

Draft Minutes
ASSEMBLY LANDS COMMITTEE
Monday, June 8, 2009, 5 PM
Assembly Chambers

I. Call to Order

Jeff Bush, Chair, Johan Dybdahl (telephonic), Jonathan Anderson (telephonic), Frank Rue

II. Agenda Changes

(See below Items V.E. High School Home Building Project and V.F. Hilda Creek Land Donation)

III. Approval of Minutes

A. May 11, 2009 Lands Committee Meeting – approved as presented without objection.

IV. Public Participation-Non-Agenda Items - None.

V. Action Items

**A. Land Use Code Amendment for Conservation Lots – Ord. 2009-14
Memo – Dale Pernula**

Dale Pernula presented information about the mitigation for airport runway safety construction and the proposed amendment to the Land Use Code (Ord. 2009-14). SEAL Trust wants to purchase certain properties adjacent to the Mendenhall wetlands refuge. These are accreted lots due to isostatic rebound. As the land has lifted, the mean high tide line has moved farther out. Potentially every lot along the refuge could be affected; creating many long, thin, lots. If these lots are purchased as separate lots, each will need public access according to the subdivision code. It is a fundamental precept of the code to require access to any lot created. The proposed ordinance would exempt lots of this type for conservation lots, from the current access and utility requirements of the code. Mr. Pernula read the ordinance. It will be introduced tonight; the Planning Commission will hear it on June 23rd and the full Assembly on the 29th.

Mr. Dybdahl asked if this is voluntary, and without effect on those who might wish to purchase and accretion next to their lot. Mr. Pernula said yes.

Mr. Anderson asked if there is any need for the city to have access to these lots for any purpose.

Mr. Pernula said he could not think of a case in which this access would be needed. Mr. Bush said the base lots would remain in the same status.

Mr. Anderson asked about sewer line to Mendenhall Peninsula and pump stations or lines close to the beach. He had no recommendation, but thought it was a potential issue.

Mr. Pernula said the prior to designing the sewer, it would be impossible to know the exact location, and Seal Trust will need to negotiate each of these lots in a purchase.

Mr. Anderson asked if the nature of a conservation easement would prohibit the sewer to be run through it? Mr. Pernula said the intent was to prohibit building structures on the lot, not underground utility development.

Mr. Rue said he was familiar with situations in which utility lines of many types have been constructed in coastal refuge areas without harming the purposes for conservation.

Heather noted that Amalga Meadows conservation easements have restrictive language on the easement itself, rather than particular to the subdivision ordinance.

Mr. Dybdahl asked about the circumstance of property uplands of the easements changing hands and the effects for a new owner?

Mr. Bush said that the upland lots would have a line. Mr. Pernula said the upper lots would not be subject to the conservation restriction.

Mr. Anderson asked if a person wishes to obtain accreted property, are there accreted lots that the upland owners have not applied for and might be subject to conservation easements. Mr. Pernula said there are many lots that have not been accreted, and once obtained, could be purchased by SEAL Trust.

Mr. Anderson asked whether the new areas remain in State's ownership (Mendenhall Game Refuge) at this point, to which Mr. Pernula responded yes.

Mr. Rue stated that each lot would be separate and dissociated from uplands property. It would be owned by SEAL Trust and the conservation easement would ensure the use for conservation purposes.

MOTION, by Mr. Anderson, to recommend to the Assembly – approval of the introduction of Ord. 2009-14. No objection.

**B. Affordable Housing Position – Ord. 2009-08A
Memo – Kim Kiefer**

Ms. Kiefer said the Affordable Housing Commission has discussed creating an Affordable Housing Coordinator position. There is a fund in the Lands Budget that was initially from the State to be used to help create affordable housing in Juneau. A subcommittee of the Affordable Housing Commission met and discussed what this position would do. AHC has focused on a position, but JEDC put forward a proposal of the specific tasks, which would be done by a variety of people on their staff. This proposal will go to AHC tomorrow. It is being requested that it move forward to the Assembly tonight for introduction. Ms. Keifer noted that Brian Holst from JEDC, and Steve Sorenson from AHC were present.

Mr. Anderson asked for more information on the Housing Fund. Ms. Keifer gave a brief background on the fund and its creation in the 1970's and its use in the past.

Mr. Anderson asked the current status and who administered the fund. The Lands Manager manages these and current programs in repayment are Gruening Park and Orca point.

Mr. Anderson asked about the \$92,000 outlay, and expressed some concerns with it being not just a one year program, and the possibility that in a few years, the money in the housing fund would be gone and the ability to loan money might be gone. He questioned the idea of funding a position for the program if the money is going to be gone in a few years.

Ms. Kiefer noted a recommendation of a one year sunset and then to evaluate if this type of activity is actually providing more affordable housing units in Juneau. The City has had the position in the past, and she has heard that this helped create a better climate for affordable housing grants to be obtained.

Mr. Bush expressed support. He said his concern was the potential for the loss of funding within the JEDC bureaucracy. He felt that projects get done when one person wakes up in the morning and gets it done. When this work gets divided between several people, it can be more difficult. He recommended moving forward with the discussion.

Mr. Anderson said he appreciated the sunset date and the review. In the introduced ordinance he did not see this language, and he recommended that it is included.

MOTION, by Mr. Anderson, to recommend this be introduced at tonight's Assembly meeting for public hearing at the following Assembly meeting, with a follow-up public hearing, and reports from JEDC and Affordable Housing Committee at the public hearing. No objection.

