

ASSEMBLY STANDING COMMITTEE MINUTES
LANDS HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
April 11, 2022, 5:00 P.M.

I. CALL TO ORDER

II. LAND ACKNOWLEDGEMENT

III. ROLL CALL - Chair Hale called the meeting to order at 5:05 pm.

Members Present: Chair Michelle Hale, Greg Smith, Wade Bryson, Wáahlaal Gíidaak

Members Absent: none

Liaisons Present: Chris Mertl, Parks and Recreation; Mandy Cole, Planning Commission

Liaisons Absent: Lacey Derr, Docks and Harbors

Staff Present: Dan Bleidorn, Lands Manager; Jill Maclean, CDD Director; Michele Elfers, Parks & Recreation Deputy Director; Di Cathcart, Deputy City Clerk

IV. APPROVAL OF AGENDA – The agenda was approved as presented.

V. APPROVAL OF MINUTES – March 7, 2022 Draft Minutes were approved as presented.

VI. AGENDA TOPICS

A. Parise Request to Purchase City Property

Mr. Bleidorn discussed this topic. Mr. Bryson asked if any area of this property is designed to encourage public use. Mr. Bleidorn replied that there is no direct or manicured access to the shoreline. This property was acquired from the State.

Mr. Smith asked if CDD reviewed this before it went to the PRAC and what type of information would we expect from CDD. Mr. Bleidorn replied that the PRAC is the first step and CDD would be involved after initial support to work with the original proposer. Chair Hale noted that we do not have a positive proposal from the PRAC to move this forward, they didn't recommend this proposal and moved that this property was to be retained.

Mr. Mertl commented that he's available as a resource. PRAC spent a fair bit of time talking about this last week and denied it. Back in 2021 Parks and Recreation did send out postcards mailers to the neighborhood and 60 of those that responded said that there should not be an easement granted, this was when the original proposal was for an easement, not for a purchase. The other thing that I want to follow up on is that the department is seeing more applications to purchase parkland and if you look at policy we're supposed to hold lands in public trust and dispose certain lands for private use when disposal serves the public interest. One of the main reasons why we did deny the purchase of the property, keeping in mind that it is part of the larger Auke Bay neighborhood plan, is that there are limited public access points to the waterfront.

Mr. Bryson asked how we can help this citizen correct their driveway problem. Mr. Bleidorn replied that this is a complex question. A few years ago the State DOT worked with the previous owner when they redid the highway. The DOT paid them for the land they needed to fix the property and work on the right-a-way, similar to what they did with the city in Auke Bay. In theory that payment could have gone to correct the driveway access. We're in a situation now where there's some type of non-conforming issue, or a driveway access safety issue, and it is next to vacant city property, which is vacant city open space park property. We want to be careful with the disposal of this property. Since this application has come forward we've heard from the adjacent neighbor because that property just sold and they may be

interesting in trying to acquire part of this property, if the Assembly decides to move forward from it. There's a very similar waterfront access out at Tee Harbor where, if this moves forward, I wouldn't be surprised if we have an application for that as well. When we talk about disposing of property, we should consider the long term effects and the precedent that it could set. I think the answer to your question is I'm not certain that Park property should be the go-to way to resolve driveway accesses from adjacent property owners. That being said, if the Assembly chooses to work with this applicant and dispose of this property, we can go through the process. It's difficult for staff to recommend in favor when the adopted plans recommend against.

Mr. Smith asked that Ms. Maclean speak on the non-confirming issues. Ms. Maclean commented that she's not certain whether it is non-conforming without conducting a non-conforming situation review. Mr. Bleidorn did mention that the previous owner was reimbursed by the DOT, they laid out the improvements that they made to Glacier Highway out there, they would have to meet code and federal highway standards to do so and use the funding that they do to complete that work. I would imagine and trust that that work was done to code. As far as being non-compliant, I can't say, but what I can say is that the access that they have today would most likely be legal, because it existed previously. Where CDD and the land use code runs into trouble is that access for a lot is to be through your frontage, which is what exists today. If they were granted an easement from the other property I don't know that we could legally permit that through the land use code. Right now, with the information I have available it's either to not grant the easement, sell the land, which is against PRAC's recommendation and may not meet the adopted plans, or allow the situation to remain as is, which is the condition in which the current owners purchased the property. I don't see a good way forward with the easement itself. Mr. Smith asked about the backup documents were for an easement and this is now for a disposal and should we consider different things between these two. Ms. Maclean commented that the applicant was wondering if this would be possible and looking at the code for the easement itself I kept running into the roadblock that this needed to be frontage. This initially started as an easement, as that was thought of as the easiest way forward and when that didn't pan out the applicant pivoted to try and purchase the property.

