HERITAGE LAND BANK ADVISORY COMMISSION
Meeting
December 12, 2019, 11:30 a.m.
Permit & Development Center conference room 170
4700 Elmore Road, Anchorage, Alaska
Meeting Minutes

I. Call to Order

HLBAC Chair Wilber called the meeting to order at 11:30 a.m.

II. Roll Call & Disclosures

No disclosures or conflicts were noted.

Commissioners Present:
Wende Wilber, Chair
Jim Fredrick, Vice-Chair
Vicki Gerken, Commissioner
Peggy Looney, Commissioner
Ron Tenny, Commissioner

Staff Present:
Robin E. Ward, Executive Director
Tawny Klebesadel, Office Manager

Commissioners Absent:
Kati Capozzi, Commissioner (Unexcused)
Brad Quade, Commissioner (Excused)

III. Approval of the December 10, 2019 Agenda and Minutes of September 10, 2019 and October 10, 2019

Vice-Chair Jim Fredrick moved to approve the agenda. The motion was seconded, and approval of the agenda passed unanimously. Vice-Chair Fredrick moved to approve the meeting minutes of September 10, 2019 and October 10, 2019. The motion was seconded, and approval of the minutes passed unanimously.

IV. Director’s Report

Director Robin Ward reported an update on the proposed Treatment Center at the old Clitheroe site. When the Alcohol Beverage Retail Tax ballot proposition failed last year, planning halted due to inadequate funding. In the negotiations for the CEA acquisition of ML&P, if it closes as scheduled (May 9, 2020), $15M will be dedicated for the Treatment Center and approximately 80-90% of our $5M legislative grant for the project is still available. There is a proposed Ordinance for another Ballot Proposition being introduced on the next Assembly agenda for an Alcohol Beverage Retail Tax. If the Ordinance passes and the Ballot Proposition passes, a portion would dedicate additional funds for this project. Since it does look like it has potential funding, we have started bi-weekly planning meetings for the project. There are certain challenges that will need to be addressed; we do not have legal access to that parcel. We have been using West End Road for a long time, but we don’t have actual legal access past the AWWU facility. They’ve been benevolent for a long time letting us travel that road, but before we put millions of dollars of infrastructure investment in there, we have to gain legal access. I am working with the airport (TSAIA) right now to do that. Once they determine what size of parcel is needed for the facility and if funding is available, we will start the entitlements. The parcel would need to be platted. We would plat out a portion of that for a tract where the Tony Knowles Coastal Trail is located, which would then be placed under Parks & Rec management authority. The parcel would need to be rezoned. It is currently zoned T (Transition) and that no longer exists under the new Title 21 code. We would rezone to PLI (Public Lands & Institutions). We are going ahead today in our
planning portion of this because we think it’s going to work. A secondary access would need to be constructed for patients and staff. There is a currently a jeep road, but we have to create something more substantial than that. It has challenges, but we believe there is potential.

Director Ward shared that she and Shelley Rowton had given a presentation at the Government Hill Community Council last month. We had a great discussion with them and would involve them regarding the disposal of HLB Parcel 4-043D.

Chair Wilber asked the Commissioners if they had any questions for the Director, seeing none, moved on to action items.

V. Proposed Action Items and Public Hearings:


Director Ward reported that we made sure that the Commissioners had the HLB Annual Work Program & Five-Year Management Plan (Plan) comments, staff responses, and any late comments that came in ahead of time for review. Director Ward shared that she had gotten some calls regarding the staff responses to public review comments and that Appendix F was published on the website this morning.

