

Presented by: The Manager
Presented:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-48 DRAFT

**An Ordinance Related to City and Borough of Juneau Land Management
Plan Duration, Restrictions, and Authority.**

WHEREAS, the Land Management Plan guides the City and Borough of Juneau's use and ownership of its land, CBJC 53.09.150; and

WHEREAS, the current Land Management Plan was adopted in 2016 (Ord. 2016-18), and the prior Land Management Plan was adopted in 1999; and

WHEREAS, CBJC 53.09.160(b) empowers the Planning Commission to review and update the Land Management Plan as necessary but at least every ten years; and

WHEREAS, the past and current Land Management Plans provide valuable guidance for management of all City and Borough of Juneau property—including Department managed lands; and

WHEREAS, the two-year limitation in CBJC 53.09.200(c) is unnecessarily short given the multiple review procedures recently enacted in CBJC 53.09.260;

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.

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3 **Section 2. Amendment of Section.** CBJ 53.09.200 is amended to read:
4

5 **53.09.200 General.**

6 (a) *Methods of disposal.* City and Borough land may be conveyed by lottery, auction, over-the-
7 counter sale, negotiated sale, sealed bid, land exchange, or other methods as the assembly
8 may approve by ordinance.

9 (b) *Inclusion in Land Management Plan.* Except for property acquired by tax foreclosure or
10 reconveyance agreement, real property should not be conveyed prior to inclusion in a land
11 management plan.

12
13 (c) *Satisfaction of CBJ 53.09.260(a).* Real property recommended for negotiated sale in
14 management plan adopted by the Assembly not more than ten ~~two~~ years prior to
15 commencement of negotiations for a negotiated sale shall be deemed to have satisfied CBJ
16 53.09.260(a) Sales, leases, and exchanges by negotiation or competitive proposal.

17
18 ...

19 **Section 3. Amendment of Section.** CBJ 85.02.060 is amended to read:

20 **85.02.060 General powers.**

21
22 (a) Subject to state laws and City and Borough ordinances, the City and Borough Docks and
23 Harbors Board shall generally exercise all powers necessary and incidental to operation of all
24 port and harbor facilities in the public interest and in a sound business manner. In
25 particular, and without limitation on the foregoing, the board shall:

...

1
2 (5) Administer and dispose of City and Borough tideland, submerged land, and other land
3 as provided by the assembly ~~by resolution as subject to docks and harbors board~~
4 ~~administration~~, subject to the following limitations:

5
6 (A) No sale, purchase, or trade of land shall be made without prior review by the
7 assembly lands committee and approval by the assembly ~~by resolution~~.

8 (B) Unless otherwise designated in advance by the assembly ~~by resolution~~, any lease of
9 land shall be limited to marine-related uses, and those uses accessory to tenancy on
10 the boat harbor or use of the port.

11
12 (C) All land transactions by the board in accordance with this section shall be
13 consistent with the land management plan ~~developed under CBJ 85.02.063~~.

14 (i) Land shall be leased as provided in title 53, provided that the provisions of
15 section 53.20.020 relating to a declaration of availability and identification in
16 the land management plan shall not apply.

17
18 (ii) For purposes of applying title 53 pursuant to this subsection (C), any action
19 required by title 53 of the manager may be performed by the port director.

20 ...

21
22 **Section 4. Amendment of Section.** CBJ 85.02.063 is amended to read:

23 **85.02.063 Land management plan.**

24 (a) The docks and harbors board should be guided and informed by the City and Borough of
25 Juneau land management plan when making recommendations regarding retention, use,
disposal, and development of City and Borough land under the jurisdiction of the docks and

1
2 harbors board. After public hearing and deliberation, the docks and harbors board shall draft
3 and forward to the planning commission and assembly a land management plan. The plan
4 shall address the retention, use, disposal, and development of City and Borough land under the
5 jurisdiction of the docks and harbors board. After public hearing and deliberation, the planning
6 commission shall forward its recommendation to the assembly. Recommended changes to the
7 land management plan shall be developed using the same procedure.

8
9 (b) The docks and harbors board shall be guided by the following principles when proposing
10 changes to the land management plan: Development of the land management plan, or a change
11 to the plan, shall also be guided by the following principles:

- 12 (1) Multiple use should be encouraged;
- 13 (2) A sound local economy will be promoted;
- 14 (3) Adequate lands for public development and public use, including recreational
- 15 beaches with appropriate uplands, should be reserved;
- 16 (4) **Tidelands Property under the jurisdiction of docks and harbors** should be leased
- 17 only for specific water-dependent and water-related uses and not sold;

18
19 (c) When making recommendations about the retention, use, disposal, and development of
20 land under jurisdiction of the docks and harbors board, the board shall consider the following:
21 In developing the land management plan to implement the policies outlined in this section, the
22 following issues, without limitation, shall be considered:

- 23 (1) The supply of publicly owned lands to meet public needs;
- 24 (2) The supply of privately owned lands to meet the private-sector needs of the
- 25 community;

- 1
- 2 (3) The comprehensive plan, the long-term capital improvements program, and other
- 3 plans adopted by the assembly;
- 4 (4) Restrictions created by written instruments, zoning, and state and federal
- 5 regulations;
- 6 (5) Physical, economic, resource, population and social factors affecting the area under
- 7 consideration;
- 8 (6) Comments of the general public, affected landowners, state and federal agencies
- 9 and local advisory groups;
- 10 (7) Ownership patterns and waterfront development plans of private landowners and
- 11 state and federal agencies;
- 12 (8) The development and growth patterns and potentials of different areas of the City
- 13 and Borough and waterfront services that may be needed as a result of that development
- 14 and growth;
- 15 (9) The requirements of public access to and along public and navigable bodies of
- 16 water;
- 17 (10) The protection of other public values including recreational, scenic, wildlife, and
- 18 other environmental qualities; and
- 19 (11) Other matters which are relevant to a sound and beneficial land use management
- 20 plan policy.
- 21
- 22

23 ~~(d) The plan shall contain the following elements:~~

24 ~~(1) Proposed land acquisitions;~~

25 ~~(2) A listing of those lands to be retained for public use;~~

1
2 ~~(e) The plan shall be reviewed by the Docks and Harbors Board and the Planning Commission~~
3 ~~if a major unanticipated development affecting basic assumptions occurs, and in any case at~~
4 ~~least every five years.~~

5 ~~(f) Any lease, disposal, or use of land shall conform to the Long Range Waterfront Plan, the~~
6 ~~land management plan adopted above, Juneau Coastal Management Plan, and all other~~
7 ~~adopted City and Borough land use plans.~~

8 ~~(g) Upon receipt of a land management plan or a change recommended by the Docks and~~
9 ~~Harbors Board and Planning Commission, the assembly shall consider the plan, or change, and~~
10 ~~may adopt the plan or change only after it conducts a public hearing on the matter.~~
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13 **Section 5. Effective Date.** This ordinance shall be effective 30 days after its adoption.

14 Adopted this _____ day of _____, 2022.

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17 _____
Beth A. Weldon, Mayor

18 Attest:

19 _____
20 Elizabeth J. McEwen, Municipal Clerk
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