

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

November 20, 2017 5:00 PM
City Hall, Assembly Chambers

I. ROLL CALL

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

Members Present: Chair Mary Becker; Beth Weldon; Rob Edwardson;

Members Absent: Jerry Nankervis

Liaison Present: Paul Voelckers, Planning Commission

Liaison Absent: Weston Eiler, Docks and Harbors liaison; Chris Mertl, Parks & Recreation

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

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

Minutes:

A. October 23, 2017 Minutes

MOTION by Chair Becker to approve the minutes of the October 23, 2017 Lands Committee meeting.
Hearing no objection, the minutes were approved.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

There was no public participation on non-agenda items.

IV. AGENDA TOPICS

A. Proposed Deletion of CBJ Code 49.70.310(a)(2 and 3), Eagle Nest Buffers

Mr. Chaney introduced CDD Senior Planner Teri Camery, who reviewed her November 13, 2017 memo and packet material regarding the proposed deletion of CBJ Code 49.70.310(a) 2 and 3. A primary point made by Ms. Camery is that the CBJ does not have staff with the training to determine if eagle nests are present, occupied or being actively used by eagles. Without the ability to determine if an eagle nest is present or if it is being actively used, it is impossible to effectively enforce the eagle nest ordinance.

Mr. Voelckers said another important point to include is the range of habitation and how arbitrary the range of distance from disturbance is from an eagle nest to treat the eagles well.

Mr. Edwardson directed attention to page 16, 4th paragraph, beginning with "in light of the 2011 changes to federal law." Mr. Edwardson asked what were the changes, and Ms. Camery replied that law is associated with the eagle take permit. Mr. Edwardson directed attention to the "local eagle populations appear to be increasing" section. Mr. Edwardson asked what the other code requirements were in relation to this section, and Ms. Camery replied the 50 foot buffer around salmon streams, minimum vegetative cover, and minimum setbacks. Mr. Edwardson then directed attention to the "eagle ordinance is tied to code definition of development." Mr. Edwardson asked for some examples of irrelevant activities and Ms. Camery replied code definition of development includes grading, placement of signs, and establishment of a subdivision. If the City were to enforce the code as written, the development of a subdivision would be outright prohibited.

Ms. Weldon asked that with this deletion, the City assumes people will follow the best management practices voluntarily and Ms. Camery replied comprehensive policies that address buffers remain in code, but that this will be voluntary at this point. Ms. Camery emphasized the City cannot enforce this ordinance.

Mr. Edwardson asked when an ordinance is unenforceable, how does it get decided that the ordinance should no longer be in effect. Mr. Edwardson brought up speed limit signs in rural areas that do not have a police presence. Ms. Camery replied that for this specific example, its concerning a no-development buffer with the key component being if the nest is active or not. Because the ordinance highlights identification of the nest status, the City knows it can't identify the point of no development. Ms. Camery said that for this particular case, it's a measurement of no-development and if the City does not have the capacity to identify that key point, it's especially problematic.

Chair Becker said that if this ordinance was no longer on the books, there would be people who will be worried the City does not have anything to protect the eagles. Chair Becker asked if staff had a handout regarding eagles in general or other pieces of public information that could guide development activities of the public. Ms. Camery replied the draft conceptual bald eagle best management practices document included in the document would be handed out.

Mr. Voelckers said the draft conceptual "Bald Eagle Best Management Practices" document was excellent.

The Lands Committee unanimously moved that the proposed ordinance deletion go before the full Assembly.

B. JYS Cornerstone Lease

Mr. Bleidorn presented his November 15, 2017 memo, the memo written by JYS Interim Executive Director Walter Majoros, and associated packet material to the Committee.

Mr. Voelckers asked staff to describe the lease and financial outcomes of JYS's vacation of the building. Mr. Bleidorn said JYS signed a new lease in 2010, which runs through 2020, and that no monthly rent was collected by the CBJ because JYS was providing a service to the community. There is no provision in the lease that penalizes JYS for ending the lease early.

Mr. Bleidorn also stated that JYS may want to use part of the site for a while after they vacate the premises.

Chair Becker asked what building JYS would like to continue to use and Mr. Bleidorn replied JYS would like to continue to use the maintenance shop.

V. STAFF REPORTS

A Tidelands Addition Block 68, Fraction of Lot 8 – Verbal Update

Mr. Chaney let the Committee know this City property has become a controversial issue over the years due to the neighboring property owners at Bullwinkle's and Twilight Café. There is a propane tank at Bullwinkle's that does not meet fire code standards and encroaches on City property. Lands staff and the Building Official asked the building owner in writing to move the propane tank and they haven't.

Lands had an as-built survey of the property done, which showed that both Bullwinkle's and Twilight Café encroach on City property. Lands staff is not looking for a motion at tonight's meeting, but will be bringing this topic before the Committee again in the near future with some recommendations, said Mr. Chaney. Mr. Chaney said that by addressing these encroachments, the area could be restriped to add another 10 parking spaces which could be leased to the State.

Ms. Weldon asked who owns the propane tank and Mr. Chaney replied the propane tank supplies the Bullwinkle's facility. Ms. Weldon asked what the City charges for parking and Mr. Chaney replied \$60 a month per space.

Mr. Voelckers asked how much is the propane tank not in compliance and what it would take to have the tank comply with building code and Mr. Chaney replied that because of the tank's size it is too close to the property line, it would need to be moved to the middle of the property. Mr. Chaney said Bullwinkle's option could be to get a series of smaller tanks with the same total capacity to be hosted on their property. Mr. Voelckers said one of the options he assumes staff has considered is selling the property to Bullwinkle's.

PUBLIC COMMENT

Ms. Catherine Christobal commented before the Committee as owner to Twilight Café. Ms. Christobal let the Committee know that moving the propane tank would grant more access to her property and help her safety because the tank is too large.

Chair Becker asked if the tank was moved, would it create more parking for her and Ms. Hill replied she is more concerned about her access. Ms. Christobal said she wanted the back of her café to be the storefront because she has very minimal access to her business.

Ms. Weldon asked how the removal of the propane tank would provide Ms. Christobal more access to her property since it's City property and Mr. Chaney replied Twilight Café does not own the lot between the café building and the right-of-way so they have very limited legal access to the front of their building—only a little bit on the side—so there are doors on the back and this piece of City property could potentially become the front of their building

Chair Becker asked if the back of the Twilight Café is City property and Mr. Chaney confirmed it so.

Chair Becker asked if there was anything else and Mr. Chaney said in the future, staff will look for direction from the Committee.

VI. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

Mr. Voelckers let the Committee know that the Planning Commission finished working with a special subcommittee on CIPs and submitted a letter of recommendation out last week. This is highlighting categories the Planning Commission thinks needs emphasis and will follow up with more specifics later.

Ms. Weldon asked where the letter was and Mr. Voelckers responded that it has been sent via email.

VII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:34 p.m.