Chair Wilber stated it’s important to understand what the Plan is and what it isn’t. Our mission, as Commissioners, is to benefit existing and future residents of the MDA. All residents of Anchorage. Remember that the management activities and decisions take into account all of the regulations, all of the adopted plans, all of the policies. We don’t write the policies, it’s the implementation as these Plans are developed. We don’t want to put a lot of extra policies and things in here. We have to follow the Comp Plans; we have to follow the adopted Girdwood Plans; and follow the area District Plans. We don’t actually write those policies. Really, the Work Plan implements them as these lands are developed. It’s a guide for allocating and managing lands and it has to be consistent with everything else on the books. As these lands are developed, they have to go through the full public process. So, if we look at the Clitheroe Center, for example, the replat goes through the public process, which include public hearings, and is checked for consistency with all of the adopted plans. Then when it goes through the rezone, that is another entire public process. It’s probably a year process for people to comment, and it’s checked for consistency with all the other regulations and other plans. Just remember, we’re not actually making decisions about how these lands should or shouldn’t be developed. That’s up to all of the pieces of the Municipality of Anchorage. Robin, and gang, have demonstrated how they respond to these plans and how we incorporate that. Chair Wilber asked if there were Commissioner questions for staff, seeing none, opened the public hearing.

Brenden Raymond-Yakoubian asked if this is new business or old business, will you be doing this again in January? Director Ward responded no, we’re not like GBOS, it’s just one time. Chair Wilber added the Assembly is next, where there will be another public hearing and a final decision. Brenden Raymond-Yakoubian thanked the staff for the hard work that went into the Plan and requests HLB take a role in the Trails Vision or Trails Plan as a land owner/major stakeholder. It would be helpful to know what you’d like to see out of it; put some good side boards on it with basic principles. It should be consensus-based, serving all segments of the community, to the extent possible, not like a winners/losers model. For instance, 11 people say this and 10 people are for that, then everything goes to the 11 people and for the 10 people, too bad. The Girdwood Valley can accommodate everybody. This isn’t an election. This is master planning – it’s community planning. Next, open spaces or natural spaces, whatever you want to call them, I like the language in there, but would like to add language, but not specific language, and not designating a specific parcel as a natural space in your Work Program or Plan. I think development should include conservation. Like the Eagle River Nature Center, it’s conserving land, but it’s
development. It increases the well-being of the community. Lastly, the trespass issue. Last year the investigation into the 5K happened. I think that investigation and survey clearly showed trespass. The areas of the trail and where the trail clearing vastly exceeded the easement width – up to 90’. I’ve been out there and there are areas that are worse than before. I’m not a botanist, I strongly suspect it’s because the tree roots were undercut. It was dug out so far that it gets blown down during a wind event. There are some areas that look deforested. The comment said it’s completed and that’s totally not the case. There’s a lot of work to be done there. In the 5-Year Plan, it’s about homeless camps; you see pictures of homeless camps. It’s kind of disturbing to see this discussion about other types of trespass, especially poor people who have nothing and this affluent recreation group in Girdwood is not even mentioned. That’s not a good look. Chair Wilber thanked him for driving in and always participating in the process. Chair Wilber commented that the Girdwood Trails Plan and HLB being a stakeholder is a different issue than the Work Program. We can talk about that after the public hearing. And for the open spaces, that goes back to what I was saying, it’s really the Comp Plan, the Trails Plan, and all of your local planning - the Work Program is land development and honoring those plans. I’m not sure if this is the appropriate place to designate or identify that. I think what you might be talking about is to include conservation with development. Is that more of what you’re asking for? Brenden Raymond-Yakoubian responded that he wasn’t asking for a disposal right now, just more general language; these things are in area plans right now. If you could find a place to amend the language that we’re aware this is going on. Chair Wilber stated since this is a municipal-wide document. Maybe we could find a place to add something like development could include some conservation and open spaces. Brenden Raymond-Yakoubian affirmed that would be good. Chair Wilber stated now your trespass issue, we’ve heard a lot about this for the last three years, again, that’s really a lease issue and not a Work Plan issue. Brenden Raymond-Yakoubian responded but that’s something you’re working on. Chair Wilber stated but that’s really not a trespass issue, correct. Director Ward stated it’s an easement and it’s over excavation. If it says that revegetation is completed, that is not true, they are revegetating; it is in process. We’ll revise that [comment 4.5]. Brenden Raymond-Yakoubian responded in addition to that, I like to see that they have an on-going plan to do that whether it’s formal or informal, it’s all these other issues of trespass. Thinking of it broadly, it’s somewhere where you’re not supposed to be. If you’re supposed to be within 30’, so if you’re 35-90’ out, that’s how I was thinking of it. I thought of it in the sense that it’s something you’re working on, then it should be in the Work Plan. I’m not looking for punishment, but I think acknowledgement that it’s a problem. Vice-Chair Fredrick thanked him.

