



ASSEMBLY LANDS HOUSING AND ECONOMIC DEVELOPMENT AGENDA

June 26, 2023 at 5:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/94215342992> or 1-253-215-8782 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

D. APPROVAL OF AGENDA

E. APPROVAL OF MINUTES - May 22, 2023 Draft Minutes

1. 05 22 2023 LHED Draft Minutes

F. AGENDA TOPICS

2. A Resolution Supporting the Manager Entering into an Agreement with Juneau Off-Road Vehicle Association for the 35 Mile ORV Riding Park

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

G. STAFF REPORTS

4. Foreclosures - Verbal Update

H. STANDING COMMITTEE TOPICS

5. LHED Committee Goals

6. Telephone Hill Updates

I. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

J. NEXT MEETING DATE - July 17, 2023

K. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org.

ASSEMBLY LANDS HOUSING AND ECONOMIC DEVELOPMENT MINUTES

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C. ROLL CALL

Members Present: Chair Alicia Hughes-Skandijs, Wade Bryson, Christine Woll, Wáahlaal Gíidaak

Liaisons Present: Mandy Cole, PC

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

Members of the Public Present: Jackie Pata, President & CEO of the Tlingit-Haida Regional Housing Authority

D. APPROVAL OF MINUTES - April 24, 2023, Draft Minutes – approved as presented

E. APPROVAL OF AGENDA – approved as presented

F. AGENDA TOPICS

2. Tlingit Haida Regional Housing Authority Application to Purchase City Property at Pederson Hill

Wáahlaal Gíidaak was happy to hear this discussion. She asked if the intent of this is setting a new precedent moving forward and would like us to see us be equitable in how we approach these situations moving forward. Is this a proposed new precedence that we're setting in terms of how we adhere to any land disposal as it comes before us from a nonprofit. Mr. Bleidorn replied that if we're going to dispose of city property for less than fair market value, we've heard the Assembly say that they want to have some type of conditions included in an agreement, and it's tricky to have anything in conveyance documents as the buyer and the seller. In this instance, we're also acting as the lender. Rather than discounting the property, it will be forgiven after certain conditions are made as part of the lending entity. Looking at this agreement, it's going to make it easier to work on these things in the future when we continue these type of this conditions.

Mr. Bryson asked if this is charting new territory and gives us a good direction to work with a nonprofit housing agency. How many other nonprofit housing agencies are in the community that could benefit from a situation like this. If we are disposing of something for less than fair market value, how do we ensure that what's in the application is going to get built. Mr. Bleidorn replied that there are a couple entities out there. We regularly have requests from nonprofits, the concern we hear from the assembly is, if we dispose of something for less than fair market value, how do we ensure that what's in the application is going to get built, that's where we started with this. It also depends on the application we receive and then the willingness of the applicants to work with us, to meet with the Assembly's goals.

Ms. Woll asked about the price, she didn't remember as an assembly member that they gave direction for this to be \$100,000. Mr. Bleidorn replied that when the assembly authorized the manager to negotiate this lease, one concern that he expressed was that assembly members came to him and said that for \$0 it wouldn't be worth it but there is benefit in coming together and having something that has some value. A lot of that was also part of the fact that we had surveys and prep work done on the preliminary plat. When negotiating the lease, both parties came together and also agreed to this.

Ms. Woll asked to hear from the applicant, she was curious what their feelings were about this agreement, does it meet their needs to move this project forward. Ms. Pata replied that they had a similar relationships with the city in the past, they did the Kanat'A Day subdivision project. We worked with the city on an undeveloped piece of land that was not receiving revenue from property taxes. This was a potentially large track for development and turned out to be a really good project. The homes that were designated home ownership have been conveyed and are now on your property rolls as a revenue generator. There were conditions placed on us then, such as a park that is still there with the city having responsibility for that now. There were lots of land that were more readily developed that could be sold either by the city or by others, with mixed income housing development there. One of the last parcels of land had just been developed and had been sold by the city. The person who purchased that lot went to our financial corporation to get a construction loan to build their own house. That's the kind of partnership that we're looking for on how we can make it work, and the city had different conditions this time. It was important when, in conversations I had with the mayor and the assembly, that they want to have something designated for a park space. That's where the 100,000 came in and I agreed that that was good terms. It is a very expensive site to develop, I'm a little nervous about that, but as all good partnerships go, I'm hoping that as we work together, we'll be able to meet those thresholds. As the for the unit counts and being able to deal with the forgiveness, there's no way that the project can go forward for the intended purpose as the other portion of the that development was originally determined to be for affordable housing and wasn't affordable because it was too expensive. This doesn't mean that this land is going to be less expensive to develop just because we call it affordable, it just means that we have to be more creative to get it that way. We can apply for grants and other kinds of things to deal with the infrastructure. Today we just got announced a HUD grant, we just did a press release this afternoon that announced our grant that we applied for this particular project was awarded 2 million dollars towards the infrastructure. We're feeling positive today.

PC Cole asked Ms. Pata if she felt as though the benchmarks for the conditions for forgiveness are appropriate. Ms. Pata replied that development on the scale like this is going to run into problems, they make her nervous. We've talked to our construction superintendent and others, and we anticipate being able to meet those benchmarks. It all depends upon how we continue to get funding sources. I worry every day, just like the rest of us do, as we listen to what Congress has to say about budgets and look at all the funding resources. It's a big step forward to say we have access to the land as a match. The only challenge is how HUD or Federal agencies will look at the match with so many conditions attached to it. Whether or not it can be really used as a match for the source of future funding, or whether the conditions will create something different, it is untested. For this, grant that we received today, the housing authority put up the cash for the match and \$200,000 was a lot to match.

Mr. Bryson asked that if we take one of our partners down this path and they ran into issues that Ms. Pata is describing, such as HUD is now withholding something, because we haven't released a condition of forgiveness, then it just doesn't exist to them. Could the assembly advance or designate one of the things we believe you're going to achieve and can forgive that, so, you can qualify for this. How could the assembly help our partners, Tlingit Haida Regional Housing Authority, achieve what they're trying to do without hindering them for any future grant money but still accomplishing the same thing that we're trying to accomplish here today. Ms. Pata replied that this is uncharted waters, and they are willing to be the ones who try to work that out. I feel like we've had good partnership with the city and the assembly. She wanted to remind folks that it was basically the city that said, we have an affordable housing problem in the community, can you be a resource and then we tried to figure out how to make that happen. I feel like we're in this together. And if we have a problem, I'm hoping that we will be in to find a solution, and that takes trust and faith, but I think that's where we are. Mr. Bleidorn commented

that if we move forward, and something like that comes up, it's just as easy for the assembly to amend the ordinance that will set this in place.

