

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

June 10, 2019, 5:00 PM.

Assembly Chambers - Municipal Building

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. May 20, 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. Ordinance 2019-19 re Planning Commission Review of CBJ Land Sales
- B. Ordinances 2019-25 and 2019-26 re Thunder Mountain Mobile Home Park
- C. Recommendation for CBJ to Bid on Subport Lot C1
- D. Alaska Department of Transportation and Public Facilities: Glacier Highway Lemon Creek Easement Request

VI. STAFF REPORTS

- A. John and Ginger Bean request to purchase City Park Land Update

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

VIII. 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**

May 20, 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 Gladyszewski, Michelle Hale, Alicia Hughes-Skandijs

Members Absent: None

Liaisons Present: Paul Voelckers, Planning Commission; Weston Eiler, Docks and Harbors

Liaisons Absent: Chris Mertl, Parks and Recreation

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

Some Members of the Public Present: Charles Murphy, KINY Radio Reporter, Ben Hohenstatt, Juneau Empire Reporter

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Roxie Duckworth, Lands & Resources Specialist; Scott Ciambor, Housing Manager

II. APPROVAL OF AGENDA

Mr. Chaney updated an item in the Staff Reports; Item C to correct the title to “Public Safety Demolition Update”, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. April 29, 2019 Draft Minutes

Chair Becker submitted minor comments for changes and the April 29, 2019 minutes were approved as amended.

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda items.

V. AGENDA TOPICS

A. John and Ginger Bean request to purchase CBJ property

Mr. Chaney introduced the Beans’ request to purchase City property at the corner of Arctic Circle and Slim Williams Way, in the Skater’s Cabin area. The City property is 4,518 square feet and dedicated a public park by Plat 83-221. The Land Management Plan (LMP) designated this area as a parcel to *Retain* and managed by the Parks and Recreation Department. There is a lengthy process to apply to purchase this property, with this application as the first step. The applicant is interested in this lot to meet minimum lot size requirements in order to subdivide their lot into two. Prior to a disposal decision, the Parks and Recreation Advisory Committee will review this to provide a recommendation. The

Planning Commission would need to remove this property from parks status, as this was a requirement of a major subdivision plat approval. This was not set aside as green space but as a Public Park. The City did not develop this lot as a playground park and it just became a green space, providing a vegetative buffer for the area. This lot could potentially become a playground in the future, as that was the original desire. There is a possibility that this would qualify as a bungalow lot and the City might be able to sell this lot for a small house. If this lot could be sold separately from the adjacent property, it would give the Assembly another option to think about for the applicant's request.

The Lands Division is requesting that the Lands Committee pass a motion to forward this request to the Parks and Recreation Advisory Committee and Community Development in order to determine if this property should remain under CBJ Parks management. In addition to this motion, per discussion with Chair Becker, to have this matter sent back to the Lands Committee after the Parks and Recreation Advisory Committee and Community Development have reviewed it.

Ms. Gladziszewski inquired about the plat in 1983, being that Parks and Recreation did not know they had this, was this on any of their lists about parks. Mr. Chaney replied that it was not until Lands was doing a Land Management Plan update that all of the plats were reviewed and noticed that there were areas set aside for parks purposes and informed Parks and Recreation. Ms. Gladziszewski commented that she would not object to this moving forward as she was curious as to the Planning Commission's review.

Mr. Voelckers asked about what the Planning Commission's intent was during the 1983 conversation about the plat. Mr. Chaney replied that he did not research that far into this issue. Ms. Hughes-Skandijs commented about the description in the presentation, that this is a green space gone wild but the neighborhood also includes stumps and gravel space (to the north of the subdivision). Mr. Chaney clarified that this gravel pit was in the region with a stump dump in a previous used gravel pit that has been filled with debris and stumps, an area across the road from this lot.

Ms. Hale asked Mr. Chaney about the bungalow lot, if this would be determined at some point in the process and when. Mr. Chaney said that Community Development would need to look at this first. Ms. Hale asked if the applicant wants to purchase this to subdivide his lot into two, and wanted clarity about how this would work. Mr. Chaney said he has not evaluated the subdivision proposal and that the applicant is a professional surveyor.

Mr. Eiler asked about the larger triangle lot on the other end of the street, and if they are parks sprinkled throughout the subdivision. Mr. Chaney replied that the long narrow strips of land on the plat are designated open space, or greenbelts, and that there are other small park lots, this lot is not the only park lot designated in this area.

Ms. Gladyszewski made a motion to forward to this request to the Parks and Recreation Advisory Committee, Community Development and the Planning Commission in order to determine if this property should remain under CBJ Parks management and then to be send this issue back to the Lands Committee. Motion passed.

B. Lena Land Sale

Mr. Bleidorn introduced the 2019 Spring Land Sale. Mr. Bleidorn commented that multiple departments within the City work together to bring about a land sale, including Purchasing, Finance, and the Housing Coordinator. Ordinance 2019-17 was adopted on April 22, 2019 by the Assembly and goes into effect on May 22, 2019 authorizing the sale of four lots in the South Lena Subdivision. These lots were set aside due to an eagle's nest in the area that has been been vacated and the four lots are now available for purchase.

CBJ§53.09.200 (j) establishes the minimum advertising requirements for land sales which provides the framework for our land sale schedule.

“Not less than 45 days before the date of a land lottery, auction, sealed bid opening, or the commencement date of an over-the-counter sale, the manager shall place an advertisement providing notice and a description of the sale in a newspaper of general circulation in the municipality, which shall run one day per week for at least four consecutive weeks.”

Based on the effective date of the ordinance and the CBJ§ 53.09 section of the Land Code, the land sale schedule is as follows:

May 22, 2019 - Ordinance 2019-17 goes into effect

May 22, 2019 - First advertisement will be published in the Juneau Empire

July 11, 2019 - Last day to submit bids to CBJ Purchasing Office

July 12, 2019 - Bid Opening and determination of apparent high bidder

July 23, 2019 - Declaration of Intent and purchase agreement due, from the high bidder

August 23, 2019 - Property closing and recording deadline

Mr. Bleidorn mentioned there are two remaining Renninger subdivision lots currently for sale over-the-counter.

Chair Becker inquired about the process to apply for the individual Corps permit. Mr. Bleidorn responded that the process is straightforward and takes about a month or two to complete. Ms. Hughes-Skandijs asked if the City has disposed of any other wetlands. Mr. Bleidorn affirmed that Lands had previously sold wetlands in the past, and have previously applied for, and received a Corps permit for wetland lots. If someone wanted to do something different for fill, they would need to go to the Corps of Engineers to amend their application. For the two lots that are for sale at Renninger, the City does have Corps of Engineers wetland fill permits for those lots. Mr. Bleidorn noted that the appraisal price for the Lena lots reflects that they do not have wetland fill permits.

VI. STAFF REPORTS

A. Veteran's for Peace, Peace Sign Update

Mr. Chaney wanted to update the Lands Committee about the recent developments regarding the Peace Sign above Home Depot. Lands had been working with Veteran's for Peace in regards to insurance requirements to begin their work. Veteran's for Peace had called Lands about a recent site visit and alders had been cut down in the area. Through secondhand information it was mentioned that Garrith McLean, who had originally laid out the design had decided to do "freelance" alder cutting, which has nothing to do with Veteran's for Peace, and they wanted to make it clear what had happened was not their intent or plan. They were worried that they would be held responsible for the recent cutting, they are going to stand down for the time being, and not do anything but are interested in working in the future.

Ms. Gladziszewski asked about the flagging and the condition of the ground, that someone had flagged a peace sign, cut alders and had put in logs to spell "JUNEAU," if that was what they had cut down. Mr. Chaney responded that the current condition was without permission from the City and wanted to make clear that this is secondhand information as to who may have cut the trees down. Ms. Gladziszewski replied that meant that someone went on City land to cut trees down unauthorized and wanted to know the course of action when someone does this. Mr. Chaney replied that we had not taken enforcement action but could look into it if it were the interest in the committee. Chair Becker commented that someone put up the peace sign originally without permission. Ms. Hale asked Ms. Gladziszewski if someone built a "JUNEAU" out of logs. Ms. Gladziszewski replied that it appeared to her that someone used logs to spell "JUNEAU" under the peace sign.

B. Franklin Foods LLC Update

Mr. Chaney provided updated about the former Gunakadeit Park. It has been under renovation through Dave McCasland's Franklin Foods permit and he has leased the upland neighboring private lot for his business. During the preparation of this site, the fire hydrant next to the lot was discovered to be inoperable. The contractor that had installed it had to dig up the road and repair the broken waterline. The water was turned off to this fire hydrant but has been fixed and delayed Mr. McCasland's progress. The food court is still in

its developing stages but progress has been going well and his business appears to be successful.

Ms. Gladyszewski had a question to be directed to the fire department, if they check fire hydrants on a regular basis. Mr. Chaney replied that he was unaware of their process.

C. Public Safety Building/450 Whittier Street (previous Warming Shelter) Demolition Update

Mr. Bleidorn provided an update on the demolition at 450 Whittier Street, the previous location of the warming shelter this past winter. Additional asbestos was discovered that was not known before and this removal is causing a delay and extra costs in the timeline. The costs were still within the contingency fund.

Mr. Voelckers inquired about an active process to pave the surface. Mr. Bleidorn commented that was in the contract after the demolition was complete.

D. Filming Activity in Juneau

Mr. Chaney informed the committee on recent film permit applications. Lands has been working on quite a few filming permits for organizations that want to film on City property. NFL Films has recently requested to film in Juneau for the Alumni football game on May 24, 2019 at Adair Kennedy field and the High School. Lands, Parks and Recreation, and the Juneau School District have been working cooperatively to put together the permits and acquire all of the requested insurance documents. Recently Lands End had done a photo shoot in Juneau, which highlights that Juneau is a destination for clothing advertising as well. Juneau is also a popular spot for reality TV shows. Film crews also request to film on federal, state or private land, and we are happy to direct them to the appropriate contacts.

VII. COMMITTEE MEMBER / LIASION COMMENTS AND QUESTIONS

Mr. Voelckers commented that he was unable to attend the last Planning Commission meeting and had no update to provide.

Mr. Eiler commented that Docks and Harbors is entering into its busy season. Several new vessels are scheduled for Juneau, such as Cunard's Queen Elizabeth. Ribbon cutting for the new and updated ADA compliance Visitor Information Kiosk had recently taken place. Docks and Harbors have been working through neighborhood issues at Amalga Harbor. The Alaska Association of Harbor Masters will be holding their annual conference in Juneau between September 30 and October 4, 2019. The Docks and Harbors Board will hold their Operations and Planning meeting on May 21, 2019 to discuss the cruise ship master plan for small cruise ships and the lack of space for these ships. Small cruise ships are a growing niche in the industry.

VIII. ADJOURNMENT

Chair Becker adjourned the meeting at 5:30PM.



DATE: June 5, 2019
 TO: Mary Becker, Chair of Assembly Lands Committee
 FROM: Robert Palmer, Municipal Attorney
 SUBJECT: Ordinance 2019-19 re Planning Commission Review of CBJ Land Sales

This ordinance would amend sections of CBJ code to clarify when the Planning Commission reviews a land transaction between the CBJ and another party.

On March 4, 2019, the Assembly authorized Assemblymember Jones to work with staff to identify potential regulatory amendments to make conveying CBJ property more practical and less confusing.

An initial ordinance (v.1) was drafted and presented to the Docks & Harbors Board and the Planning Commission. On March 28, 2019, the Docks & Harbors Board reviewed the draft ordinance (v.1) and recommended approval of the policy changes. On April 23, 2019, the Planning Commission also considered the draft ordinance (v.1) and made suggested amendments. Assemblymember Jones and I revised the draft ordinance (v.2), which was presented to the Planning Commission on May 14, 2019. The Planning Commission members appreciated the revisions in version 2. The draft ordinance (v.2) and the associated memos are attached. Notably, the table on page two of the May 3, 2019, memo describes the substantive differences between the draft ordinances (v.1 and v.2) and current code.

Requested Action:

Recommend Ordinance 2019-19 be introduced and adopted by the Assembly. The Lands Committee is free to make any amendments to version 2 of the draft ordinance.



MEMORANDUM

DATE: May 3, 2019
 TO: Planning Commission
 FROM: Robert Palmer, Municipal Attorney
 SUBJECT: Updated Ordinance re Planning Commission Review of CBJ Land Conveyances

The Assembly authorized Assemblymember Jones to work on code amendments related to Planning Commission review of CBJ land conveyances. Upon presentation to the Planning Commission on April 23, 2019, I understand the Planning Commission had two questions:

1. What is the origin of the Planning Commission reviewing CBJ land conveyances?
2. What type of CBJ land conveyances would the Planning Commission still review after this ordinance?

I'll briefly answer those questions in light of the attached updated draft ordinance (version 2).

1. Origin of the Planning Commission reviewing CBJ land conveyances

The Planning Commission fills important regulatory and quasi-legislative roles. On the regulatory front, the Planning Commission adjudicates permits for applications such as conditional uses and subdivisions pursuant to Title 49. On the quasi-legislative front, the Planning Commission makes recommendations to the Assembly on rezone applications, code amendments to Title 49, and CBJ land conveyances. While the Planning Commission is well suited to apply the rezone standards (CBJC 49.75 Article 1) and works with Title 49 so much it knows when to make amendment recommendations, the CBJ land conveyances are different.

The Planning Commission's role of reviewing CBJ land conveyances has evolved since 1970. Upon unifying as the CBJ, the Assembly tasked the Planning Commission with broad land management authority over CBJ land conveyances to facilitate the orderly unification of the Cities of Douglas and Juneau and to keep up with the municipal land selection process created by the Alaska Land Act of 1963. For example, the Planning Commission was tasked with reviewing every land acquisition to recommend what land should be devoted to public use, what land should be reserved for future public use, and what land should be available for sale, lease, or other disposal. Ordinance 1971-45 (CBJC 53.05.020). The Planning Commission was also tasked with reviewing disposals to determine if disposal was in the best interest of the CBJ. Ordinance 1971-45 (CBJC 53.10.010). In essence, the Planning Commission of the 1970s was used like the Assembly Lands Committee of today: make recommendations to the Assembly related to land conveyances.

Although the original reasons for having the Planning Commission review land conveyances have waned over the last fifty years, Title 53 still tasks the Planning Commission with reviewing CBJ land conveyances.

MEMO 2 Re Planning Commission Review of CBJ Land Conveyances

May 3, 2019

Page 2

2. Version 2 of the draft ordinance would remove Planning Commission review of leases and easements.

The draft ordinance (v1 and v2) attempts to modernize the code authority related to the Planning Commission's review of land conveyances. The following chart summarizes which conveyances the Planning Commission reviews and would review:

	Current Code	Ordinance v1	Ordinance v2
Leases	PC reviews (53.09.260.b)	No PC review (Section 3)	No PC review (Section 3)
Sale/exchange	PC reviews (53.09.260.b)	No PC review (Section 3)	PC reviews (53.09.260.b, Section 3)
Easements	PC reviews (53.09.300.c)	No PC review (Section 4)	No PC review (Section 4)
Early Entry, Title 53 Temporary use permit	PC reviews (53.09.310)	No PC review (Section 5)	PC reviews (53.09.310)
All D&H land conveyances	PC reviews (85.02.060.a.5)	No PC review (Section 6)	No PC review (Section 5)
Acquisitions	No PC review (53.04.020)	No PC review (53.04.020)	No PC review (53.04.020)

As provided for in the attached ordinance, the Assembly Lands Committee's review was inserted every time the Planning Commission's review was eliminated. Ultimately, the Assembly has broad discretion to determine how CBJ land conveyances are reviewed.

The following summarizes the changes in the draft ordinance from version 1 to 2:

- Section 2: Reinserted disposal provisions to be consistent with other changes below. Page 1 line 24 - Page 2 line 2. Also, deleted a sentence that was redundant for Planning Commission review of capital improvements because of CBJC 49.15.580 and because that sentence causes unnecessary confusion when the Planning Commission reviews land conveyances. *E.g.*, *Zenk v. CBJ*, S-16118, 2017 WL 2825797 (Alaska 2017).
- Section 3: Inserted provision for Planning Commission review of disposals other than leases. Page 3 lines 6-8.
- Section 4: Clarified "planning department" is the Community Development Department and Lands Division would be referring easement applications to the Lands Committee. Page 4 lines 4-14.
- Section 5: Deleted the prior section 5 that would have removed Planning Commission review of Title 53 use permits. Moved D&H material into section 5. No substantive changes.



MEMORANDUM

DATE: March 4, 2019
 TO: Planning Commission and Docks and Harbors Board
 FROM: Assembly
 SUBJECT: Planning Commission Review of CBJ Land Conveyances

The Assembly has identified potential regulatory amendments to make conveying CBJ land more practical and less confusing.

