ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES
October 23, 2017 5:00 PM
City Hall, Assembly Chambers

I. ROLL CALL

Mary Becker, Chair, called the meeting to order at 4:58 pm.
Members Present: Chair Mary Becker; Assembly members Jerry Nankervis; Beth Weldon; Rob Edwardson; Norton Gregory (telephonic participation)
Liaison Present: Paul Voelckers, Planning Commission; Chris Mertl, Parks & Recreation; Weston Eiler, Docks and Harbors liaison, joined the meeting shortly after roll was called
Staff Present: Greg Chaney, Lands Manager; Rachel Friedlander, Lands and Resources Specialist; Rorie Watt, City Manager; Laura Boyce, Senior Planner

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

A. August 28, 2017 Minutes

MOTION *by Chair Becker to approve the minutes of the August 28, 2017 Lands Committee meeting. Hearing no objection, the minutes were approved.*

III. PUBLIC PARTICIPATION

Chair Becker asked the audience if anyone wished to offer public testimony. There was no response so public participation closed.

IV. AGENDA TOPICS

A. 2nd and Franklin Negotiated Sale Update

City Manager Rorie Watt presented on the 2nd and Franklin Negotiated Sale in lieu of Mr. Ciambor. Mr. Watt summarized the October 23, 2017 memo Mr. Ciambor included in the packet. Mr. Watt said the last place where the Assembly left the Eagle Rock Ventures (ERV) project, ERV was pursuing development proposals and financing packages and having challenges figuring out projects they could finance and develop within the Juneau market. Mr. Watt said this summer ERV pursued the Low Income Housing Tax Credits Program and was invited to compete for these credits. In order for ERV to compete, they need to demonstrate site control through May 17th, and the sales agreement they currently have with the CBJ runs through March 31st so ERV is looking for a 6 to 7 week extension on the sales agreement. Mr. Watt said it has not been easy for ERV to figure out something that financially makes sense, so he feels it is reasonable to grant the extension. Mr. Watt said the intent is to extend ERV's closing date by 7 weeks.

Ms. Weldon said ERV was going to be providing workforce housing at this site, which is between the 60-120% average medium income, and now all their units are going to be below 60% average medium income. Ms. Weldon asked Mr. Watt to confirm that this new proposal would not be workforce housing. Mr. Watt said this comes down to the definition of workforce housing, which has not been consistent, and when the City requested proposals, no definition of workforce housing was outlined. Mr. Watt then invited assembly member Norton Gregory to provide his expertise on this subject. Mr. Watt said that by ERV going after the low income tax credits, they would be targeting a lower income band. Ms. Weldon replied ERV defined workforce housing themselves in their memo as "people in the service industry and early career professionals to people new to the region." Ms. Weldon emphasized that if the City grants ERV this extension, the City will end up with low income housing, which does not target the same population they originally planned. Ms. Weldon said ERV has changed their plan. Ms. Weldon asked Mr. Watt to correct her if it was incorrect to say that if ERV does this, it will be very restrictive to the property for up to 30 years. Mr. Watt replied that if ERV did receive the tax credits, Ms. Weldon's statement is correct that for a period of time, the apartment units will be restricted within the low income wage band. Mr. Watt said what ERV proposes has to go through the Planning Commission, and that in order for ERV to compete for the tax credits, they need to submit evidence of continued site control on November 12th, so if there are questions he cannot answer tonight, this topic can be continued at the November 6th Assembly meeting under "unfinished business."

Chair Becker asked Mr. Gregory if he had been able to hear what has been said about ERV's timing and if he had anything to add. Mr. Gregory said it is important the City looks at the income limits that are available to the tax credit project and make sure the City is moving forward fully aware of the income limits as they can be restrictive on who can live there.

Mr. Edwardson asked if this is not approved, what would ERV do and Mr. Watt replied ERV has an option to purchase the property with a date certain, and in the interim the CBJ can use the space as parking. Mr. Watt said if ERV cannot develop a project, they will let the sales agreement with the City lapse.

