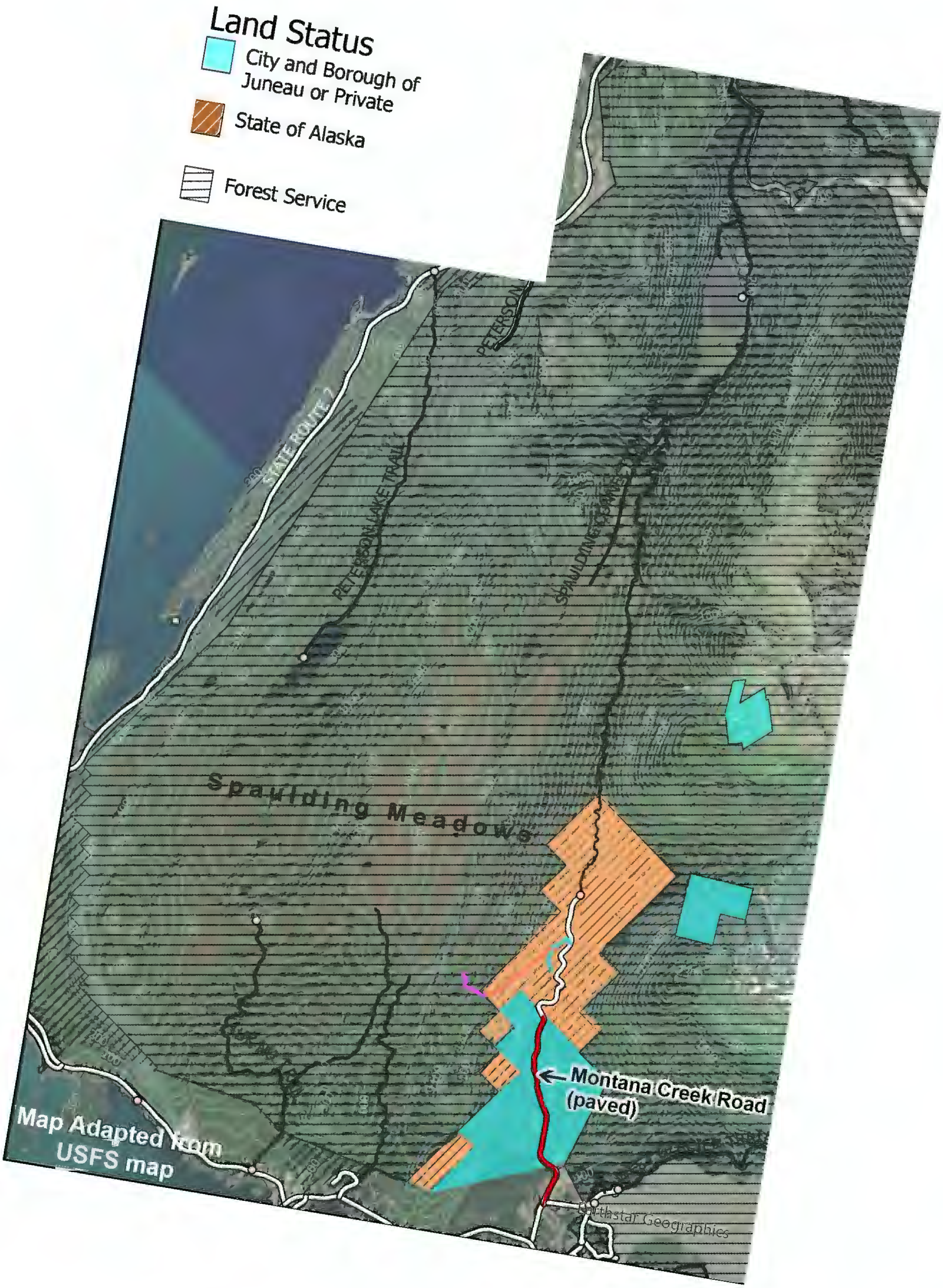
Recreational activity and interest in the Montana Creek valley has been increasing in recent years. Hunting, fishing, hiking, camping, biking, harvesting, archery, shooting sports, Nordic skiing, snowshoeing and ORV riding are all occurring in the area. User groups have requested increased parking, new trails for motorized and non-motorized recreation, and a biathlon facility in the area with Parks and Recreation over the past year. Staff will be leading a Master Planning process for the area with the US Forest Service (USFS), Alaska Department of Natural Resources (DNR), Trail Mix, user groups and the general public to better understand existing uses, infrastructure needs, future recreational community interests and the connection of this area to Spaulding Meadows and the Windfall Lake area. Work will begin this summer and fall with plans to complete the plan at the end of the year.

The USFS and DNR have also received comments from user groups on increasing uses and facilities in the area. DNR is currently reviewing an application for an easement for a motorized use trail on state lands in Montana Creek. As part of this review, DNR has shared the Juneau State Land Plan from 1993 with P&R staff. This plan guides the Department's management of state lands with the intent to meet the "economic, social, and cultural needs of Alaskans." It recommends transferring management of state lands in Montana Creek to CBJ under a cooperative agreement. The plan can be found here:
http://dnr.alaska.gov/mlw/planning/areaplans/juneau/pdf/juneau_state_land_plan.pdf
In the plan, Montana Creek state land is designated to be managed for recreation, habitat and harvest values as well as mineral locations. Attached to this memo is a land ownership map for the Montana Creek area.

Parks and Recreation staff (P&R) met with DNR Division of Mining, Land and Water (DMLW) to discuss the state land plan and the management recommendation. DMLW often pursues cooperative management agreements with municipalities or other entities when use of a specific area increases and they recognize that a local entity will better be able to manage the use. Recently, DMLW completed a Cooperative Resource Management Agreement (CRMA) with the City of Gustavus to allow the city to transfer authority to the City to manage a popular beach area near the ferry terminal. CBJ has a similar management agreement with State Parks to manage the Perseverance Trail area. For this area, DMLW has a management agreement with DNR State Parks. State Parks and CBJ then signed a Memorandum of Understanding to allow P&R to manage the area. On Perseverance Trail, P&R maintains the trails, pursues grants for restoration work, works with trail users to mediate bike, pedestrian and wildlife conflicts and monitors usage and hazards. It is unlikely that State Parks or DMLW has the resources to manage the high use on Perseverance Trail currently.

In the Montana Creek valley, CBJ manages the access to state and federal lands on the paved portion of the road and surrounding natural areas. As use increases in the valley, CBJ will have to manage the increased impacts of this use, such as parking, trash, and conflict management. The master plan and cooperative management agreement proposal present an opportunity to look at current and future use of the land. A cooperative management agreement with the state may be a good option given that CBJ is already managing impacts of use and any increased activity will lead to more pressure on CBJ facilities and land.

CBJ staff will continue discussions with DMLW staff to understand how a cooperative management agreement could be developed and continue with the interagency and public master plan process. Staff anticipates bringing more information back to the committee for consideration this summer.


Land Status
City and Borough of Juneau or Private
State of Alaska
Forest Service
STATE ROUTE 7
PETERSON LAKE TRAIL
PETERSON
Spaulding Meadows
Montana Creek Road
(paved)
Map Adapted from
USFS map