As described in CBJC 53.09.260 and following the practice of the Assembly, the current process for conveying CBJ land has unnecessary layers of review and process. The Assembly proposes eliminating steps four and five below:

- (1) **Public Meeting 1:** The Assembly Lands Committee reviews the application and makes a recommendation to the Assembly. The Chair has discretion to accept oral public comments at a committee meeting.
- (2) **Public Meeting 2:** The Assembly decides whether the application should be considered and how. Interested people are free to provide written comments.
- (3) **Manager Negotiations:** The Manager, with the assistance of the Lands Division and upon consultation with interested departments, negotiates terms with the applicant.
- (4) **CDD Staff Report (1):** The Community Development Department drafts a staff report to recommend more or different land conveyance terms than what the Manager proposes.
- (5) **Public Meeting 3:** The Planning Commission reviews—not for regulatory purposes but as a property owner—and makes a recommendation to the Assembly whether to convey the CBJ property.
- (6) **Public Meeting 4:** The Assembly Lands Committee then reviews the draft negotiated land conveyance proposal to make a final recommendation for the Assembly.
- (7) **Public Meeting 5:** An ordinance is introduced to authorize the land conveyance. The purpose of this meeting is to provide public notice of the topic and to schedule the subsequent public hearing.
- (8) **Public Meeting 6:** The Assembly holds a public hearing to decide whether to adopt the ordinance.
- (9) **Public Meeting 7:** If a conditional use permit is required, the Community Development Department drafts another staff report and the Planning Commission determines if the proposed use complies with Title 49. *E.g.*, Zenk v. CBJ, S-16118, 2017 WL 2825797 (Alaska 2017).

There are multiple reasons to change the review process.

- **Separation of Power:** The Community Development Department and Planning Commission function best as regulators and not as quasi-property owners conveying land. The Lands Division is the real estate arm of the CBJ and is best suited to negotiate land conveyance terms on behalf of the Manager, who takes direction from the Assembly.
- **Reduce Confusion:** The vast majority of the Planning Commission duties are as a quasi-judicial body, granting, denying or conditioning development permits. The public, staff, and applicants are typically perplexed when the Commission reviews a land conveyance. Many conveyances have associated development reviews that must later go to the Commission for review. At that time, it is appropriate for the Commission to grant, deny, or condition development.
- **Clarify Land Conveyances are a Policy Decision:** All parties will more easily understand that granting or denying a land conveyance is a policy decision by the Assembly. Public comments will be more appropriately directed to the Assembly.
- **Efficiency:** The time required for Community Development Staff to draft a staff report and for the Planning Commission to hold a public hearing is unnecessary and duplicative of the Assembly process.
- **Preserve Public Notice and Comment Opportunities:** The draft ordinance would amend the Planning Commission's review of CBJ land conveyances in Title 49, Title 53, and Title 85 to codify the Assembly's existing practice of having the Assembly Lands Committee review the conveyance applications and relieve the Planning Commission of that burden.
- **Clarify Regulatory Review:** The draft ordinance clarifies that land conveyances are legislative matters for the Assembly and not a regulatory matter. If the proposed use of the land also needs a conditional use permit, then the Planning Commission would still hold a public hearing to determine if the development complies with Title 49. This proposed process would clarify some of the confusion that led to litigation in the past.

In summary, the attached draft ordinance is an opportunity to make the process for conveying CBJ land more efficient and to clarify roles. Consistent with CBJ Charter 3.16(c), the Assembly requests comments from the Planning Commission and the Docks and Harbors Board.

Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-19 PCv2

**An Ordinance Amending the CBJ Codes Related to Planning Commission
Review of CBJ Real Property Transactions**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 49.10.170 is amended to read:

49.10.170 Duties.

(a) *Comprehensive plan review.* The commission shall undertake a general review of the comprehensive plan two years after the adoption of the most recent update, and shall recommend appropriate amendments to the assembly. Proposed map changes shall be reviewed on a neighborhood or community basis as directed by the planning commission.

(b) *Review of the capital improvements program.* Upon adequate notice which shall be provided by the director, the commission shall review annually the capital improvements program of the City and Borough and submit its recommendations to the assembly.

(c) *City and borough land ~~acquisitions~~, disposals and projects.* The commission shall review and make recommendations to the assembly on land ~~acquisitions and~~ disposals as prescribed

by title 53, or capital improvement projects by any City and Borough agency. ~~The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.~~

(d) *Development code amendments.* The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezonings, indicating compliance with the provisions of this title and the comprehensive plan.

(e) *Land use actions.*

(1) All plats approved by the platting board prior to adoption of Serial No. 87-49 are ratified, notwithstanding the use of the commission seal or resolution.

(2) The commission shall hear and decide all major development permit applications, density bonus requests, and appeals of decisions made by the director.

Section 3. Amendment of Section. CBJ 53.09.260 is amended to read:

53.09.260 Negotiated sales, leases, and exchanges.

(a) *Application, initial review, assembly authority to negotiate.* Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity, may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon

direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

(b) Review and approval process ~~Planning commission review, final assembly approval.~~

Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, after review by the planning commission for disposals other than leases, ~~and~~ after review by the assembly lands committee ~~planning commission,~~ and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, ~~or~~ exchange or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

Section 4. Amendment of Section. CBJ 53.09.300 is amended to read:

53.09.300 Easements.

(a) *Authorized.* The manager may convey or lease an easement in City and Borough owned land upon approval by the assembly. Easements shall be nonexclusive unless otherwise provided in the easement document.

(b) *Application and fee.* The applicant for an easement shall apply to the manager on a form prescribed by the manager. The application shall be accompanied by plans, reports, a narrative, and other material sufficient to permit the City and Borough to evaluate need for and the use to be made of the requested easement. The application shall also be accompanied by a base fee of \$15.00 plus an amount determined by the manager to cover the cost of an

appraisal of the value of the easement. From time to time, the manager shall adjust the base fee to reflect changes in the cost of municipal services.

(c) ~~*Review process*~~ ~~*Departmental and planning commission action.*~~ The application for the easement shall be referred to the community development department ~~planning department~~ and public works department for comment. The manager may refer the application to other departments which may have an interest in the parcel subject to the proposed easement. Upon receipt of the comments of other departments, the lands division ~~planning department~~ shall refer the application and departmental comments to the assembly lands committee ~~planning commission~~ for its recommendation to the assembly. The assembly lands committee ~~planning commission~~ may hold a public hearing on the application prior to making its recommendation.

(d) *Assembly action.* Upon receipt of the assembly lands committee ~~planning commission~~ recommendation, the assembly may, by resolution, authorize the manager to execute the easement under such terms and conditions as are authorized by the assembly.

(e) *Survey.* Prior to the execution of an approved easement, the applicant shall provide a survey of the easement to the standards required by the manager.

(f) *Easement price.* The sale or lease price of an easement shall be the appraised value established not more than 90 days prior to assembly authorization of the easement. Upon execution of the easement by the City and Borough, the applicant shall pay to the City and Borough the market value of any marketable materials, timber, or other resources within the easement area which will be destroyed, cut, or removed. The manager shall determine the

1
2 value of resources of any marketable materials, timber, or other resources within the
3 easement area which will be destroyed, cut, or removed.

4
5 (g) *Improvements and changes.* No improvements or changes to improvements may be made
6 within an easement unless first approved by the manager.

7 (h) *As-built plans.* Immediately upon completion of the construction of any improvements
8 within the easement area, the easement holder shall provide the manager with accurate,
9 complete, and legible as-built drawings of such improvements. Upon making any changes or
10 additions to such improvements, the permittee shall provide the manager with as-built
11 drawings showing such changes or additions.

12
13 (i) *Relocation.* The assembly, by resolution, may direct the holder of an easement granted
14 under this section to relocate the holder's improvements within the easement or to relocate
15 the improvements to a new easement granted by the City and Borough for that purpose. Such
16 relocation shall be at the sole expense of the easement holder, and the City and Borough shall
17 not be liable to the easement holder for reimbursement of any expenses or compensation for
18 any losses or damages suffered by the easement holder or others arising out of the relocation.
19 Unless the assembly, in the resolution directing the relocation of the improvements, permits
20 otherwise, the easement holder shall remove all improvements he or she has constructed in
21 the area to be vacated. No compensation shall be due the City and Borough for the value of
22 resources which must necessarily be cut, damaged, or removed to permit the relocation, nor
23 shall the easement holder be liable for the cost of any survey required to describe a new
24 easement area.
25

(j) *Restoration.* The manager may require restoration and the posting of such security for restoration as he or she determines necessary.

Section 5. Amendment of Section. CBJ 85.02.060, General Powers is amended to read:

(a) Subject to state laws and City and Borough ordinances, the City and Borough Docks and Harbors Board shall generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board shall:

(5) Administer and dispose of City and Borough tideland, submerged land, and other land as provided by the Assembly by resolution as subject to Docks and Harbors Board Administration, subject to the following limitations:

(A) No sale, purchase, or trade of land shall be made without prior review by the assembly lands committee ~~planning commission~~ and approval by the Assembly by resolution.

(B) Unless otherwise designated in advance by the assembly by resolution, any lease of land shall be limited to marine-related uses, and those uses accessory to tenancy on the boat harbor or use of the port.

(C) All land transactions by the board in accordance with this section shall be consistent with the land management plan developed under CBJ 85.02.063.

(i) Land shall be leased as provided in chapter 53.20, provided that the provisions of section 53.20.020 relating to a declaration of availability and identification in the land management plan shall not apply.

(ii) For purposes of applying title 53 pursuant to this subsection (C), any action required by Title 53 of the manager may be performed by the port director.

Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



DATE: June 5, 2019
 TO: Mary Becker, Chair of Assembly Lands Committee
 FROM: Robert Palmer, Municipal Attorney
 SUBJECT: Ordinances 2019-25 and 2019-26 re Thunder Mountain Mobile Home Park

Ordinances 2019-25 and 2019-26 were both introduced at the Assembly meeting on June 3, 2019, and have been set for public hearing on June 24, 2019. These ordinances are presented to the Lands Committee as information items. Community Development staff is available to answer questions.

Ordinances 2019-25 and 2019-26 are the result of a property owner's request to rezone three parcels associated with and located adjacent to the Thunder Mountain Mobile Home Park. A rezone is a legislative tool to manage land use development by categorically identifying what types of land uses are allowed and what types are prohibited. A rezone from D5 to D18 would allow more intensive development, like higher density apartments and mobile home parks.

Amend the Comprehensive Plan Maps, Ordinance 2019-25:

The Planning Commission, in March, recommended rezoning the three parcels from D5 to D18. CBJ code 49.75.120 requires a rezone to be in substantial conformance with the land use maps of the comprehensive plan. The current maps of the comprehensive designate the three parcels as Urban Low Density Residential, which limits density at 6 units per acre. Because D18 allows densities at 18 units per acre, which is in excess of what the comprehensive plan land use maps currently allow, the Planning Commission, in May, considered and recommended amending the comprehensive plan land use map for lots 8479, 8477, 8476 Thunder Mountain Road from Urban Low Density Residential to Medium Density Residential.

According to the Planning Commission, the Medium Density Residential designation is more appropriate than the Urban Low Density Residential designation because the Urban Low Density Residential designation was in originally in error because these three properties have been jointly used with the adjacent mobile home park.

If the Assembly adopts Ordinance 2019-25, then Ordinance 2019-26 would be in substantial conformity with the Medium Density Residential designation of the maps of the comprehensive plan. The Planning Commission recommended the Assembly adopt Ordinance 2019-25 at its regular meeting on May 14, 2019.

Rezone Three Lots, Ordinance 2019-26:

This ordinance would rezone 8479, 8477, and 8476 Thunder Mountain Road from D5 to D18.

The existing land uses include storage, single family home, water well, office, mobile home, empty former retail building, and an empty former laundromat. The site has historically been associated with the Thunder Mountain mobile home park, which is zoned D18. The applicant seeks to expand that zoning district to include these properties to address existing nonconforming uses and introduce higher density development.

The Planning Commission and Assembly are required to base findings off of the Comprehensive Plan's land use maps. Upon adoption of Ordinance 2019-25, the proposed rezone would substantially conform to the land use maps of the Comprehensive Plan. For example, the Medium Density Residential designation allows for residential development at densities between 5 and 20 units per acre. This ordinance would rezone the three lots to D18, which allows for multifamily residential development up to 18 units per acre.

The Planning Commission recommended the Assembly rezone these three parcels at its regular meeting on March 26, 2019.

Presented by: The Manager
Introduced: 06/03/2019
Drafted by: Robert Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-25

An Ordinance Amending the Land Use Maps of the Comprehensive Plan to Change the Land Use Designation of Thunder Mountain Lots 10, 12, and a Fraction of 11 between 8476 and 8479 Thunder Mountain Road from Urban Low Density Residential to Medium Density Residential.

WHEREAS, the Land Use Maps of the Comprehensive Plan may be amended by the Assembly as necessary to reflect changing conditions; and

WHEREAS, the CBJ Comprehensive Plan recommends the facilitation of various housing types and densities that are appropriately located in relation to site conditions, surrounding land uses, and capacity of public facilities and transportation systems; and

WHEREAS, the Land Use Maps of the Comprehensive Plan designate Thunder Mountain Lots 10, 12, and a Fraction of 11 as Urban Low Density Residential (ULDR); and

WHEREAS, the ULDR designation is not appropriate for the subject parcels because they have been historically used in conjunction with the abutting Medium Density Residential (MDR) designated parcels; and

WHEREAS, the property adjacent to the subject parcels is designated in the Land Use Maps as MDR, which is described as appropriate for multifamily dwelling units at densities of 5 - 20 units per acre; and

WHEREAS, the MDR designation that is adjacent to the subject parcels is more appropriate than the current ULDR designation due to the availability of public sewer, public water, publically maintained streets, and surrounding MDR land use designations.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Code.

Section 2. Amendment to Comprehensive Plan Land Use Map. The Land Use Maps of the Comprehensive Plan of the City and Borough are amended to change the land use designation

of Thunder Mountain Lots 10, 12, and a Fraction of 11 from Urban Low Density Residential (ULDR) to Medium Density Residential (MDR).

The described amendment is shown on the attached Exhibit A.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

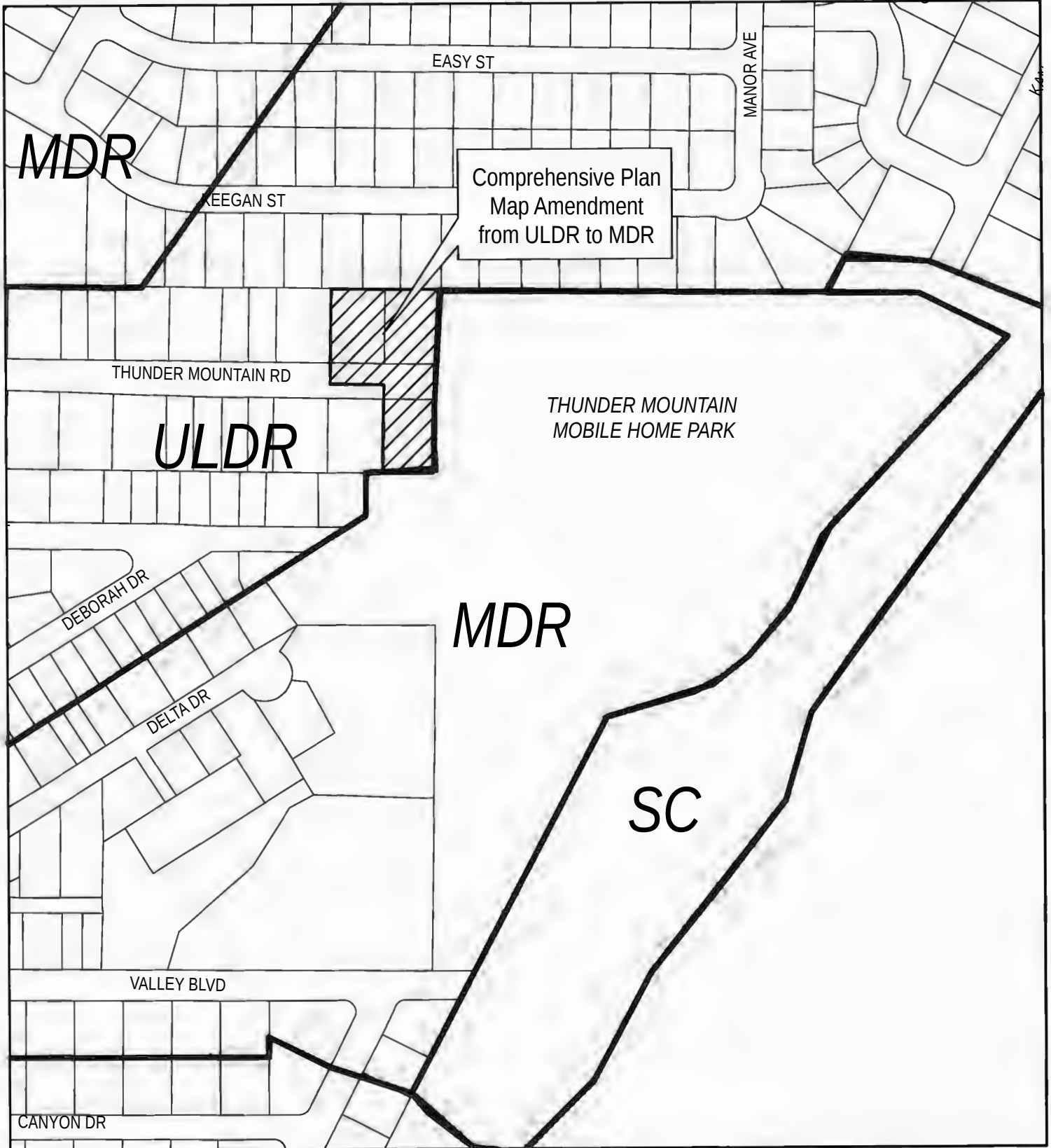


EXHIBIT A - Ord. No. 2019-25

Land Use Change for
THUNDER MOUNTAIN LOTS 10, 11FR, & 12
from ULDR to MDR

0 125 250 500 Feet





Planning Commission

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: May 16, 2019
Case No.: AME2019 0004

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding amendment of the Comprehensive Plan Map G to designate 8479, 8477, and 8476 Thunder Mountain Road as Medium Density Residential

Property Address: 8479, 8477, and 8476 Thunder Mountain Road

Legal Description: Thunder Mountain Lots 10 & 11 Fraction, and Lot 12

Parcel Code Numbers: 5B2401540100; 5B2401540110; 5B2401560010

Hearing Date: May 14, 2018

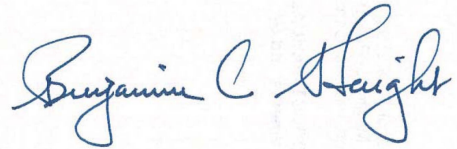
The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 18, 2019, and recommended that the Assembly approve the Comprehensive Plan land use map designation amendment for 8479, 8477, and 8476 Thunder Mountain Road from Urban Low Density Residential to Medium Density Residential.