Mr. Bryson moved that the Lands Housing and Economic Development Committee direct the City Attorney to draft an ordinance for introduction for the disposal of City property to Tlingit Haida Regional Housing Authority. Motion approved unanimously.

3. An Ordinance Amending the Sensitive Areas Requirements of the Land Use Code Related to Marine Mammal and Anadromous Waterbody Habitat Protections

Ms. Woll commented that she is one of those few people who believe you can have development and protect salmon habitat, but with a background as a salmon habitat biologist, you got to be careful. She is knowledgeable in this area, there is 40 to 50 years of research on what salmon need to have healthy habitat in areas with people. I'm curious in this process, have there been habitat biologists involved and what kind of conversation has happened around all of that research and best management practice for the salmon habitat in the areas where people live. Ms. Maclean replied that this ordinance has been a long time in the works. It predates her and the Planning Commission. We had the Wetland Review Board and over the years we did have various experts on that, not probably the most recent boards that some of you may have been familiar with, and throughout the process, we have reached out to the Southeast Alaska Watershed and State Fish and Game, as well as other agencies for their comments and review. At times they had spoken up when Title 49 was working on it about a year to 2 years ago, and they have been weaved in and out of the process over the years.

Mr. Bryson asked about the salmon and thought that you can protect salmon habitat and also develop. He's in the same category as Ms. Woll. As we have input from those experts, is the answer of having that 15 foot, or is it 35 feet away from the stream and having them repair that last 15 feet, was that adequate mitigation strategy to protect the salmon according to the professionals that you brought in, is this path safe? Ms. Maclean replied that I can't say confidently that those same experts have seen this version that's in the packet from the Commission, and they have not seen this latest version before you tonight. What we heard quite strongly was the 0 to 25 feet is most significant to the habitat, because it isn't just the edges of the creek itself or the water itself, but it's the shade, it's the shadows, it's all of that from the overhanging trees as well as the ground vegetation. When the city manager and I were speaking what to do next, I would recall from the beginning of what kicked this all off from builders was that they simply needed a little more room to work. The 15 feet seemed reasonable, especially if they were to restore that after a growing season. The idea was, go in, do your development, either it's a house or commercial, it could be either, this would give you more room so that you could build at, say, 51 feet whereas today you're really going to have to offset that to 65 or more, it just depends on what you're doing and what equipment you need to get around the site and what your site looks like. The intent was just going back to what the builders had discuss many years ago, and what that room was needed to work in order to be able to build it, say 51-ish feet, or just over 50 feet.

PC Cole commented that she has been thinking all afternoon about what to say about this memo, because part of her is concerned that Title 49 and the Planning Commission put a lot of time into the rewrite with those exact concerns that Mr. Manager conveyed to try and ensure that development is possible, and fish are protected. It definitely recognizes the ordinance that we drafted and is a departure from the prior ordinance, but our goal was to make it easier to develop at least to that 50 foot mark. I think the history that's presented here is accurate, and there are nuances that are important. Seeing all of that, I'm not speaking for the Planning Commission at this point, because they haven't seen this new compromise ordinance either, but I actually think it's pretty awesome. I think it's a nice simplification

because that's always been our goal. I don't think we could have gotten here at those 3-years ago meetings, when we sat down to edit this line by line. If we would have come to you with that, I think everybody would have thought that was it was insane. Part of the process that got us here was lengthy, and it did involve lots of experts on both sides weighing in and that process was important. If I had to say, I like the ordinance, I object to a little bit of the direction that we evolved to a practice of having Planning Commission agree on philosophical direction and refrain from group writing. I absolutely understand that group writing is time consuming, and it ultimately didn't yield a result that we were particularly happy with. There have been times when going through line by line has uncovered important problems or fixes with ordinances. I do want to say that I think the work that the Planning Commission did was not a year's long boondoggle, there may have been a little boondoggling somewhere in there, but it ultimately all brought us to today and the fact that Staff wrote this simplified ordinance is awesome, and I think we have a process that can be improved on. All of the work that we did put into it was valuable. I don't know that the answer is writing code line by line, but I don't think the answer is not writing code line by line either, so you can have both things.

Ms. Woll comment that she had trepidation coming into this conversation, because, on one hand, knowing what she does about salmon habitat protections, she felt uncomfortable with what the Planning Commission ultimately came up with. To provide context, she knows the State standard for buffer size in timber harvest, which is different than development, but it's similar in its impact to fish, is 66 feet, and for the Forest Service lands it is 100 to 200 feet. We're already on one end of that spectrum. On the other hand, I don't take lightly when the assembly throws out what the Planning Commission does and says. Her question is, is there a way that we can take what staff have worked on to forward in a way that continues to have the Planning Commission feel valued for their work. PC Cole replied that the Planning Commission is ready for this to moved forward, which is why we worked for 5 hours that one night trying to come up with things, and may disagree on some of the details, but we were ready to move it out. I know this is different, but I think we were ready to move it out, and it does absolutely need to go. For myself, I think the Planning Commission will understand that this is an effort to move things forward and they can offer public comment at the Assembly meeting.

Mr. Bryson moved that the Lands Housing and Economic Development Committee recommend staff's most recent ordinance to the full Assembly for adoption. The draft ordinance maintains practical protection of anadromous waterbodies, while allowing development to occur in a portion of the outer buffer during construction by providing the work area necessary to construction outside the 50 foot buffer. Motion approved unanimously.

G. STAFF REPORTS

4. Reiswig Request to Purchase CBJ Property - Verbal Update

Mr. Bryson asked for a map of the area. Mr. Bleidorn replied he would provide one and include it in the packet when this item goes to the assembly under new business.

5. Douglas Cemeteries - Verbal Update

Mr. Bryson asked how many cemeteries total in the city of Douglas that are in question for acquisitions. Mr. Bleidorn replied that they're all in the general area, but the letter that the assembly and this committee received has nine listed. A lot of work would have to go into making sure that these are legally defined properties. And I'll just add a note, because that reminded me of something that's really fascinating with cemetery property, it doesn't necessarily follow the same process as a as a taxable property, cemeteries are untaxed. Generally speaking, if somebody is deceased or property is vacated,

and over a certain number of years, the city would eventually foreclose on it, because property taxes wouldn't be paid. Cemeteries can go generations with owners being long gone and uncared for without that tax property kicking in, so the history gets complex.

