

**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
December 9, 2019, 5:00 P.M.
City Hall, Assembly Chambers**

I. ROLL CALL

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

Members Present: Chair Rob Edwardson, Alicia Hughes-Skandijs, Carole Triem, Greg Smith

Members Absent: none

Liaisons Present: Chris Mertl, Parks and Recreation; Chris Dimond, Docks and Harbors

Liaisons Absent: Paul Voelckers, Planning Commission;

Other Assembly Members Present: Loren Jones, Michelle Hale, Beth Weldon, Mayor

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

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Roxie Duckworth, Lands & Resources Specialist; Jill Maclean, CDD Director; Amy Liu, CDD Planner; Rorie Watt, City Manager; Irene Gallion, CDD Sr. Planner

II. APPROVAL OF AGENDA

The agenda was approved as presented.

III. APPROVAL OF MINUTES

The September 23, 2019 Draft Minutes were approved.

IV. PUBLIC PARTICIPATION

No public participation at this time, but the Committee allowed for public comment after items for motion any participation came forth.

V. AGENDA TOPICS

A. Welcome to Lands

Mr. Chaney introduced the Committee to what the Lands Division does and Lands' duties and responsibilities. Lands is usually the first point of contact when people come to the City with ideas and are interested in buying or leasing City property. Because of these type of requests, Lands has established a fairly thorough and rigorous public review process. This process is to ensure the best interests of all parties as City property is a finite resource and it is very difficult to get back land that has been disposed of. The process was described: An applicant applies and pays \$500 fee then numerous Departments that may hold interest in that property review it. Depending on that

outcome, the application could be rejected or advanced for further review. This includes staff review then to a committee, such as Lands Committee or the Planning Commission, then to the Assembly for final decision.

Ms. Triem asked for clarity on where a proposal would show up in an Assembly agenda. Mr. Chaney replied that prior to reaching the Assembly, in most cases a proposal would first go through the Lands Committee, although this is not code. Mr. Bleidorn replied that the Assembly review proposal would be new business under the full Assembly.

Mr. Chaney continued with the process to describe that a decision to work with the original applicant would be made by the Assembly by motion and not by an ordinance. This would only be the first decision by the Assembly, the proposal would still need an extensive review to be approved.

Mr. Smith asked about people who are rejected by the Manager, how they could go to the Assembly. Mr. Chaney replied that people can still go to the Assembly with non-agenda items or ask to be taken to the Assembly and Lands would comply with a negative recommendation. Mr. Bleidorn commented that Lands would submit a memo with a negative recommendation.

Chair Edwardson commented that he appreciates the flow chart that highlighted the land sale and lease process.

Mr. Chaney then welcomed the Committee to the Lands Division, as part of the Admin Department and touched on other areas that the Lands Division covers. It is the policy of the City and Borough to manage its real property as a municipal resource and to use, retain and dispose of both improved and unimproved land to realize the maximum benefit of the municipality and its residents, including:

- Encouraging beneficial private economic activity; and
- Facilitating the provision of public services; and
- Guiding a rational growth pattern; and
- Preserving land for public and private use for present and future generations of City and Borough residents; and
- Meeting the need of City and Borough residents for private ownership; and
- Stabilizing land values without making land available for purposes of speculation.

The Lands policy is implemented largely through the Land Management Plan. The current plan was adopted on April 6, 2016 and serves as a guiding tool. You can find the current copy on our website. Some useful features include the Lands Atlas and the Lands Property Table. The atlas shows where CBJ properties are located and the table provides detailed information about each lot, such as the parcel number, size and description, what department manages the lot, and if should it be retained or disposed. The plan also contains recommendations for future actions and an implementation strategy that lays out the goals for Lands for the next 2 years.

The Land Division is a quasi-enterprise program funded by the Lands Fund, which is a special revenue fund within the City. The Lands runs its programs through the Lands Fund and continues to invest back into the Lands Fund. This fund is defined in CBJ§53.09.600 *Municipal Land Fund Revenues*:

- (a) The revenue from all disposals of land, interests in land, or resources under this chapter shall be credited to the account of the municipal land fund, except (other enterprise funds where appropriate)
- (b) Unless specifically appropriated from a different source or account, all expenses for or associated with the acquisition, subdivision, development or disposal of City and Borough lands, interests in land or resources shall be expenses of the municipal land fund; except (other enterprise funds where appropriate)

The City's Parcel Viewer is an incredible tool available to the City and the public that is used every day in Lands. Parcel Viewer has quite a bit of information, with much of that having been compiled from the Assessors on property throughout the City. Parcel Viewer also displays City property by the managed Department.

