

**ASSEMBLY STANDING COMMITTEE
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

December 9, 2019, 5:00 PM.

Assembly Chambers

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. September 23, 2019 Draft Minutes

IV. PUBLIC PARTICIPATION

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

V. AGENDA TOPICS

- A. Welcome to Lands
- B. 2019-47 Willow Drive Vacation
- C. Planning Commission Decisions and Recommendations Process

VI. ITEMS FOR ACTION

VII. STAFF REPORTS

- A. Air Quality Monitoring Program
- B. CBJ Christmas Tree & Firewood Policy

VIII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

IX. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
September 23, 2019, 5:00 P.M.
City Hall, Assembly Chambers**

I. ROLL CALL

Chair Becker called the meeting to order at 5:00pm.

Members Present: Chair Mary Becker, Maria Gladziszewski, Michelle Hale, Alicia Hughes-Skandijs

Members Absent: None

Liaisons Present: Chris Mertl, Parks and Recreation; Paul Voelckers, Planning Commission

Liaisons Absent: Chris Dimond, Docks and Harbors

Other Assembly Members Present: Mayor Beth Weldon,

Some Members of the Public Present: Charles Murphy, KINY Radio Reporter, Courtney Wilkins

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Roxie Duckworth, Lands & Resources Specialist; Mike Vigue, Public Works Director; Jeff Rogers, Finance Director; Beth McEwen, City Clerk;

Teresa Bowen, Assistant Attorney III, Rorie Watt, City Manager, Director; Mila Cosgrove, Deputy City Manager

II. APPROVAL OF AGENDA

Mr. Chaney added an item to the staff reports, "possible lot disposal"
The agenda was approved as presented.

III. APPROVAL OF MINUTES

Chair Becker called in with a few minor corrections, the June 10, 2019 Draft Minutes were approved.

IV. PUBLIC PARTICIPATION

Ms. Hale moved to accept public participation later in the meeting. Motion approved.

At 5:10pm, Courtney Wilkins came in to speak to the Lands Committee about her property at 1760 Evergreen Avenue, Juneau. The top portion of her property borders City land. Ms. Wilkins reported that according to a 1955 easement, the City is responsible for managing storm water runoff onto her and her neighbor's property. The water coming off Mt. Juneau is creating an unsafe situation for the houses below, including hers. Ms. Wilkins stated that

she believes that this management is not being cared for. There is significant damage done to the pipes and infrastructure that was put in place in the 1950s. Ms. Wilkins referenced an asbuilt survey that documents the easements. Ms. Wilkins had originally contacted Tom Mattice with Emergency Management about safety of this issue, who instructed her to contact Engineering. Ms. Wilkins subsequently had contacted them to try to resolve this situation to protect her property and that of her neighbors. Ms. Wilkins commented that she is unable to invest any funds into her property for remodeling or home projects. She commented that the City said they are planning to vacate the easement, which is a legal process that involves contacting the property owners.

Chair Becker asked if the City told Ms. Wilkins that they wanted to vacate the easement. Ms. Wilkins replied that the City told her that they abandoned the easement and that their intention was to legally vacate the easement. Ms. Wilkins stated that from her research, an abandonment of an easement could not occur if there is a sale of the property in the easement and if the easement has stayed active when the property has turned over but if there has been no acknowledgement about that easement overtime then the City can abandon it. She stated that there was reconstruction and a turnover of that easement.

Ms. Gladyszewski commented it would take her time to understand what Ms. Wilkins had presented and wanted to get staff to work with her. Ms. Wilkins commented that she is two years into this project and had been working with Mr. Vigue. Ms. Gladyszewski asked if she had worked with Mr. Vigue for a while but had not reached a resolution. Ms. Wilkins confirmed, and is appealing to the Lands Committee for resolution. Ms. Wilkins does not live in Juneau full time and her property is a mess where she cannot have any renters due to the water runoff issue of flooding.

Ms. Gladyszewski asked Mr. Vigue to speak on this matter. Mr. Vigue commented that the easement that Ms. Wilkins is referring to is one that was done in 1955 before statehood. The easement was provided to the City of Juneau on behalf of the Federal Department of Public Works, who constructed the drainage, not the City. In the 1980s, the City reconstructed Evergreen Street and there has been subsequent projects since then. The storm water system had been rebuilt in the street ROW at this time. Mr. Vigue commented that Ms. Wilkins has a few issues with her property that includes the cistern under her garage, where there was originally a private water system for her neighborhood. At some point, not sure exactly when, after the City water system was built that cistern was no longer used. Under her garage floor there is a big water tank that was built in the 1930s or 1940s. Ms. Wilkins started having conversations with the City's Risk Department, which is when Mr. Vigue was brought in. As Ms. Wilkins has indicated, she does not live here full time, so she was here a little while last fall in which there had been conversations with her. Mr. Vigue had not heard anything from her until recently when she had come back to town.

