

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

June 10, 2019, 5:00 P.M.
City Hall, Assembly Chambers

I. ROLL CALL

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

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

Members Absent: None

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

Liaisons Absent: Paul Voelckers, Planning Commission

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; Scouts from Scout Troop 55

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Roxie Duckworth, Lands & Resources Specialist; Robert Palmer, City Attorney, Mila Cosgrove, Deputy City Manager, Jill Maclean, Community Development Director; Alix Pierce Community Development Planning Manager; Jeff Rogers, Finance Director; Bob Bartholemew, Finance Director; Carl Uchytel, D&H Director

II. APPROVAL OF AGENDA

Mr. Chaney added Staff Report items; notice to move the next Lands Committee meeting from July 1, 2019 to July 8, 2019 and an eviction notice served at 333 W. Ninth Street. The agenda was approved as presented.

III. APPROVAL OF MINUTES

A. May 20, 2019 Draft Minutes

Chair Becker submitted changes. The amended May 20, 2019 minutes were approved.

IV. PUBLIC PARTICIPATION

Scout Troop 55 joined the Lands Committee as participants to work on their Citizenship in the Community merit badge. There was no other public participation on non-agenda items.

V. AGENDA TOPICS

A. Ordinance 2019-19 re Planning Commission Review of CBJ Land Sales

Mr. Chaney introduced City Attorney Robert Palmer to discuss an ordinance that would amend sections of CBJ code to clarify when the Planning Commission reviews a land transaction between CBJ and another party. On March 4, 2019, the Assembly authorized Assembly member Loren 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. Assembly member Jones and Mr. Palmer revised the draft ordinance (v.2), which was presented to the Planning Commission on May 14, 2019. 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. Version 2 of the draft ordinance would remove the Planning Commission review of leases and easements. 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)

The 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.

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.

Ms. Hughes-Skandijis asked to clarify early entry. Mr. Palmer replied that early entry is a provision that is used for primarily three scenarios. It can be granted if an entity wants to use a piece of land that the City has for non-consumptive use for a period of less than 12 months, such as a temporary construction easement for DOT. Another type is used for leases and easements, such as if someone requests a long-term lease and goes through the determination process. A minimum of a 30-day delay takes place from when the Assembly makes an approval to when that ordinance goes into effect. The lessee can request an early entry permit to gain access and permission to utilize the area for their lease.

Ms. Gladyszewski asked about sales and exchanges and if this should continue at the Planning Commission level if it is also going to the Lands Committee. Mr. Palmer thought the

Lands Committee could decide this matter and that the Planning Commission thought they should continue to review this item.

Ms. Hale asked if this item came up with Deckhand Dave's or Juneau Compost where the Planning Commission put conditions on these projects. Mr. Palmer replied that the Planning Commission gives equal treatment and applies due diligence. Ms. Hale followed up with a concern that if the Planning Commission is approaching this with a regularity role compared to the Lands Committee that we are not suited to addressing certain items as the Planning Commission looks at issues with a different set of glasses. Mr. Palmer affirmed that all of these are legislative issues that the Lands Committee is suited to review and the Planning Commission is still reviewing the land conveyance issues in a regulatory role.

Ms. Gladyszewski asked Ms. Maclean about when staff prepares the information for the Planning Commission if she would envision preparing the same information for the Lands Committee. Ms. Maclean replied that she concurred with Mr. Palmer and felt that this was a fair balance to give the public a chance to participate and not to duplicate the process and affirmed that staff could provide the same level of analysis on staff reports.

Mr. Mertl asked Mr. Palmer if this changes the roles for the Planning Commission and how it affects the Lands Committee. Mr. Palmer replied that this would specify in code that the Lands Committee would have to consider these matters whereas now they are discretionary.

Mr. Mertl followed up about Park land, how does this effect the P.R.A.C. in overseeing Park land and noted that there is a section for Docks and Harbors. Mr. Palmer replied that Docks and Harbors is an empowered board with a specific code section in Title 85 related to sales, leases, and disposals in general. Parks does not have a similar code section and the P.R.A.C. is not an empowered board. That said, the process in here would be helpful to the P.R.A.C. because the Lands Committee would be the first Department to process those leases or easements for park property as an application progresses. Mr. Mertl asked if the opportunity for public input has been reduced. Mr. Palmer replied that he believes the opportunity has not changed or lessened.

Ms. Gladyszewski recommended that Ordinance 2019-19 be forwarded to the Assembly for consideration. Motion passed.

