

1. A legal opinion sought by the previous Planning Director during Summer 2024, on whether GBOS can initiate a Title 21 text amendment.

By email, dated August 26, 2024, former director Craig Lyon communicated our legal opinion. Our office didn't provide any further analysis at that time but here is some further analysis.

Question: Does code allow GBOS to initiate Title 21 text amendments?

Answer: No. Anchorage Municipal Code ("AMC") 21.03.210B.1 states: "A petition for amendment to the text of this title may be initiated by any review or decision-making body." GBOS is not established anywhere in Title 21 as a "review or decision-making body." There are no Title 21 processes which require review or decision-making by GBOS. This can be contrasted with the Chugiak-Eagle River Advisory Board (CERAB) which is specifically established in Title 21, Chapter 10 to "review and make recommendations on actions addressed in Section 21.02.020 [Table of decision and review authority] which affect Chugiak-Eagle River." Title 21, Chapter 9 (Girdwood) does not contain similar language. Instead, AMC 21.09.030A states: "...all development in Girdwood shall be subject to and reviewed pursuant to the generally applicable administrative and review procedures set forth in Chapters 21.02, Boards, Commissions, and Municipality Administration, and 21.03, Review and Approval Procedures."

Because of GBOS' role as "ex-officio" community council for the Girdwood community, Title 21, Table 21.03-1 does require notice of Title 21 Text Amendments but that is different than review or decision-making authority.

I want to emphasize that this is just a straight-forward code interpretation. It could be that, *operationally*, GBOS' involvement in general Title 21 issues affecting Girdwood looks very different. This section of code is clear, however, that GBOS is not currently authorized to initiate Title 21 Text Amendments.

2. An opinion sought by Real Estate / HLB in 2024 whether the Service Area can hold management responsibility for land not dedicated to the parks or roads services.

Question: Can the Municipality transfer municipal property to the Girdwood Valley Service Area either through a transfer of management authority or disposal?

Answer: No, service areas have no authority under municipal code to acquire or manage real property of the municipality. Service areas are organized to collect taxes and provide special services within that taxing district. Acquisition of real property is not a special service; it is an administrative activity of the Municipality under the exclusive authority of the Municipality's Real Estate Department pursuant to AMC 25.10.030. Anchorage Municipal Code 25.10.050 additionally limits

management authority of municipal property to municipal agencies or utilities. For purposes of AMC Title 25, “agency” means “any department, office, or subdivision of the municipality” which does not include service areas or service area boards.

While GVSA has no authority to directly acquire or manage municipal property, there may be suitable alternatives such as designating management authority of municipal land to Parks & Recreation, who could then coordinate management with the Service Area Board or third-party contractor.

3. An opinion sought by the Ombudsman in 2023 on whether GBOS committees and subcommittees are subject to the Open Meetings Act.

We don’t have a record of a request from the Ombudsman, but we do have a request from Kyle Kelley related to GBOS’ members attendance at Alyeska presentations and whether that could pose Open Meetings Act issues. Our office (Jessica Willoughby) responded to Kyle in October 2023 with the following:

The issue: All members of the GBOS have received an invitation from Alyeska Resort to attend a private presentation about their future development plans as part of the new master plan the resort is developing. They’ve asked GBOS to attend the presentation individually so they could give input on the development ideas to help the resort gauge public opinion. Some on GBOS feel that only two members of GBOS should attend the meeting after a vote to determine who those representatives are. Others on GBOS feel that it is okay for all the members to attend the private presentation individually just if they don’t form a quorum.

The request from GBOS: Is GBOS violating OMA if they all attend similar presentations individually or not forming a quorum of three?

Pursuant to AMC 2.40.035B., the Municipality recognizes the Girdwood Board of Supervisors (GBOS) as both a board and as the community council, ex-officio, for the Girdwood Community Association/Land Use Committee area as depicted in Map 10, AMC 2.40.090. There are five members. Under AS 44.62.310-312 (and their own Rules & Procedures), GBOS is subject to the Open Meetings Act and all GBOS meetings are open to the public except for Executive Sessions. Per Rules & Procedures, all events and gatherings where more than two members are reasonably expected to be in attendance shall be publicly noticed.