Ms. Gladyszewski asked Mr. Vigue if he is still working on this issue. Mr. Vigue confirmed and that he had several conversations with the Law Department in the past several weeks.

The City's view is that the Federal Government, who had built the drainage system, granted the easement for the construction. The view is that the City does not have perpetual responsibility to maintain this system effectively. As Ms. Wilkins stated, the easement was abandoned when the Evergreen road was rebuilt and the storm water system was constructed. We are still having conversations about this issue.

Chair Becker commented that Ms. Wilkins mentioned that there is no way to abandon the easement legally. Mr. Vigue replied that it should have been vacated back in the 1980s, and it appears that did not happen. As far as the City knows, there has been no maintenance in this area and no one from the City has been working on that draining system in fifty years.

Ms. Gladziszewski looked for clarity on what exactly was the question that needed to be resolved. Mr. Vigue replied that there is water coming off the hillside and the Federal Bureau of Public Works wanted to capture that water and move it, so they built the drainage system for collection and movement. Mr. Vigue was not certain how that relates to Ms. Wilkins private water system and water reservoir she has under her garage. Mr. Vigue feels these are two separate issues.

Chair Becker asked Mr. Vigue and Mr. Chaney to work with Ms. Wilkins and the City Attorney to identify what the problem is and what a request for solution is, whether that is a possibility. It seems if water is going to continue to run off, then if there is any obligation that the City has to retain that water and keep it from running off and hitting her house, then that would be a step, seeing that the easement has not been vacated. Maybe the resolution may be to keep her house whole or not to have water running off to hit her house.

Ms. Hale asked for an update at the next Lands Committee meeting. Mr. Vigue commented that he would try to provide an update by the next Lands Committee meeting and is committed to finding out what the City's responsibilities are. Chair Becker asked that the update be on the next Agenda.

V. AGENDA TOPICS

A. Spring 2019 Land Sale Recap

Mr. Bleidorn provided a recap from the recently completed sealed competitive bid land sale for four lots in the South Lena Subdivision. Through this sale, two lots were sold. The winning bids for these lots were for Block B, Lot 1A, \$106,500 and Block B, Lot 1C, \$ 96,500. Lots 1B and 1D did not receive any bids and were made available for over the counter sales. A public notice went out advertising the sales on Monday September 16th and the City has since received an offer on Lot 1D for \$90,000. The City is still accepting offers on lot 1B for \$100,000. All lot values have been determined by appraisal. This lot has access via Ocean View Drive and is 23,892 square feet.

There are also two lots remaining in the Renninger Subdivision. These two lots are large multifamily residential lots and are available through the over the counter land sale process. Lot 4 is 3.78 acres with a maximum density of 57 units, with a price of \$412,000. Lot 5 is 4.38 acres, predominantly wetlands and has a maximum density of 66 units. The price for Lot 5 is \$382,000.

Ms. Hughes-Skandijs asked about how the City advertises land sales. Mr. Bleidorn replied that there is City code about advertisement. For the sealed competitive bid land sale, Lands advertised with the Juneau Empire, on Facebook and with public notices. These lots did not have a whole lot of advertising given there was only 4 lots. We have not done any recent advertisements for the Renninger lots, but considering a more proactive advertisement approach for these lots. We are beginning to discuss the Pederson Hill advertisement schedule and should have something together within the next few weeks.

Ms. Hale asked if the Renninger lots are expected to be apartment buildings given the number of units. Mr. Bleidorn replied that there are no expectations about what could be built there. The original intent from the City was to have multi-unit buildings or condominiums. Lands has been working with the School District, who purchased Lot 3, and are doing a number of tiny homes. Mr. Bleidorn commented that it would be up to the purchaser's preference on how they choose to develop those lots.

Ms. Gladziszewski asked about tiny homes, if that meant literally tiny homes. Mr. Bleidorn replied that he should rephrase that they are building small houses. Ms. Gladziszewski followed up about obstacles around tiny homes. Mr. Chaney replied that this is an interesting issue in many communities that have minimal house sizes. There are some subdivisions that have private covenants against small houses, but the CBJ does not have any barrier to small homes. The only problem is that when small homes are built they do not comply with the building codes by fitting too much into a small space. However, if one follows the rules they can build one.