Cathy Gleason, President of Turnagain Community Council (TCC), apologized for not getting TCC comments in by the deadline and passed out comments. TCC did approve that initial list that of things at our council meeting last Thursday. This letter expands on what was initially presented. Same subjects, but there’s more text now to consider. Basically, it breaks it down into 3 categories. Ms. Gleason, TCC thanked HLB staff keeping it a high priority on getting municipal land that we’re entitled to. As listed in the letter, and have for many years, there’s several in west Anchorage that are being used as parkland. They’re really appreciated by the community, and we hope someday, we can acquire those and get them dedicated as permanent parkland. The second is conservation easements, and I just noted because I was comparing the 2019 Plan to this year’s draft, and a big section on how you manage conservation easements was removed. I thought it was really good language and it showed the work you do to maintain and manage those conservation easements. The TCC recommends that you re-insert that language; it’s a good idea to be that specific. It lets the public know how hard you’re working on that. The third, and last, has been a topic for TCC for many years, are Parcels 4-032, 4-033, and 4-034, which are west of the airport, where the Coast Trail runs through. We worked very hard on some specific language with the Assembly on amendments in April and want to make sure that was incorporated into this year’s draft. I was kind of surprised, as was the TCC, when I revealed that to them, there’s nothing in your 2020 Work Program under the potential transfers, exchanges, disposals about transferring some of that land to the Parks Department. Specific language was approved by the Assembly to insert into the Work Program. It’s in the 2019 Work Program, but somehow, it’s not in the 2020 Work Program. So, that needs to be re-inserted. It’s important because it’s a goal for me and TCC to start working with HLB and the Parks Department to start that transfer process. I think it should be in the coming year’s Plan, as it was in the 2019 Plan. We have just one amendment to the Assembly language to include those
parcels identified as Parks/Natural Areas in the 2040 Land Use Plan, not the area where the Clitheroe Treatment Center is, nor a new one if it comes to fruition. Those areas that are dedicated as Parks or Natural areas. We’re asking for a specific amendment to what the Assembly approved in April for the 1-Year Work Program. Then when we go to Chapter 4, same category, again, the Assembly worked hard with the Director and the Mayor’s Office to come up with good language and it was incorporated in Chapter 4 in the 5-Year Plan, so we really appreciate that. But I’m proposing just a couple of amendments, because 4-032 was deleted from the title, and actually what the Assembly approved. It includes that parcel, and it’s completely in the water, and we understand that, and it’s in the Anchorage Coastal Wildlife Refuge area, but I think that it’s important to include that, because that’s what the Assembly approved, and then when the discussion starts about transfer, then that discussion can take place about 4-032. And then, the other amendments, are again, specific references to the designations within the 2040 Land Use Plan within that paragraph. So, where the Clitheroe and potential Treatment Center is, go ahead and say it’s designated as “Community Facilities or Institutions,” in the Land Use Plan and the other areas of those parcels are designated “Parks - Natural Areas.” Those are two amendments in that section that TCC is proposing for your consideration. Any questions? Mr. Fredrick said most of those were in what we received yesterday. Ms. Gleason responded yes, this just spells out exactly where the amendments go, and that sort of thing. And I will have questions afterward about following that process for the Treatment Center.