One of the tasks that Lands is responsible for is developing land for housing, which has been a goal from the Assembly for a number of years. The South Lena Subdivision has been one of our last big projects that is close to being completed, with only one lot available. Lands has worked with the Educational Homebuilding Program with land sold at less than market value for two of the lots in the Lena Subdivision. Lands has also been working on the Renninger Subdivision, which has been multi-family development, with two lots still available. Again, we worked with the Educational Homebuilding Program and Alaska Housing Development Corporation for lots in the Renninger Subdivision.

We are currently working on the Pederson Hill Subdivision, having just completed Stage 1 with Stage 2 and 3 planned if the first stage is successful. Lands also has areas around the community that have been identified for long range development, such as the Switzer Area 3, Bonnie Brea Expansion, Second and Franklin Street, over 25 acres of isolated property in the Auke Bay area, 6th Street Douglas, and Norway Point. Very few of the City's properties have access, which is a development issue. There are also large tracts of properties that have long-term potential with possible re-zones for future development.

Lands monitors the air quality in the Mendenhall Valley. Lands processes many communication tower leases in Juneau. Lands also manages properties for community benefit, such as the Mayflower Building and Juneau Arts and Culture Center, which are leases at less than fair market value to support their programs. Lands also leases land for parking, such as to the State of Alaska for employees. Lands was involved in the construction of the Pioneer Road on West Douglas. There is a potential for future extensions to the Road, but an agreement with Goldbelt or the Forest Service would be needed to continue through their land. This would be difficult for Forest Service property

to be used because the road alignment would be through the Tongass Roadless Area as defined by the U.S. Government.

Due to time constraints, Chair Robertson asked Mr. Chaney to summarize.

Mr. Chaney briefly noted several additional tasks handled by the Lands Division. Lands monitors the water quality through the A.J. Mine, processes leases for office space for the City, and participates in the annual Builder's Forum. Lands manages pits and quarries with cooperation with the Engineering Department. Lands manages hazardous trees in collaboration with the Parks Department. Lands also has a Christmas tree and firewood cutting policy, film permits, and participated in the Borough Boundary Expansion. Lands fields questions from the public, and periodically assists the Chief Housing Officer.

Ms. Hughes-Skandijs asked what the Mayflower building was. Mr. Chaney replied that it is the building that houses the Montessori School daycare program.

B. 2019-47 Willow Drive Vacation

Ms. Maclean, the Director of Community Development, introduced the topic of a ROW that is being requested to be vacated. Ms. Maclean explained that the City sometimes receives requests to vacate a ROW that is not used. These street vacation requests are usually not for streets that have been built but are for ROWs that are designated on a plat but are not constructed in reality. This vacation request is at 1706 Willow Drive in the Highlands area, near the end of the street.

The applicant has requested to vacate 444 square feet of ROW per CBJ§49.15.404. This segment of unconstructed ROW adjoins Willow Drive. The original 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 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.

Mr. Mertl asked when the City vacates the ROW does it go into negotiations to purchase the property? Ms. Maclean replied that in this instance it would not because it was acquired through a subdivision process years ago and that it was platted through the City, in which the City did not pay for it. Because of this, we cannot charge the property owners for it. Typically, for vacation properties, it involves at least two property owners and in this case, it was missed, and it is completely contained in one property without competing interests.

Mr. Smith commented that he is acquainted with the property owners. The Lands Committee determined that since Mr. Smith did not have a financial interest in the property, he did not have a conflict of interest and could participate in voting on the issue.

Ms. Hughes-Skandijs recommended approval of the motion that the Assembly Lands Committee recommend Assembly approval of vacation of 444 square feet of right-of-way (ROW) adjoining Willow Drive. Motion passed.

