ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA
Serial No. 2012-13

An Ordinance Amending the Land Management Code.

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 Code.

Section 2. Amendment of Chapter. Chapter 53.09 Management, is amended to read:

53.09.010 - Policy.

It is the policy of the City and Borough to manage its real property as a municipal resource and to use, retain and dispose of both improved and unimproved land to realize the maximum benefit of the municipality and its residents, including encouraging beneficial private economic activity and facilitating the provision of public services, guiding a rational growth pattern, preserving land for public and private use for present and future generations of City and Borough residents, meeting the need of City and Borough residents for private ownership, and stabilizing land values without making land available for purposes of speculation.
53.09.015 – Authority.

The Lands and Resources Division shall have the authority to promulgate regulations, pursuant to CBJ 01.60, to implement this title.

ARTICLE I. – STATUS MAPS AND RESOURCE INVENTORY

53.09.020 – Status maps and files.

(a) The manager shall prepare status maps upon which will be shown all City and Borough owned land and interests in land.

(b) Each parcel shall be assigned an identification number.

(c) The maps shall show as to each parcel the date acquired, method of acquisition, the grantee, the places the deed is recorded and filed, the approximate area, its classification, the serial number of the resolution establishing the classification, and the proposed disposal method and date if applicable.

ARTICLE II. – CLASSIFICATION SYSTEM

53.09.100 – Classification definitions.

(a) Land classified under this chapter shall be reserved and available for the uses set forth in this subsection and for similar or accessory uses thereto.

(1) Commercial/industrial means and includes land which would be appropriately developed for commercial or industrial uses and land which, because of its location near major arterials, transportation or other facilities or certain natural resources, is most appropriately reserved for commercial or industrial development.
(2) **Public use** means and includes nondisposable lands which are presently appropriate for or which will be required in the future for one or more public uses, including recreation, education, public access, access to shorelines, public transportation, public facilities, open space, habitat protection and protection of environmentally sensitive lands.

(3) **Reserved use** means and includes lands which have not yet otherwise been classified or devoted to specific uses.

(4) **Residential** means and includes land which is connected to the road system, or is likely to be connected to the road system in the foreseeable future and which is reasonably developable for residential uses.

(5) **Residential recreational** means and includes land to which it is unlikely a connection to the road system will be provided in the foreseeable future but which nevertheless has a present potential for low-density development for occasional residential recreational use.

(6) **Resource** means and includes land on or under which there are no known mineral or nonmineral deposits of commercial value, or upon which there are stands of commercial timber which either have now or will probably have commercial value when existing resources are depleted or when new population or commercial or industrial growth occurs or upon which it is believed present or future commercial deposits exist.

(b) When a parcel is identified for a specific use for which it is to be reserved within its general classification, a subclassification setting forth the specific use shall be added to the general classification.
(c) When a parcel should be used for more than one purpose, a multiple classification may be made with an identification of the priority use.

(d) The classification of land under this chapter shall not control the use of the land after disposal; provided restrictions on use may be included in the conditions of sale or other conveyance document.

53.09.110 – Initial classification.

Unless classified by the City and Borough prior to receipt, all parcels of land exceeding five acres in size received by the City and Borough from any source which were not acquired for a specific use, are classified "reserved use," and may not be sold, leased, or otherwise transferred to a public agency or private party until placed in a classification other than reserved use. Reserved-use classification shall not prohibit the granting of minor easements, rights-of-way, or use permits and similar lesser rights in such lands which will not adversely impact future uses of the land. To the extent practical, the City and Borough will avoid making specific classifications other than reserved use, or reclassifications out of the reserved-use pool on a piecemeal basis and will attempt to integrate the classification process with the development of the land management program.

53.09.120 – Classification by planning commission.

(a) The planning commission shall classify each parcel of land exceeding five acres in size which is owned by the City and Borough. Prior to consideration of a classification or reclassification of land from reserved use, the planning commission shall first consider whether the land should be classified for a public use. The planning commission may classify
parcels of land selected by but not patented to the City and Borough. Different areas within a parcel may be given different classifications.

