

Presented by: The Manager
Introduced: 03/05/2012
Drafted by: J.W. Hartle

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. - Reserved.

ARTICLE II. - Reserved.

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ARTICLE III. - PLAN

53.09.150 - Land management plan.

(a) The planning commission shall recommend to the assembly a land management plan for all 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.

(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 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 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) [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) [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 long term disposal schedule identifying which parcels should be transferred to private ownership;
- (2) [Reserved];
- (3) [Reserved];
- (4) [Reserved];
- (5) A list of proposed land acquisitions;
- (6) A list of 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;
- (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 ten years. After a public hearing on the plan, the commission may adopt or modify the proposed plan and shall transmit its recommendations to the assembly.

53.09.170 - Assembly action on plan.

Upon receipt of a proposed land management plan recommended by the planning commission, the assembly shall consider the plan. The assembly may modify the plan and shall adopt it by 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.

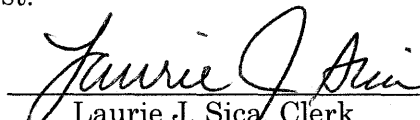
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Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 2nd day of April, 2012.


Bruce Botelho, Mayor

Attest:


Laurie J. Sica, Clerk