C. Planning Commission Decisions and Recommendations Process

Ms. Maclean discussed the Planning Commission's Notices of Decision and Notices of Recommendation processes and to clarified those processes concerning City and State Project (CSP) reviews. City projects go to the Planning Commission for review and recommendation to the Assembly for approval or disapproval. State projects are a little bit different because they have a 90-day clock that begins when an application from the State is submitted to CDD. The 90-day deadline is from State law and is referenced in Title 49, but the City has no control over that timeline. As soon as CDD receives an application, it is reviewed and sent to the Planning Commission. If the Planning Commission recommends approval or approval with conditions, they issue a Notice of Decision, which can be final. The Assembly also has a right to hear that same case within that 90-day period and alter or overturn the Commission's decision. If the Planning Commission does not recommend for

approval, then they have to issue a Notice of Recommendation to the Assembly, who still has to act within that same 90-day period. The Assembly has the ability to either approve or disapprove the project. CDD added an additional component to the process, which is not required by code, to have the Planners notify the CDD Director immediately upon receiving a State CSP. This can ensure that the Manager's Office and Law Department are notified of the application to make sure the 90-day rule is being met and both the Planning Commission and the Assembly can take an action on the issue. If the Planning Commission or the Assembly do not take action within the 90-days, the project is considered approved, regardless of inaction.

Mr. Smith asked for clarity on the process, if this is the new process. Ms. Maclean replied that this is not a new process but one that is in place today through code per State law. The only new step is that the Planners need to notify the Director that the project has been received and the 90-day clock has begun.

Chair Edwardson asked if this is just a notification item for the Lands Committee and that there is no motion sought. Ms. Maclean replied that was correct.

Mr. Watt commented that for clarity on this issue, the process is to send requests for comment to the Assembly. The new business practice is to put it on the consent agenda to ensure that the Assembly is notified of the item. In the past, these items have been processed inconsistently and the hope is to rectify this.

VI. STAFF REPORTS

A. Air Quality Monitoring Program

Mr. Bleidorn introduced himself to the Lands Committee and discussed the Mendenhall Valley Air Quality Program, which has been in place since the 1980s. 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. This particulate matter 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, Lands staff inform the public through 12 large yellow signs that are located throughout the streets of the Valley are opened. The wood smoke 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, people who have signed up for an automated text message will receive a text notification, and social media will provide a PSA. 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.

Mr. Dimond asked about what percentage of homes in the Valley are woodstoves vs. pellet stoves. Mr. Bleidorn replied that is familiar with a study that was conducted in the early 2000s, but it has not been tracked in a while. Mr. Bleidorn noted that last year there was not an Air Emergency called but there was a Burn Ban called this past summer when forest fires in the north contributed to poor air quality in Juneau, worse than many winter air quality issues. Over time, as people replace older woodstoves with newer models, they are burning more efficiently, which helps with the air quality in the valley. Mr. Dimond asked if there is a program to help homeowners convert traditional wood stoves to pellet ones. Mr. Bleidorn replied that there was a program at one time with Fairbanks receiving a majority of those funds as they have extensive air quality issues, but there is no program in Alaska now.

Mr. Mertl asked about enforcement. Mr. Bleidorn replied that Lands works with Community Service Officers who can issue warning and tickets. Mr. Bleidorn emphasized our goal was more to educate the citizens instead of handing out tickets.

B. CBJ Christmas Tree & Firewood Policy

Mr. Bleidorn discussed the CBJ Christmas tree and firewood policies. The City of Juneau allows a household to remove one live evergreen Christmas 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.

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 trees or stacked logs along the new Douglas Pioneer Road, you may do so with a permit from the Lands Office.

Mr. Chaney further discussed the Christmas trees, in that those can be live trees but the firewood policy explains that trees harvested for firewood must be dead and/or down trees. Designated harvest areas are shown on maps, which are available on our website.

C. Pederson Hill Land Sale Update

Mr. Chaney provided an updated about the Pederson Hill fixed price lottery scheduled for Tuesday, December 10, 2019, with 6 lots available. There are 14 registered participants, 11 individuals and 3 corporations.

D. Chair Edwardson comment

Chair Edwardson thanked the Lands staff for their explanation of their duties and sharing with the Committee a list of projects that the Lands staff had been recently tasked with, which included:

The Juneau Youth Services/Cornerstone Property, municipal property at Norway Point request for disposal, Rainforest Telecomm lease, Vertical Bridge communications tower lease, Johnson house foreclosure, land trades, Douglas cemeteries, land management, lands biannual report, Bernstein property request, Deckhand Dave's lease, Lendrum's request to purchase adjacent property, Juneau Compost! lease, ADOT easement requests at Twin Lakes, material resources review, among others.

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

No Liaison reports provided.

VIII. ADJOURNMENT

Chair Edwardson adjourned the meeting at 5:48PM.