Ms. Woll commented that she appreciates how much work this would be and that it makes sense for this to come to the full assembly to ask if this truly a priority, and she's happy to take up that cause. She wanted to point out, especially fellow assembly members, but also for staff, is that this is related to some of our priorities around building better relations and the community and healing relationships, especially with the Alaska Native community. I think there are portions of the cemetery that have not been taken care of for many years, and there are members of our community that are leading an effort to tend to those places on Douglas Island, and I think that is part of our healing journey with those communities that this could be assisting with that. She sees this project as being part of that and will push for this to be a priority under those values.

Chair Hughes-Skandijs commented that she appreciates this topic being brought back up. She received outreach from one of our advisory boards, and it felt like, at the very least, we needed to bring this publicly to discuss why there might be a lack of movement on it, and I appreciate you breaking down the variety of things. Hearing you talk about all that would go into it, I do agree that it would need to be brought to the full assembly, and I'm sure people will make the case, and we can have that conversation at a future Assembly Retreat. Your comments are well taken, and I think that's a larger conversation we need to have, understanding that we have just one Lands Manager, and we've put an awful lot of our priorities into housing right now. And understanding that that would take away from Law and from Lands on what they were working on. She appreciates the update, and the assembly will chew on that, and they appreciate the Douglas Advisory Board for bringing that back to our attention and we will see where that goes in the future.

H. STANDING COMMITTEE TOPICS - no updates

6. Telephone Hill Updates

7. LHED Committee Goals

I. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS - no updates

J. NEXT MEETING DATE - June 26, 2023

K. ADJOURNMENT – 5:41 P.M.

Presented by: The Manager
Presented: 06/12/2023
Drafted by: S. Layne

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3031

A Resolution Supporting the Manager Entering into an Agreement with Juneau Off-Road Vehicle Association for the 35 Mile ORV Riding Park.

Whereas, the 2019 Parks and Recreation Master Plan, recognizes Off Road Vehicle (ORV) riding areas as a park system gap and that CBJ should work with and support the ORV community to identify a suitable site and facilitate development of viable opportunities for ORV recreation, and

Whereas, since the 1970s, many areas in Juneau that were once open to ORV riding now prohibit motorized use including Dredge Lakes, Airport area, Eagle River and Lemon Creek Industrial Areas, and

Whereas, over the last twenty years, the CBJ has participated in three processes to evaluate, identify and develop ORV riding parks, but has not successfully developed a riding park, and

Whereas, the Juneau Off-Road Vehicle Association (JORA), is a State of Alaska non-profit organization serving all off road enthusiasts of Juneau and dedicated to developing responsible new areas for individuals and families to recreate, and

Whereas, the Parks and Recreation Advisory Committee received hundreds of public comments in the fall of 2020 supporting ORV riding in Juneau as part of the Montana Creek Road ski club request public outreach;

Now, Therefore, Be it Resolved by the Assembly of the City and Borough of Juneau, Alaska:

Section 1. That the Assembly supports the development of the 35 mile site for a public riding park managed and maintained by the Parks and Recreation Department, as conditioned by required permits, and with assistance from JORA for specific maintenance and stewardship tasks as outlined in the management agreement.

Section 2. That the Assembly authorizes the Manager to enter into an agreement with JORA to partner with the City and Borough for stewardship and maintenance tasks for the 35 Mile ORV Riding Park.

Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

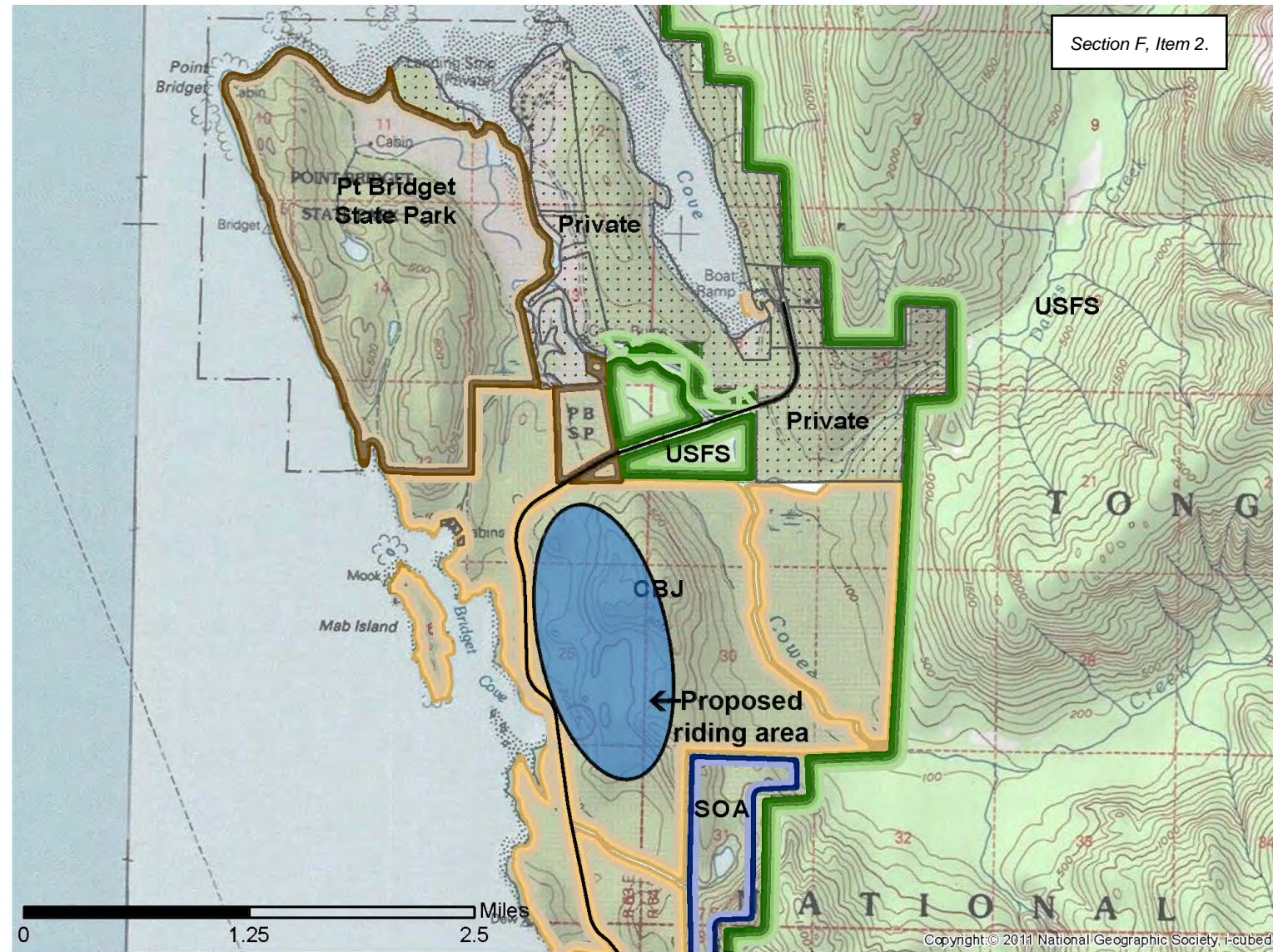
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Elizabeth J. McEwen, Municipal Clerk

