

ASSEMBLY LANDS HOUSING AND ECONOMIC DEVELOPMENT MINUTES

July 17, 2023 at 5:00 PM

Assembly Chambers/Zoom Webinar



<https://juneau.zoom.us/j/94215342992> or 1-253-215-198782 Webinar ID: 942 1534 2992

A. CALL TO ORDER

B. LAND ACKNOWLEDGEMENT

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

C. ROLL CALL

Members Present: Acting Chair Wade Bryson, Christine Woll, Wáahlaal Gíidaak

Other Assembly Members Present: Mayor Weldon

Members Absent: Alicia Hughes-Skandijs

Liaisons Present: Mandy Cole, Planning Commission

Liaisons Absent: PRAC; D&H liaisons have not been assigned to this committee.

Staff Present: Dan Bleidorn, Lands Manager; Roxie Duckworth, Lands & Resources Specialist; Jill Maclean, CDD Director; Rorie Watt, City Manager; Sherri Layne, Assistant Municipal Attorney

Members of the Public Present: Jeremiah Beedle, Southeast Alaska Foodbank Acting Board President

D. APPROVAL OF AGENDA – approved, Mr. Bleidorn noted that in the first sentence of the Staff Reports memo, it lists “Pederson Hill” and should have been “Telephone Hill”

E. APPROVAL OF MINUTES - June 26, 2023 Draft Minutes, approved as presented

F. AGENDA TOPICS

2. 2023 City Foreclosure Property Disposal

Mr. Bleidorn discussed this topic. No comments. Mr. Bleidorn made a note of clarification that there would be one ordinance for each property.

Ms. Woll moved that the Lands Housing and Economic Development Committee direct the attorney to draft and introduce ordinances that authorize disposal of these properties because of delinquent property taxes. Motion passed unanimously.

3. Southeast Alaska Food Bank Request for Gravel for Less Than Fair Market Value

Mr. Bleidorn discussed this topic. No comments.

Wáahlaal Gíidaak moved that the Lands Housing and Economic Development Committee provide a motion of support for the City Manager to work with the Southeast Alaska Foodbank to grant access to City gravel resources at the cost of \$4.90/ton. Motion passed unanimously.

4. An Ordinance Amending the Sensitive Areas Requirements of the Land Use Code Related to Landslide and Avalanche Areas

Ms. Maclean and Mr. Watt discussed this topic.

Chair Bryson asked to confirm that the recommendation from the Planning Commission was to leave things as is with the 1987 adopted maps, essentially business as usual. Ms. Maclean replied that was correct with the one addition of considering a method of public notification.

Ms. Woll noted she listened to the Planning Commission meeting, which was helpful to hear public comments and the Commissioner's discussion. She is not sure that the public has enough awareness of the risks of some of these hazards, and the idea of providing more information to the community strikes her as a good thing. She asked about the difference between what we know about these maps existing, versus releasing them as public information, versus adopting them. What is the difference between

those options in terms of potential positive or negative impacts. Attorney Layne replied that the two-page memo in the packet gives a good summary of CBJ's obligations and the CBJ as a regulator. There are categories that indicate CBJ is not liable for adopting or not adopting them. It is up to the assembly what they want to do. The CBJ is not going to be liable for money damages, whether we adopt them or not. There is some regulatory argument that are facts specific and then there are Tetra Tech's limitations with their maps. Alaska law provides a lot of the immunity to the CBJ so it's really a matter of what the Assembly wants to do, adopt them, or not adopt them. There is not going to be a lot of liability associated with that piece of it, but it is a policy call at this point.

Ms. Woll followed up to restate her question, she was wondering about the impacts with the difference between public information versus adoption of these reports existing out there because they've been published. We've heard from folks that they're worried about not being able to that to sell their house, does it matter if we release these as public information versus adoption, does one give more credence than the other. I think this is less of a legal question. Ms. Maclean replied that when she looks at adoption versus public information, ordinance versus resolution comes to mind. Ordinance applies to everybody, public or private. Whereas a resolution typically is something we take the burden on at CBJ, but it doesn't necessarily apply to private property owners. When thinking about adoption of these maps versus just making them available for public information, the one distinction is that if they are adopted, and then CBJ also wants to adopt code or ordinance regulations for it, those will have to be abided by, we'll have to interpret them, apply them the usual way. Whereas if they're only adopted as informational pieces, then we could, along with part of what the Commission recommended, was do public notification. So adopt the maps, put them out there for informational purposes only in this scenario. Once a year before the hazard seasons picks up, we could issue what I would imagine a pamphlet to boroughwide property owners, with something along the lines of, "Do you know where you live. Do you know we have hazards? We have avalanches, landslide, and floods." All our properties are impacted a little bit and it would behoove us to at least put that information out to the public. But that's really it, informational, we don't have to apply code, or regulate them. People would just go through permitting as if you weren't in a hazard zone.