Chair Wilber asked if there were any other persons to provide testimony, seeing none, closed the public hearing. Chair Wilber opened Commissioner discussion regarding the action item. Vice-Chair Fredrick asked Director Ward if she had a response, considering the short notice of Ms. Gleason, TCC’s comments. Director Ward stated she had no problem putting back in the approved language from last year. I can’t recommend to you that we add a couple of her amendments for one reason. Parks & Rec, today, manages just the Coastal Trail, but they can’t take on management of any additional land, because their budget has been so severely cut. They no longer have the staff or funding to manage any more land. We are not taking any donations for Parks and we’re not transferring any more land. We do plan on transferring the Coastal Trail, because today, they already manage the Coastal Trail. I would not recommend adding any more language that would make any reference for them taking on any more land other than that Coastal Trail as a future transfer. Chair Wilber added that we’ve talked about that, HLB has more resources to manage those spaces, at least for now. Director Ward agreed for now; that may change in the future. Again, our budgets may change dramatically in 3 or 5 years. But, today, not only do we have less revenue in taxes, but we’ve lost basically all of our revenue sharing from the state. And the little that we did get this year we don’t expect next year. It’s getting more and more difficult to manage the budget. I don’t anticipate, at least in the next few years, that they’re going to have any more in their budget. They’re going to have to continue to cut the Parks & Rec budget. The HLB Fund is a self-sustaining fund; it doesn’t get cut, like tax-supported funds do. We do have more resources to manage some of this land. Chair Wilber added because these lands are designated in the 2040 Land Use Plan (2040 LUP), it’s going to be hard for anybody to do anything that contradicts that. And if they tried to do anything that was against the 2040 LUP, they would have to go through an amendment process and have extensive public hearings. Director Ward added we do feel like it is preserved, and it is being managed as open space, and will continue to be managed as open space. We have a delegation document with the state for the Anchorage Coastal Wildlife Refuge (ACWR) to actively manage everything that is within the ACWR management area. Chair Wilber inquired with regards to Parcel 4-032, is the water in the Coastal Wildlife Refuge? Is that in the 2040 LUP? Does it have a land use designation? Director Ward responded yes, it’s tidelands and the actual zoning is T (Transition). When we do a rezone to PL, it would include the boundaries of the parcel. Chair Wilber stated so including that parcel in there is probably fine. Director Ward stated she didn’t have a problem with that. We’re not actively managing that, DNR is on our behalf.