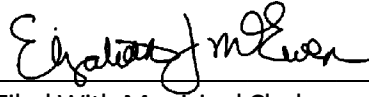
Attachments: May 6, 2019 memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding AME2019 0002.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

City and Borough Assembly
Case No.: AME2019 0002
May 16, 2019
Page 2 of 2

Project Planner: 
Amy Liu, Planner
Community Development Department


Benjamin Haight, Chair
Planning Commission


Filed With Municipal Clerk

5/20/2019
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

The Commission agreed to forward this item to the Assembly for approval.

VIII. REGULAR AGENDA

AME2019 0004: Amend the Comprehensive Plan Map G to designate lots 8479, 8477, and 8476 Thunder Mountain Road as Medium Density Residential
Applicant: Wright Services Inc.
Location: 8479, 8477, and 8479 Thunder Mountain Road

Staff Recommendation

Staff recommends that the Planning Commission recommend that the Assembly approve the Comprehensive Plan land use map designation amendment for 8479, 8477, and 8476 Thunder Mountain Road from Urban Low Density Residential to Medium Density Residential.

On Mar 26, 2019, the Planning Commission recommended that the Assembly approve AME2019 0002 to rezone 41,985 square feet and to amend Comprehensive Plan Map G to designate 8479, 8477, 8476 Thunder Mountain road as Medium Density Residential and to change those same lots from D5 to D18, said Ms. Liu.

The Assembly may revise the Comprehensive Plan to reflect changing values and needs, said Ms. Liu. These lots are currently characterized by Urban Low Density Residential and the recommendation is to accept a map change to Medium Density Residential, said Ms. Liu.

One of three criteria must be meant, said Ms., Liu:

1. The original decision was made in error
2. Changing conditions
3. The proposed change is consistent with other applicable policies in the Comprehensive Plan

For many years the land has been acting more consistent with D18 zoning such as the mobile home park that it serves, said Ms. Liu. This land is inconsistent with the designations it currently bears as Low Density Residential, she said.

Mr. Dye asked if the correct abutter notice was sent out.

Ms. Liu said that it was.

MOTION: *by Mr. Dye, to accept staff's findings, analysis and recommendations and to recommend AME2019 0004 to the Assembly to the change of lots 8479, 8477 and 8476 from Low Density to Medium Density Residential and to amend the Comprehensive Land Plan Map Designation G to reflect these changes.*

Mr. Alper reiterated the comments on this issue at the last meeting. He said he finds if there are no changes in this information that he finds no problem with this action.

(There was no public comment)

AME2018 0014: A request to rezone 28 acres from D5 to D18 near Vista Drive
Applicant: JLC Properties
Location: Near Vista Drive

Mr. Campbell said he does business with Mr. Hannah but does not feel conflicted.

No objection by Commission members or public to Mr. Campbell remaining on the panel.

Staff Recommendation

Based upon the findings and conclusions stated above, staff recommends the Planning Commission concur with the Director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly for a rezone of the subject parcel from D-5 to D-18.

Ms. McKibben told the Commission this land is ~~zoned~~ designated Medium Density Residential, and has been ~~zoned as such~~ since 2008. If the property was rezoned to D18 it has the land area to go from 140 units per acre to over 500 units per acre, but the vertical topography of the land inhibits this development somewhat, she said. The property is located above the Volunteers of America condos on Vista Drive, she said, on Douglas, near Lawson Creek. The entire area would be zoned D18 from its current D5 zoning, she said.

Mr. Alper asked if undevelopable areas can be developed elsewhere on the lot.

Ms. McKibben said they may. She said this land is within the urban service boundary which ~~results encourages~~ in maximum densities. ~~This action~~ The requested rezone is supported by the Housing Action Plan and would be consistent with its policies. She said the ~~public~~ neighborhood meeting was well attended. At the meeting the public expressed concerns about traffic from Vista Drive onto Douglas and the negative effects on the roundabout on Douglas Highway. Concerns at the meeting were also expressed about the effects the development may have on the wildlife and on the sewer capacity to serve such a large development.

The land is described as Medium Density Residential on the Comprehensive Land Use Map, said Ms. McKibben. This request was submitted in July, to meet the requirements of Title 49. The rezone must be an expansion of an existing zoning district and it is, she said. It also fulfills the requirement of being more than two acres in size. Also meeting the ~~guidelines~~ requirements, no similar request has been made within the previous 12 months, said Ms. McKibben.

Mr. Dye asked what the acreage was of the contiguous tail of D18 land.

Ms. McKibben said she did not know.

Presented by: The Manager
Introduced: 06/03/2019
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-26

An Ordinance Amending the Official Zoning Maps of the City and Borough to Rezone Thunder Mountain Lots 10, 12, and a Fraction of 11 between 8476 and 8479 Thunder Mountain Road from D-5 to D-18.

WHEREAS, the CBJ Comprehensive Plan recommends the facilitation of various housing types and densities that are appropriately located in relation to site conditions, surrounding land uses, and capacity of public facilities and transportation systems; and

WHEREAS, Thunder Mountain Lots 10, 12, and a Fraction of 11 have been historically used in conjunction with the adjacent mobile home park that is zoned D18; and

WHEREAS, the area of the proposed rezone is immediately adjacent to D-18 zoned property; and

WHEREAS, the D-18 zoning district provides up to 18 units per acre; and

WHEREAS, rezoning the parcel from D-5 to D-18 substantially conforms to the land use maps of the Comprehensive Plan; and

WHEREAS, the rezone change application meets the criteria set forth in CBJ 49.75.120.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Code.

Section 2. Amendment to the Official Zoning Map. The Official Zoning Map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to rezone Thunder Mountain Lots 10, 12, and a Fraction of 11 from D-5 to D-18.

The described rezone is shown on the attached Exhibit “A” illustrating the area of the proposed zone change.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

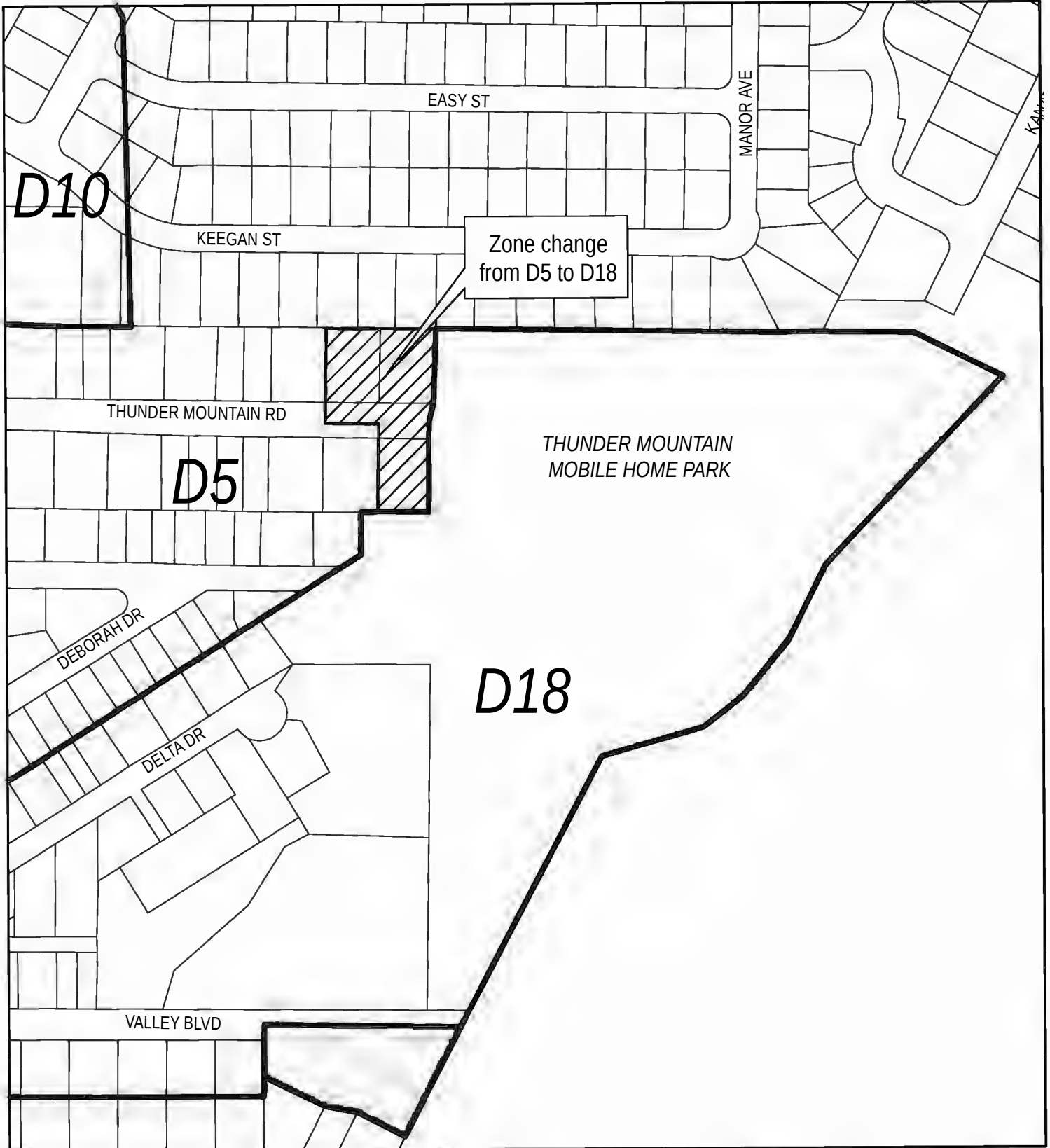


EXHIBIT A - Ord. No. 2019-26

Zone Change for
THUNDER MOUNTAIN LOTS 10, 11FR, & 12
from D5 to D18

0 125 250 500 Feet





Planning Commission

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: April 2, 2019
Case No.: AME2019 0002

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a rezone request from D5 to D18 on Thunder Mountain Road

Property Address: 8479, 8477, 8476 Thunder Mountain Road

Legal Description: Thunder Mountain Lots 10 & 11 Front, and Lot 12

Parcel Code Numbers: 5B2401540100; 5B2401540110; 5B2401560010

Hearing Date: March 26, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 18, 2019, and recommended that the Assembly amend the Comprehensive Plan map G to designate subject lots 8479, 8477, 8476 as Medium Density Residential and approve the rezone request to change those same lots from D5 to D18.

Attachments: March 18, 2019 memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding AME2019 0002.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

City and Borough Assembly

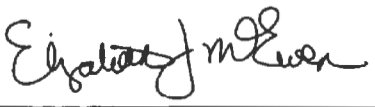
Case No.: AME2019 0002

April 2, 2019

Page 2 of 2

Project Planner: 
Amy Liu, Planner
Community Development Department


Paul Voelckers, Vice Chair
Planning Commission


Filed With Municipal Clerk

4/3/2019
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

VIII. REGULAR AGENDA

AME2019 0002: A rezone of 3 lots, 8479, 8477, and 8476 Thunder Mountain Road, from D5 to D18

Applicant: Wright Services Inc.

Location: 8479, 8477, and 8476 Thunder Mountain Road

Staff Recommendation

Staff recommends that the Planning Commission concur with the Director's analysis and findings and recommend approval to the Assembly for a rezone request to change 41,985 square feet located at 8479, 8477, 8476 Thunder Mountain Road from D5 to D18.

Ms. Liu told the Commission that the applicant is requesting a rezone to address some nonconforming uses, with the possibility of addressing higher density development in the future.

The assessor's database shows a discrepancy because it combines lot 10 and a fraction lot 11, said Ms. Liu. The remainder of lot 11 is its own lot, she said. These discrepancies date back to a document in 1964, she said. That 20-foot portion on the west side of lot 11 was reserved for lot 10, she said. This may have been done to address an encroachment of an existing structure, she said. This does not meet Title 49 for a lot line adjustment, she said. The staff accepts the recording made in 1963 as the acceptable record, she said.

D18 is an adjacent zone to this D5 piece of land, she said. Lot 10 has storage and a single-family dwelling or an apartment above the garage, she said. It has one former plumbing and electrical shop and four connexes, said Ms. Liu. The shop is not operational. It is used for storage for equipment that serves the park, she said. Lot 11 has a laundry facility and wells which supply water to the mobile home park, said Ms. Liu. The laundry facility is not operational, she said. Lot 12 has one office and one mobile home, she added. The office and mobile home are owned by the applicant and office is used to support the park, she said.

Many of the uses are nonconforming for both D5 and D18, said Ms. Liu. Most buildings appear to be in conformance with current dimensional standards. The mobile home setback is undetermined due to the structure not appearing on site plans or CBJ area imagery from 2013. The shop encroaches onto lot 11 and therefore is nonconforming, she said.

While the requested rezone to D18 does not address all of the nonconforming uses, the applicants are requesting this because it either sets them up for a conditional use permit to incorporate uses into the park, or to terminate nonconforming uses and pursue something that is allowed in the D 18 zoning district, Ms. Liu said.

A developer or property owner may only make rezone requests during the months of January and July, said Ms. Liu. Notice of a neighborhood meeting regarding the rezone request was

mailed to all property owners within 500 feet of the subject parcel, said Ms. Liu. Notice of the public hearing was mailed to the same owners advising them of the March 26, 2019, hearing date, she said. Public notice was also provided in the March 5, and March 15, 2019 issues of the Juneau Empire, she said. A public notice sign was posted as well on the site on March 13, and it was visible from the right-of-way, which was at least two weeks prior to the scheduled Planning Commission hearing, she said.

The rezone request meets the requirement that the land is adjacent to an existing zone that is requested, she said. It is adjacent to a D18 zone, she added. The adjacent mobile park is a D18 zone, she said.

The Planning Commission and Assembly are required to meet the findings of the Comprehensive Plan land use map, said Ms. Liu. The Commission and the Assembly have the discretion to base findings in conformance with the Plans' recommended policy, she said. Rezones should also result in the best use of land and be in conformance with the Comprehensive Plan, said Ms. Liu.

The rezone does not substantially conform to the land use maps, said Ms. Liu. The property is under the Urban Low Density Residential (ULDR) portion located in Subarea Four of the Comprehensive Plan Map G, she said. The D18 zone of the mobile park corresponds to Medium Density Residential (MDR), said Ms. Liu. In this area there is a policy guideline that states that it is important to maintain the density of existing neighborhoods while encouraging in fill development for low to moderate income affordable housing, said Ms. Liu.