VI. STAFF REPORTS

A. Pederson Hill

Mr. Chaney commented about the recent Pederson Hill ribbon cutting event, and that it was a great turnout. He listed a tentative lot sale schedule:

09/16/2019	Monday	Sale Ordinance Approved
10/17/2019	Thursday	Sale Ordinance Effective (30 days)
10/17/2019	Thursday	Begin 45 Day Advertising Period
12/01/2019	Sunday	End 45 Day Advertising Period
12/10/2019	Tuesday	Fair Market Value Land Lottery
12/17/2019	Tuesday	Sealed Competitive Bid Land Sale

Mr. Chaney handed out the fair market appraisal values for the lots, by appraiser Julie Dinneen. The appraisals came in higher than expected, which is a reflection of the market. This phase of the subdivision has the largest lots. The next phase will have smaller lots.

Ms. Hale asked about the comparisons of the Lena and Pederson Hill lots, the square footage and questioned the pricing between the two. Mr. Bleidorn replied with square footage sizes. Mr. Chaney further replied with the difference between the Lena and Pederson Hill lots. The Lena lots are raw land, have not been cleared, do not have sewer,

nor streetlights or other infrastructure that the Pederson Hill subdivision has. Mr. Bleidorn commented that the Lena lots do not have Corp of Engineers fill permits and are predominately wetlands. There are also more slope gradient issues for the Lena lots. Third party appraisers appraised both subdivisions. The Pederson Hill lots have a Corp permit and have already been filled, and are ready to build on.

Chair Becker wanted to confirm that there are 17 lots for sale. Mr. Chaney confirmed.

B. Update on Juneau Compost! Expansion

Mr. Chaney commented that the owner is very motivated about her business and wanted to expand an additional $\frac{1}{4}$ acre for a total combination of $\frac{1}{2}$ acres. This request is within the lease agreement that allows for an expansion up to one total acre without a formal request to the Lands Committee.

C. Recent Film Permits

Mr. Chaney mentioned that film permits are a fun feature in Lands and had a number of recent permits over the summer that included:

1. Holland America Line. They were filming a nature excursion and downtown Juneau
2. BuzzFeed Motion Pictures. Filming an adventure wedding with clips of Juneau and the couple coming back from a glacier on a helicopter
3. Diners, Drive-Ins and Dives
4. Von Brunn Media. Filming a family moving from Switzerland to Juneau, Alaska

D. "Possible land sale" – Surprise parting gift for Mary Becker

Mr. Chaney surprised Chair Becker with a "deed" for CBJ land and a glass jar of soil to honor her time serving as Chair on the Lands Committee and 18 years of public service. All thanked Chair Becker for her leadership on this committee and she will be greatly missed.

VII. COMMITTEE MEMBER / LIASISON COMMENTS AND QUESTIONS

No Liaison reports.

VIII. ADJOURNMENT

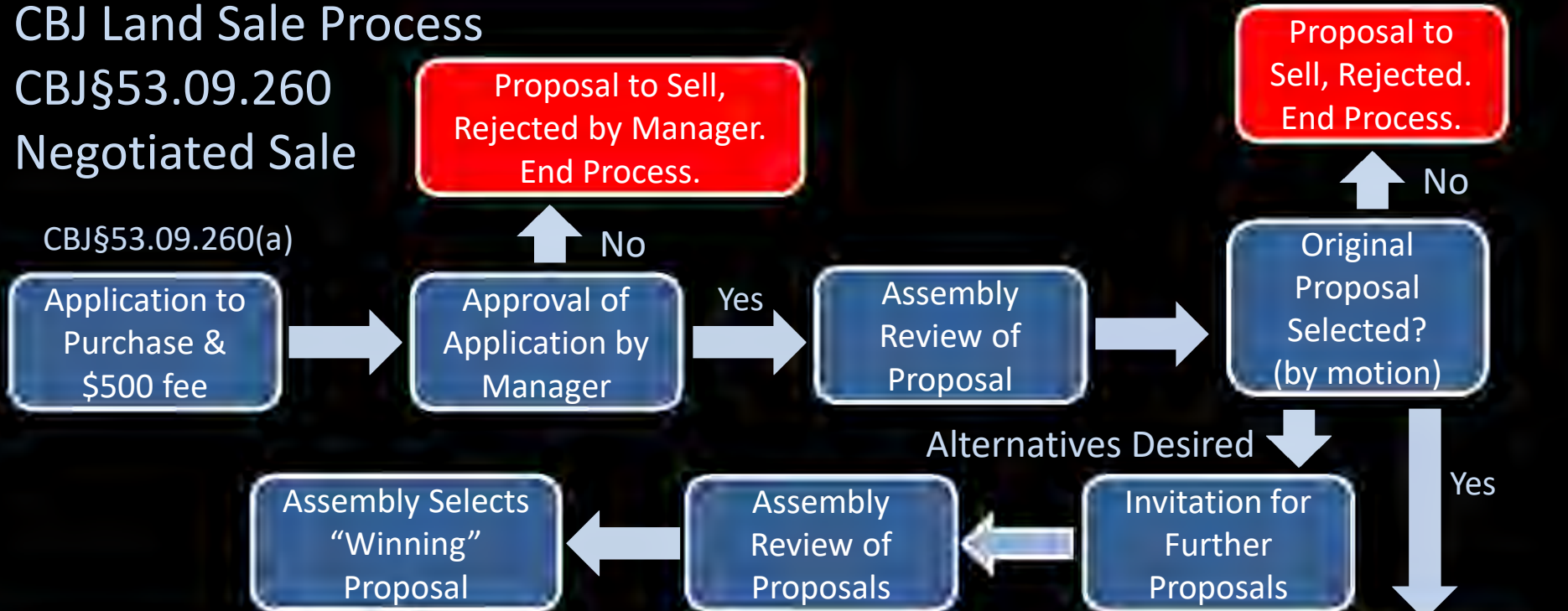
Chair Becker adjourned the meeting at 5:45PM.