35 Mile ORV Riding Park

CBJ assessed many sites around Juneau in the past 20 years to be developed as an ORV riding area.

The evaluation of 35 mile began in 2013 and it was deemed appropriate for over 500 acres of riding area.

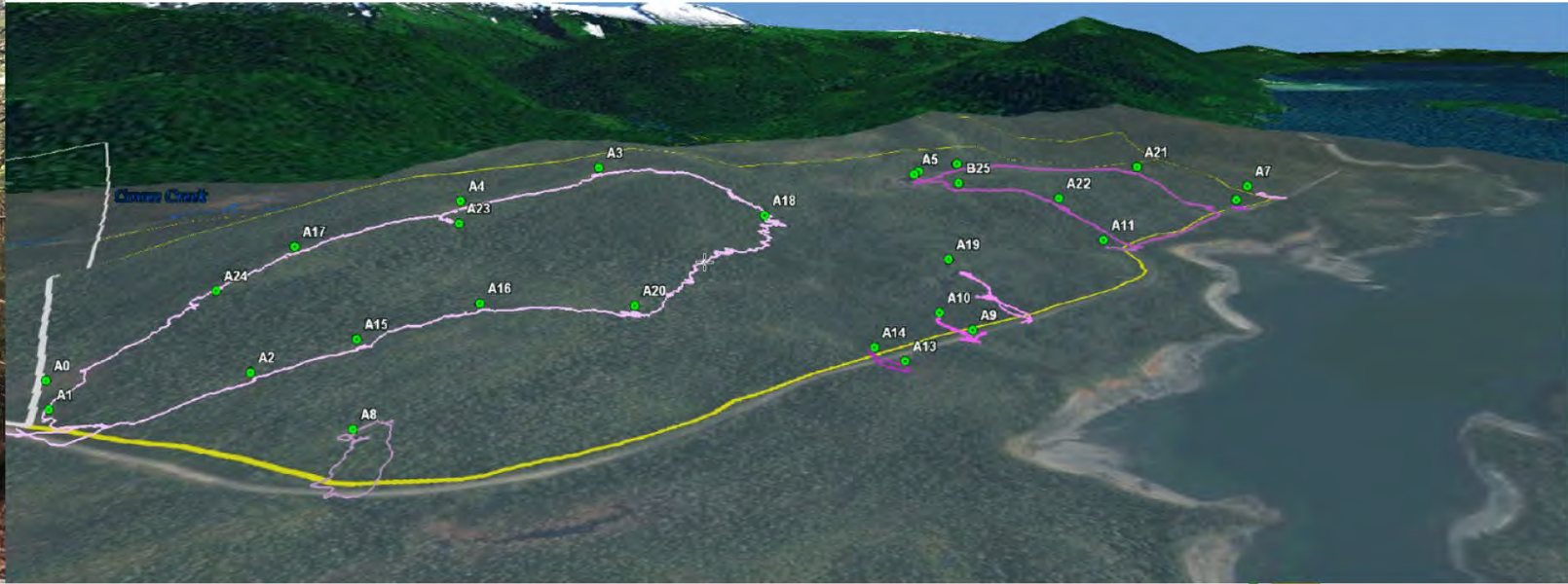


“Essential Partners in a Healthy Community”

Merits of 35 Mile

Section F, Item 2.

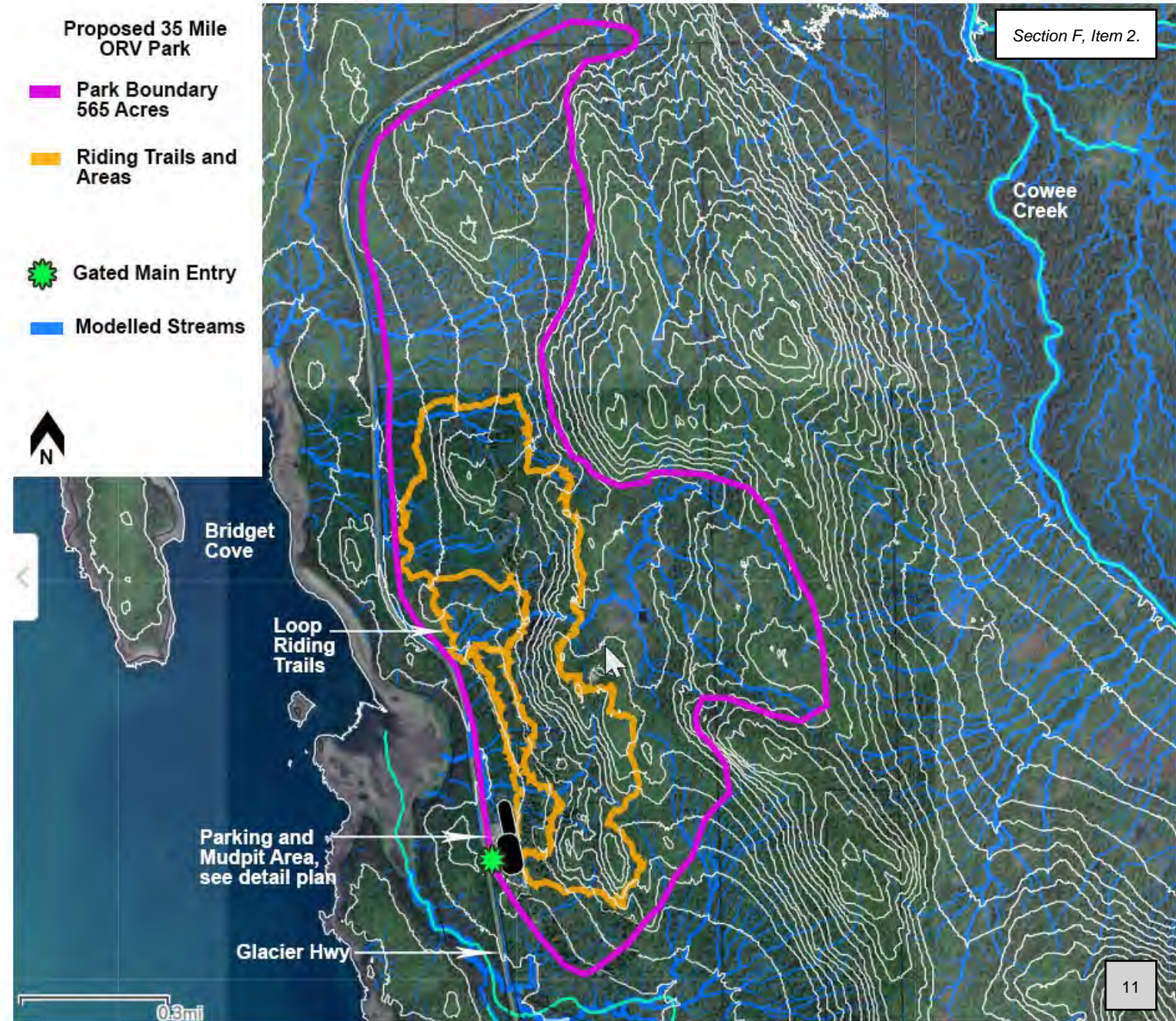
- Area was logged in the 1950s and 60s, it is known as the McMurchie cut
- No fish habitat in project area per updated mapping from ADFG
- No residential development nearby
- Fill pad already exists from previous operations for a parking lot