There are policies relevant to the proposed rezone such as policies 3.2, 4.1, 4.8, 10.1 and 10.2, said Ms. Liu. Policy 3.2 promotes compact urban development within the designated urban service area. Policy 4.1 is to facilitate the provision and maintenance of affordable housing. Policy 4.8 is for the protection and preservation of the character and quality of life of the neighborhood. Policy 10.1 is to promote the availability of sufficient land with adequate public facilities and services for a range of affordable housing. Policy 10.2 recommends flexibility and creative solutions in residential development.

The findings can be based on both maps and policies, said Ms. Liu. The proposed rezone does not conform to the land use maps. However, a guideline for the land use map of the area also supports in fill development of low to moderate income affordable housing, she said. The previously mentioned five policies also support diverse and affordable housing, she said.

The Table of Permissible Uses supports multifamily structures such as rooming houses and mobile home parks, said Ms. Liu.

These lots could be served with City water and are served with City sewer, said Ms. Liu. They could be upgraded to meet the utility demands of more intense uses, she said.

D5 lots are typically larger than D18 lots, said Ms. Liu. However, some of the setbacks and dimensional standards are similar, she said. These lots conform to both D5 and D18 dimensional standards, said Ms. Liu. A lot zoned D5 could have one single family home with an accessory apartment, or a duplex or a common wall structure, she said. D18 zoning supports 18 units per acre. This zoning would allow each lot to have six units or 18 units for the combined three lots, she said.

The proposed zoning would not generate enough daily trips to require a Traffic Impact Analysis, said Ms. Liu. The engineering department indicated that more intense development would require an upgrade of the utilities, said Ms. Liu.

Three people attended the public meeting, said Ms. Liu. It was brought up at this meeting by the staff that the rezone itself would not generate changes to the lots. Further action would be required by the administration, said Ms. Liu. No one expressed disfavor with the rezone request, said Ms. Liu.

Commission Comments and Questions

Mr. LeVine asked what the ineffective boundary change has to do with the Commission's consideration.

The conveyance to which Mr. LeVine refers does not affect the rezone, said Ms. Liu. That issue may come up at a later point should the applicant apply for a building permit, she added.

Mr. LeVine said he had concerns over the Commission recommending a rezone of lots that the owners think are different, he said. He said it appears the staff is confident that the conveyance in 1964 is ineffective and that the legal definition for these three lots is in accordance with the original plat and that it should not be concerned about that, he said.

Ms. Liu said she concurred with Mr. LeVine's analysis.

Mr. LeVine asked about the composition of the adjacent lots.

Ms. Liu said the majority of the adjacent lots have single-family homes.

Mr. LeVine asked if the lots which appear to be wooded have homes in the front or if they are undeveloped.

Ms. Liu said those lots are developed with single-family homes.

Mr. Alper said if the area is served by City water and sewer how that fits with the mention that the mobile home park is served by wells. He asked if the wells are still functional.

Ms. Liu said the wells currently serve the mobile home park. The engineering department has advised that the applicants hire an engineer to further assess if any changes to the water service would be necessary with further development, said Ms. Liu.

Mr. Alper asked if those City services would be accessible by the mobile home park.

Ms. Liu said that would be for the applicant to explain.

Mr. Voelckers asked what the actual purpose of the rezone request is.

The applicants are interested in using the shop for another use, said Ms. Liu. It was brought to their attention by CDD staff that nonconformities need to be resolved prior to any new development, said Ms. Liu.

Mr. Dye asked why a small triangle of land was conditioned for traffic for Valley Boulevard and Mendenhall Loop road, and what the "T's" stood for. He asked how the utility service and pedestrian access on that portion of land was to be used.

Ms. Liu said she did not currently have those details.

Applicant

Applicant Charles Collins said he is the general manager of Wright Services and the owner of Thunder Mountain Mobile Park. Wright Services purchased the park several years ago, he said. They have five working wells that serve the park, he said. They keep the heavy equipment in the shop, he said. Mr. Collins said it is his goal to get all of the lots attached to the park. They do have a future plan of hooking up to the City water service, he said. His goal for the immediate future is to have everything in compliance and in accordance with the park, he said.

Commission Comments and Questions

Mr. Hickok asked who owns the property.

Mr. Collins said that Wright Services is a property management company set up by the owners. The trailer park was sold to Wright Services, said Mr. Collins.

Mr. LeVine clarified with the applicant that they do not currently have plans to expand the park, but at some point, in the future, may want to engage in future development.

Mr. Collins agreed with this assessment. At some point, they may want to add apartments. He said he understood that a Conditional Use Permit would be required for this, even if the lots were rezoned to D18. He said at this stage he just wants to bring the lots into conformance for their actual use.

Mr. Voelckers said the staff report mentioned there was some precipitating reason the applicant wanted to rezone the lots. He asked what this was.

Mr. Collins said for example he wanted to add on to the old laundry building for added workspace, but was told by CDD that was not an allowed use. He said everything he considered for this area was not an accepted use.

Mr. LeVine asked if there was a title search performed when Wright Services purchased the property, and if so, if it revealed the problems with the zone at that time.

Mr. Collins said he did not know why the zoning of the lots was never an issue before. He said they do not actually own the lot with the shop on it. They have a contract to take it over as soon as they can rectify the zoning.

Mr. Campbell asked when the current zoning of the lots was initiated.

Mr. Collins said he does not know. He said the lots have always been a part of the park.

Ms. Liu said the current zoning was put into effect in 1987.

Mr. Campbell asked if the D5 zoning was an error.

Ms. Liu said the current zoning does not correspond with the existing use.

Mr. Dye asked if the staff knows the history of the zoning of the lots in question.

Ms. Liu said she does not have an exact answer but that the zoning of the lots was enacted to what is now known as D5.

Mr. Campbell asked if the owner would have been notified in the 1980's that the use of their property was nonconforming, or if it could have been put into effect without their knowledge.

The previous zone of the lots still would have not allowed a commercial use, she said.

Mr. Campbell said since there was a commercial operation going on at the property, if permits were put in place for the use.

Ms. Liu said the laundromat does not have a permit, and that she was not sure if the shop had a permit.

Ms. Crossley asked if the property was ever attached to the mobile park, or if it was just adjacent property.

Ms. Liu said the lots were never attached to the park.

Mr. LeVine asked Mr. Collins if he knew if the lots have had the same use since the inception of the trailer park.

Mr. Collins said this property has always had the same use, as far as he is aware. He said he is not aware if the shop was ever permitted or legal. The shop existed in 1989, he said, and the laundromat was in operation at that time, he said.

Mr. Alper asked if the mobile park is connected to the City sewer.

Mr. Collins said it was connected to the City sewer.

Mr. Alper asked if there were structures on the part of the lot that protrudes.

Mr. Collins said there were not structures at that location, but some rotting timber. They do not plan on expanding the park into that area at this time, he said.

Public Comment

There was no public comment.

In answer to a question by Mr. Alper, Mr. Voelckers said the action required of the Commission on this item was to approve or deny the request, which would then go to the Assembly for final approval.

Ms. Mores clarified that the applicant could appeal the Commission's decision to the Assembly, should it not approve the rezone request.

Mr. LeVine said several years ago the Commission approved both a rezone and also a change to the Comprehensive Plan Map to bring it into compliance for property containing the Catholic Diocese in town. He said he cannot recall how the Commission accomplished this action procedurally.

Ms. Boyce said as part of the rezone the Commission recommended that a concurrent Comprehensive Plan Map amendment move forward as well.

Mr. Voelckers asked if that action by the Commission several years ago established a precedent for its potential action on this item before them this evening, since the circumstances were similar.

Ms. Boyce said the Commission also approved a rezone in Douglas with a Comprehensive Plan Map amendment, so the zone and the map would match.

Mr. Dye said he recalled the Douglas rezone was sent to the Assembly for approval, and it came back to the Commission several months later with the request that the map be amended so that it would match the new zone.

Ms. Mores said the actions are separate procedures.

Mr. LeVine said the Comprehensive Plan states that a procedure be developed for amending the maps in conjunction with rezones, but that this has not occurred at this time. He said he feels the Diocese rezone was similar to this situation, in which there is a clear error in the zoning. He said if someone had actually looked at the lots up for a rezone this evening that it would have been clear they should be zoned the same as the mobile home park. Mr. LeVine said this use should clearly be allowed. He said this is an error in the underlying Comprehensive Plan map.

Ms. Mores said the Commission does have the ability to review and direct change in the Comprehensive Plan maps.

Mr. LeVine said he thought the Commission could direct both actions; the rezone to D18 and recommend the Comprehensive map change to the Assembly to reflect the new zone. The Assembly could ask for more analysis and request public comment when the rezone was before it for approval, he added.

Mr. Arndt said he would like to see the recommendation to amend the Comprehensive Plan map go with the rezone request, but that he did not want to hold up the rezone process for the applicant.

Mr. Campbell said he would hate to see the application for a rezone delayed for a map amendment.

Mr. LeVine said he thought that they should have the rezone accompanied by a request for an underlying change to the Comprehensive Plan maps. He said he felt they were contingent upon each other.

Mr. Dye said he agreed with Mr. LeVine, that the two actions of a rezone request and Comprehensive Plan map amendment should be tied together.

Mr. Voelckers said he agreed that the two actions should happen contemporaneous with each other. The line is simply drawn in the wrong place, he said.

Mr. Campbell asked if the Commission recommends the Comprehensive Plan map be amended to match the rezone, if that would make a future Conditional Use permit request by the applicant more difficult to obtain in the future.

Ms. Mores said she was not sure how much accompanying information the Assembly might want for both actions to be presented to it simultaneously.

MOTION: *by Mr. LeVine, to recommend to the Assembly that it amend the Comprehensive Land Use Map (g) to designate lots 8479, 8477 and 8476 as MDR and recommend that the Assembly approve the rezone request to change those same lots from D5 to D18.*

Speaking in favor of his motion, Mr. LeVine said he feels there is an error in Comprehensive Land Use map (g). These three lots have been used to support the mobile home park as long as anyone can recall, and these lots are necessary and integral to the operation of the park. Mr. LeVine said he does not agree with the analysis in the staff report that they could approve this rezone without changing the underlying map. Therefore, said Mr. LeVine, his motion does not rely upon staff findings but instead thinks the underlying Comprehensive Land Use map should be amended to match the rezone to MDR.

Mr. Arndt asked if this could be taken care of during this meeting, or if it would have to go back to the staff for another report.

Mr. Voelckers said he feels it is simply one more condition on the action the Commission is approving.

Mr. LeVine said he feels the Commission has sufficient justification based upon the information in the staff report and the information supplied by the applicant this evening. He said he feels the record clearly indicates the zoning of these lots was a mistake. The Assembly could request further analysis and public comments if it felt that was necessary, said Mr. LeVine. He said he does not feel the Commission needs to do that.

Mr. Dye said he agreed with the findings of Mr. LeVine, and that this item would be an ordinance at the Assembly level, with further opportunity for public comment at that time. It was a mistake, and should have carried an MDR use with D18 zoning, he said.

Mr. Hickok agreed with the motion. He asked if the Commission has in the past approved rezones without accompanying amendments to the land use maps.

Mr. Voelckers said previous recommendations of the Commission for a rezone with map amendments to match have created a precedent for future action of the Commission in these instances.

Mr. LeVine said there are rezone requests that are in alignment with the Comprehensive Land Use maps, so the second action would not be necessary. In this instance, he said, it is best to bring the maps into alignment with the rezone, since it was a mistake.

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

DATE: June 10, 2019

TO: Chair Becker and Lands Committee

FROM: Rorie Watt, City Manager

RE: Recommendation for CBJ to Bid on Subport Lot C1

As we discussed at the Lands Committee meeting on 4/29, the Subport parcel Lot C1 is for sale. The parcel under discussion is here:



And the Trust Land Office's website for the sale of this parcel is here:

<https://alaskamentalthrust.org/trust-land-office/juneau-waterfront-parcel/>

Along with numerous Assembly members, persons in the business community and staff, I have worked on implementing the Long Range Waterfront Plan (LRWP) since its adoption in 2004. We all have many successes to be proud of that stem from the adoption of that plan. The LRWP can be found here:

http://www.juneau.org/cddftp/documents/CBJ_Waterfront_Plan_FINAL_112204.pdf

In furtherance of implementing the LRWP, I believe that it is in the public interest to acquire the parcel. The waterfront development and management opportunities are significant for Juneau, and the Borough Assembly is best situated to make those community decisions. A well-managed downtown waterfront, managed in alignment with community values, is critical for supporting Juneau's economy and the cruise ship industry.

I understand there may be interest from the private sector for acquiring the parcel as a foothold for a potential 5th large cruise ship berth. A fifth berth at this location was carefully considered in the early 2000's during the extensive public process that lead to the adoption of the LRWP *and was rejected*. If Juneau is ever ready for additional large berths, the Assembly is the body that should make that decision; the community should not be put in the position of reacting to a speculative investor.

Uses for the parcel include continuation of the waterfront seawalk, access to tidelands and marine facilities necessary for ships and passengers (including lightering and small cruise ship berthing), and associated uplands area to support those marine enterprise functions. Given the growth in cruise ship passenger visitation we must become more dynamic in our management of the transportation of our visitors. This property could serve as a transportation hub, reducing pressure on the downtown roads. As is indicated in the LRWP, the time has come to seriously consider a water taxi/harbor shuttle. This parcel is key to such a system.

The minimum required bid for the property is \$3,643,000. Bidders must submit a bid deposit of \$100,000 and bids will only be accepted between August 15th and September 6th of this year. If the two highest bidders (meeting the minimum) are within 5% of each other, there will be a subsequent auction process in which all bidders may participate. Closing on the sale must take place within 12 months.

As a public institution, we are inherently less nimble than other potential bidders and we must plan accordingly. I recommend the following process:

- Lands Committee Consideration: 6/10/19
- Assembly Consideration: No Later Than 8/19/19
- Assembly Executive Session to give Direction on Bid: No Later Than 8/19/19
- Second Assembly Executive Session, as Needed: Schedule Special Meeting

Adjacent Land Ownership:

CBJ owns the adjacent tidelands to the west and south of the property. AVISTA owns the historic fuel dock. I have communicated with AVISTA/AELP and they are very supportive of coordinating sale/development of the dock parcel in coordination with CBJ's waterfront plans and goals. AVISTA/AELP expects to work cooperatively with any party which acquires the Mental Health Trust property. The US Coast Guard and NOAA own the historic wharf to the east. NOAA also coordinates usage of its portion of the old wharf with Alaska Fish & Game. In order for Lot C1 to be developed to maximum best use, development coordination between this parcel, the CBJ, the State and the Federal agencies is necessary. The CBJ is ideally and uniquely suited to coordinate and maximize the development potential.