B. Ordinance 2019-25 and 2019-26 re Thunder Mountain Mobile Home Park

Mr. Palmer introduced ordinances 2019-25 and 2019-26 for a potential modification of Comprehensive Plan classification and zoning for lots adjacent to the 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 were presented to the Lands Committee as information items and are a 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 or prohibited. A rezone from D5 to D18 would allow more intensive development, such as higher density apartments and mobile home parks.

The Planning Commission in March recommended rezoning the three parcels and CBJ§49.75.120 requires a rezone to be in substantial conformance with the land use maps of the Comprehensive Plan. Currently these are designated as Urban Low Density Residential (ULDR), which limits density at 6 units per acre, D18 allows for 18 units. The Planning Commission in May recommended amending the Comprehensive Plan's Land Use Map for these lots to Medium Density Residential (MDR), which is more appropriate as the current designation was in error as these lots have been 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 MDR designation of the maps of the Comprehensive Plan. The Planning Commission and Assembly are required to base findings off the Comprehensive Plan's land use maps. The Planning Commission recommended the Assembly adopt Ordinance 2019-25 at its regular meeting on May 14, 2019 and for the Assembly to rezone these three parcels at its regular March 26, 2019 meeting.

Ms. Hale asked if there were any public comments about this issue. Ms. Maclean mentioned that there was only one comment from an abutter that was not in favor about the Comprehensive Plan land use map, but at the Commission level, there was no opposition. Ms. Hale asked if there is a mechanism for the public hearing. Ms. Maclean mentioned that the public has been notified twice about the rezone and the land use map change.

Ms. Gladyszewski asked if this change is necessary to comply with the law. Ms. Maclean commented that these lots may have been overlooked and have always been in joint use with the mobile home park and were not rezoned in 1987. Mr. Mertl asked if this was an oversight and a housekeeping item to fix the situation. Ms. Maclean commented that the property owner who also owns and manages the Thunder Mountain Mobile Home Park proposed this. This would not be spot zoning, which is not allowed, but would need to be either a property that is a minimum of 2 acres in size or expanding a neighboring zoning district, which in this case it would be expanding the D18 zone in which the mobile home park already falls under.

C. Recommendation for CBJ to Bid on Support Lot C1

Mr. Chaney presented City Manager Rorie Watt's recommendation for CBJ to bid on Support Lot C1. CBJ owns the adjacent tidelands to the west and south of the property. AVISTA owns the historic fuel dock. Communication with AVISTA/AELP is that they are 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 who acquires the Mental Health Trust property. The U.S. 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.

The terms of the bid include a minimum bid of \$3,643,000, a bid deposit of \$100,000, with bids being accepted between August 15 to September 6, 2019. Closing must take place within 12 months. If the two highest bidders are within 5%, there will be a subsequent

public outcry auction in which all bidders may participate. The proposed schedule is consideration by the Lands Committee then consideration by the Assembly no later than August 19, 2019 to include an Executive Session. If consensus is not reached at the August 19th meeting then a Special Meeting will need to be scheduled.

The Manager recommends paying for the 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. This land is within the geographic and programmatic scope of the settlement agreement.

Mr. Watt's recommendation is to 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 22, 2019 Assembly meeting and public hearing no later than the August 19th Assembly meeting. Anticipate an executive session on August 19, 2019 to give direction on price to submit.

Mr. Mertl commented that he thinks this is in best interest for the City. Mr. Eiler commented that this was an exciting prospect for the City and asked Mr. Chaney about AVISTA/AELP ownership of a long narrow strip of tidelands in the area and the adjacent CBJ tidelands, what is the status of this area, if it is grandfathered in? Mr. Chaney replied that as he understands, AVISTA/AELP owns that long narrow strip of tidelands and it used to be a fuel dock. The City owns the surrounding tidelands but due to security reasons, will not be able to build a seawalk in front of the Coast Guard facility and needs a place for the seawalk to come to the uplands and thread its way around whatever will be future development in this area. AVISTA has been interested in collaborating and developing this area. In the adopted Long-Range Waterfront Plan, there is a plan for a small boat harbor in this area, potentially for yachts that come to town.

Ms. Gladyszewski moved that this issue be put on the agenda of the COW for July 8 for further discussion, motion passed.

D. Alaska Department of Transportation and Public Facilities: Glacier Highway Lemon Creek Request

Mr. Bleidorn introduced the State of Alaska Department of Transportation and Public Facilities (DOT&PF) easement application. The DOT&PF proposes to resurface and improve the 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. 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 and driveway reconstruction. TCE-

24A is a Temporary Construction Easement containing approximately 9,359 square feet needed for road construction. Renninger Street currently consists of a parcel of City property and not a dedicated ROW, the ADOT is requesting to value this property using a waiver valuation rather than an appraisal.