**C. State Parking License/Lease – Resolution 2480
License**

Ms. Marlow said this resolution is before the Assembly tonight. She said this would extend the use of the parking lot to state employees for another two years. The City is trying to keep the term of the license short, due to discussion of many development plans. (Currently in Consent Agenda but intent is to pull it from Consent Agenda so a recommendation from Lands Committee can be communicated.)

Mr. Anderson asked for a description of the parking places and Ms. Marlow explained the map in the packet.

Mr. Anderson asked for clarification about previous discussions about property in process or the “reverter” piece. Ms. Marlow assured him that it is not applicable in this discussion.

MOTION, by Mr. Dybdahl, to recommend approval of Resolution 2480 by the Assembly. No objection.

**D. Purchase of Jordan Creek Condo from Bartlett Regional Hospital Foundation
Memo – Heather Marlow**

Ms. Marlow explained that the Foundation wishes to sell the condo for \$121,000 and all fees. This is consistent with assessed value. Bartlett wants an appropriation ordinance to make this purchase. Mr. Bush asked the source of the funding. Mr. Garth Hamlin, Finance Officer from the hospital said it was from the Operations budget. Ms. Marlow said this appropriation ordinance would be introduced at the June 29, 2009 meeting.

Motion by Mr. Anderson to follow staff recommendation. No objection.

E. High School Home Building Project – Red Folder

Ms. Marlow reported on the high school building project and current issues regarding a lot being proposed. The intent is for this to be an affordable home, and if it is possible, put it into an affordable housing trust situation. Per City Code, the Assembly can direct the Manager to negotiate a sale of this lot to the students. The Assembly is looking at this tonight. They could consider a Motion of Support from the Lands Committee to direct the manager to enter into negotiations. Mr. Anderson clarified this is an action item and then confirmed that this is City owned property.

MOTION, by Mr. Anderson to recommend to Assembly to direct Manager to negotiate the sale of the lot to the High School Homebuilding Association.

Ms. Marlow asked that it be brought up during committee comments at the Assembly meeting, for a Motion of Approval. And Mr. Anderson requested that Mr. Bush take up the Land's Committee reporting for tonight as well.

F. Hilda Creek Land Donation – Red Folder

Diane Mayer with Southeast Alaska Land Trust, presented information and an orientation about the Hilda Creek property on the West side of Douglas Island. As the property is acquired by the Trust with mitigation fees, the intent is to donate it to the City as a natural area park. The overview is for request for consideration of acceptance. It is being referred to ordinance at tonight's meeting.

Ms. Mayer's slide presentation showed the lay of the land, and adjacent property owner information. A portion of the property was clear cut in the 1960's. There is an extensive tide flat. The current owners intended to subdivide it into ten lots. She presented a preliminary plat of the subdivision. There was an issue of the stream buffers as a taking.

Ms. Mayer said it is the confluence of two cataloged anadromous streams and is the most valuable system on West Douglas. This conservation will preserve public pen space and beach access as envisioned in the West Douglas Conceptual Plan.

Ms. Marlow referred to a map showing ownership in the land in the area. She said Resolution 1988 was adopted in the past, (late nineties) which authorized the Manager to negotiate an exchange of municipal land between Petersen and Middle Creeks for Goldbelt waterfront land at Hilda Point.....In the exchange the City would pick up The narrow piece of Goldbelt property; assembling the Goldbelt, Hilda Creek and interior CBJ property, and then the resolution calls for an exchange of CBJ property that is closer to Middle Creek for Goldbelt.

Mr. Anderson asked about the size of the acreage. Ms. Mayer said it was 36 surveyed acres, with an additional 7 acres that could be claimed as an accretion but that has not been done. He then inquired about the assessment? Horan and Company appraised the property (as a subdivided parcel) at \$765,000.

Ms. Marlow noted that this property has been through Parks and Recreation Advisory Committee and passed a resolution of support for this project at their June 2, 2009 meeting.

Staff recommendation is to pass a motion of support for a resolution to be forwarded to the June 29, 2009 Assembly meeting. Mr. Anderson moved, hearing no objection, it was so ordered.

VI. Unfinished Business

A. OHV Update - verbal discussion

Ms. Marlow reported meeting with Parks and Recreation and going through all CBJ holdings to look again at OHV use. Carefully considered were issues of; topography, drainage, separation from other users, and distance from homes. The new areas for further investigation include: the Bessie Creek Property at 34 Mile, and the uphill side of Glacier Highway near Lena Point.

Some issues came up with follow up review of the land between Lena Point ball fields and Stabler's Point finding conflict with ownership. Most of it is owned by the Forest Service. Currently they are looking at their OHV Use Plan and that area is not included at this time. With the review of topography and home proximity here, the possibilities shrink. Forest Service cooperation would be needed for this to move forward, and they are not forthcoming at this time.

Staff will continue to work with Parks and Recreation in looking into the first two areas, and touch base with the Forest Service about consideration of inclusion of the area above Auke Rec By-Pass in their OHV Plan.

Mr. Rue asked if there had been any contact with Goldbelt. Ms. Marlow has not yet spoken with the Mayor about an appropriate approach with them.

Mr. Anderson reiterated following up on this. Ms. Marlow said she will have the conversation with Mayor Botelho.

VII. New Business – None.

VIII. Information Items – None.

IX. Liaison Reports – None.

X. Next Meeting – Monday, June 22, 2009

XI. Adjournment