MEMORANDUM

TO: Assembly Lands Committee
THRU: Heather Marlow, Lands and Resources Manager
FROM: Charles A. Johnson, Deputy Land Manager
SUBJECT: Rewrite of Title 53 – Real Property
DATE: February 15, 2012

Background

The Lands and Resources Office has been working with the Law Department exploring opportunities to update and improve Title 53: Real Property, which has not undergone a comprehensive review since the early 1980s. The purpose for conducting a review and rewrite of Title 53 includes:

- Removing outdated portions of the Code;
- Adding clarity;
- Revising the division’s administrative processes to make them consistent with the Charter and like activities of other departments;
- Streamlining processes by delegating authority for some land transactions; and
- Modifying the structure of the Land Management Plan and land disposal schedule, as prescribed in Title 53, to enable more efficient and timely updates.

At the recommendation of the Law Department, the review and revision process is occurring incrementally, starting at the beginning of Title 53 and advancing section by section. For each section or group of related, consecutive sections, the Law Department is developing an ordinance, incorporating the proposed changes. Upon review and recommendation of the Lands Committee, each ordinance will be forwarded to the Assembly for review and adoption. The Lands Committee is scheduled to review the attached ordinance on February 27, 2012. The ordinance is tentatively scheduled for introduction to the Assembly on March 5, 2012, dependant on the outcome of the Lands Committee review.

The first part of Title 53, addressing how the CBJ acquires real property was amended in January 2011 with the adoption of Ordinance No. 2010-40. This memorandum and the attached draft ordinance propose changes to the next sections, 53.09.010-53.09.170, pertaining to policy, status maps, land classification and the land management plan.
Updating Title 53 and the Land Management Plan

In addition to its work on revising Title 53, the Lands and Resources Office has begun the process of updating the CBJ's Land Management Plan, the document that guides the CBJ in the acquisition, management, and disposal of CBJ-owned lands. The interface between the two projects is found in 53.09.100-170, the sections of Title 53 that address the classification of land and the contents and process for completing the Land Management Plan. Due to the frequent reference to the Planning Commission in these particular sections of the Code, the Lands and Resources Office met with the Planning Commission to address the proposed changes and seek the Planning Commission's support.

Summary of Planning Commission Review

In summary, the Planning Commission considered the current classification system (Article II 53.09.100-130) to be a redundant exercise and recommended its deletion. The Commission was particularly interested in the Land Management Plan (Article III 53.09.150-180) and in continuing to have a significant role in the development of the plan. Staff worked with the Commission to fine tune the language of the proposed ordinance with regard to this point. At its meeting February 14, 2012, the Commission passed a motion of support to forward the proposed ordinance to the Assembly with a recommendation for adoption. The recommendation of the Commission addresses Article II and Article III (53.09.100-53.09.180) of the proposed ordinance.

Summary of Proposed Changes to Title 53

Policy – 53.09.010

Description: 53.09.010 sets forth the broad policy of the CBJ in managing its lands.

Proposed Action: There are no changes proposed to the policy section.

Authority – 53.09.015

Description: 53.09.015 is a new section that authorizes the promulgation of regulations.

Proposed Action: Although no specific regulations are being proposed or are currently anticipated, the City Attorney has recommended that the authority for implementing regulations be included in this rewrite of the Code, as a housekeeping measure.

Article I. Status Maps and Resource Inventory – 53.09.020

Description: 53.09.020 mandates the preparation of status maps that show all CBJ-owned land and details the type of information to be placed on the status maps.

Proposed Action: We recommend deleting Article I, 53.09.020.
Analysis:
- This Code requirement was established in 1983 before the CBJ's widespread use of computers for data storage and retrieval and before computers were a common feature at most CBJ work stations. Since 1983, the CBJ has implemented new software and records management procedures that have eliminated the need to prepare and maintain status maps. These changes have advanced the volume and sophistication of data that are now electronically available. We anticipate that rapidly changing technology, particularly in the areas of information systems and communications, will be a pattern that continues into the future, thus negating the need to maintain status maps as envisioned in 1983.

Article II: Classification System – 53.09.100-53.09.130

Description: 53.09.100-53.09.130 provides a system for classifying land owned by the CBJ according to the management intent for each parcel.

Proposed Action: We recommend deleting Article II, 53.09.100-53.09.130.

Analysis:
- The CBJ adopted the system of classifying its lands in 1983 at a time when its land holdings were rapidly expanding by thousands of acres as a result of the State's municipal land entitlement program. The classification process served as a framework for categorizing the newly acquired land according to broad land management goals. Larger parcels, sometimes encompassing several hundred acres, were often tagged with multiple classifications displaying the variety of planned or potential uses. Since that time, the CBJ Comprehensive Plan, expanded zoning coverage throughout the city and borough, and more recently the development of the Land Management Plan, and the Parks and Recreation Comprehensive Plan, all provide more specific guidance for the management of the CBJ's property.
  - Classification has become a redundancy; its value eclipsed by the more comprehensive and detailed planning efforts.

Article III: Plan – 53.09.150-53.09.180

Description: 53.09.150-53.09.170 mandates the development of a land management plan, which provides a detailed land disposal schedule, all of which is updated at least every three years. The principles to guide the formulation of the plan and the contents of the plan are also specified.

Proposed Action: We recommend streamlining the review and update of the Land Management Plan by: (1) structuring the plan to be a document that serves as an inventory of CBJ lands with a long-range planning perspective, updated every ten years; and (2) separating out what is currently described as the “disposal schedule” and establishing a biennial report in a new section, 53.09.180, that focuses on near-term land disposals and acquisitions as well as an update on such activities since the previous report.

Analysis:
- The Code currently identifies the land disposal schedule as a subset of the Land Management Plan. The Code prescribes that the land disposal schedule be based on a ten year planning horizon. It directs that the Land Management Plan be updated at least every three years.
• Historically, the Land Management Plan has been prepared in-house. The most recent plan was adopted in 1999. The updating of the Land Management Plan has often been deferred as staff worked on other, high profile and time-sensitive projects, such as the Lena land sale and development of West Douglas.

• The concept behind the proposed Code change is to create a robust Land Management Plan that serves both as a useful reference document and planning tool, addressing the broad policies and long range direction for the management of the CBJ’s lands. Designed as a document to guide the CBJ’s long-range interests, it would be updated every ten years.

• In contrast, the land disposal schedule would be part of a compact biennial report that would identify near term land disposals in context with the long range disposals described in the Land Management Plan. It would also address the Land Fund’s ability to support the proposed land disposal activities. Prepared and presented every two years, it would be a concise report designed to enable staff to provide timely updates. The anticipated result is a more efficient process that allows staff to be more nimble and responsive to the Assembly.

Recommendation

The Lands and Resources Office requests the Lands Committee pass a motion of support to the Assembly for the rewrite of Title 53 as described in the attached ordinance. With that support, staff will introduce the ordinance to the full Assembly.

Attachments