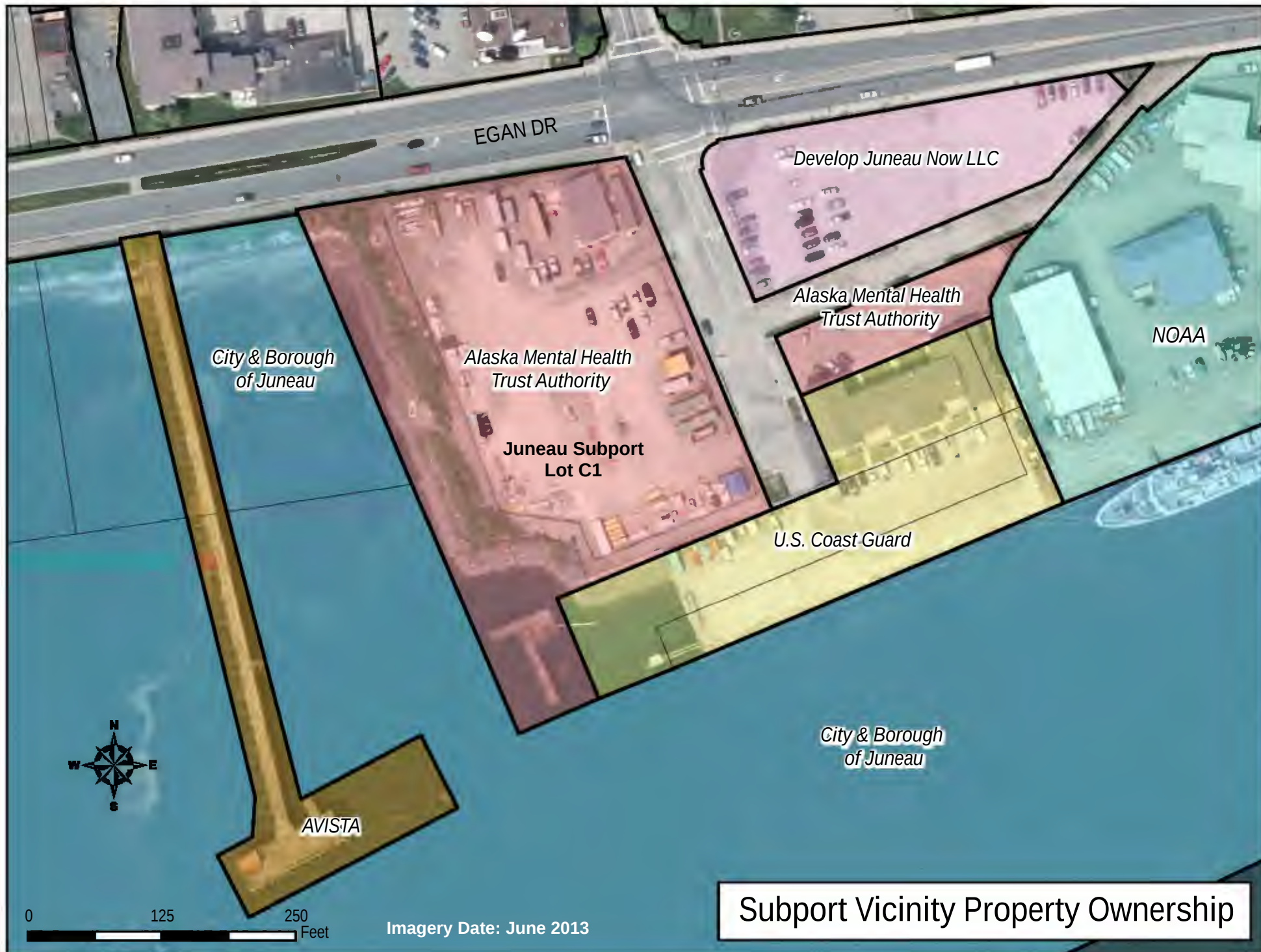
Fund Source:

I recommend that we pursue acquisition with passenger fees from the port development fee fund balance and/or the FY21 budget of CBJ Marine Passenger Fees and/or the State Commercial Passenger Vessel fees. Use of these fees is consistent with the intent of the recently settled CLIA litigation. The land is within the geographic and programmatic scope of the settlement agreement.

It is possible that full use of the parcel may not be necessary for the provision of services to vessels and/or passengers. In that event, if acquisition is successful and if excess land is available for private sector commercial use, then portions of the land could be disposed. In that case, it would be appropriate to remit proceeds of any disposals back into passenger fee fund balances. It is also appropriate to use passenger fees for acquisition as we would not attempt to acquire this parcel but for the need to provide support and services to passengers and/or vessels.

Recommendation:

Forward an appropriation Ordinance of \$100,000 from the port development fee fund balance directly to the Assembly (or Finance or COW for further consideration) for introduction no later than the July 22nd and public hearing no later than the August 19th Assembly meetings. Anticipate an executive session on August 19th to give direction on price to submit.



MEMORANDUM

CITY/BOROUGH OF JUNEAU

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

TO: The Assembly Lands Committee
Daniel Bleidorn
FROM: Dan Bleidorn, Deputy Lands Manager
SUBJECT: Alaska Department of Transportation and Public Facilities: Glacier Highway Lemon Creek Easement Request
DATE: June 7, 2019

The State of Alaska Department of Transportation and Public Facilities (DOT) has submitted an application to the Lands and Resources Office for the Glacier Highway Lemon Creek area improvements project. The DOT proposes to resurface and improve Glacier Highway Access Road from Vanderbilt Road towards the old Walmart property. The purpose of this project is to improve the flow of vehicular traffic through the project area; including transit and to make the road more accessible to pedestrians, including those with disabilities. The application states that the project need is due to inadequate bicycle and pedestrian crossings and travel lanes.



Portions of four CBJ properties are needed for this project. The attached DOT application contains a request to purchase approximately 1,419 square feet of Parcel 24 and states that it is needed for road construction. The DOT is also requesting a permanent easement on Parcel 24, containing approximately 41 square feet for overhead power. Temporary Construction Easements (TCEs) contain approximately 13,250 square feet. Due to the fact that Renninger Street currently consists of a parcel of City property that is not a dedicated ROW, the DOT is requesting to value these using a *waiver valuation* rather than an appraisal. A waiver valuation is

used by the DOT when comparable properties or sales are unavailable. Parcel 24 is very unique because it is a lot that is being used as a road, so there are no comparable sales available. CBJ staff will work with the DOT to dedicate this property as ROW during the platting process of this

construction project.

CBJ Park parcels 26, 27 & 28 contain a combined area of 949 square feet requested for permanent easements and 1,619 square feet for TCEs. Parcel 26 will be used for cut and fill improvements; Parcel 27 will be used to construct a sidewalk and cut/fill improvements; Parcel 28 will be used to construct a sidewalk and install a light pole.

The TCE's will be in effect for the period beginning on the starting date of construction and ending upon project completion.

Staff recommends that the Lands Committee pass a motion of support for disposing of City property through negotiated sale and by providing easements to the ADOT&PF for fair market value determined by waiver valuation for Parcel 24 and appraisal for the remaining properties.



Application for an Easement Across CBJ Lands

Applicant Information

Business / Individual *

Department of Transportation & Public Facilities

Address *

ROW Section PO Box 112506

Street Address

Juneau

City

Alaska

State / Province / Region

99811

ZIP / Postal Code

Phone *

(907) 465-2837

Email

debra.stephens@alaska.gov

☐ Add Another Business/Individual



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Transportation and Public Facilities

SOUTHCOST REGION
DESIGN & ENGINEERING SERVICES
Right of Way Section

P.O. Box 112506
Juneau, Alaska 99811-2506
Main: 907.465.4444
Fax: 907.465.8485
Toll free: 800.575.4540
TTY (DD): 800.770.8973
dot.alaska.gov

June 6, 2019

City and Borough of Juneau
Lands and Resources
Dan Bleidorn, Deputy Manager
155 S. Seward St
Juneau, Alaska 99801

via email: Dan.bleidorn@juneau.org

LETTER OF OFFER

RE: Project Name: JNU: Glacier Highway
Improvements (Lemon Creek Area)
Project No.: Z681240000/0955016
Parcel No.: 24, E-24, TCE-24/24A
26-28, TCE-26-28

Dear Property Owner:

ADOT&PF proposes to resurface and improve Glacier Highway Access Road from Vanderbilt road towards the old Wal-Mart property. The purpose of the project is to improve the flow of vehicular traffic through the project area, including transit, and to make the road more accessible to-pedestrian, including those with disabilities. The project need is due to bicycles and pedestrians inadequate crossing and travel lanes.

Valuation

As a state agency, DOT&PF is subject to specific laws and regulations under federal law and policy to offer no less than Fair Market Value (FMV) for permanent or temporary use of private property. The enclosed brochure, *"Acquiring Real Property for Federal and Federal Aid Programs and Projects,"* provides additional information about right of way acquisition procedures.

The Offer

A portion of your property is needed for this project. Parcel No. 24, is a fee acquisition, containing approximately 1,419 square feet, needed for road construction. Parcel No. E-24, is a permanent easement, containing approximately 41 square feet, needed for overhead power. TCE-24 is a Temporary Construction Easement containing approximately 3,894 square feet needed for access

"Keep Alaska Moving through service and infrastructure."

and driveway reconstruction. TCE-24A is a Temporary Construction Easement containing approximately 9,359 square feet needed for road construction.

Parcels 26, 27 & 28 that contain a combined area of 949 square feet. Parcel 26 will be used for cut and fill improvements; Parcel 27 will be used to construct a sidewalk and cut/fill improvements; Parcel 28 will be used to construct a sidewalk and install a light pole.

The TCE's will be in effect for the period beginning on the starting date of construction and ending upon project completion.

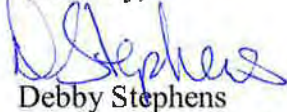
DOT&PF's offer of just compensation for this transaction is **\$1,700**. This offer is based on the enclosed Appraisal and Waiver Valuation which establishes the fair market value of your property. The Appraisal and Waiver Valuation has been approved by DOT&PF

Documents to complete the transaction will be submitted as we proceed through the CBJ approval process.

Once an agreement is reached, you can expect to close the transaction and receive payment in 45 to 60 days. A self-addressed, postage paid, return envelope is enclosed.

If you have any questions or would like to discuss the project and/or this offer, please contact me at 907-465-2837. If you prefer, you may also email me at debra.stephens@alaska.gov. I look forward to working with you to make this project a success for the public, the Department of Transportation, and you.

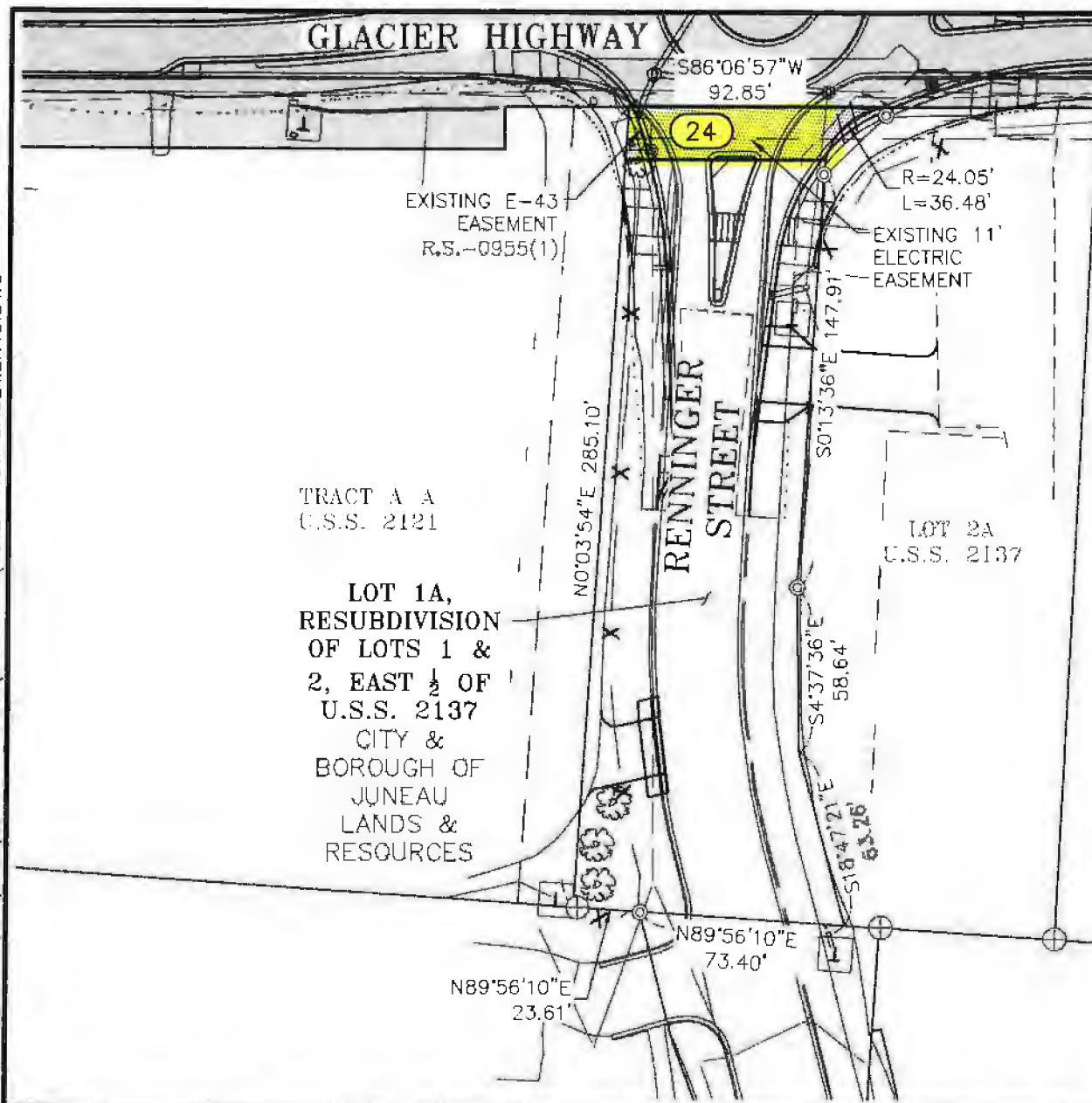
Sincerely,



Debby Stephens
ROW Acquisition Supervisor

Enclosures

Q:\JNU\68124\RW\C3D\SOURCE DWGS\BASEMAP\68124 ROW EASEMENTS.DWG



PARCEL REQUIRED

EXISTING RIGHT OF WAY

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR
JNU - GLACIER HIGHWAY
IMPROVEMENTS
(LEMON CREEK AREA)