(b) The planning commission shall take into account the comprehensive plan, actual growth patterns of the City and Borough, projections for future population growth, commercial, industrial and governmental activities and plans, geography, soil conditions, carrying capacity of the land, geophysical hazard areas, areas with special habitat values, existing public access routes, projected development pressures and patterns, the long term capital improvements program, resource inventories applicable to the parcels, private market demand for land suitable for specific uses, and plans for economic development, parks, recreation, drainage, and other plans adopted by the assembly, and other policies and information which are pertinent to the classification of the land.

(c) The planning department shall prepare for the planning commission a report on each parcel consisting of all information available on each parcel. The information shall include, but not be limited to, available plats, topographic maps, ground and aerial photos, soils and geological analyses, status of title, existing lawful and unlawful uses, specific or general references to the parcel in the comprehensive plan or any other plan adopted by the assembly, zoning, topography, development proposals received, resource inventory and analysis, land ownership and development pattern in the area, written comments and a summary of oral comments received during the planning commission hearing, correspondence from the manager, department heads and the school board, an estimate of the market value of the parcel if the proposed classification is other than public use, and such other information as may be pertinent to classifying the parcel.

(d) Prior to classifying any parcel, the planning commission shall solicit classification
recommendations from the director of public works, the director of parks and recreation, the planning department, the manager, the assembly, and the school board.

(c) After proposing a classification, the planning commission shall hold at least one public hearing on its proposed classification. The hearing shall be preceded by at least 30 days' public notice. After the hearing, the planning commission shall classify the property by resolution.

(f) If the planning commission determines that a parcel should be subdivided prior to disposal or use, it shall show the proposed boundaries and classifications for each new major parcel.

(g) The planning commission may make recommendations relating to the time parcels should be made available for disposal, conditions of disposal, and other recommendations relevant to disposal or use of the parcel.

(h) The planning commission, on its own motion, may change the classification of a parcel previously classified. The procedures set forth in this section for initial classification shall be followed for such reclassification.

53.09.130 – Classification upon private request.

(a) Upon the filing of a complete application by a private party requesting the classification or reclassification of one or more parcels, the planning commission shall consider and act on the request following the general procedures for an initial classification.

(b) The application shall contain an accurate description of the land, both the present and the requested classifications, a detailed explanation of the reasons for the requested classification, including any development proposals of the applicant, and shall be
accompanied by a base fee of $150.00 plus a fee equal to the estimated cost of advertising and other public notice. The base fee shall be adjusted by the manager from time to time to keep pace with the increase or decrease in the cost of municipal services generally.

ARTICLE III. - PLAN

53.09.150 - Land management plan.

(a) The planning commission shall draft and recommend to the assembly a land management plan for all parcels classified other than reserved use City and Borough lands. The plan shall address the retention, use, disposal, development, and subdivision of City and Borough land and selected land and the acquisition of private lands for public purposes. The plan may be developed and adopted in stages. The plan shall identify the management intent for each parcel of City and Borough land. Prior to adoption of its recommendation, the planning commission shall hold a public hearing on the draft plan. The plan may be recommended in stages as long as each stage deals with all property of a particular classification, all property in a geographic area, all property to be disposed of within a certain time frame, or some other logical division which can be integrated with the stages of the plan.

(b) The commission shall recommend changes in the land management plan as necessary.

(c) When developing a recommended land management plan or a change to the plan, the planning commission shall be guided by the following principles:

(1) Multiple use should be encouraged;

(2) Use of land for natural resource extraction or removal should be consistent with future use of the land;
(3) A sound local economy will be promoted;

(4) Development will be encouraged in areas where public services already exist or can be economically extended or where development of a viable economic base is probable;

(5) A significant quantity of land of a variety of types and locations should be reserved to provide an opportunity for future decisions; adequate lands for public development and public use, including recreational beaches with appropriate uplands, should be reserved;

(6) Tidelands should be leased only for specific water-dependent and water-related uses and not sold;

(7) Wetlands should be leased only for specific uses and not sold;

(8) Land should not be made available for residential, commercial, or industrial development in areas that have significant landslide, avalanche, or floodplain hazards unless the development proposal includes adequate mitigation measures to prevent loss of life and property;

(9) Land should be made available to encourage a variety of housing opportunities to meet the needs of residents;

(10) The region’s scenic, environmental, and economically valuable natural resources should be protected from the adverse impacts of urban development;

(11) Conflicts between residential and other land uses should be minimized;

(12) Land should be set aside for the necessary provision of transportation, public facilities, and services;
(13) Lands and shoreline that possess recreational, scenic, wildlife, and other environmental qualities should be preserved as open space.