CBJ Land Sale Process

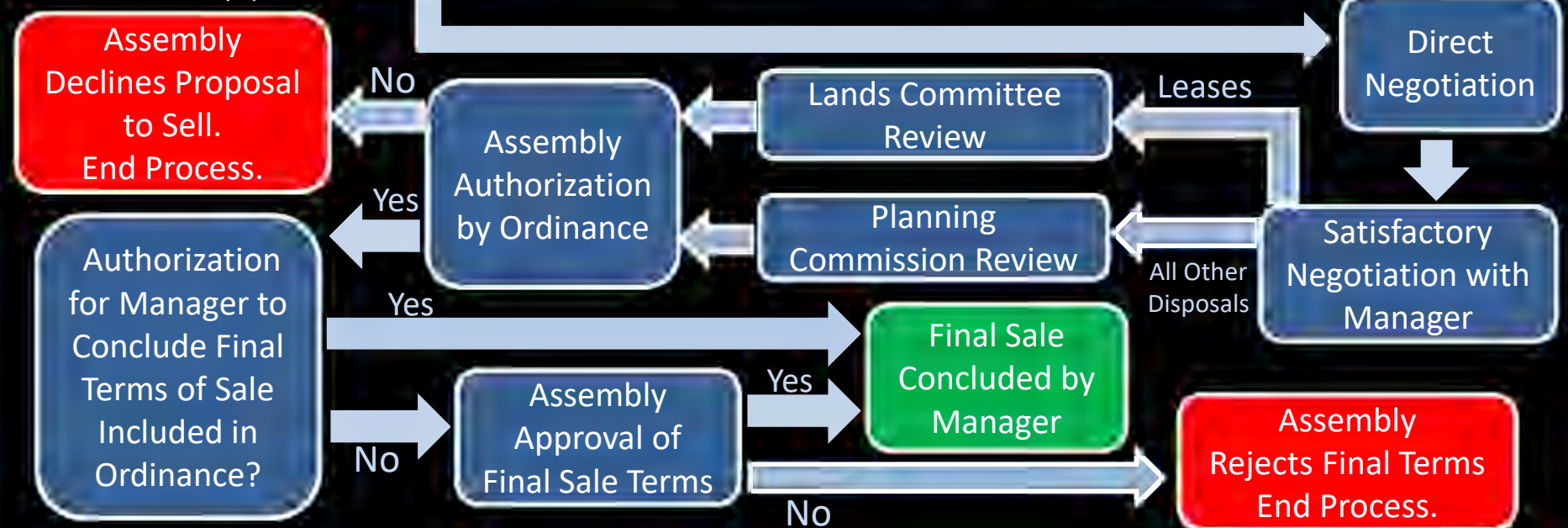
CBJ§53.09.260

Negotiated Sale

CBJ§53.09.260(a)



CBJ§53.09.260(b)





(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: December 5, 2019

TO: Assembly Lands Committee

FROM: Jill Maclean, Director
Community Development Department

CDD FILE NO.: STV2019 0001

PROPOSAL: Street Vacation Permit for a Right-of-Way vacation

RECOMMENDATION

Staff recommends that the Assembly Lands Committee recommend Assembly approval of vacation of 444 square feet of right-of-way (ROW) adjoining Willow Drive.

BACKGROUND

The applicant requests vacation of 444 square feet of ROW per CBJ 49.15.404. This segment of unconstructed ROW adjoins Willow Drive. The existing garage and addition encroach into the unconstructed ROW.

The lot was platted in 1953, Evergreen Heights, Block 3, Lots 8, 9, 10, 10A, 11, and 12. This plat does not show the subject ROW. The plat was amended in 1958. This version is the most recent record of the plat, and shows the ROW, but does not provide explanation of the ROW's purpose. Staff was not able to find additional information providing context or explanation for the ROW dedication, but presumes that this unconstructed portion of the Willow Drive ROW was intended to be a vehicle turnaround.