Answer: I think GBOS is fine either way – either having two members attend (and thereby not subject to OMA per GBOS Rules & Procedures) and/or members individually attending (and thereby not subject to OMA). My preference is that they attend individually. There is some argument that GBOS is an advisory only body so that under AS 44.62.310(h)(2), the “more than three members” doesn’t apply so that even two could constitute a meeting. But as their Rules & Procedures reflect the “more than three” number, perhaps I am missing that GBOS has authority to establish policies or make decisions for a public entity.

On pressing development concerns in Girdwood

1. An opinion sought by the prior Planning Director (late 2023/early 2024?) on whether Title 21 Land Use code applies to state owned airports within the MOA, specifically Girdwood Airport.

Our office has not conducted this analysis in relation to the Girdwood Airport. We have opined more generally about the application of Title 21 at Ted Stevens. Our conclusion was, in general, Title 21 planning and zoning regulations apply at Ted Stevens, but the Municipality is prohibited from controlling the use of any parcels that are used for the movement of aircraft (runways, taxiways, etc.).

2. An opinion sought by the Planning Department in later 2024 on whether Short Term Rental use falls under the "Household Living" requirement for Residential use in Title 21.

Incomplete, but more information is forthcoming.

Municipality of Anchorage



*P.O. Box 390
Girdwood, Alaska 99587
<http://www.muni.org/gbos>*

Suzanne LaFrance, Mayor

*GIRDWOOD VALLEY SERVICE AREA BOARD OF SUPERVISORS
Briana Sullivan & Mike Edgington, Co-Chairs
Jennifer Wingard, Brian Burnett, Kellie Okonek*

March 28 2025

To: Mayor Suzanne LaFrance
Municipal Manager Becky Windt Pearson
CC: Municipal Attorney Eva Gardner
Development Services Director Gregory Soule
Planning Director Mélisa Babb
Assembly Member Keith McCormick
Assembly Member Zac Johnson
Senator Cathy Giessel
Representative Ky Holland

Dear Mayor LaFrance and Municipal Manager Windt-Pearson,

The Girdwood Board of Supervisors (GBOS) would like to notify you about a long-simmering issue in our community which now appears poised to potentially require imminent Municipal action.

GBOS has a growing concern about certain potential development activity on the state-owned Girdwood Airport property. It has been the state's practice to ignore the requirements of Anchorage Land Use code at this location and encourage their tenants to do the same, based on a particular reading of state statutes. We anticipated this to become a critical problem when a proposed hotel project at the airport moved forward, since hotels are not an allowed use in the Girdwood Airport zone under Anchorage Municipal Code.

However, a lease was recently issued by the State of Alaska Department of Transportation Aviation Leasing office for helicopter operations on Parcel H at Girdwood Airport.

This came as a surprise.

Located at the southern end of the Girdwood Airport property, Parcel H is outside of the airport boundary fence and has not been considered a developable parcel in the current (or any prior) Girdwood Airport Master Plan. Furthermore, Parcel H is immediately adjacent to several nearby residences, built starting in 1979. The combination of laxer surveys in the 1970's and the lack of land use code in Girdwood at the time led to homes built merely a few feet from Parcel H. The parcel has been serving as a wooded noise and visual buffer between the residential neighborhood and airport operations for decades since then, and as a result few

conflicts have arisen despite the close proximity of aviation and residential uses. Unsurprisingly, Parcel H had never been offered for lease, but the DOT Commissioner recently approved a competitive lease offering after an initial lease application, a series of denials and appeals, and eventually an administrative judicial opinion (OAH No. 22-0478-APT). The lease was awarded last month and the new lessee, a heli-skiing business, has already conducted a land survey and marked the boundary of the parcel.

It is abundantly clear that daily aircraft operation within a few feet of residential homes is contrary to the public health, safety and welfare of our community's residents.