“Essential Partners in a Healthy Community”

Conceptual Site Plan

- Parking and Trailhead Area with Toilet, Signage
- Loop Trails
- Mud Pit
- Cross Country Area on Logged Site



Process Recap

Section F, Item 2.

2013	CBJ hires a consultant to study 35 Mile site for a future riding park and allocates CIP funding
2019	Parks and Recreation Master Plan survey indicates investment in ORV trails and parks a priority
2020 – 2022	Informal ORV working group meets to plan park
February 2022	General Public Meeting on 35 Mile proposal
March 2021	Parks and Recreation Advisory Committee (PRAC) meeting supports project development
April 2022	Lands Housing, Economic Development Committee and PRAC supports project development
January 2023	Planning Commission issues Conditional Use Permit for ORV Riding Park at 35 mile

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CBJ – JORA Partnership

JORA Responsibilities

- Open and close the park gate daily
- Service and stock the restroom (PSU or vault)
- Clean up litter
- Stock spill control and first aid kits
- Submit annual report to CBJ
- **Act as stewards of the park**
- **Communicate, educate and coordinate with park users on safe and responsible use of the park**

CBJ Responsibilities

- Manage and maintain the park entry area and trail system with Trail Mix
- Issue permits for park usage
- Perform enforcement and education as needed with Park Rangers and JPD



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Next Steps

Section F, Item 2.

Permitting and Construction

- Waiting on Army Corps of Engineers permit, expected in July - August
- Trail Mix to begin work late summer
- Recreational Trails Program Grant pending, initial approval given, waiting for FHWA approval



“Essential Partners in a Healthy Community”

Capital Budget Plan

Funding Source	Amount	status
FY12-FY14 CIP Sales Tax	\$ 230,000	available
FY24 CIP Sales Tax	\$ 200,000	FY24 budget
2022 Trails Bond	\$ 250,000	available
T.R.A.I.L.S grant to Trail Mix	\$ 10,000	received
Recreational Trails Program Grant	\$ 300,000	pending
Total	\$ 990,000	

Future funding plans include:

- FY25 CIP request for 35 Mile ORV park
- Future bond requests
- Recreation and trail grant applications
- Partnerships with community organizations for donations



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Operating Budget Plan

Section F, Item 2.

JORA Expense	Annual Cost
Board Insurance	\$ 2,000
Toilet Service	\$ 2,000
Dumpster Service	\$ 4,500
Signage, education and supplies	\$ 3,500
Total	\$ 12,000
CBJ Expense	Annual Cost
Trail Maintenance - 2 weeks	\$ 11,000
Total Combined Expense	\$ 23,000

CBJ pays JORA from P&R operating budget \$12,000 annually to support the riding park. Assembly will approve this expenditure annually during the budget process.

This is how CBJ supports the Hank Harmon Public Range Board as well.

Revenue	Annual
CBJ Permit Administration Fee	\$ 100
Estimated # permits sold	\$ 250
Total Revenue to CBJ	\$ 25,000



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Support for Resolution 3031

Section F, Item 2.

Staff requests Assembly support for Resolution 3031:

A Resolution Supporting the Manager Entering into an Agreement with Juneau Off-Road Vehicle Association for the 35 Mile ORV Riding Park

This resolution supports the development of the public riding park and authorizes the Manager to enter into an agreement with JORA for stewardship and maintenance tasks.

“Essential Partners in a Healthy Community”



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 155 S. Seward Street • Juneau, AK 99801

June 23, 2023

MEMO

To: Alicia Hughes-Skandijs, Chair, Lands Housing & Economic Development Committee and Members

CC: Rorie Watt, City Manager

From: Jill Maclean, Director, AIC 

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

Helpful Tip

[Tetra Tech Technical Memo No. 4](#) provides a “Guide to Avalanche and Landslide Hazard Designations”. In other words, this memo provides the reader with a foundation towards understanding hazard mapping and its impacts. Staff strongly encourages all interested parties to read it prior to discussion. (Click link above and scroll down to Final Hazard Assessment to find Tech Memo No. 4)

Background

The downtown Juneau avalanche and landslide areas (also referred to as hazard areas) have been studied multiple times since the maps were first adopted in 1987. Over the decades, several attempts were undertaken to update the avalanche and landslide maps to no avail.