According to the CBJ Assessor's Office, the single-family dwelling and detached garage were constructed in 1962. There are no building permits on file for either structure. In 1962, the site was zoned R1 and the required yard setbacks were 20 feet from the front, 10 feet from a street side, and 20 feet from the rear. The current street side yard setback requirement is 13 feet, and the rear yard setback requirement is 20 feet. There are no variances or any other documents showing CBJ approval of the existing setbacks.

The ROW encroachment was mistakenly omitted from the staff report for the Alternative Development Permit (ADP), which recommended approval of the project. The Planning Commission at a regular public meeting approved the ADP (ADP2018 0001) for a reduced street

side yard setback and rear yard setback to accommodate workshop space over the existing garage.

Subsequent to the approved ADP, the applicant applied for a building permit, BLD2018 0507, to construct the approved second story (including a balcony) to the existing garage. A temporary certificate of occupancy was issued for this addition. The ROW encroachment was then confirmed by the surveyor hired to produce the as-built, which was required prior to issuance of the final certificate of occupancy. The garage encroaches onto the ROW by approximately 22 square feet. The subject unconstructed ROW is 444 square feet. The unconstructed ROW is completely surrounded by the applicant's property, as shown in the map below. All agencies contacted for review support the ROW vacation and the vacation is in conformance with Title 49 and the CBJ Comprehensive Plan. The Planning Commission approved the ROW vacation on October 29, 2019.





(907) 586-0757
Jill.Maclean@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

Date: December 5, 2019

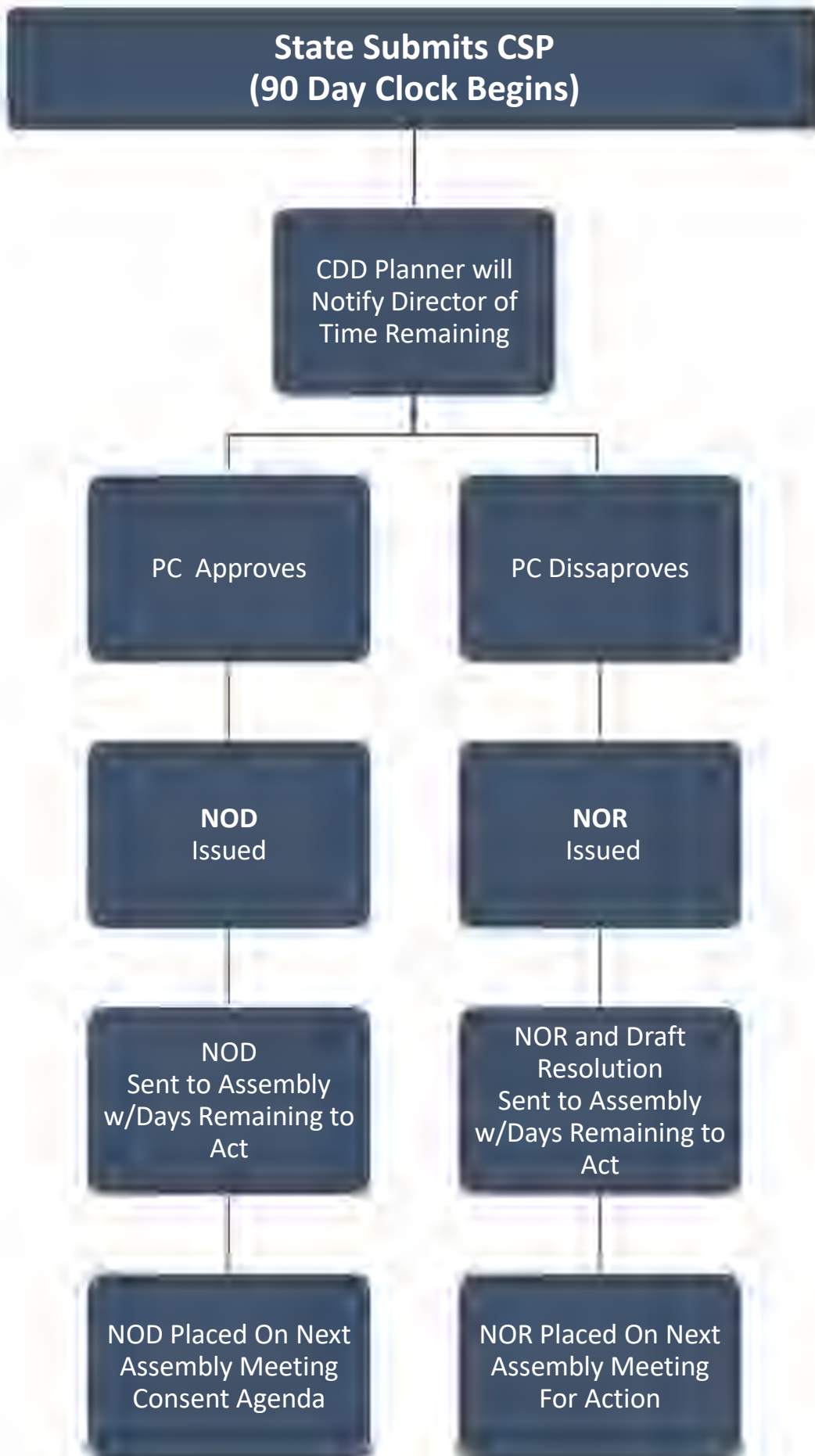
To: Lands Committee, Rob Edwardson, Chair