(d) In developing its recommended plan to implement the policies in line with the principles outlined in this section, the planning commission should consider, but without limitation, the following factors:

(1) The supply of publicly owned lands to meet public needs;

(2) The supply of privately owned lands to meet the private-sector needs of the community;

(3) The need of public agencies and the private sector for natural resources;

(4) The classification of the land [Reserved];

(5) The comprehensive plan, the long term capital improvements program, and other plans adopted by the assembly;

(6) Restrictions created by written instruments, zoning, and state and federal regulations;

(7) Physical, economic, resource, population and social factors affecting the area under consideration;

(8) Comments of the general public, affected landowners, state and federal agencies, and local advisory groups;

(9) Ownership patterns and the disposal and development plans of private landowners and state and federal agencies;

(10) The development and growth patterns and potentials of different areas of the City and Borough;

(11) Information available in the land resource inventory files [Reserved];
(12) The availability of municipal funds to subdivide or develop lands to facilitate
disposal for private development and use;

(13) The requirements of public access to and along public and navigable bodies of
water and the need to reserve public transportation corridors and utility
corridors;

(14) Other matters which are relevant to a land use management program.

53.09.160 - Contents of the plan.

(a) The plan shall contain the following elements:

(1) A proposed ten-year long term disposal schedule identifying indicating for the
first five years of the plan, the parcels which should be transferred to private
ownership and the calendar year during which and the method by which the
parcels should be transferred; for the following five years, the parcels which
parcels should be transferred to private ownership during that five-year period;

(2) A schedule of subdivision activity required of the City and Borough in order to
meet the disposal schedule for the next five years [Reserved];

(3) A schedule for the development of municipal lands, including resource
extraction and removal [Reserved];

(4) A cash flow analysis of the land fund for at least five years following the
adoption of the plan or revision of the current five-year disposal period of the
plan, predicated upon the disposal and development schedules of the plan
[Reserved];

(5) A list of proposed land acquisitions;
(6) A listing of those lands parcels to be retained for public use and the intended management description for each;

(7) A statement of the major factors and assumptions which led to the parcels being identified for long term disposal; A statement of the major factors and assumptions which led to the proposed disposal schedules retentions and acquisitions.

(8) A description of infrastructure development required of the City and Borough in order to support the long term disposal schedule.

(b) The plan shall be reviewed by the planning commission if a major unanticipated development affecting basic assumptions occurs and in any case at least every three years. After a public hearing on the plan or change of the plan, the commission may adopt or modify the proposed plan or its proposal and shall transmit its recommendations to the assembly.

53.09.170 - Assembly action on plan.

Upon receipt of a proposed land management plan or a change recommended by the planning commission, the assembly shall consider the plan or change and may adopt the plan or change only after it conducts a public hearing on the matter after not less than six weeks' public notice. The assembly may modify the plan or change and shall adopt the plan or it change by resolution ordinance.

53.09.180 Biennial status report.

(a) Biennially, the manager shall present to the Assembly a report on the status of City and Borough land disposals and acquisitions. The report shall include the following:
(1) A list of City and Borough lands that have been sold or otherwise conveyed out of City and Borough ownership during the previous two years;

(2) Priorities for disposals for the next two years;

(3) A description of planned land disposal activities for the next two years and an analysis of the Land Fund’s ability to support those activities;

(4) A list of properties acquired by the City and Borough during the previous two years; and

(5) A list of priorities for land acquisitions for the next two years.

(b) The Planning Commission shall review the report and, after conducting a public hearing, shall transmit its recommendations to the Assembly.

(c) Upon review, the Assembly shall review and adopt the report, or modify and then adopt the report by ordinance. The adopted report shall be a component of the land management plan.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this day of 2011.

_____________________________________
Bruce Botelho, Mayor

Attest:

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Laurie J. Sica, Clerk