Mr. Mertl commented that the materials provided in the packet are a year old and that there have been changes associated with the ERV proposal. Mr. Mertl asked if the City has been given updates on the intent of ERV for this project. Mr. Watt replied the City did a solicitation and ERV was selected; the City then executed a purchase and sales agreement that gave ERV the option to purchase; ERV subsequently met with Planning staff for a pre-application conference regarding their proposal; ERV's proposal had a number of features in it including a donut hole proposed in the middle of the building, which is not permissible under CBJ fire code. Mr. Watt said ERV does not have a proposal at all so the City is looking to them to make an actual submittal, and that for now the City is guessing on what they would propose. Mr. Watt said ERV is definitely looking at small apartments on the modest end.

Mr. Gregory provided income limits to apartment rentals under affordable housing restrictions.

Mr. Nankervis agreed that the target has moved for ERV, and asked Ms. Weldon where she got information that the property would be limited for 30 years. Mr. Watt said it is likely the Assembly will continue this discussion November 6th and that staff could provide more information on the definition of area medium income and workforce housing, and if the tax credits are used, the length of time the rental requirements hang with the property. Mr. Watt said that for the November 6th Assembly meeting, this topic will be continued under unfinished business.

Mr. Nankervis said he is not comfortable moving forward with the project and that this is a big enough issue for the whole Assembly to weigh in on, and that he agrees with the City Manager.

The Lands Committee unanimously moved to forward the ERV sale update to the November 6th City Assembly meeting.

B. Proposed Amendment to Title 49, the Land Use Code, regarding Privately Maintained Access Roads (PMAs) within the Urban Service Area

Senior Planner Laura Boyce gave an overview of Privately Maintained Access Roads (PMAs). PMAs are for new subdivisions of a maximum 13 lot density, and are privately maintained gravel access roads in public rights of way. Ms. Boyce explained the difference between shared access and PMAs. The Planning Commission was in favor of PMAs borough-wide, but the Assembly voted to restrict PMA use to only outside the urban service area, said Ms. Boyce who then summarized more information laid out in the October 17, 2017 memo to the Committee. Members of the public requested that staff revisit PMAs, and the Title 49 Committee of the Planning Commission is willing to work on this issue.

Mr. Nankervis asked Planning Commission liaison Mr. Voelckers to speak on the issue. Mr. Voelckers said this is a vehicle to make small subdivisions more affordable and that mechanisms would be in place so that if a subdivision utilizing PMAs grew larger in scale, development standards would increase the PMA to a full on street with amenities.

Mr. Mertl asked if staff considered children's safety for subdivisions of 13 units or more and Ms. Boyce replied any subdivision –aside from shared access and PMAs- that trigger more than 211 average daily trips would be required to have sidewalk and additional amenities.

Mr. Edwardson asked if 211 average daily trips would trigger it for 13 lots or less and Ms. Boyce confirmed it so. Mr. Edwardson asked who would pay for the PMA to be upgraded and Ms. Boyce replied there is an agreement all owners along the road share that upgrades would be collectively paid for by the homeowners and not the CBJ. Mr. Edwardson asked what happens if new owners do not want to pay for that upgrade, and Ms. Boyce responded that when the original owner signed the agreement, that agreement carries forward to all future owners so they will have known they are buying into this upgrade.

Chair Becker said they would be breaking a contract if a homeowner did not want to pay and Ms. Boyce confirmed it so.

Ms. Weldon said she believes that when someone buys a house like that, they have to sign an agreement before they buy it that they have to maintain it and Ms. Boyce confirmed it so.

Ms. Boyce said PMAs became effective in September of 2015 and to date there has not been a subdivision that has used this option.

Ms. Weldon asked what the driveway width requirements were and Ms. Boyce responded 20 feet or based upon fire standards. Ms. Weldon asked if you could park on the PMAs and Ms. Boyce said the fire department requires a sign that says "parking or blocking the driveway would not be allowed."

Mr. Voelckers said the Planning Commission wanted to avoid the issues the borough had inherited for upgrading an area, so the Planning Commission is trying to balance deferring some of those initial costs.