Chair Hale commented to Mr. Bryson's question about what the applicant can do. One question from a PRAC member was why the applicant can't rebuild the garage so that it's a usable garage. Ms. Hale understands that that is a possibility in this situation. Chair Hale did drive by the location and noted that the garage appears to be on pilings because the land is steep, which can be workable toward a solution.

Chair Hale noted there was two options; forward this to CDD to review and come back to the LHED committee or retain the property, which would stop the process. Mr. Bleidorn requested that the committee approach CDD to confirm the proposals meet the land use code.

Planning Commissioner Cole noted that the CBJ comp plan clearly advises against this type of disposal. While still having sympathy for the property owner, this issue is more about the City disposing of lands that don't meet the criteria in the comp plan, which has implications across the community.

Mr. Bryson asked if it would be possible to grant a small easement in the corner of this land if we are not able to dispose of it to allow this individual to make a correction to their driveway. Mr. Bleidorn replied that that is how we got started with this, granting an easement and retaining ownership for its intended purposes and then we started to hit roadblocks on allowing access with adjacent property. If this is the direction we want to go then want to make sure we are following city code.

Wáahlaal Gíidaak commented that she is leaning toward the idea that this would create a dangerous precedence with these requests and asked if the city grant that offers the ability for people to build an apartment would apply in this situation if they did want to rebuild their garage. Ms. Maclean replied that the accessory apartment grant is specifically to create accessory apartment units and it's about \$6,000, which this garage work would exceed that amount. But the grant is just strictly to build an accessory apartment. Wáahlaal Gíidaak followed up and noted her question wasn't for the applicant to use that grant to build a garage but if he wanted to build an apartment on top of a new garage then he could possibly access this grant. Ms. Maclean confirmed.

Mr. Smith comment on the lack of access now, are there plans from the city to provide that access. Mr. Bleidorn replied that no, this is a DOT right-a-way and we are a neighbor to this property. Mr. Smith replied that he understands this has been marked as retained as parkland access to the beach. Mr. Bleidorn confirmed that it is part of the open space city property and is listed as retained in the land management plan for shoreline access, a street border and the city only has a few dozen of them. Mr. Smith asked if there was some way that the city could require a condition on this lot to provide access to the waterfront if this land were to be disposed of and would this be part of CDD review. Mr. Bleidorn replied that if the assembly gives the approval to negotiate the sale of this property then during those negotiations Lands would work with Parks to try and meet their demands for this property to continue to utilize it, which is why an easement would be added to allow access to the shoreline if the property were to be sold. Mr. Smith commented that if the point of this lot is to provide access to the shoreline but there is no shoreline access then the city could potentially work with the property owner and provide shoreline access.

Smith moved that Staff request that the Lands, Housing and Economic Development Committee forward this proposal to CDD to review the disposal/easement application prior to the LHED providing direction on if to proceed.

Wáahlaal Gíidaak objected and spoke to her objection. She felt we are setting a dangerous precedent, we have the recommendation from the PRAC and what this means to continue to shuffle this down the road if the intent is not to pass it and we are just getting people's hopes up that this is something that we would pass and she would like to see this committee stop this now rather than shuffle this along.

Mr. Bryson objected for a comment, he agrees with the comp plan and city staff is required to go by the operating plan, they do not have a choice and must abide by that, whereas the assembly are asked to rule by common sense and sometimes those two things are contradictory. Mr. Smith helped sway his decision by pointing out that we have land that is not in the plans to be used, doesn't have the access it needs, and is not developed. We have a situation where a private individual wants to use this land, add to the tax rolls, and it's the right thing to do to make his driveway safer and the city would maintain the easement on this land. We do follow recommendations and have denied other land requests but in this situation it is the right thing to vote in favor.

Ms. Cole commented that even if CDD determines the legality of this disposal, there may be an adjacent neighbor who would be interested in this land if it were for sale. I imagine the city in consideration of disposing of this land was careful with public interest, if the land was up for grabs there may be additional steps rather than going to the original proposer. Mr. Bleidorn commented that staff has had 2 phone calls about this property, one from the neighbor and about access points out at Tee Harbor.