The adopted avalanche and landslide maps for downtown Juneau, dated September 9, 1987, are based on maps developed in the 1970s. These low-resolution maps combine landslide and avalanche areas into a single map, which identifies moderate and severe hazard areas. The avalanche and landslide areas cannot be distinguished, resulting in challenges for property owners to obtain property insurance. This lack of distinction also creates challenges for property owners seeking detailed safety information and mitigation options, because avalanche and landslide impacts are different. How and when to update the adopted landslide and hazard maps has been problematic for several decades, it is staff’s firm recommendation that the status quo should not be maintained.

With Assembly approval (Resolution Serial No. 2813), staff applied for FEMA grant funding to undertake an update and review of the adopted maps. During the FEMA grant application process, CDD consulted with CBJ Emergency Services, CBJ Lands Division, and the CBJ Engineering and Public Works to determine

the highest priority areas for updated hazard assessment based on known threats, critical infrastructure, housing density, and future development needs. Other priority areas not funded include the remaining stretch of Thane Road, Blackerby Ridge to Thunder Mountain, and the western side of Thunder Mountain. If the Assembly chooses, it may direct the City Manager to direct staff to apply for future grant funding for further hazard area assessments.

In 2018, CDD was awarded a grant from the Federal Emergency Management Agency (FEMA) to update these maps with current scientific analysis, and to evaluate avalanche and landslide areas separately. Following a competitive bid process, Tetra Tech Inc. was hired as the contractor.

The project area covered by Tetra Tech Inc. is larger than the currently adopted 1987 maps. Due to the increase in the scope area, approximately 42 properties have been evaluated for the first time, while the remaining properties have been updated. The following chart provides approximate figures on the changes between the adopted and proposed maps for severe areas.

	1987 Adopted Maps	2022 Proposed Maps
Number of properties within the mapped study area	1108	1150
Number of properties within high/severe landslide and avalanche zones	173	374
Number of properties within the 1987 adopted severe zone, but out of the 2021 proposed high/severe zone	16	N/A
Number of properties within the proposed 2021 high/severe zone, but out of the 1987 adopted severe zone	N/A	217

In August 2021, the Planning Commission (Commission) held a public hearing on the proposed Tetra Tech Inc. avalanche and landslide maps; a draft ordinance and regulations were not proposed at that time, as it was not part of the scope of the project and grant funding. At that time, the Commission forwarded the proposed map with a recommendation to the Assembly for direction on next steps for an appropriate community review and adoption process, including funding for steps which are deemed necessary. The Commission further recommended that new landslide and avalanche hazard mapping and study results should be held without adoption, pending development of associated hazard zone policies and regulations. The Commission also asked for preliminary direction from the Assembly.

In the fall and winter of 2021 to 2022, the Assembly reviewed the Commission’s Recommendation, and directed staff to further pursue FEMA grant funding to conduct public outreach, and to work with the contractor to develop additional technical memorandums to address public concerns and consult local avalanche experts.

CDD successfully procured additional FEMA grant funds which resulted in: updates to the avalanche maps; seven technical memorandums to address areas of concern and a user-friendly guide to the hazard designations; and website updates and a mailing to inform the public about the final report and memos. In December of 2022, the Manager presented a preliminary recommendation that was forwarded to the Planning Commission.

On May 23, 2023, the Commission held a public hearing on the proposed maps, and the revised draft ordinance that developed out of the Title 49 Subcommittee and was further reviewed by the Commission’s COW and forwarded to the full Commission for approval (Attachment A). At the hearing,

the Commission heard concerns from the public, and voiced its own concerns. In the Notice of Recommendation, the Commission recommended the following:

Do not adopt the director's analysis and findings, and do not adopt the proposed ordinance amending the code related to landslide and avalanche areas, and do not adopt the landslide and avalanche area maps. Consider a method of public notification based on the 2022 avalanche and landslide area maps for affected property owners.

The Assembly should note that this recommendation is rather different than what was contemplated at the COW December 19, 2022. Staff reports, minutes, and contractor presentations are available on the CDD Special Projects website at [CDD – Project – Landslide and Avalanche Assessment – City and Borough of Juneau](#). Links to the Commission hearings for August 21, 2021, and May 23, 2023, are available on the city website at: <https://juneau-ak.municodemeetings.com>. Meeting packets, including agendas, staff reports, and public comments; and a link to watch the meeting via Zoom are available via Municode.

Discussion

The Assembly has a difficult decision in determining how best to mitigate hazard areas in Juneau. Recognizing the difficulty in balancing the rights of property owners, the housing crisis, insurance challenges, and public health, safety, and welfare, staff has identified five potential options for the Assembly to consider. The Assembly should take time with this decision and strive to understand why the Commission made its recommendation and the abundant subtlety of the issues.

Option 1 maintains the status quo. Current, combined avalanche and landslide maps remain in effect, and the current land use code ordinance and regulations remain in effect. Insurance continues to be a challenge to property owners and interested buyers.

Option 2 is the adoption of the Planning Commission recommendation, stated above.

Option 3 repeals the current hazard maps and ordinance, and adopts the Tetra Tech maps and the CDD staff drafted ordinance that was presented to the Commission and not recommended by the Commission. The Commission and the public have voiced concern about this option.

Option 4 repeals the current hazard maps and ordinance, and adopts the Tetra Tech maps and studies as public information only (not adopted into the Land Use Code). No other requirements are included. (Note that this is a variant of the Commission's recommendation).

Option 5 adopts a path developed by staff in response to the concerns raised by the Commission and the public. This option repeals the current maps and current ordinance; and adopts the moderate and severe avalanche areas, and the moderate, severe and high landslide areas developed by Tetra Tech for public information purposes only. Additionally, the CBJ would annually notify the property owners in the moderate and severe avalanche areas and in the moderate, severe, and high landslide areas, and properties within 500 ft. of these mapped areas for awareness purposes; and requires property owners in the hazard areas to notify renters of the hazards (Attachment B). With the addition of a CUP requirement for development greater than a single dwelling unit, this option would be similar to the COW discussion from 12/2022.

Recommendation

The Committee should take steps towards selecting a path forward, including a recommendation that can be forwarded to the Committee of the Whole or the Assembly. If the LHEDC wants to hold this item in Committee for another meeting, it could do so. In closing, we strongly encourage interested parties to read [Tetra Tech Technical Memo No. 4](#).

Attachments

Attachment A: Draft Ordinance April 2023 Avalanche and Landslide Areas and Hazard Maps T49 Comm Revisions

Attachment B: Draft Ordinance June 2023 Avalanche Landslide Areas Staff Version

Attachment A

Presented by: The Manager
Presented: 2023
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023 XX

An Ordinance Amending the code related to avalanche and landslide areas and replacing the avalanche and landslide areas maps

WHEREAS, and...