0955016 / Z681240000

OWNER'S INITIAL: _____

ATTACHED TO: _____

PAGE ____ OF ____ DATE: _____

DRAWN BY: ROW CHECKED BY: HEP

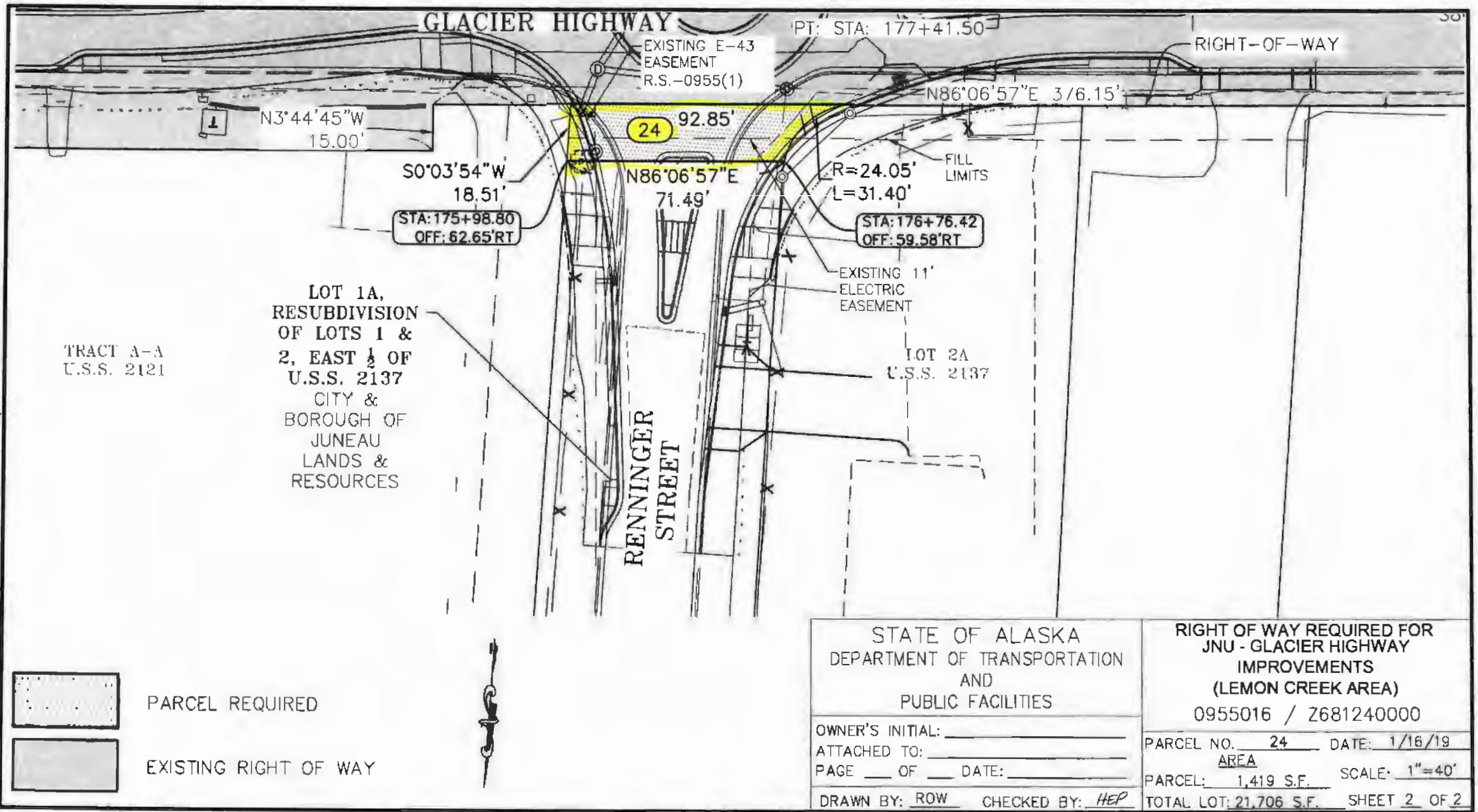
PARCEL NO. 24 DATE: 1/16/19

AREA

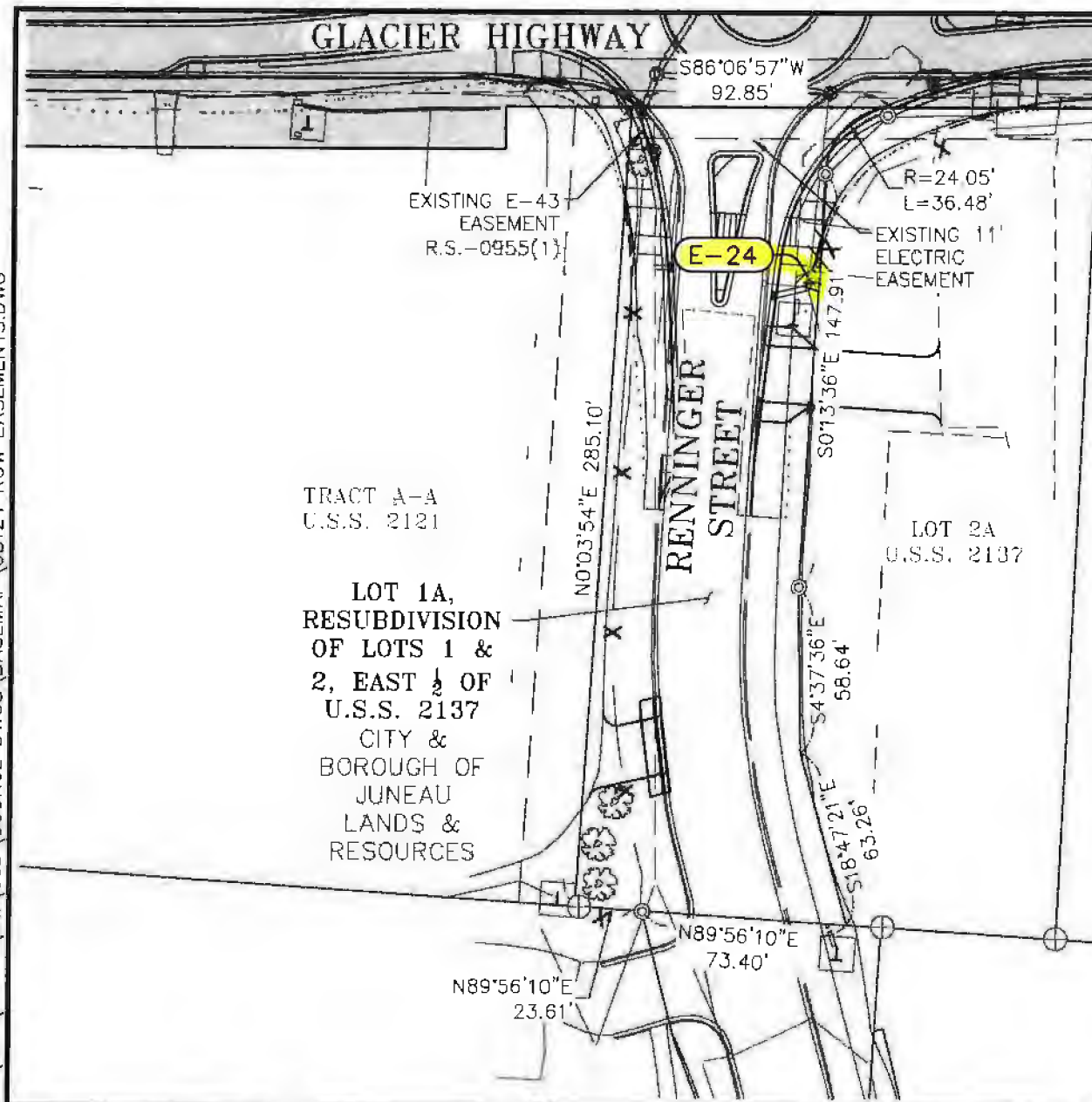
PARCEL: 1,419 S.F. SCALE: 1"=60'

TOTAL LOT: 21,706 S.F. SHEET 1 OF 2

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PARCEL REQUIRED

EXISTING RIGHT OF WAY

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR
JNU - GLACIER HIGHWAY
IMPROVEMENTS
(LEMON CREEK AREA)

0955016 / Z681240000

OWNER'S INITIAL: _____

ATTACHED TO: _____

PAGE ____ OF ____ DATE: _____

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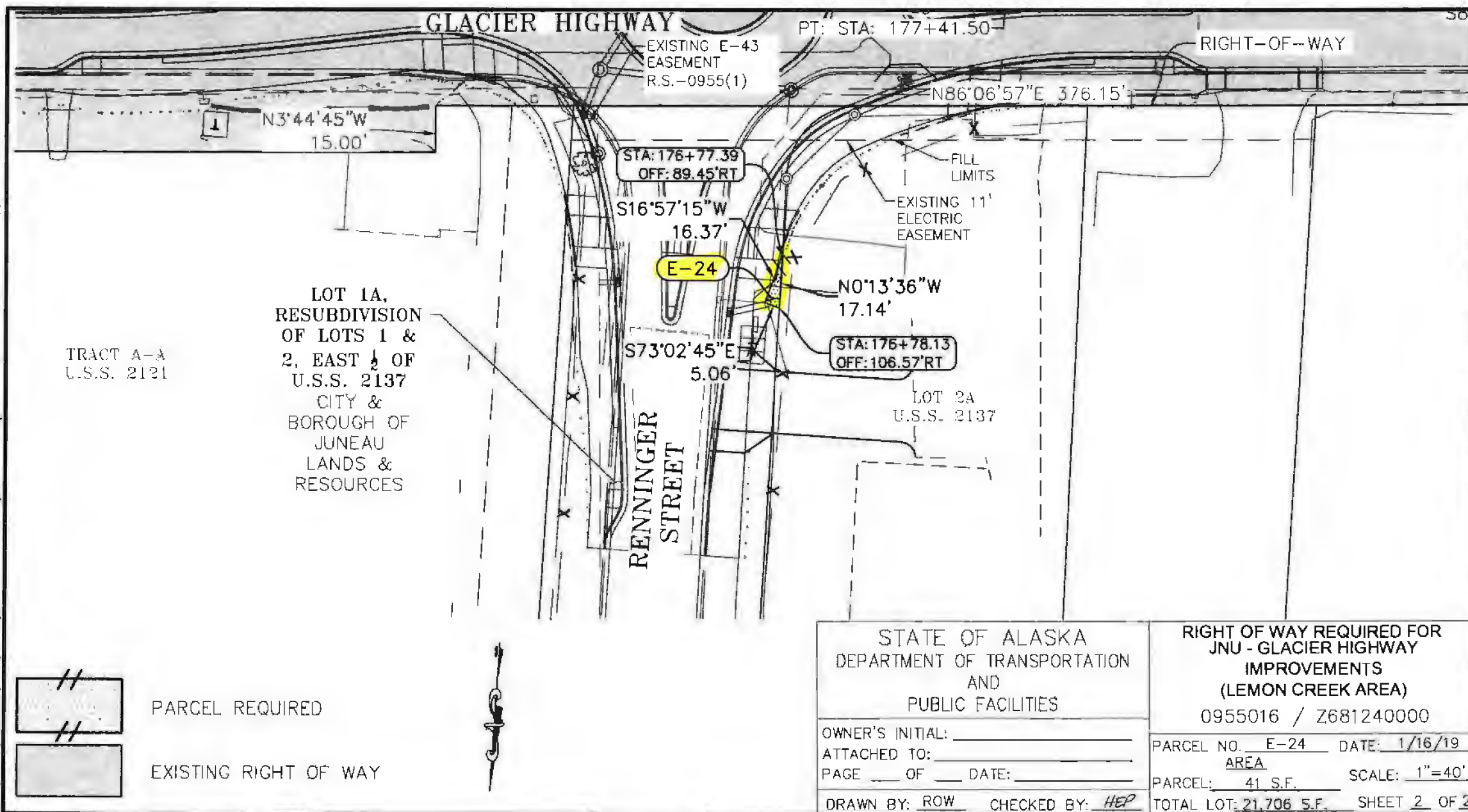
PARCEL NO. E-24 DATE: 1/16/19

AREA

PARCEL: 41 S.F. SCALE: 1"=60'

TOTAL LOT: 21,706 S.F. SHEET 1 OF 2

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TRACT A-A
U.S.S. 2121

LOT 2A
U.S.S. 2137

RENNINGER STREET

LOT 1A,
RESUBDIVISION
OF LOTS 1 &
2, EAST 1/2 OF
U.S.S. 2137
CITY &
BOROUGH OF
JUNEAU
LANDS &
RESOURCES

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR
JNU - GLACIER HIGHWAY
IMPROVEMENTS
(LEMON CREEK AREA)
0955016 / Z681240000

OWNER'S INITIAL: _____	PARCEL NO. <u>TCE-24</u> DATE: <u>1/16/19</u>
ATTACHED TO: _____	AREA
PAGE ____ OF ____ DATE: _____	PARCEL: <u>3,894 S.F.</u> SCALE: <u>1"=40'</u>
DRAWN BY: <u>ROW</u> CHECKED BY: <u>HEP</u>	TOTAL LOT: <u>21,706 S.F.</u> SHEET <u>1</u> OF <u>1</u>

LOT 2A
U.S.S. 2137

LOT 1A,
RESUBDIVISION
OF LOTS 1 &
2, EAST ½ OF
U.S.S. 2137
CITY &
BOROUGH OF
JUNEAU
LANDS &
RESOURCES

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES

OWNER'S INITIAL: _____
ATTACHED TO: _____
PAGE ____ OF ____ DATE: _____
DRAWN BY: ROW CHECKED BY: HEP

**RIGHT OF WAY REQUIRED FOR
JNU - GLACIER HIGHWAY
IMPROVEMENTS
(LEMON CREEK AREA)
0955016 / Z681240000**

PARCEL NO. TCE-24 DATE: 1/16/19
AREA
 PARCEL: 3,894 S.F. SCALE: 1"=40'
 TOTAL LOT: 21,708 S.F. SHEET 1 OF 1

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TRACT A-A
U.S.S. 2121

STA: 175+98.80
OFF: 62.65' RT

CUT
LIMITS

S0°03'54"W 128.78'

S86°06'57"W
71.49'

TCE-24A

RENNINGER
STREET

STA: 175+90.77
OFF: 191.18' RT

S89°59'27"W 71.68'

LOT 1A,
RESUBDIVISION
OF LOTS 1 &
2, EAST 1/2 OF
U.S.S. 2137
CITY &
BOROUGH OF
JUNEAU
LANDS &
RESOURCES

STA: 176+76.42
OFF: 59.58' RT

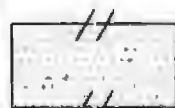
R=24.05'
L=5.08'

FILL
LIMITS

N0°13'36"W 128.54'

LOT 2A
U.S.S. 2137

STA: 176+81.87
OFF: 193.08' RT



PARCEL REQUIRED



EXISTING RIGHT OF WAY



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES

OWNER'S INITIAL: _____

ATTACHED TO: _____

PAGE ____ OF ____ DATE: _____

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RIGHT OF WAY REQUIRED FOR
JNU - GLACIER HIGHWAY
IMPROVEMENTS
(LEMON CREEK AREA)
0955016 / Z681240000

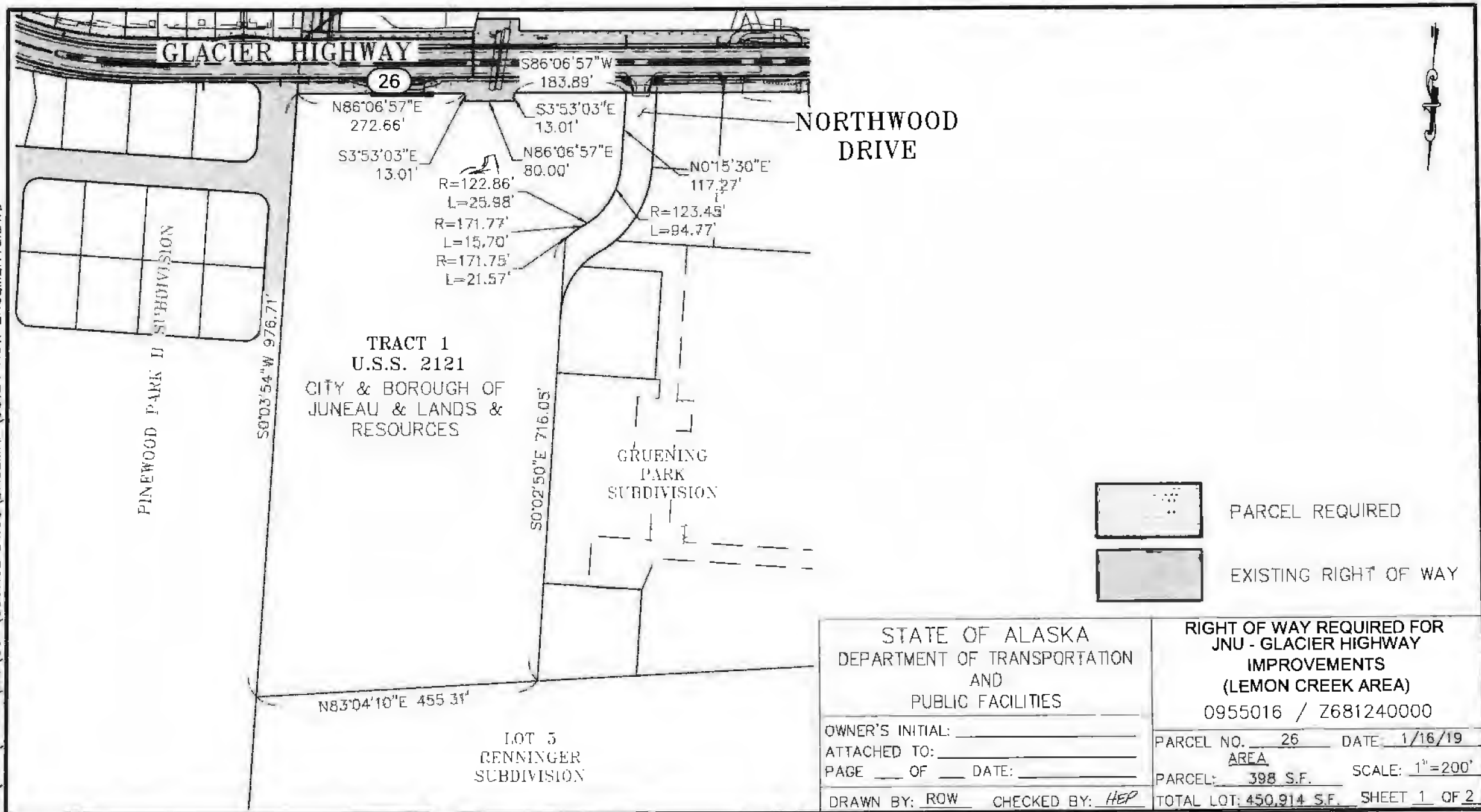
PARCEL NO. TCE-24A DATE: 1/16/19

AREA

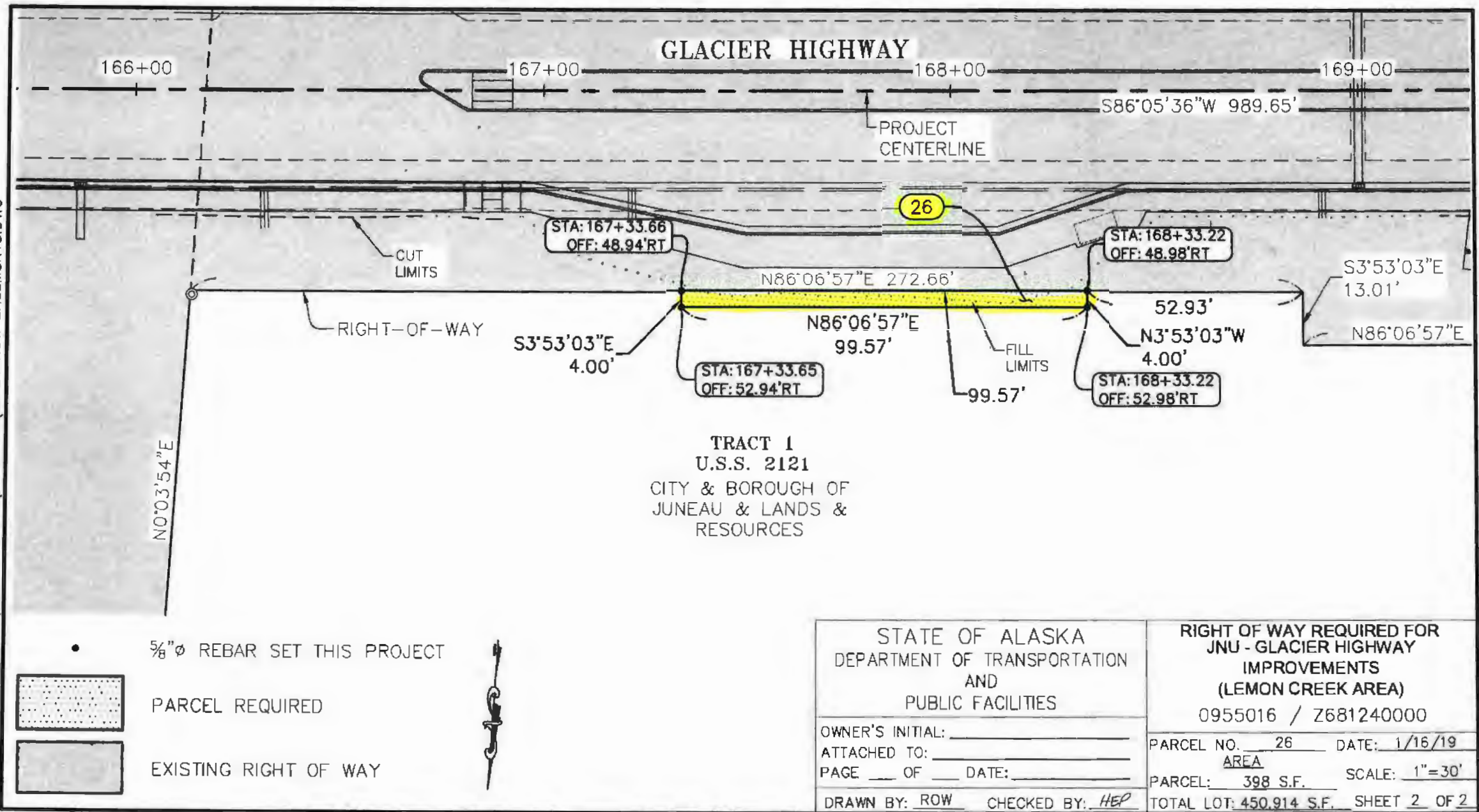
PARCEL: 9,359 S.F. SCALE: 1"=40'