Mr. Edwardson said he worries if someone buys one of these houses because they are affordable, that person may not have money to pitch in to improve a road. Mr. Edwardson said he also thinks all the homeowners would have to agree that the improvements were necessary. Ms. Boyce confirmed this was a correct assumption.

Ms. Boyce shared an example of an unbuilt right-of-way within the urban service area at Bower Lane and how restrictions to the use of PMAs could prevent infill development.

The Lands Committee unanimously moved that staff work with the Planning Commission to fine tune this issue and bring it back to the Lands Committee.

C. Indian Point Update

Mr. Watt let the Committee know that the issue of Indian Point was raised by the mayor as a result of his meeting with Goldbelt Corporation and the Aak'w Kwan on September 18th. Mr. Watt reviewed the steps suggested to the Lands Committee in his October 19, 2017 memo. Mr. Watt said that through these steps, he is giving the Committee a work plan to start with and suggested that as the first step, the City invite the public to review the staff-compiled history of the land for accuracy. Mr. Watt addressed the Committee on the staff-compiled history of Indian Point and used a PowerPoint presentation to show pictures and maps of Indian Point.

Mr. Edwardson said Mr. Watt did a good job outlining the issue and proposed extending the deadline from November 15th to December 15th.

Chair Becker asked if this extension was for discussion purposes or for sending it out of Committee and Mr. Edwardson said "for sending it out of Committee."

Mr. Watt clarified that he suggested the Lands Committee request the public to review this information and provide that information back to the Committee so that the history document could be updated and brought back before the Lands Committee. Mr. Watt emphasized working on this for some time and did not want to rush this topic out of Lands Committee. Mr. Watt said he was envisioning putting a PSA out to the public to get their opinion on the CBJ's baseline history of Indian Point and thought it was favorable to give the public plenty of time on this topic.

Mr. Edwardson was amenable to Mr. Watts's opinion of keeping the topic in Lands Committee but wanted the deadline moved to December 15th.

Chair Becker asked if there was any objection to moving the deadline to December 15th and seeing none, the extension was unanimously approved.

Mr. Mertl asked for clarification that the City Manager wanted validation on the draft history document in the packet and not public comments on what should be done with the property, and Mr. Watt confirmed it so. Mr. Mertl then said the Parks and Recreation Department has not been included in on this topic and that as City departmental managers of the Indian Point lots, this topic should be visited by PRAC and the Parks and Recreation should be included in the process. Mr. Watt said the idea is to be as inclusive as possible regarding Indian Point.

Mr. Nankervis agreed with the ideas given by Mr. Mertl and Mr. Edwardson. Mr. Nankervis said this is a complicated issue, and the more things that are known, the better. Mr. Nankervis said regardless of what direction this topic goes, not everyone will be happy but at least the Assembly could make an informed decision.

Ms. Weldon asked if the City conveyed the Lands to an outside organization, is there any way the City can tie up the land so that there is no commercial use to the land and Mr. Watt replied there could be, namely a deed restriction. Mr. Chaney added any deed restrictions placed on the property would put the City in an enforcement role for as long as that restriction is in place and that the City should be careful as it would be taking on a responsibility.

Mr. Nankervis thanked whoever compiled the historical information in the packet, and Mr. Watt noted it was Mr. Chaney and thanked him for his historical synopsis. Mr. Watt let the Committee know there is a source document that contributed information to the historical memo that has not been made public because it contains sensitive cultural information, but that the author has given permission to release this source document when the City redacts the culturally sensitive information.

Chair Becker confirmed that the public will be reviewing the packet for accuracy for all the history in case something has been left out or put in that is not true and said it was a good recommendation.

Mr. Chaney let members of the public sitting in the audience know packets containing information on Indian Point were available.

Mr. Nankervis said he would like to see what the Assembly receives from public comment, and agrees with the six points outlined by the City Manager in his memo.

Mr. Eiler said the Port Director will be reaching out to the City Manager on this topic.

Mr. Mertl requested the City Manager reach out to the Parks and Recreation Department. Chair Becker said it goes without saying that the Planning Commission will be involved on this topic.