Mr. Watt commented that the question for the assembly revolves around how much weight do you want to put on them and how easy do you want to make it for the public to know and understand that the study and maps exist. The CBJ adopts all sorts of plans and studies, and a while back we had the Willoughby District Plan and the assembly adopted a chapter of that plan, but the rest of it was just informational. The assembly has a lot of discretion here. If there is some formal adoption, I think the public will perceive that the city on some level, endorsing the ideas and conclusions. If there is no adoption, a party that is not engaged today is likely to be able to learn that the information exists, then if we just receive it and have it on the shelf. I think there's kind of a sliding scale. How much weight of importance do you want to put behind receiving or adopting and how easy do you want to make it for the public to know and understand that this study and maps were done and created.

Ms. Cole commented that the Planning Commission did consider this, which is why the recommendation specifically says please do not adopt the maps. The reason we ended up going with that strong affirmative language was that we were swayed by informed public testimony that said adoption of the maps, whether or not regulated, lends credence to them in such a way as to it doesn't really matter about the regulatory part of it. An insurer or a mortgage agent is going to see the maps as adopted by the CBJ, believe that they are endorsed, and it would be fair to interpret that as adoption. Those problems that we were talking about cascade from that, and the Planning Commission chose to say, do not adopt the maps. We talked about recommending reviewing or striking the 1987 map but didn't get there in terms of the recommendation. This was part on the minds of some Commissioners, that essentially the regulation of landslides and avalanches maps would no longer be purview of the city.

Chair Bryson asked what the consequences would be by eliminating the 1987 adopted hazard maps and letting the burden be on the homeowner and not the city. Reading through this, it made it look like that we could remove those regulations and then let the homeowner be responsible for what they build. Is this the correct understanding? Ms. Maclean confirmed, if the assembly were to repeal the map and the ordinance, then these areas would be treated the same as any other zoning district that they are in.

Mayor Weldon commented that she wanted to keep pulling on that thread a little, if we don't pass the ordinance there's no building restrictions other than zoning and the Planning Commission wouldn't say, "Oh, you're in an avalanche zone," they would just look to see what is that zoning area is, is that correct? Ms. Maclean replied that you would first have to repeal the adopted maps and adopted code, then it would be treated just like any other area. Within the same section of the chapter, separate section, is hillside endorsement. Anywhere across the borough if you have a slope of 18 percent, and you're impacting it, it applies to everybody, it doesn't matter if you're in a hazard zone or not, it has to do with the slope. There are different pieces, but those would still apply as they do today. You'd repeal both, and they would be treated equal to the other applicants. Mayor Weldon followed up to ask that the only difference when looking at the options is Number 5, which does that, with the only differences that we would notify the public every year that they are potentially in a moderate or high hazard area. This could be concerning if they sold the property. She is with Mr. Bryson on this, if it's your property you can do what you want but is concerned for people renting, not knowing what's going on. Ms. Maclean replied that she didn't have anything to add other than she would expand the notification, so it isn't just avalanche and landslide, but also flood because she didn't think a lot of people realize the impacts if you haven't been here that long. They may not know where they live, the same with renters if they're moving around, there may be new hazards that they weren't aware of before.

Chair Bryson commented that his brother lives Kill Devil Hills Archipelago, North Carolina, a landlocked island almost the same size as Juneau, but they have a bridge that connects them to the mainland. A little different, but they can't build a house on the ground, it has to be on stilts, a minimum of 8 to 10 feet up because they know that eventually the ocean is going to come to the bottom of houses. They just let the rules work with the mother nature that they have. If we remove the landslide and avalanche hazards, we're getting the government out of telling people what they can do on their property, then we're allowing people to develop the property the way they want to in the area they want. Nobody builds a house on a hillside, and says, that angle is not going to matter. They're going to look at this stuff. A once a year reminder for everybody on what the hazards are is adequate for the people that choose to live or develop in this area.

Ms. Woll added an Option 6, "to repeal everything, to have nothing adopted for public information; repeal the old maps and ordinances and do nothing with the new maps."

Ms. Woll moved to have Options 3, 4, 5, as listed, and new Option 6, to be forwarded to the Committee of the Whole. Motion passed unanimously.

G. STAFF REPORTS

5. LHED Committee Updates

Chair Bryson asked if there was an estimated timeframe for when the first home would be built in any of the Pederson Hill areas. Mr. Bleidorn replied that staff is still working on the purchase and sales agreement. The fine details are still in the works, but given the current agreement, we would expect to have 15 houses in 5 years for the first phase, Phase 1B. This is dependent on construction, as those houses can't be built until the roads, utilities, sidewalks, and everything is built.

H. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS - None

I. NEXT MEETING DATE - August 7, 2023

J. ADJOURNMENT – 5:33PM