Parcels 26, 27 & 28 contain a combined area of 949 square feet and will be used for temporary construction easements (TCE's). 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 and appraisal.

Ms. Gladziszewski asked about parcel 24 and the roundabout location. Mr. Bleidorn replied that it is proposed at the Renninger Street intersection.

Mr. Mertl asked if Renninger is a CBJ ROW and any concerns about when a roundabout goes in. Mr. Bleidorn responded that it is a City street but not designated as such and the permanent easement would be maintained by the State.

Ms. Gladziszewski moved to support 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 by appraisal for the remaining parcels. Motion passed.

VI. STAFF REPORTS

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

Mr. Chaney provided an update about Bean's request to purchase CBJ Park land after the proposal had gone to the P.R.A.C. No action is currently needed from the Lands Committee. The P.R.A.C. indicated they wanted a number of items addressed before they would be willing to consider this sale, which included:

- **Notice:** Public notice of the P.R.A.C. meeting when this topic will be discussed needs to be sent to residents of the subdivision.
- **Criteria:** Prior to the P.R.A.C. meeting when this item will be discussed, criteria need to be developed for any application to purchase park land to evaluate if specific Park properties are appropriate for disposal. This could be applied to any land sale in the future to be conducted in a uniform manner.
- **Funds:** Prior to scheduling this item for a P.R.A.C. meeting, a funding mechanism should be developed for the proceeds from the sale of CBJ Park land to be used in a manner to help benefit CBJ Parks.

The P.R.A.C. is an advisory committee and would need to function as an empowered board in some level, similar to Eaglecrest or Docks and Harbors. Staff has not decided what the next step is for the proposal or the application. The idea is to take the Bean proposal to the Planning Commission at some point.

Chair Becker asked what would the P.R.A.C. do with that information, what is their purpose. Mr. Chaney commented, as he understands their request, that if the P.R.A.C. would approve the sale then the proceeds would go to a Parks function to benefit the Parks.

Ms. Gladyszewski asked if there is a lands sale right now, where do the funds go. Mr. Chaney replied that the City owns City property and Parks and Recreation manages some of it and if they were no longer interested in a park land then the property would go into the general pool of land for the City and would be shopped around to other departments to see if there was other interest. If no other departments wanted the land and it was determined that it was in the best long term interest of the City for the property to be disposed, then it would be sold through the normal process and the funds would go to the Lands fund. Currently the sale of all non-enterprise board property is credited to the lands fund, which is where the City gets its funds to purchase other property. Ms. Gladyszewski followed up commenting that items 1 and 2 of the P.R.A.C.'s considerations are agreeable but the third item is legislating by trying to decide what happens to money, which is the Assembly's role and to hold up this request to solve the item 3 is not appropriate and a long-term matter.

Ms. Hale wanted to know about the ordinance that set up and defines the P.R.A.C., to ensure that they are not expanding their duties by their conditional items, and to ensure that these do not reside somewhere else. For example, the Lands Committee and Assembly meetings are opportunities for the public to testify and attend and should we be expanding the P.R.A.C. to do things that are already performed by other bodies.

Mr. Mertl followed up as P.R.A.C. Liaison, commented that public notice should be given to the neighborhood surrounding Bean's request and that the P.R.A.C. has also received more requests to purchase parks' land and wants to develop criteria for these requests. For the item related to how proceeds from sale of park land are allocated; the disposal of park land is to meet the common good of the community, the funds could go into purchasing items such as playground equipment.

Mr. Chaney commented that the sale of land goes to the Lands fund not the general fund and that is the fund that is used to purchase additional property for development and parks. Ms. Hughes-Skandijs seconded Ms. Gladyszewski comments and communicate that to the P.R.A.C. liaison and that the funds item should be separated out in order to continue with the review of Mr. Bean's application.

B. The next Lands Committee meeting has been rescheduled to July 8 from July 1, 2019.

C. Eviction notice

Mr. Chaney alerted the Lands Committee that an eviction notice was served at 333 W. Ninth Street with foreclosure proceedings to follow.

VII. COMMITTEE MEMBER / LIASION COMMENTS AND QUESTIONS

No Liasion reports provide.

VIII. ADJOURNMENT

Chair Becker adjourned the meeting at 5:59PM.