

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

November 19, 2018 5:00 P.M.
City Hall, Assembly Chambers

I. ROLL CALL

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

Members Present: Mary Becker; Michelle Hale; Maria Gladziszewski; Wade Bryson

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

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager;

II. APPROVAL OF AGENDA

Mr. Chaney requested that Item A, the Land Trade proposal be moved to the end of the agenda as the applicant was running late.

The Committee agreed to move the item and approved the agenda.

III. APPROVAL OF MINUTES

Ms. Becker pointed out that on page 4 the word “develop” was misspelled and asked that that be corrected. The 10/22/18 minutes were approved as corrected.

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda items.

V. AGENDA TOPICS

A. Easement Request from ADOT&PF

Mr. Chaney presented outlining the straightforward request for a “handful of easements.” The easement requests are based on the need to revitalize some existing culverts near Twin Lakes. The first two are temporary access easements located just above the Twin Lakes area and are both relatively small areas. These two are intended to help provide access for rehabilitation of some culverts. There is also a request for four relatively small permanent easements which are needed because the culverts as installed extend a bit further than the original easement allowed. Mr. Chaney continued stating that the change in easements will not be likely to change anything on the ground, but will be more straightforward for legal purposes. Mr. Chaney noted that there is also a request for one construction easement to allow for access during construction to repair and realign a culvert. Mr. Chaney recommended that the Lands Committee pass a motion of support for these easements and that they be granted for fair market value.

Ms. Hale noted that on page 47 of the packet the staff report states that an agreement to do these exchanges with no cost has been proposed but an agreement has not been signed at this point. Ms. Hale asked if that agreement should be pursued to limit the need to determine fair market value in the future. Mr. Chaney answered that that would be great for the future, noting that those agreements take time to develop and that the most expedient agreement for this topic at this time is to proceed with fair market value and pursue a memorandum of agreement

with the State in parallel. Ms. Hale suggested that staff continue pursuing an agreement and move forward on this case.

Ms. Becker asked if the temporary, construction, and permanent easements would all be for fair market value. Mr. Chaney indicated that they would. Ms. Becker asked how long the permanent easements would be in place. Mr. Chaney stated that it is similar to purchasing a property right, the price is paid once and the rights go on in perpetuity.

Ms. Gladziszewski moved that the Lands Committee support two temporary access easements, four permanent easements, and a temporary construction easement to be granted to DOT for fair market value for the Glacier Highway, Twin Lakes Drive, Lemon Road culvert rehabilitation project.

Mr. Mertl asked if the land was all CBJ managed parklands. Mr. Chaney replied that it is. Mr. Mertl wanted it noted that it was Park land; he stated that he didn't think the PRAC would object to this proposal but wondered if it should be heard before the PRAC. Mr. Mertl added that there is a trail and landscaping in the area and that there is a pretty significant Japanese knotweed issue in that area. Ms. Becker asked staff if the issue should go before the PRAC and Mr. Chaney replied that the Committee can determine that.

Mr. Greg Weinart (spelling?), chief of Right of Way for the South coast region for the AKDOT&PF, was asked to address the Assembly. Mr. Weinart stated that the property in question is a 4F property (designation by that National Environmental Policy Act, 4F property is publically owned parkland and wildlife preserves and are protected pretty stringently by NEPA). He stated that any issues with impacts were addressed in the NEPA document and the projects in question were considered to not have significant impacts to the environment. He stated that the State would be glad to take the issue before the PRAC if the Committee so desires.

Ms. Gladziszewski moved that the Committee move this forward to the PRAC and if the PRAC objects have the issue come back to Lands, but if the PRAC does not object the issue can move forward.

Mr. Voelckers asked if there was a time constraint. Mr. Weinart stated that there is some time; the State would like to do the construction in the spring.

Ms. Becker called for a vote on the motion to send the issue to the PRAC.

Motion passed with unanimous consent.

Ms. Becker called for a vote on the main motion.

Motion passed with unanimous consent.

B. Property Purchase Request from Thomas and Lisa Daugherty

Mr. Chaney began by pointing out that the Dougherty family was in the audience and able to answer any questions the Assembly might have. Mr. Chaney stated that the proposal is simple and straightforward, the Daugherty's would like the opportunity to subdivide their lot and need about 550 square feet more to do so legally. The City owns the land abutting their rear property line, and the request is for approximately five and a half feet from their current rear property line. Mr. Chaney noted that the City property was designated in the Land Management Plan as Retain/Dispose so there is the opportunity to sell it. He stated that since the area is so small and is adjacent to their property it seems reasonable to accommodate this request.

Mr. Chaney outlined the steps that would have to be taken to continue this request: the Assembly would have to propose working with the original proposer, reject the proposal, or ask for further proposals from the public. He stated that since this is a very limited request adjacent to the applicant's property staff believes that asking for other proposals is not a reasonable proposition and since the property is already designated Retain/Dispose that the application is reasonable. Mr. Chaney added that the numbers listed above are not exact; the applicant may need a few more feet than requested here, and however the big question is if the Committee would like to consider the request.