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJC49.70.300 Avalanche and landslide areas is amended to read:

- (a) *Generally.*
- (1) Development in mapped moderate and severe avalanche and severe landslide areas shall minimize the risk of loss of life or property due to landslides and avalanches.
 - (2) Boundaries of severe avalanche areas will be as shown on the avalanche area maps dated April 27, 2022, as the same may be amended from time to time by the assembly by ordinance.
 - (3) Boundaries of severe landslide areas will be as shown on the landslide area maps dated April 27, 2022, as the same may be amended from time to time by the assembly by ordinance.

(4) Owners and developers shall provide written notice to potential buyers or renters that the property is located in a moderate or severe avalanche area, or a severe landslide area, or both.

(b) *Moderate and Severe avalanche areas.*

(1) Notwithstanding any other provision, subdivision other than a lot line adjustment, or a lot consolidation, or development greater than a single-family dwelling within severe avalanche areas shall require a conditional use permit. Lots platted as Public Use Lot(s) must comply with 49.15.422.


(2) Notwithstanding any other provision, development greater than a single-family dwelling, within the moderate or severe avalanche areas shall require a conditional use permit with site specific engineering for the following: peak drainage, special foundation or high back wall engineering, and debris flow diversion mechanisms. For the purposes of this section, accessory dwelling units are considered development greater than a single-family dwelling.

(3) If a developer disagrees with the boundaries shown on the severe avalanche map, the developer may seek departmental relocation of the boundaries by submitting a site specific study prepared and stamped by a civil engineer licensed in the State of Alaska. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the

opinion of the Director of Engineering & Public Works, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a moderate or severe avalanche area, the department shall proceed accordingly.

- (4) The commission may require mitigating measures certified as effective by a civil engineer licensed in the State of Alaska for development in moderate or severe avalanche areas. Such measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measures may also include reduction in the proposed density, occupancy, or development.

(c) *Severe landslide areas.*

- (1) Notwithstanding any other provision, no subdivision other than a boundary line relocation, a lot line adjustment, or a lot consolidation, shall be approved in a severe landslide area. Applications for all other subdivision types shall not be accepted for filing or shall be rejected by the director.
- (2) Notwithstanding any other provision, no development, which is within a severe landslide area shall increase the density of the lot or increase the occupancy of the building; provided, that a single-family dwelling may be constructed on a vacant lot. Accessory dwelling units are not permissible on lots located in a severe landslide area.
- (3) Notwithstanding any other provision, development including a single-family dwelling within the severe landslide areas shall require a conditional use permit with site specific engineering for the following: peak drainage, special foundation or high back wall engineering, and debris flow diversion mechanisms._ 

(4) The commission may require mitigating measures certified as effective by a civil engineer licensed in the State of Alaska for development in severe landslide areas. Such measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measures may also include reduction in the proposed density, occupancy, or development.

(5) If a developer disagrees with the boundaries shown on the severe landslide map, the developer may seek departmental relocation of the boundaries by submitting a site specific study prepared and stamped by a civil engineer licensed in the State of Alaska. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the opinion of the Director of Engineering & Public Works, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe landslide area, the department shall proceed accordingly.

(d) *Warning and disclaimer of liability.* Avalanches and landslides may occur outside hazard areas in excess of engineering expectations. The location and severity of the event may be increased by manmade or natural causes. This article does not imply that land outside of designated hazard areas, or uses permitted within such areas, will be free from danger or damage. This article shall not create liability on the part of the City and Borough of Juneau or any officer or employee thereof for any damages that result from reliance of this article or any administrative decision lawfully made under this article.

Section 4. Amendment of Section. CBJC 19.04.R301.9 Geophysical hazards is amended to read:

"*301.9 Geophysical hazards.* In Severe geophysical hazard zones as shown in “Downtown Juneau Landslide and Avalanche Hazard Assessment” dated April 27, 2022, and on the “Moderate and Severe Avalanche Maps and Severe Landslide Area Map”, ~~both adopted by ordinance serial no. 87-49, adopted~~ 2023 or when the building official determines that development is proposed in an area similar in nature to those studied in the above referenced documents, and is located outside of the study area, an engineered structural analysis shall be submitted with the permit application. The building official may waive this requirement upon presentation of more specific studies prepared and stamped by a civil engineer licensed in the State of Alaska showing the proposed site is not likely to be affected by geophysical hazards."

Section 5. Amendment of Section. Hillside Development CBJ 49.70.210(a)(4) is amended to read:

Any hazard area identified on the avalanche and landslide area maps dated ~~September 9, 1987, April 27, 2022~~ consisting of sheets 1—8, as the same may be amended from time to time by the assembly by ordinance or any other areas determined to be susceptible to geophysical hazards.

Section 6. Amendment of Section. Definitions CBJ 49.80.120 is amended to read:

Accessory dwelling unit (ADU) means a subordinate dwelling unit added to, created within, or detached from a single-family residence, which provides basic requirements for living, sleeping, cooking, and sanitation. The unit may have a separate exterior entrance or an

entrance to an internal common area accessible to the outside. ADUs are not included in the density calculation for a site.

Density means the amount of development per acre permissible on a parcel under the applicable zoning, measured as dwelling units per acre (du/ac).

Section 7. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2023.

Attest:

Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk



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49.70.300 Avalanche and Landslide areas.

(a) Warning and disclaimer of liability. Avalanches and landslides may occur outside mapped hazard areas. The location and severity of the event may be increased by manmade or natural causes. This article does not imply that land outside of mapped hazard areas will be free from danger or damage. This article shall not create liability on the part of the City and Borough of Juneau or any officer or employee thereof for damages that result from reliance on this article or any administrative decision lawfully made under this article.

(b) Generally.

- (1) Boundaries of potential landslide areas are shown on maps dated April 27, 2022.
- (2) Boundaries of potential avalanche areas are shown on maps dated April 27, 2022.
- (3) For the purposes of this article, “hazard” refers to avalanche or landslide.

(c) Public Notice. The purpose of public notice is to reasonably inform interested parties that resources are available for review.