From: Jill Maclean, AICP, Director *Jill Maclean*

RE: **Planning Commission Notices of Decision and Recommendation Process**

This memo is to serve as clarification on the process for Notices of Decision (NOD) and Notices of Recommendation (NOR) on City and State Project (CSP) reviews, specifically the State CSPs. The flowchart lays out the new internal process for State CSPs to ensure that the Assembly has time to address projects, should they choose to. Also included are the pertinent sections of the CBJ Land Use Code and the Alaska State Statute. Please be aware that regardless of a NOD or NOR issued by the Planning Commission, the timeframe is 90 days from the date of submittal of the application for the City to act.

Please note that all City CSPs are NORs regardless of the Planning Commission action in the positive or negative, and have a different process, which may be found on page 3 of this memo.



CBJ Land Use Code (Title 49)

49.15.580 - State and City and Borough project review.

(a) CBJ project review: The commission shall review all proposed City and Borough capital improvement projects estimated to cost \$500,000 or more for consistency with this title. The commission may review, at the director's discretion, all proposed City and Borough capital projects estimated to cost more than \$250,000 but less than \$500,000. The commission may recommend conditions on and modifications to any project reviewed by the commission through a notice of recommendation. The notice of recommendation shall be forwarded to the assembly for further action.

(b) State project review: The commission shall review proposed Alaska State capital improvement projects for consistency with this title pursuant to AS 35.30.010 (emphasis added) and may impose conditions on and modifications to such projects. If the commission approves or approves with conditions or modifications, a notice of decision shall be issued. A notice of decision becomes final 90 days from the date the project was submitted unless modified or disapproved by the assembly. If the commission disapproves, a notice of recommendation and draft resolution shall be forwarded to the assembly for further action.

Alaska Statutes Title 35 Public Buildings, Works, and Improvements

AS 35.30.010 Review and approval by local planning authorities.

(a) Except as provided in (b) of this section, before commencing construction of a public project,

(1) if the project is located in a municipality, the department shall submit the plans for the project to the planning commission of the municipality for review and approval;

(2) if the project is located within two miles of a village, the department shall submit the plans to the village council for review and comment;

(3) if the project is located within one-half mile of the boundary of an area represented by a community council established by municipal charter or ordinance, the department shall submit the plans to the community council for review and comment.

(b) Prior approval by a municipal planning commission may not be required before the commencement of construction of a highway or local service road if

(1) the department and the municipality have entered into agreement for the planning of the project under AS 19.20.060 or 19.20.070 and the plans for the project are completed in accordance with the terms of that agreement;

(2) the municipality has adopted a municipal master highway plan under AS 19.20.080 and the highway or local service road is consistent with the plan adopted; or

(3) the department has entered into agreement with the municipality for the planning of transportation corridors under AS 19.20.015 and the plans for the project are completed in accordance with the provisions of that agreement.

(c) If final disapproval by resolution of the governing body of the affected municipality or village is not received within 90 days from the date the project was submitted to the municipality or village, the department may proceed with the project.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Assembly Lands Committee