GBOS is respectfully requesting the following actions from the Municipality:

- A clear assertion from the Municipal administration that Anchorage Municipal Code applies to development activity on Girdwood Airport, including but not limited to: noise ordinances, stream setbacks and other relevant sections of Title 21 land use code including zoning code.
- A courtesy notification to the new lessee that a Land Use Permit is required before any of the triggering actions under AMC 21.03.100 are performed.
- Notice to the relevant state office that the Municipal administration intends to enforce Anchorage Municipal Code, including Land Use Code at Girdwood Airport, specifically for previously unanticipated development of Parcel H.
- That the Municipality work with the Alaska Department of Transportation and Public Facilities (AKDOTP&F) to rescind the lease of Parcel H as it does not meet the goals of the recently adopted Girdwood Comprehensive Plan or the Girdwood Airport Master Plan, and that Parcel H then be designated as a permanent noise and visual wooded buffer lot between the airport operations and the neighborhood.

Sincerely,

Briana Sullivan
Co-Chair, GBOS

Mike Edgington
Co-Chair, GBOS

Jennifer Wingard
Land Use Supervisor, GBOS

Enclosures: 3-10-25 Letter from Senator Giessel to Commissioner Anderson
3-10-25 Residents' letter to Senator Giessel

Girdwood Short-Term Rental Registration & Regulation Framework

Introduction

The Girdwood Housing and Economic Committee (GHEC) recognizes the importance of Short Term Rentals (STR) as an integral part of our resort community. However, to ensure the sustainability of our local housing market and to mitigate the impact on workforce housing, we propose a comprehensive framework and code revisions to regulate STRs in the Girdwood Valley Service Area. This framework aims to balance the economic benefits of STRs with the need to maintain community standards and support local residents.

The Girdwood Housing and Economic Committee recommends the following framework, regulations, and restrictions on short-term rentals within the GVSA. Upon approval of this framework by GHEC, we request GBOS retain necessary legal counsel to finalize development of the recommended necessary code change under Anchorage Municipal Code Title 21 Chapter 9.

The Girdwood Board of Supervisors is fully authorized and empowered to develop, recommend code changes to the Anchorage Assembly, implement, and enforce short-term rental regulations squarely within the GVSA and GBOS Housing and Economic Stability service area authority passed under Proposition 7 in 2023 and defined in AMC 27.20.110.

Objectives

1. **Regulate STR Activity:** Establish clear and enforceable regulations for STR operations to minimize negative impacts on neighbors and the community.
2. **Require Registration:** Ensure all STR operators register with the Girdwood Valley Service Area for proper monitoring, compliance, and safety.
3. **Enforce Compliance:** Implement mechanisms for effective enforcement of STR regulations, including penalties for non-compliance.
4. **Economic Balance:** Foster an environment where STRs can operate without creating hurdles for Girdwood residents while addressing the workforce housing crisis.

Proposed Amendments to Anchorage Municipal Code Title 21, Chapter 9

Within Title 21 Chapter 9, the best place for short-term rental regulations is within section 21.09.050 Use Regulations. The below framework outlines which sections of code should be updated to include short-term rental use regulations.

Add New Allowed Use in Table 21.09-2: Table of Allowed Uses

Add a new row and applicable code sections to allow for “Short-Term Rental” under “Commercial” > “Visitor Accommodations”

Add “Permitted (P)” to all zoning districts within this table

Add New Chapter 9 Definitions

- | | |
|----------------|---|
| 21.09.050.D.12 | Short Term Rental (STR): A dwelling unit that is rented to an occupant for a period of less than 30 consecutive days. |
| 21.09.050.D.13 | Short Term Rental Operator: The owner or designated agent responsible for operating the STR. |
| 21.09.050.D.14 | Short Term Rental Owner: The individual or entity holding the title to the property being used as a STR. |

Add New Short-Term Rental Regulation Provisions

The below section outlines example code that may be considered for development and adoption.

21.09.050.E.1 General Provisions

- A. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease, or rent a dwelling unit within any zoning district defined in 21.09.040 for short-term rental occupancy except:
 - 1. A dwelling for which there is a short-term rental permit issued to the owner of that dwelling by the Girdwood Valley Service Area Board of Supervisors; or
 - 2. A property which is exempt from registration upon the owner attesting that the property has been used less than 14 days cumulative as a STR in the preceding 12 months.
- B. Permit Posting. The STR permit shall be posted within the dwelling unit in a clear and conspicuous place.
 - 1. Posting of public safety and operator contact information shall also be prominently displayed within the dwelling unit.
- C. Insurance Required. The owner and/or operator of the STR shall maintain liability insurance that also covers STR activities.