TOTAL LOT: 21,706 S.F. SHEET 1 OF 1

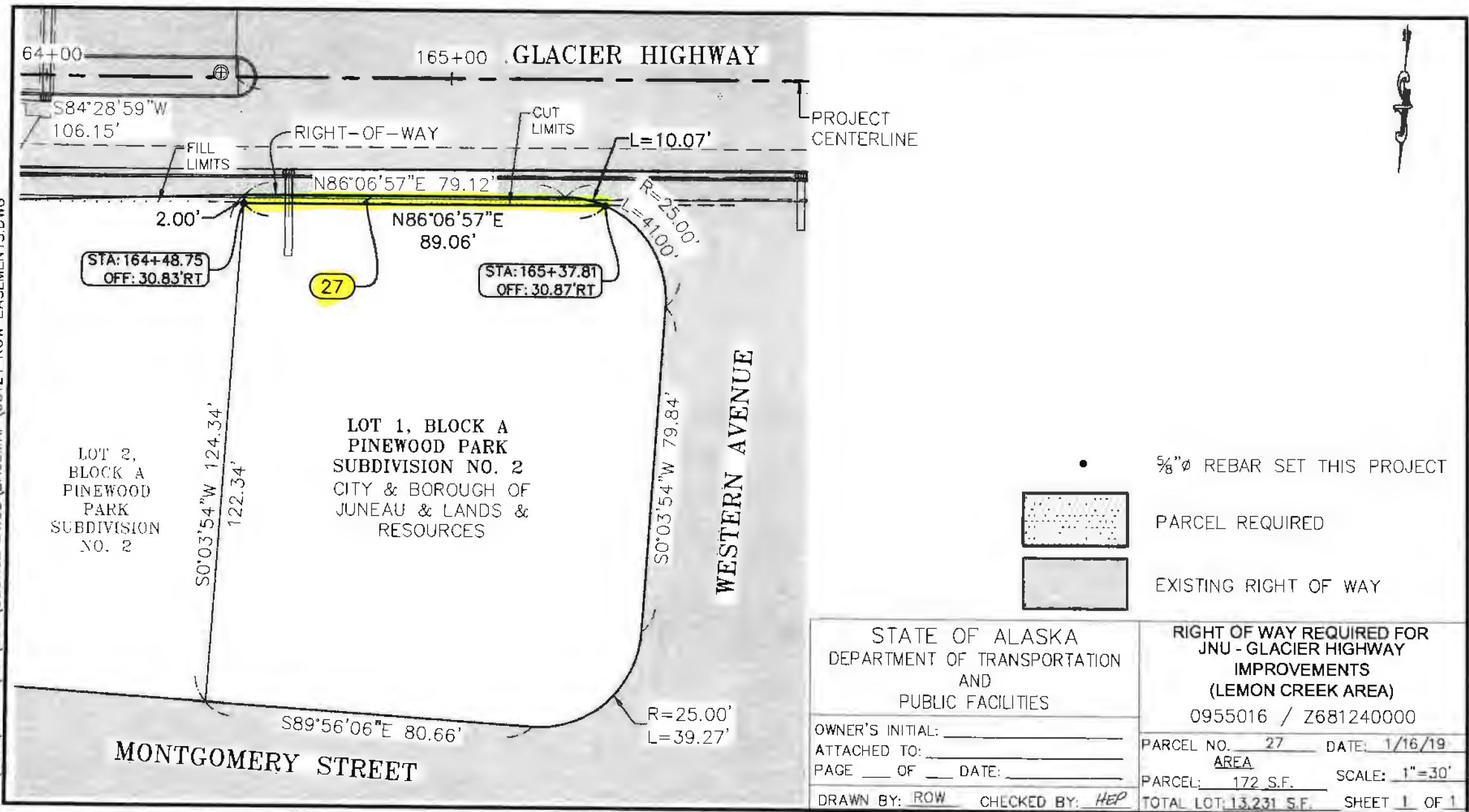
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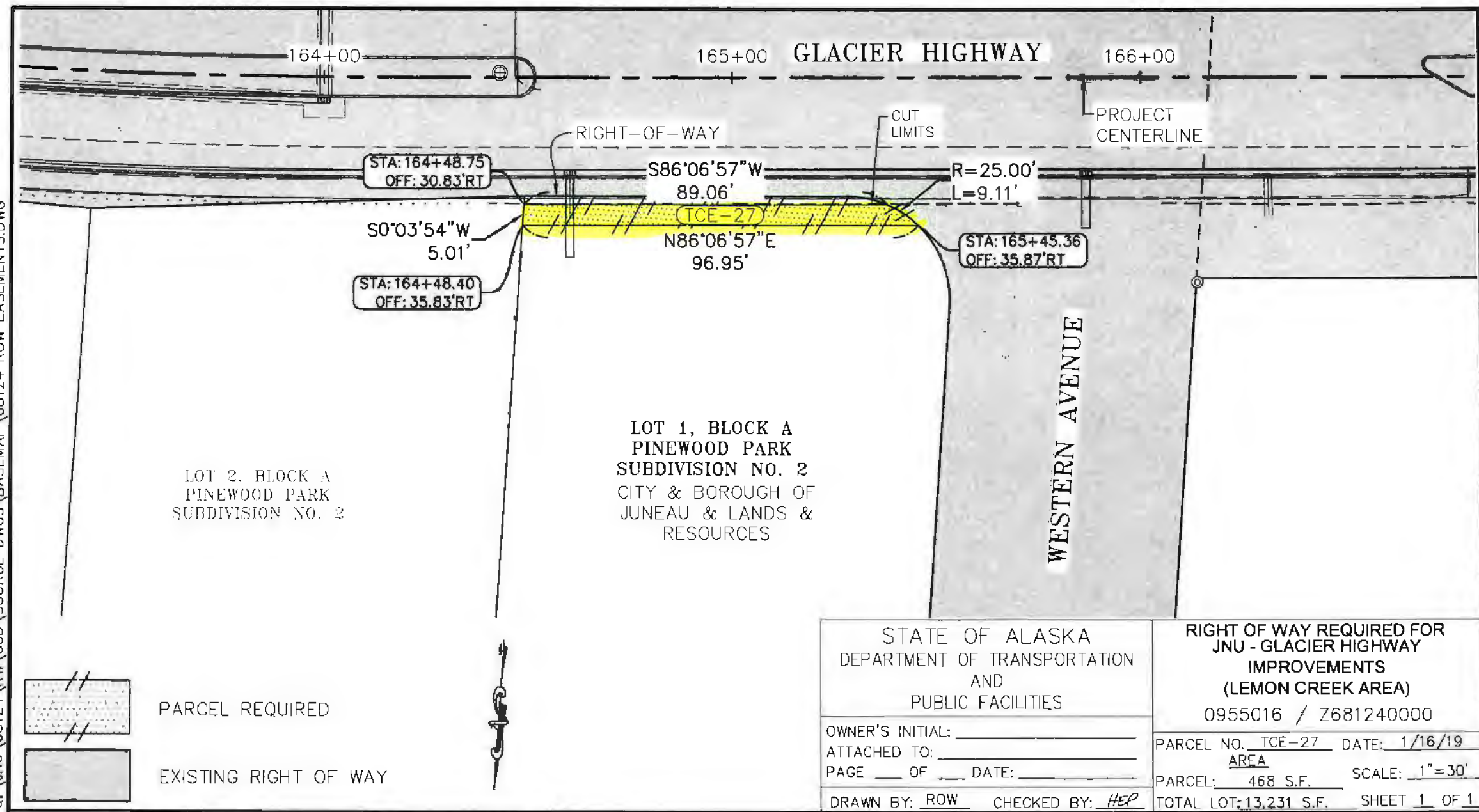
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LOT 2, BLOCK A
PINWOOD PARK
SUBDIVISION NO. 2

LOT 1, BLOCK A
PINWOOD PARK
SUBDIVISION NO. 2
CITY & BOROUGH OF
JUNEAU & LANDS &
RESOURCES

WESTERN AVENUE

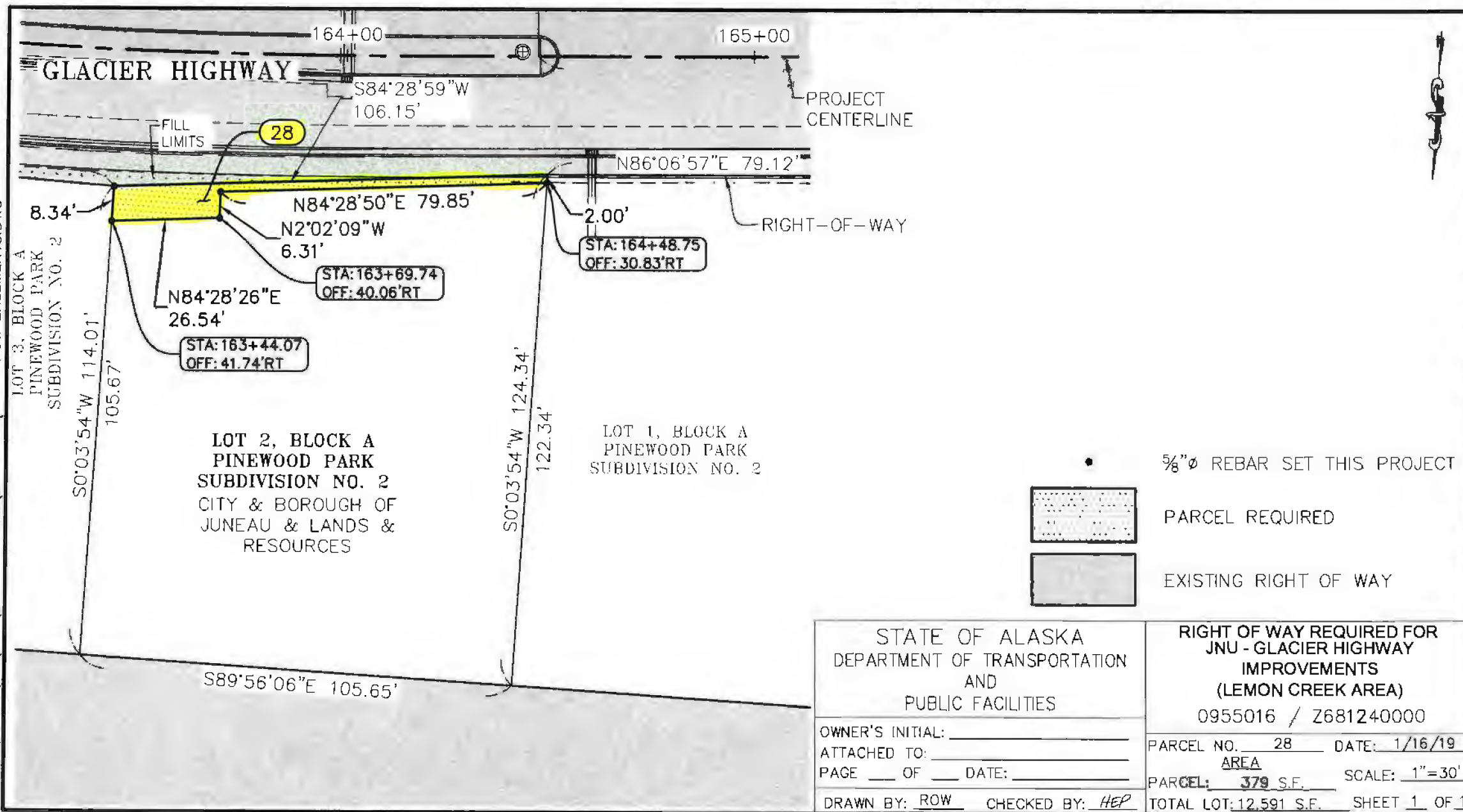
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR
JNU - GLACIER HIGHWAY
IMPROVEMENTS
(LEMON CREEK AREA)
0955016 / Z681240000

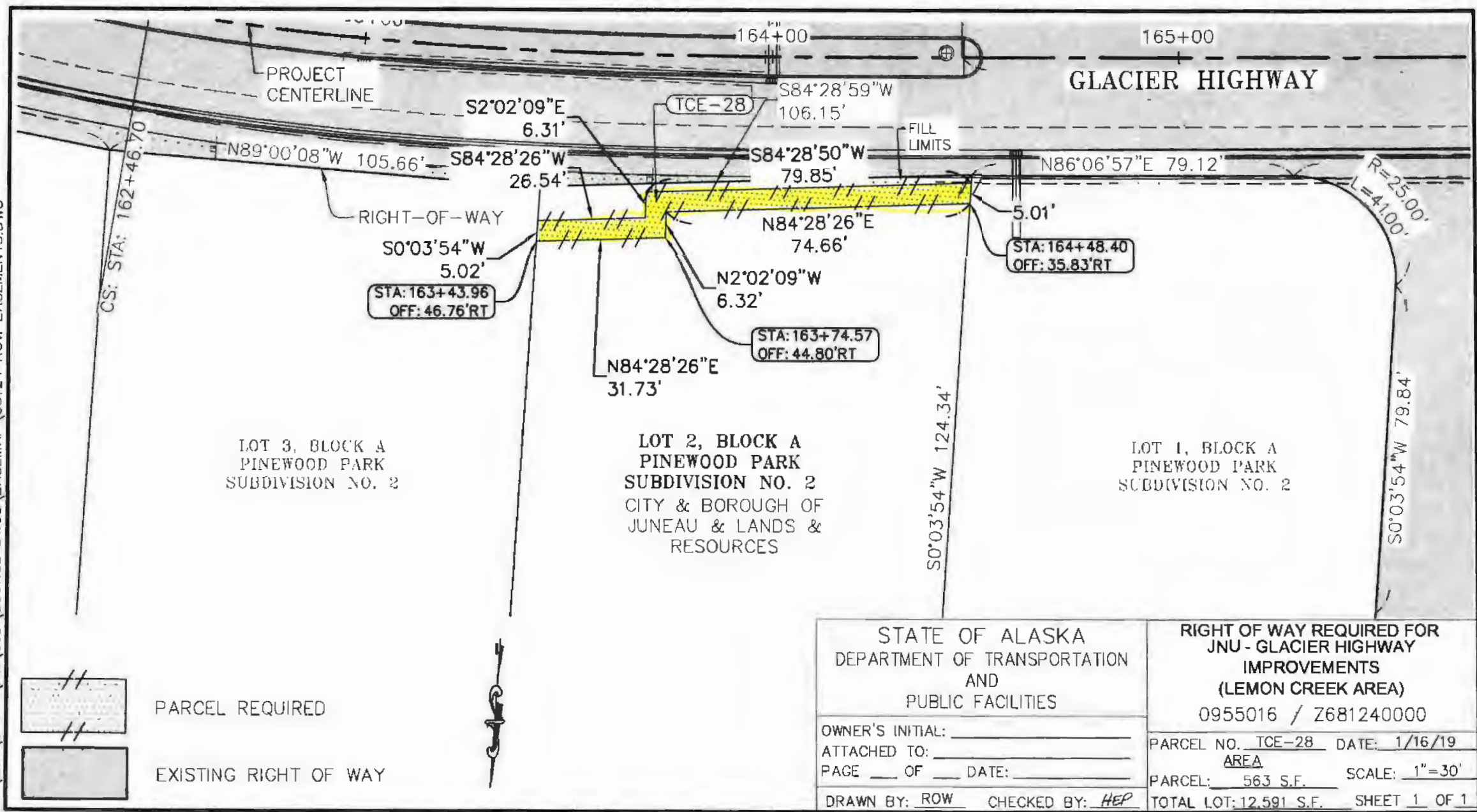
OWNER'S INITIAL: _____
ATTACHED TO: _____
PAGE ____ OF ____ DATE: _____
DRAWN BY: ROW CHECKED BY: HEP