FROM: Dan Bleidorn, Deputy Lands & Resources Manager

SUBJECT: Mendenhall Valley Air Quality Program Staff Report

DATE: December 4, 2019

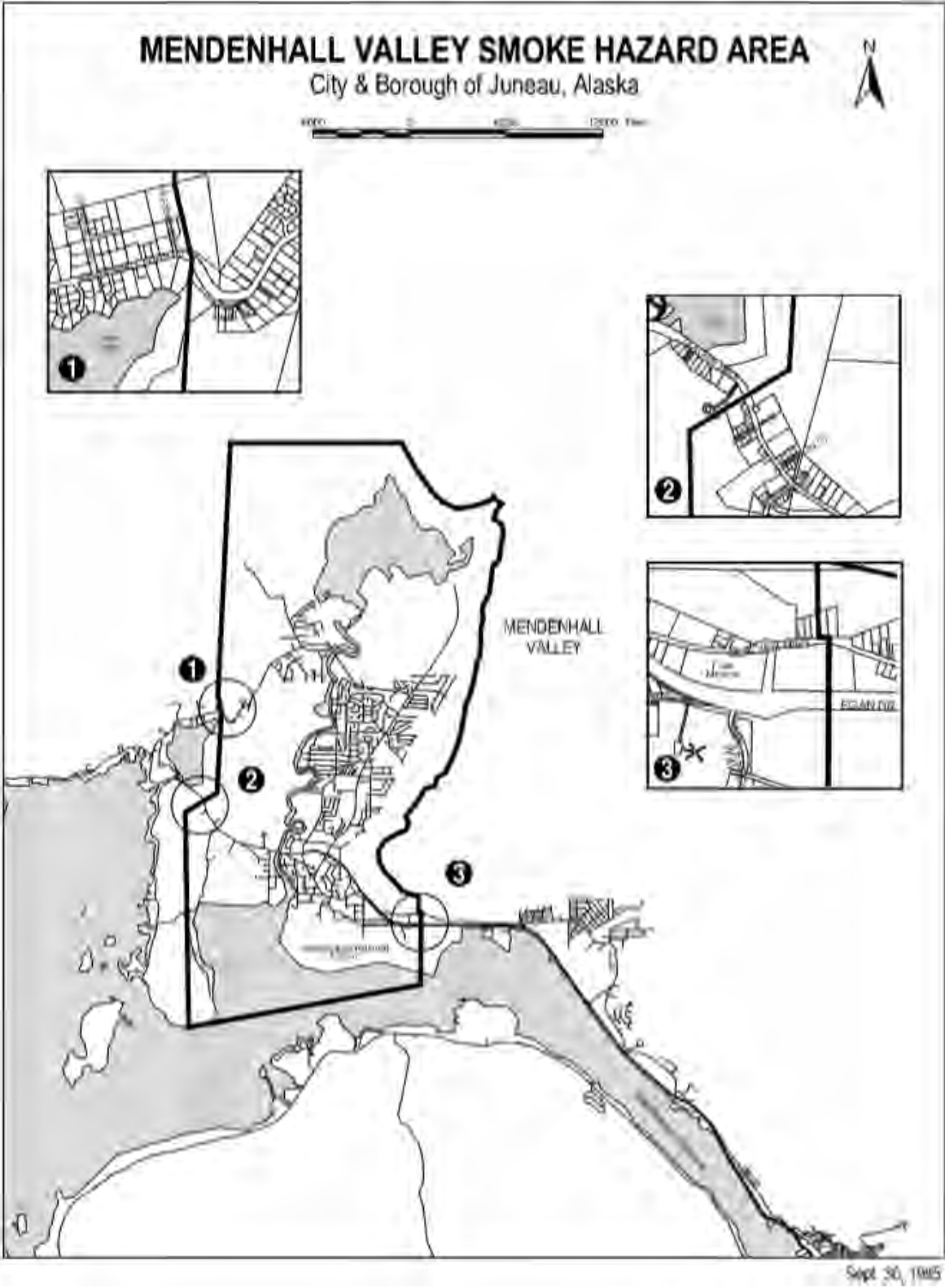
Beginning every October 1st and lasting until April 30th, Lands staff monitors the Mendenhall Valley's air quality for concentrations of particulate matter. The data being utilized for this program is provided to the City from the State of Alaska Division of Air Quality via an air quality monitoring station located on the roof of Floyd Dryden Middle School.

The assembly provided the City Manager with the authority to call and cancel air pollution emergencies through the adoption of Ordinance 2008-28. The Mendenhall Valley Air Quality Monitoring Program is the result of the implementation of the Federal Clean Air Act. Monitoring is necessary due to the region's susceptibility to air inversions, which trap the fine particulate matter generated by wood-burning stoves. It is this particulate matter that can significantly affect the health of children, the elderly, and people with respiratory conditions.

When particulate matter reaches or is predicted to reach an unhealthy level, the City Manager will declare an air emergency, which prevents all wood stoves in the Valley from being used. Lands staff monitor the concentration of particulate matter seven days a week and air emergencies can be called on nights and weekends.

When an air emergency is called staff inform the public through 12 large yellow signs that are flipped open and are located throughout the streets of the Valley. The woodsmoke hotline 907-586-5333 is updated with a message that states there is an air emergency in effect, the Lands website will be updated with a red banner stating an air emergency is in effect, radio stations will play a Public Service Announcement, and people who have signed up for an automated text message will receive a text notification. All of these steps are repeated when an air emergency is canceled. The area covered by the Valley's Woodsmoke Hazard Area extends from the Airport north to the Mendenhall Glacier, west to Montana Creek, south along the east shore of Auke Lake and includes the east half of the Mendenhall Peninsula (see attached map).