- (1) A link to hazard maps and reports will be clearly posted on the City and Borough of Juneau’s Community Development Department web site, and remain posted year-round.
- (2) In (insert month) of each year, notice of the maps and their links will be:
 - (A) Mailed to properties within:
 - (i) Moderate and severe mapped avalanche zones,
 - (ii) Moderate, high and severe mapped landslide zones,
 - (iii) Properties within 500 feet of these zones, AND
 - (iv) Post office boxes hosted by the Federal Station post office, located in the Federal Building at 709 West 9th Street as of this regulation.

Failure to mail notice to a person as provided in this section does not invalidate an action taken by an agency under this chapter.

- (B) Published in a newspaper of general circulation.
- (C) Distributed to the municipal clerk and each municipal library.

(d) Recorded documents. The City and Borough of Juneau will record a notice that a property is in a hazard zone with the Alaska Department of Natural Resources Recorder’s Office. The notice will include:

- (1) The nature of the hazard (avalanche or landslide)
- (2) The designation of the hazard
 - (A) Moderate and severe for avalanche
 - (B) Moderate, high and severe for landslide

(3) A copy of the hazard map, legible in black and white print.

(4) Notice that owners are obligated to notify renters of the hazard, and a form for doing so.

(e) Owner obligation. Owners of properties in the hazard zone must:

(1) Notify tenants of the hazard in writing on a form acceptable to the City and Borough of Juneau.

Assembly Goals 2023

Assembly Goals-Approved at the
1/30/2023 Assembly Meeting

1. Housing - Assure adequate and affordable housing for all CBJ residents

		Implementing Actions	Responsibility	Notes:
A	P	Revise and improve Title 49 to facilitate housing	Assembly, Planning Commission, Manager's Office, CDD	
B	P/F	Continue to monitor and track progress towards advancing the goals of the Housing Action Plan	Assembly, Manager's Office	<i>Revised goal</i>
C	P/F/ O	Continue aggressive use of the Affordable Housing Fund, tax abatement, and other loan and grant programs	Assembly, Manager's Office	<i>Revised goal</i>
D	P/F/ AA	Evaluate and revise current CBJ systems associated with managing land and revising T49 in order to get big things done fast	Assembly, Manager's Office, CDD, Law	<i>New goal</i>
E	P/F	Continue planning and implementation of (re)development of Telephone Hill, Pederson Hill, and the 2nd/Franklin property	Assembly, Manager's Office	<i>New goal</i>
F	P/F	Reduce barriers to downtown housing development	Assembly, Manager's Office, CDD	<i>Revised goal</i>

2. Economic Development - Assure Juneau has a vibrant, diverse local economy

AA*		Implementing Actions	Responsibility	Notes:
A	F/O	Update the Comprehensive Plan	Assembly, Planning Commission, Manager's Office, CDD	
B	O	Draft a resolution adopting the long term goals of the VITF, establish contractual relationships with private dock managers, analyze existing passenger fee structure, and explore methods to create a pathway towards functional municipal management of the waterfront.	Assembly, Manager's Office, Docks & Harbors	<i>Revised goal</i>
C	P/F/ O/S	Implement project strategy for Juneau Economic Plan, including revitalizing downtown, with regular updates	Assembly, Manager's Office	
D	F	Explore financing for the Capital Civic Center	Assembly, Manager's Office, Finance	
E	P/F/ S	Support Eaglecrest's objective of becoming self-sufficient	Assembly, Manager's Office, Eaglecrest	<i>Revised goal</i>
F	P/F	Pursue and plan for West Douglas and Channel Crossing	Assembly, CDD, Planning Commission, Manager's Office	
G	P/F/ S	Explore options for redeveloping under used downtown property	Assembly, CDD, Manager's Office, Engineering & Public Works	<i>New goal</i>

Assembly Goals 2023Assembly Goals-Approved at the
1/30/2023 Assembly Meeting**3. Sustainable Budget and Organization - Assure CBJ is able to deliver services in a cost efficient and effective manner that meets the needs of the community**

AA*		Implementing Actions	Responsibility	Notes:
A	P/F	Develop strategy for fund balance and protect restricted budget reserve	Assembly, Manager's Office, Finance	
B	P/F	Continue to evaluate sales tax structure including equity and evaluate removing sales tax on food	Assembly, Manager's Office, Finance	
C	P	Long term strategic planning for CIPs	Assembly, Manager's Office, EPW	
D	P/F	Reduce mil rate as appropriate	Assembly, Manager's Office, Finance	
E	F/O	Allocate resources to implement Assembly goals	Assembly, Manager's Office, Finance	
F	F/O	Maintain Assembly focus on deferred maintenance including BRH and JSD.	Assembly, Manager's Office, EPW, all operating departments with facilities	
G	P/F	Examine social service funding levels and process	Assembly, Manager's Office	Moved from Community, Wellness, and Public Safety
*Assembly Action to Move Forward: P = Policy Development, F = Funding, S = Support, O = Operational Issue				

Assembly Goals 2023Assembly Goals-Approved at the
1/30/2023 Assembly Meeting**4. Community, Wellness, and Public Safety - Juneau is safe and welcoming for all citizens**

	AA*	Implementing Actions	Responsibility	Notes:
A	P/O/S	Acknowledge and honor Juneau's indigenous culture, place names, naming policy, and recognize Elizabeth Peratrovich Day	Assembly, Manager's Office, Human Resources Committee	
B	P/S	Explore government to government relations with tribes	Assembly, Manager's Office	
C	P/O/F	Explore fully subsidizing transit and eliminating fares	Assembly, Manager's Office, EPW	<i>New goal</i>

5. Sustainable Community - Juneau will maintain a resilient social, economic, and environmental habitat for existing population and future generations.

	AA*	Implementing Actions	Responsibility	Notes:
A	P/O	Develop a zero waste or waste reduction plan	Assembly, Manager's Office, EPW, Finance	
B	P/O	Develop strategy to measure, track and reduce CBJ energy consumption.	Assembly, Manager's Office, all departments	
C	P/O/F	Implement projects and strategies that advance the goal of reliance on 80% of renewable energy sources by 2045	Assembly, Manager's Office, all departments	
D	P/F	Prepare a changing climate hazards mitigation / resilience strategy	Assembly, Manager's Office, EPW	<i>New goal - nb: JCOS retreat memo I&I, Mass Wasting</i>
E	P/O/F	Develop strategy to reduce abandoned/junked vehicles	Assembly, Manager's Office, EPW, Law, P&R, D&H	

*Assembly Action to Move Forward: P = Policy Development, F = Funding, S = Support, O = Operational Issue