PARCEL NO. TCE-27 DATE: 1/16/19
AREA
PARCEL: 468 S.F. SCALE: 1"=30'
TOTAL LOT: 13,231 S.F. SHEET 1 OF 1

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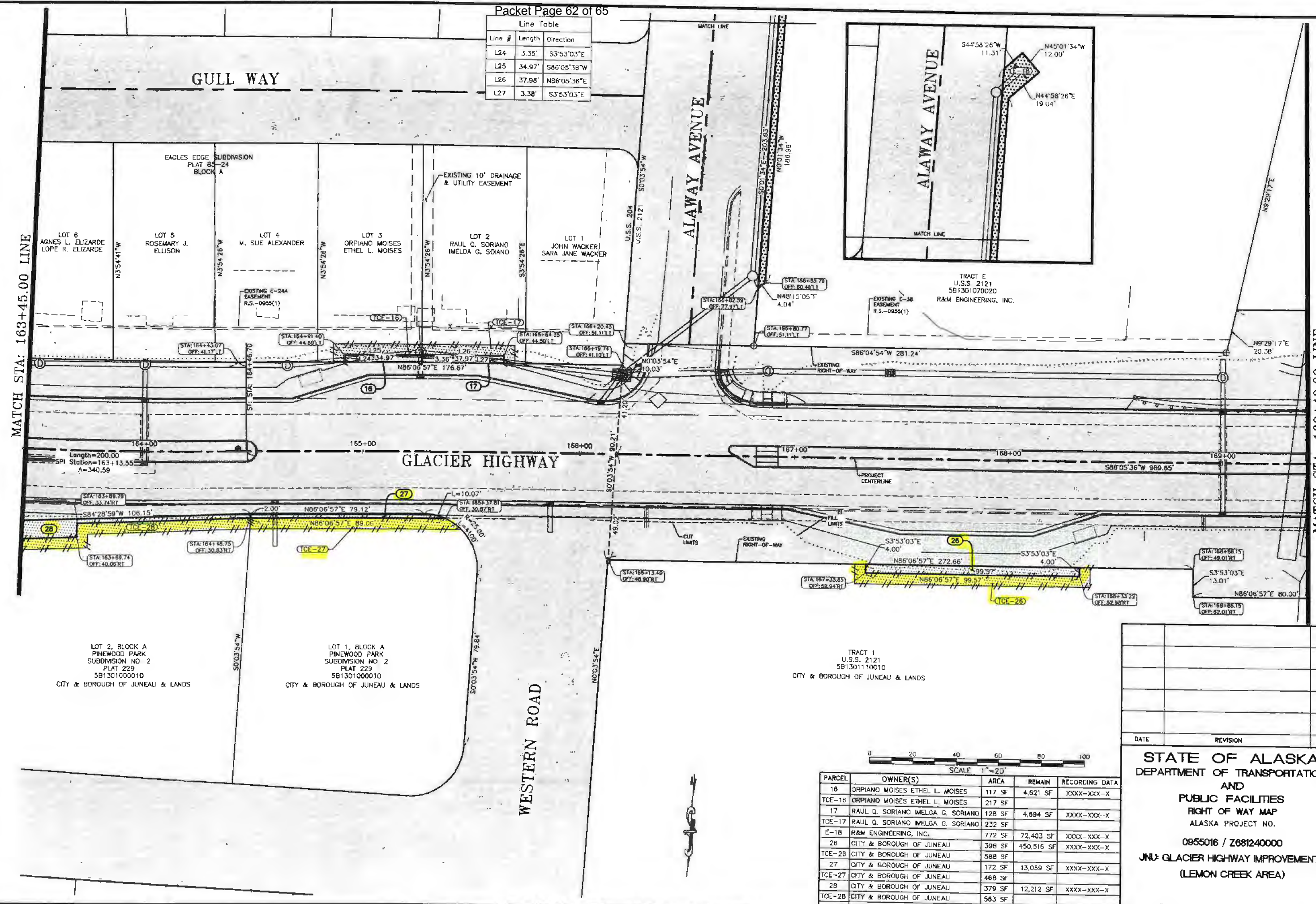
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Packet Page 62 of 65

Line Table		
Line #	Length	Direction
L24	3.35'	S3°53'03"E
L25	34.97'	S86°05'36"W
L26	37.98'	N86°05'36"E
L27	3.38'	S3°53'03"E



PARCEL	OWNER(S)	ARCA	REMAIN	RECORDING DATA
16	ORPIANO MOISES ETHEL L. MOISES	117 SF	4,821 SF	XXXX-XXX-X
TCE-16	ORPIANO MOISES ETHEL L. MOISES	217 SF		
17	RAUL Q. SORIANO IMELGA G. SORIANO	128 SF	4,894 SF	XXXX-XXX-X
TCE-17	RAUL Q. SORIANO IMELGA G. SORIANO	232 SF		
E-18	R&M ENGINEERING, INC.	772 SF	72,403 SF	XXXX-XXX-X
26	CITY & BOROUGH OF JUNEAU	398 SF	450,516 SF	XXXX-XXX-X
TCE-26	CITY & BOROUGH OF JUNEAU	588 SF		
27	CITY & BOROUGH OF JUNEAU	172 SF	13,059 SF	XXXX-XXX-X
TCE-27	CITY & BOROUGH OF JUNEAU	468 SF		
28	CITY & BOROUGH OF JUNEAU	379 SF	12,212 SF	XXXX-XXX-X
TCE-28	CITY & BOROUGH OF JUNEAU	563 SF		

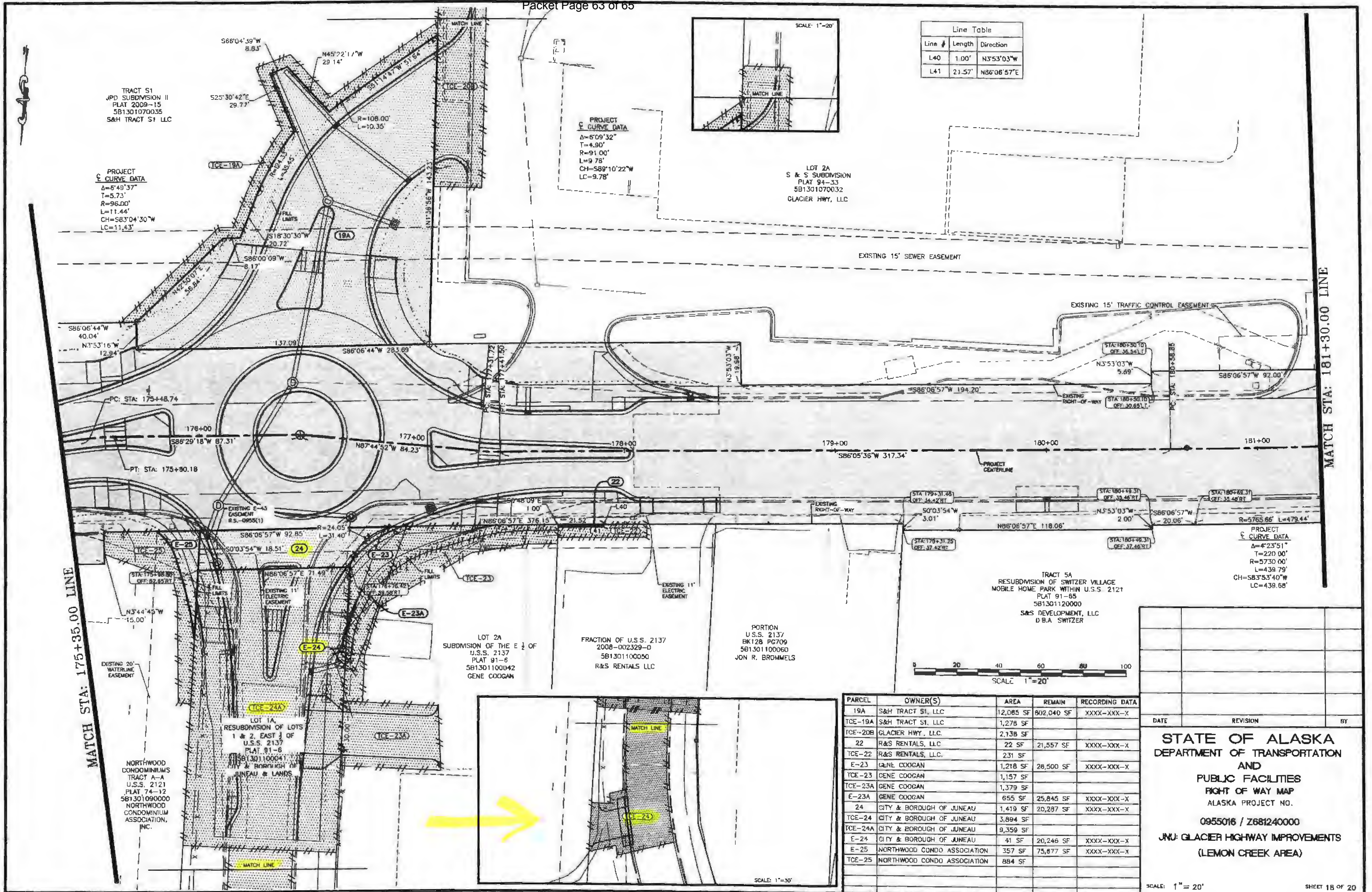
DATE	REVISION	BY

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES
RIGHT OF WAY MAP
ALASKA PROJECT NO.
0955016 / Z681240000
JNU: GLACIER HIGHWAY IMPROVEMENTS
(LEMON CREEK AREA)

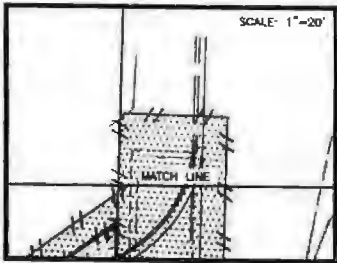
SCALE: 1" = 20'

SHEET 16 OF 20

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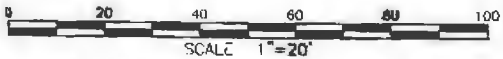


Line Table		
Line #	Length	Direction
L40	1.00'	N3°53'03"W
L41	21.57'	N86°08'57"E



PROJECT
E CURVE DATA
Δ=6°09'32"
T=4.90'
R=91.00'
L=9.78'
CH=589°10'22"W
LC=9.78'

LOT 2A
S & S SUBDIVISION
PLAT 94-33
581301070032
GLACIER HWY, LLC



PARCEL	OWNER(S)	AREA	REMAIN	RECORDING DATA
19A	S&H TRACT S1, LLC	12,085 SF	802,040 SF	XXXX-XXX-X
TCE-19A	S&H TRACT S1, LLC	1,278 SF		
TCE-20B	GLACIER HWY, LLC	2,138 SF		
22	R&S RENTALS, LLC	22 SF	21,557 SF	XXXX-XXX-X
TCE-22	R&S RENTALS, LLC	231 SF		
E-23	GENE COOGAN	1,218 SF	28,500 SF	XXXX-XXX-X
TCE-23	GENE COOGAN	1,157 SF		
TCE-23A	GENE COOGAN	1,379 SF		
E-23A	GENE COOGAN	655 SF	25,845 SF	XXXX-XXX-X
24	CITY & BOROUGH OF JUNEAU	1,419 SF	20,287 SF	XXXX-XXX-X
TCE-24	CITY & BOROUGH OF JUNEAU	3,894 SF		
TCE-24A	CITY & BOROUGH OF JUNEAU	9,359 SF		
E-24	CITY & BOROUGH OF JUNEAU	41 SF	20,246 SF	XXXX-XXX-X
E-25	NORTHWOOD CONDO ASSOCIATION	357 SF	75,877 SF	XXXX-XXX-X
TCE-25	NORTHWOOD CONDO ASSOCIATION	884 SF		

DATE	REVISION	BY

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES
RIGHT OF WAY MAP
ALASKA PROJECT NO.
0955016 / Z681240000
JNU: GLACIER HIGHWAY IMPROVEMENTS
(LEMON CREEK AREA)

SCALE: 1" = 20' SHEET 18 OF 20

Dan Bleidorn

From: Michele Elfers
Sent: Wednesday, May 8, 2019 1:14 PM
To: Haynes, Emily R (DOT)
Cc: George Schaaf; Dan Bleidorn; Alexandra Pierce
Subject: RE: Glacier Highway Lemon Creek Parks and Rec Land

Emily,

Thank you for providing this additional information. The design drawing with the highlighted impact areas is especially helpful. If the DOT commits to revegetating disturbed construction areas within the proposed temporary easement with weed free native species, then the CBJ Parks and Recreation Department can agree that the project does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).

Thanks for your time.
Michele Elfers

*Michele Elfers
Deputy Director
Parks and Recreation Department
City and Borough of Juneau
907-364-2390*

From: Haynes, Emily R (DOT) <emily.haynes@alaska.gov>
Sent: Friday, April 26, 2019 3:30 PM
To: Michele Elfers <Michele.Elfers@juneau.org>
Subject: RE: Glacier Highway Lemon Creek Parks and Rec Land

Michele,

Thanks so much for giving me a call and asking great questions. Section 4(f) is weird and unusual so hopefully I helped, at least a little bit.

I've attached the following:

- A copy of the 1981 project planset from when we acquired the bump out for the Switzer Creek culverts
 - I can also send the actual deed documents but I figured you just wanted the visual map
 - The area marked "P-37" was for a permit, which was likely temporarily needed during construction to build the culverts; it's not State Right-of-Way
- Wetlands map
 - Including the USACE preliminary jurisdictional determination approving of that map
 - The whole report is too big for email but I can send that over another way if you would like it
- Preliminary drawings for the permanent and temporary parcel acquisitions at the Switzer Creek Natural Area Park
 - Highlighted areas are within the park boundaries
 - The 4f map that I sent you obviously identifies way more impacts than are actually needed

- For example, we do not have any need for Lot 3 lands
- Example of a *de minimis* finding we did for a park on a Ketchikan project

Preliminary acquisition areas for Switzer Creek NPA are:

- 949 sqft of permanent acquisition (fee simple)
- 1619 sqft of temporary easement area (to construct our improvements)
 - o All rights to work in temporary easement areas would expire after construction

I spoke with our Right of Way section and they conducted appraisals of these properties recently with Dan Bleidorn who should know what area we're talking about. As for the *de minimis*, we would need CBJ's concurrence that the, "*Project does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).*" If CBJ does have concerns with our activities meeting that statement, please let me know.

During my discussion with Right of Way, they are very apprehensive about continuing on working on the whole project until this is figured out. I don't want to rush any decisions but if you could make the review a priority, that would really help out our project schedule. I'm available to chat until Thursday next week.

Thank you so much!

Emily R. Haynes
Environmental Analyst

Department of Transportation & Public Facilities
Southcoast Region | Design & Engineering Services
Physical: 6860 Glacier Hwy | Juneau, AK
Mail: PO Box 112506 | Juneau, AK 99811-2506
907.465.1826 | cell: 907.903.1491



The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by DOT&PF pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated November 3, 2017 and executed by FHWA and DOT&PF.

From: Michele Elfers <Michele.Elfers@juneau.org>
Sent: Friday, April 26, 2019 2:10 PM
To: Haynes, Emily R (DOT) <emily.haynes@alaska.gov>
Subject: Glacier Highway Lemon Creek Parks and Rec Land

Hi Emily,
 Thank you so much for your patience and time today. When you have the information send it over and I will take a look at it and get back to you.
 Michele