Ms. Hale noted that it's odd that this wasn't considered during the original sale of the land, and that being the case she asked if it would behoove the city to look at all of the other properties that might be similarly affected. Mr. Chaney pointed out the trend that most of the other lots in the area are a small amount larger than the applicant's lot and many of them are already subdivided. Mr. Chaney noted that zoning has changed since the subdivision was first created and it would have been difficult to foresee the change in zoning and thus the current issue at the time of subdivision. Mr. Bleidorn added as a point of fact that the City did not create this subdivision.

Mr. Voelckers stated that this request seems to make sense but wondered if staff were concerned at all on a broader policy level regarding any requirements for city benefit or precedents that may be set. Mr. Chaney answered that this process is on a case-by-case basis and the first step for the Assembly is whether they want to move forward with it at all, then the issue will go to the Planning Commission for their review and then back to the Assembly for their final approval and ordinance. He clarified that this is a fairly long and thorough process in which all of those questions will be addressed. He added that he doesn't believe that City lands should be disposed of frivolously or easily.

Mr. Mertl asked who is managing the land in this parcel. Mr. Chaney noted that it is under the Lands Division management and is not a park. Mr. Bleidorn clarified that the Land Management Plan states that the parcel is managed by Lands & Resources and Parks & Recreation because there are streamside setbacks and corridors that run through this property.

Ms. Gladziszewski stated that the issue seems to be appropriate that a small amount of land be disposed of to provide more land for housing.

Ms. Gladziszewski moved that the Lands & Resources Division work with the original applicant to dispose of roughly 500-600 square feet of CBJ property.

Mr. Mertl suggested that the Lands Division should also work with Parks & Recreation as is it jointly managed. Mr. Chaney noted that the parcel is nearly 1,000 acres and the portions that are within a few hundred feet of anadromous streams are managed by parks, but the areas that are outside of those corridors are managed by lands and the area in question is managed exclusively by the Lands Division. Mr. Chaney noted that he would be happy to bring the Parks Director up to speed on this issue.

The motion passed with unanimous consent.

C. Land Trade Proposal between CBJ and Allan and Ellen Rogers

Mr. Chaney noted that the applicants have arrived and are available to answer questions. Mr. Chaney noted that this is the third time this issue is being heard at the

Lands Committee, but as there are new members this is a quick overview before moving to the Assembly for approval by Ordinance.

Mr. Chaney pointed out the property in question noting that though it has a Fritz Cove Road address the property is not located on Fritz Cove Road. The property is on an access road easement provided by the city for access to the lots in this area. He outlined the need for this trade, the applicants wish to age in place and to do so need to build a home closer to the road. The only flat area near their lot is on both their property and CBJ lands. A land trade was requested for the City to receive a portion of the waterfront property and the applicants to receive enough of the desired area to build a house that would conform to code. An appraisal was made which determined that the waterfront property is worth about 2.5 times what upland property is worth in this area. Instead of a 2.5 to 1 ratio the applicants are suggesting a 2.3 to 1 trade which leaves the City with a bonus of over 1,000 square feet so it is in the City's interest in terms of value.

Mr. Chaney stated that the application was first brought to the Lands Committee, then to the PRAC where it was voted 5 to 2 that it was an acceptable proposition, noting that the two dissenting members felt that the land trade was not particularly beneficial to the public and the applicants adjusted the ratio to 2.3 to 1 at that time. The application was heard by the Assembly in June and the Assembly unanimously approved working with the original applicant. The application was heard by the Planning Commission in November and the Planning Commission unanimously approved the proposal. Staff are hoping the Lands Committee will send the application to the Assembly for final approval and ordinance.

Ms. Gladziszewski asked about the Assembly's June approval. Mr. Chaney replied that it was heard at a regular Assembly Meeting; Mr. Bleidorn stated that he believed the issue was brought up as new business and it was only the motion to work with the original applicant. Ms. Gladziszewski asked how wide the strip of land is and what the City could do with it. Mr. Chaney noted that the strip is 20 feet wide and that the additional land is just an extension of the existing park.

Ms. Becker asked where the public enter to walk in this park. Mr. Chaney noted that one might walk along the beach. Ms. Gladziszewski noted that it's difficult to know that that is parkland and asked if there was any proposal to add signage noting that the area is a park. Mr. Chaney replied that that hasn't been proposed; he added that everything below the mean high tide mark is owned by the State.

Mr. Mertl noted that he supports the land trade and he asked how far back from the shoreline is considered "waterfront" property. Mr. Chaney answered that that is something that the appraiser determines.

Ms. Gladziszewski moved that the Lands Committee send this to the Assembly to be approved by Ordinance.

Motion passed with unanimous consent.

VI. STAFF REPORTS

VII. COMMITTEE MEMBER / LIASION COMMENTS AND QUESTIONS

Mr. Mertl thanked the Lands Committee for representing PRAC in regards to the Deckhand Dave transfer of Gunakadiet Park. He asked Mr. Chaney if there is any movement on Indian Cove. Mr. Chaney noted that this is a question for the City Manager.

Mr. Voelckers noted that the Alternate Residential Subdivision was recommended to the Assembly and will be heard at the Committee of the Whole soon, but it has been a relatively quiet period otherwise.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:36 PM.