Mr. Smith commented that he hopes this is something that CDD would consider and made this motion to give CDD a chance to look at this and could it have another public use, such as room for parking.

Mr. Mertl commented that there is limited public access at Auke Bay. This sliver of land is important and part of the Auke Bay neighborhood plan and believes there is long term plans for some sort of a sea walk. With a large majority of Auke Bay being in private ownership these access points are critical even though they are not developed now. Same with a future road easement that we may have into a steep terrain. We have been able to put in roads and offer new housing in some of these locations. If we give up this right then there are some concerns. Another point is that Mr. Mertl spoke with P&R director Schaaf last week after the PRAC denied this and confirmed that disposal of parkland is unusual and was concerned that we need to retain parkland for public interest.

Chair Hale commented that this is not a recommendation from staff, but from PRAC that this property to be retained. Having lived previously on a staircase, this is not a unique situation and there are a lot of steep places in Juneau. We have seen a picture of a car parked in front of the garage but not in it, so there is a garage at this location with the possibility that the car not be parked illegally on the sidewalk.

Motion vote: Mr. Bryon – yes, Wáahlaal Gíidaak – no, Mr. Smith – yes, Chair Hale – no

Motion fails 2:2

Chair Hale noted that the failed motion leads to a question that now we need to know what happens to this situation. Mr. Bleidorn replied that this would be a great question for the city attorney office. We could also ask the committee if they want this back with more information or try for another motion or to keep it how it is now.

Mr. Smith commented that we should hear what the options for a motion would be and we should hear from attorney's office. Chair Hale replied that there are two options for motions, one would be to retain, which would mean that the city would retain the property and any further action would stop; and the other motion could be that we move this on to the assembly. Mr. Bleidorn replied that the motions would be to retain the property, work with the original proposer on the disposal of this property or to solicit additional bids. If requested to work with the original proposer this is the first step in a long process, we next go to CDD and would we put a big, red notice signs along the property. At that point we might come back to LHED after PC review and determine that we want to work with both property owners if the other adjacent neighbor was interested.

Wáahlaal Gíidaak moved retain the property and do not seek disposal.

Motion vote: Wáahlaal Gíidaak – yes, Mr. Bryson – no, Mr. Smith – no, Chair Hale – yes

Motion fails 2:2

Mr. Bleidorn suggested to table this topic and have staff meet with applicant one more time to gather more information for the committee.

B. Ordinance 2022-23 an Ordinance Temporarily Closing Auke Lake for the 2022 IRONMAN Alaska Triathlon and Providing a Penalty.

Juneau is set to host the first IRONMAN Alaska triathlon on August 7, 2022, with 1,500 race participants. The race's swimming course consists of a 2.4-mile loop around Auke Lake, which is normally open to motorized vessels each day during the summer and other public uses. This ordinance would temporarily close Auke Lake to motorized vessels and other public uses on August 6-7, 2022 to minimize user conflicts related to the race.

Mr. Bryson moved that the Lands, Housing and Economic Development Committee move ordinance 2022-23 temporarily closing Auke Lake for the 2022 IRONMAN Alaska Triathlon. Motion passed, no objections.

C. 35 Mile ORV Riding Park

Michele Elfers discussed this topic. Chair Hale asked about the perched culverts, if that is when a culvert is so high that the salmon can't jump into it to cross the road and that the development of this area would not preclude that action, it might just make certain things more complicated if that comes up in the future. Ms. Elfers confirmed that was a fair assessment.

Mr. Bryson moved that the Lands, Housing and Economic Development Committee make a recommendation of support to the Assembly for the manager to negotiate an agreement with JORA to permit, design, construct, operate and maintain an off road vehicle riding park at 35 mile.

Mr. Smith objected for a comment, to thank staff on their hard work.

Motion passed, not further objections.

D. Draft Travel Juneau MOA for Lands, Housing, and Economic Development Committee Review

Chair Hale asked that the LHED committee review the draft MOA and bring back any suggestions, modification, or comments to this committee.

VII. COMMITTEE MEMBER/LIAISON COMMENTS AND QUESTIONS - None

VIII. STANDING COMMITTEE TOPIC

A. 2022 LHED Committee Goals – No update

IX. NEXT MEETING DATE – May 2, 2022

X. ADJOURNMENT - Chair Hale adjourned the meeting at 6:00 PM.