STAFF REPORT

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Lands_Office@juneau.org
(907) 586-5252

TO: Assembly Lands Committee

FROM: Lands Office, Roxie Duckworth

SUBJECT: CBJ Christmas Tree & Firewood Policy

DATE: December 5, 2019

Christmas Tree Policy

The City of Juneau allows a household to remove one live evergreen tree per year from municipal land, designated by the CBJ Wood Cutting Area Map between December 1st and December 25th. Trees must be cut at ground level and any discarded branches must be scattered. Trees may not be harvested from municipal land used for parks, recreation sites, scenic corridors, schools, residential subdivisions, or public facilities or from any muskeg areas or regions outside of the CBJ Wood Cutting Area Map.

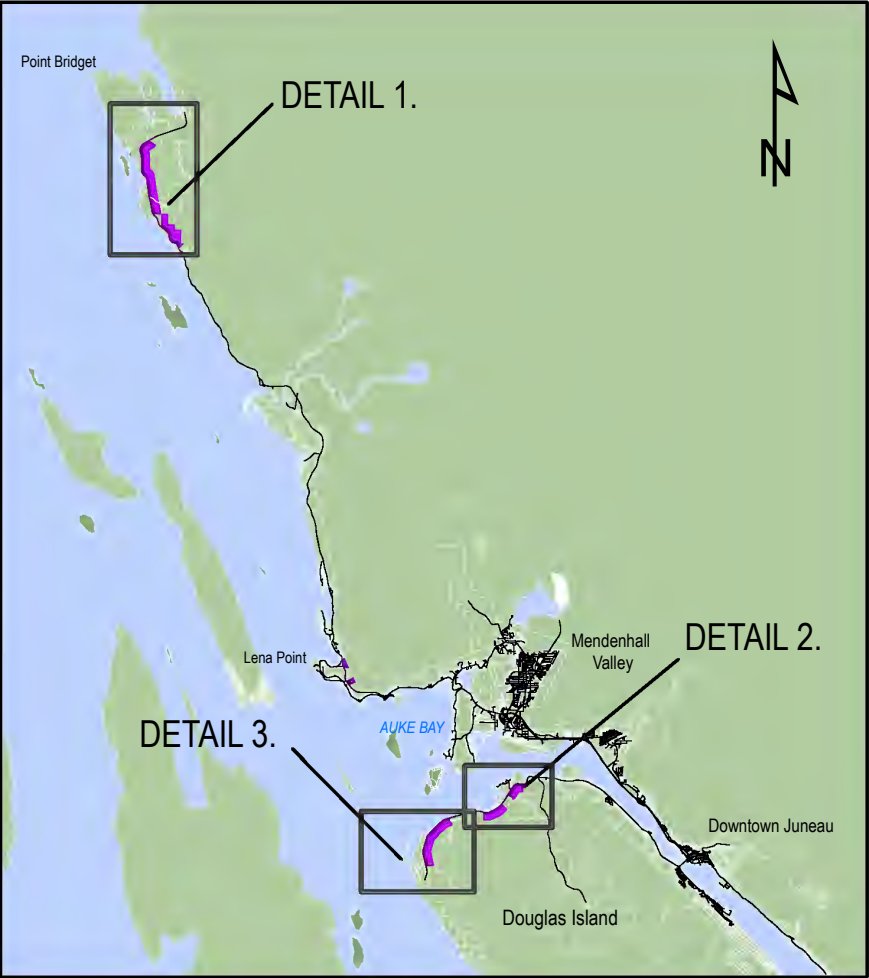
No permit is needed to harvest Christmas trees for personal use.

Firewood Policy

For those interested in harvesting trees for firewood this winter, you may do so in the areas designated on the CBJ Wood Cutting Area Map. Trees that are allowed to be harvested for personal use include dead and/or down trees without a permit. As indicated in the Christmas Tree policy above, trees may not be harvested from municipal land used for parks, recreation sites, scenic corridors, schools, residential subdivisions, or public facilities or from any muskeg areas or regions outside of the CBJ Wood Cutting Area Map.

If you are interested in harvesting downed logs or stacked trees along the new Douglas Pioneer Road, you may do so with a permit from the Lands Office.





WOOD CUTTING AREA MAP

● Mile Marker

▨ Wood Cutting Area

This map is not a survey quality representation. It is intended for general reference only. The CBJ assumes no responsibility for errors, omissions, or positional accuracy of features on this map.