Mr. Chaney clarified with Chair Becker that the Committee would not be entertaining public comment at this meeting and Chair Becker replied that she had asked at the beginning if there was public testimony and no one wanted to speak. Chair Becker said that if public testimony was requested by the Committee, there was time still left for it to occur.

Mr. Nankervis said he would not be in favor of public testimony tonight but instead at another date, and that he would prefer public testimony at the beginning of the meeting rather than at the end. Chair Becker agreed with Mr. Nankervis that public testimony is better at the beginning of the meeting.

The Lands Committee unanimously agreed to have public testimony at the beginning of the next Lands Committee meeting that has Indian Point on the agenda.

Mr. Chaney clarified this will be a long process involving separate meetings, with 4-5 public meetings minimum. Mr. Chaney asked Chair Becker if it would be appropriate to have Indian Point on the December Lands Committee agenda.

Chair Becker asked Mr. Watt if there was a way he would like to collect public comment and Mr. Watt replied the City will send out a PSA with information.

Mr. Nankervis said the only Lands meeting scheduled as of now for December is Monday, December 4th and requested that all public comments received by December 4th be included in the December 4th meeting packet to reduce the packet size to spread out the work over a few meetings.

There was then discussion on the scheduled Lands Committee meetings on the 2017 Assembly calendar, when information should be received by the Lands Committee and PRAC, and when the Indian Point topic should come before the Lands Committee again.

Chair Becker: I thought we had a November 20th meeting?

Mr. Nankervis: We have a November 13th meeting.

Ms. Friedlander: The November 13th Lands Committee meeting was moved to November 20.

Mr. Nankervis: The only Lands Committee scheduled in December is scheduled for December 4th. This is the last meeting before the 15th of December.

Chair Becker: The request is for any public comments be done in time to have in the November 20 Lands Committee packet, so the week before the Committee would need to have it.

Mr. Mertl: The City Manager needs to contact Mr. Duncan so that PRAC can begin to discuss this topic.

Mr. Edwardson: When are we shooting for?

Chair Becker: November 20th but the public needs to get their comments in before that.

Mr. Edwardson: I was hoping for December 15th just because it takes a long time to get information so if there is a meeting in January, perhaps we could address this issue in January.

Chair Becker: You are requesting not bringing this issue up at the November 20th meeting?

Mr. Edwardson: Correct. As we discussed earlier, originally the Manager was contemplating giving until November 15th and I suggested December 15th because it takes a long time to get information so I think we could address this in January and give the public as much time as possible to get information in.

Chair Becker: December 15th is requested and I think we had said we were okay with that but I wasn't sure it was to not have anything done before that.

Ms. Weldon: I'm confused. December 15th we don't have a Lands Committee meeting, we have it on December 4th. We are asking for information to show up in our packets on November 20th but we are not bringing it forth until December 4th, is that correct?

Mr. Edwardson: No, my request is December 15th to give the public time to submit comments so whichever meeting is after that was fine with me that this topic be brought up again.

Mr. Nankervis: We agreed that December 15th would be the deadline for public comments. My goal in getting comments that show up by the December 4th meeting is that we will have the chance to read those comments then and that whatever comes in after that by the 15th we would again get the chance to review at the January meeting to spread that reading workload out over a few meetings.

Chair Becker: We will take comments and requests for information and whatever else is pertinent to this issue anytime, but we are asking that it definitely be into us by December 15th in time for the next meeting. December 15th is our semi-drop dead date however we never quit and always take more and more. Are we set on this?

The Lands Committee unanimously agreed that staff will continue to collect information about the history of Indian Point until December 15th. The topic of Indian Point would be taken up at an appropriate time after December 15th. (It was not possible to propose a specific date since the 2018 meeting calendar had not been completed at this time.)

Mr. Chaney then mentioned that if members of the public wanted to be informed of when the next meeting will be concerning this topic, to put their information on the sign-up sheet at the back of the room.

Chair Becker: Is there anything else?
Seeing there were no additional comments, Chair Becker adjourned the meeting.

V. STAFF REPORTS - There were no staff reports.

VI. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

There were no committee member or liaison comments and questions.

VII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:53 p.m.