

# MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office  
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TO: Planning Commission Committee of the Whole

FROM: Heather Marlow, Lands and Resources Manager 

DATE: January 26, 2012

SUBJECT: Land Management Plan and Title 53 Revisions

The Division of Lands and Resources has been working towards an update of the Land Management Plan and Title 53. The process was initiated with the Planning Commission at the January 11, 2011 meeting, with a summary of next steps for Municipal Land Development and Disposal. More recently the Lands Office has drafted amendments to Title 53, in preparation for revisions to the content and structure of the document and an update of the Plan. The Planning Commission has requested discussion to better understand the background for the proposed amendments to Title 53 and how these changes would translate into a Plan that forwards agreed upon land management and disposal goals.

The goals of the COW meeting are to:

- briefly introduce the content of the 1999 Land Management Plan and start to identify the contributing information sources and departments involved in an update of the Plan
- review the sections of Title 53 that apply to the Land Management Plan and the proposed amendments to these portions of the code
- outline the content and structure of an updated Plan in conjunction with the proposed Title 53 amendments

The COW is intended to be educational and provide background information to develop a base of knowledge to better facilitate discussion of the content and structure of the Plan as it relates to Title 53.

I anticipate that the meeting material may generate substantial comments and questions from the Commission and that a follow up meeting may be necessary to consider and respond to the discussion.

## **Background**

The Lands and Resources Office has been working with the Law Department exploring opportunities to update and improve Title 53, 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- Removing outdated portions of the Code;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.

This memorandum outlines propose changes to 53.09.100 - 53.09.170, pertaining to land classification system and the land management plan. The most substantive changes are summarized below.

### **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 – 53.09.150-53.09.170**

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 updating 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 instead a biennial report that focuses on near-term land disposals and acquisitions as well as provides 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.
- 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 a compact report that would identify near term land disposals in context with the long range disposals described in the land management plan. 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.

## ARTICLE II. - CLASSIFICATION SYSTEM

53.09.100 - Classification definitions.

53.09.110 - Initial classification.

53.09.120 - Classification by planning commission.

53.09.130 - Classification upon private request.

### **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;

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provided restrictions on use may be included in the conditions of sale or other conveyance document.

(Serial No. 83-09, § 3, 1983)

**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.

(Serial No. 83-09, § 3, 1983; Serial No. 95-06, § 2, 1995)

**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 longterm 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.

(e) After proposing a classification, the planning commission shall hold at least one public hearing on

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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.

(Serial No. 83-09, § 3, 1983; Serial No. 95-06, § 3, 1995)

**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.

(Serial No. 83-09, § 3, 1983)

1 ~~(b) The application shall contain an accurate description of the land, both the present~~  
2 ~~and the requested classifications, a detailed explanation of the reasons for the requested~~  
3 ~~classification, including any development proposals of the applicant, and shall be~~  
4 ~~accompanied by a base fee of \$150.00 plus a fee equal to the estimated cost of advertising and~~  
5 ~~other public notice. The base fee shall be adjusted by the manager from time to time to keep~~  
6 ~~pace with the increase or decrease in the cost of municipal services generally.~~  
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9 **53.09.150 - Land management plan.**

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

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

- 25 (1) Multiple use should be encouraged;

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- (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



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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 light of 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;

- 1 (11) ~~Information available in the land resource inventory files [Reserved];~~  
2 (12) The availability of municipal funds to subdivide or develop lands to facilitate  
3 disposal for private development and use;  
4 (13) The requirements of public access to and along public and navigable bodies of  
5 water and the need to reserve public transportation corridors and utility  
6 corridors;  
7 (14) Other matters which are relevant to a land use management program.  
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10 **53.09.160 - Contents of the plan.**

11 (a) The plan shall contain the following elements:

- 12 (1) ~~A proposed ten-year long term disposal schedule identifying indicating, for the~~  
13 ~~first five years of the plan, the parcels which should be transferred to private~~  
14 ~~ownership and the calendar year during which and the method by which the~~  
15 ~~parcels should be transferred; for the following five years, the parcels which~~  
16 ~~parcels should be transferred to private ownership during that five-year period;~~  
17 (2) ~~A schedule of subdivision activity required of the City and Borough in order to~~  
18 ~~meet the disposal schedule for the next five years [Reserved];~~  
19 (3) ~~A schedule for the development of municipal lands, including resource~~  
20 ~~extraction and removal [Reserved];~~  
21 (4) ~~A cash flow analysis of the land fund for at least five years following the~~  
22 ~~adoption of the plan or revision of the current five year disposal period of the~~  
23 ~~plan, predicated upon the disposal and development schedules of the plan~~  
24 ~~[Reserved];~~  
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- 1 (5) ~~A list of P~~proposed land acquisitions;
- 2 (6) A listing of ~~these lands~~ parcels to be retained for public use *and the intended*
- 3 *management description for each;*
- 4 (7) ~~A statement of the major factors and assumptions which led to the proposed~~
- 5 ~~disposal schedules retentions and acquisitions. [Reserved];~~
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- 7 (8) *A description of infrastructure development required of the City and Borough in*
- 8 *order to support the long term disposal schedule.*

9 (b) The plan shall be reviewed by the planning commission if a major unanticipated

10 development affecting basic assumptions occurs and in any case at least every ~~three~~ ten years.

11 After a public hearing on the plan ~~or change of the plan~~, the commission may adopt or modify

12 ~~the proposed plan its proposal~~ and shall transmit its recommendations to the assembly.

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14 **53.09.170 - Assembly action on plan.**

15 Upon receipt of a *proposed* land management plan ~~or a change~~ recommended by the

16 planning commission, the assembly shall consider the plan. ~~or change and may adopt the plan~~

17 ~~or change only after it conducts a public hearing on the matter after not less than six weeks'~~

18 ~~public notice.~~ The assembly may modify the plan ~~or change~~ and shall adopt ~~the plan or it~~

19 ~~change by resolution ordinance.~~

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22 **53.09.180 Biennial status report.**

23 (a) *Biennially, the manager shall present to the Assembly a report on the status of City*

24 *and Borough land disposals and acquisitions. The report shall include the following:*

- 25 (1) *A list of City and Borough lands that have been sold or otherwise conveyed out*

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*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;*

*(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) 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