Director Ward added we have no problem with taking the approved language that was in the last Plan and put it back in. Chair Wilber asked the Commissioners if there were any other questions for staff.
Chair Wilber said in reviewing the comments that were recorded in our comment sheet, are there any questions, concerns, or modifications there. Seeing none, Chair Wilber said, to summarize public testimony, we’ve had some requests to at least modify the definition of development; to include something regarding conservation space, open space. And that we’ve had a request to add back in the language from 2019 that was approved by the Assembly. Director Ward stated that staff is supportive of both of those. Chair Wilber said the last piece is encroachments [page 18]. It’s defined as illegal uses of vacant municipal land are increasingly recognized as an ongoing widespread problem for HLB and other landholding agencies. HLB must routinely deal with camp sites, abandoned vehicles and refuse. Addressing illegal activities with remediation and taking enforcement measures is an important part of managing HLB lands. I think that we could strike the second sentence, because I think it’s bigger than that. Director Ward stated by being specific it’s almost inclusive, so if we take it out, it could include anything. Chair Wilber stated it could be a broader definition. Vice-Chair Fredrick stated that makes sense. Chair Wilber stated we’re going to entertain a motion to approve HLBAC Resolution 2019-10. Vice-Chair Fredrick moved to approve HLBAC Resolution 2019-10 recommending approval of the Draft 2020 Heritage Land Bank Annual Work Program and 2021-2025 Five-Year Management Plan. Chair Wilber asked Commissioners if there was any discussion; this is where we would make any amendments. Ms. Looney moved to amend the section on page 18, Trespass & Encroachment issues, third paragraph, 2nd sentence, HLB must routinely deal with camp sites, abandoned vehicles and refuse. Delete that. Chair Wilber asked if that was her only amendment? Director Ward asked do you want to do them one at a time, or do you want to lump them together. Mr. Tenny commented we should probably lump them together. Vice-Chair Fredrick said maybe we should do them one at a time. Chair Wilber added so there’s discussion. Is there a second? Mr. Tenny seconded. Chair Wilber called for those in favor, then asked if there were any objections. That amendment passes (5-0). Are there any other amendments? As the Chair, I am not able to make amendments. Vice-Chair Fredrick stated we need an amendment to add back language that Ms. Gleason, TCC cited that were .in the 2019 approved Plan. Director Ward stated let’s look at her specific language. Chair Wilber said that would be the language referenced in Chapter 3, pages 14 & 15, 2020 Potential Disposals, Exchanges & Transfers and it would include the language in Chapter 4, page 21, Potential Disposals, Exchanges & Transfers: 2021-2025. It’s regarding the Tony Knowles Coastal Trail, HLB Parcels 4-032, 4-033A-F & 4-034. Director Ward said as it was in the 2019 Plan. Chair Wilber said to clarify that amendment, there was also a question about adding back language in the conservation easement management section. Or do you want to make that a separate one? Vice-Chair Fredrick said he’d include that. Director Ward stated that would be on the management plan on conservation easements, the paragraph that she had in hers where it talked about specifically what we did. Ms. Looney inquired where we have HLB will perform site inspections on page 18? Director Ward affirmed. Chair Wilber asked if there was a second to that amendment. Ms. Looney seconded. Chair Wilber asked if there were any objections. That amendment passes (5-0). Chair Wilber asked if there were any other amendments. Mr. Tenny stated there was that conservation easement one; did we add that in?Chair Wilber affirmed it says modify the definition of development. Director Ward asked what page were we modifying? Chair Wilber said I don’t know that we have a page for that. Mr. Tenny said that it should not be just Girdwood, it would be areawide. Director Ward & Chair Wilber both said it should be areawide. Director Ward said we don’t have these to specific areas, except where our parcel numbers are; we try and do overall. Chair Wilber said I assume it would be somewhere in the introduction. Director Ward said yes, that’s what I’m thinking and asked Brendan if he had a specific reference where we’re looking at. Brendan Raymond-Yakoubian stated if it was Girdwood-specific, it would be page 24. Director Ward responded she would rather put it in overall. Ms. Klebesadel suggested Land Management Objectives. Vice-Chair Fredrick agreed [page 7]. Chair Wilber and Mr. Tenny added they all should be treated the same way. Chair Wilber said we can entertain an amendment that staff could develop one additional land management objective that includes – open space to conservation to actual development. Vice-Chair Fredrick agreed and moved that under Land Management Objectives in the Plan that staff develop a statement that includes conservation and open space as a form of development. Ms. Looney seconded. Chair Wilber asked if there were any objections, seeing none, stated that motion passes (5-0). Chair Wilber stated so now we have before us the main motion that would be approval of the Work Plan to include deleting the second line under the Trespass Encroachment paragraph; adding back in the language in the 2019 Plan that was approved by the Assembly; and adding the additional objective
under Land Management; and adding back the conservation language from the 2019 Plan. Now we need a vote on the Resolution, As Amended. All in favor? Any objections? Alright that passes.

This motion, as amended: Passed 5-0

VI. Appearance Request(s)

Seeing no Appearance Requests, Chair Wilber moved on to Persons or Items not on the Agenda.

VII. Persons or Items not on the Agenda

Seeing no persons wishing to provide testimony or comments, Chair Wilber moved on to Commissioner Comments.

VIII. Commissioner Comments

Chair Wilber asked if there were any individual Commissioner comments, seeing none, Chair Wilber announced that February will be her last meeting. Director Ward added that we’re working on a replacement and it’ll be really hard. Chair Wilber stated she was moving to Boise for a promotion.

Chair Wilber went on to the next scheduled meeting.

IX. Next Meeting

Chair Wilber stated the next regularly scheduled commission meeting date will be at 11:30am, Thursday, January 9, 2019 in conference room 170 of the Permit & Development Center. Vice-Chair Fredrick asked if we would be having a January meeting because he probably won’t be available. Ms. Looney stated she’d be out of town, too. Director Ward stated that we won’t bring you in for just one little thing, it really depends.

X. Adjournment

Following the completion of business, Ms. Looney moved to adjourn. The motion was seconded and approved unanimously. The meeting was adjourned at 12:20 p.m.

PASSED and APPROVED on this, the 13th day of February, 2020.

Jim Fredrick, Acting Chair
Heritage Land Bank Advisory Commission

Respectfully submitted for the Heritage Land Bank Advisory Commission by:
Tawny Kiebesadel, RED Office Manager

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