- D. Administration. The Girdwood Board of Supervisors shall retain staff and/or pursue retention of a third-party contract to administer short-term rental registration, education, investigation and administration.
- E. Funding shall be provided by the Girdwood Valley Service Area Housing and Economic Stability fund.

21.09.050.E.2 Registration

- A. All land use encompassing short term rental operations within the Girdwood Valley Service Area must register annually with the Girdwood Valley Service Area and obtain a license to operate.
- B. Registrants must pay an annual registration fee to the service area.
- C. A full listing of active short term rental registrations shall be made available to the Girdwood Volunteer Fire Department and Whittier Police Department on an annual basis, and updated as necessary.

21.09.050.E.3 Enforcement, Fees and Penalties

- A. The Girdwood Valley Service Area shall enforce STR regulations. All enforcement actions in the Girdwood Valley Service Area will be performed by municipal employees through the existing code enforcement mechanisms, reporting channels, adjudication and abatement.
- B. Complaints. Complaints may be submitted by GVSA to municipal code enforcement after preliminary investigation by GVSA employees or contractors, or by any member of the public through the existing municipal complaint request process.
- C. Penalties. Fines for non-compliance shall be levied upon the property owner.
- D. Collection. The Girdwood Valley Service Area shall use any legal means necessary to collect outstanding fines, including but not limited to a lien against the real property.
- E. All collected funds from levied fines shall be revenue within the Girdwood Valley Service Area for use in providing housing and economic stability goals.
- F. All GVSA fees and penalties are enumerated in the GVSA STR fee schedule;

FEE SCHEDULE TABLE

Item	Term	Fee
Registration	annual	\$150
Registration, Owner Occupied	annual	\$75
Renewal Registration; 1-3 validated complaints in prior 12 months	annual	\$300
Renewal Registration; 4+ validated complaints in prior 12 months	annual	\$600

Failure to register, 1st offense	Per occurrence	\$300
Failure to register, 2nd offense	Per occurrence	\$400
Failure to register, 3rd offense +	Per occurrence	\$500

Items Not Developed in this Code Change

Considerations within this framework that are not written include:

- Administrative review for grievances and appeals beyond existing code complaint framework
- Employee authorization for service area program management

Conclusion

The GHEC believes this framework offers a balanced approach to managing STRs in the Girdwood Valley Service Area. By regulating STR activity, requiring registration, and enforcing compliance, we aim to support the economic vitality of our community while preserving the quality of life for residents.

Next Action

The Girdwood Housing and Economic Committee recommends that this framework be fully developed and adopted into Title 21, Chapter 9 of the Anchorage Municipal Code. This will formalize the regulations and provide a structured path for the Girdwood Valley Service Area to manage STRs effectively.

Municipality of Anchorage



P.O Box 390
Girdwood, Alaska 99587
<http://www.muni.org/gbos>

Suzanne LaFrance, Mayor

GIRDWOOD VALLEY SERVICE AREA BOARD OF SUPERVISORS
Briana Sullivan & Mike Edgington, Co-Chairs
Jennifer Wingard, Brian Burnett, Kellie Okonek

February 28 2025

Attn: Becky Windt-Pearson, rebecca.a.windtpearson@anchorageak.gov
Ona Brause, ona.r.brause@anchorageak.gov
Zac Johnson, zac.johnson@anchorageak.gov
Randy Sulte, randy.sulte@anchorageak.gov

RE: Alcohol Tax fund appropriation in Girdwood

Thank you for discussing the Alcohol Tax at our October 2024 MOA/GBOS Meeting. As Q1 revisions are underway, GBOS has determined we will submit this list from October 2024 to the Administration and appropriate staff. The list has been modified as needs have evolved.

As Girdwood self-funds police and fire service with local property tax funds for contract with Whittier Police Dept and Girdwood Fire Department, it is important to ensure that the area-wide tax provides assistance that is accessible to those in Girdwood and to our service providers. In the past, Girdwood contractors have received additional training via the alcohol tax, and the Service Area has received assistance in working with unhoused individuals via these funds.

Chief Weston – GFD; 907-280-9663; chief@girdwoodfire.com

- | | |
|--|----------|
| 1) Polaris Ranger | \$50,000 |
| 2) labor staffing | \$58,800 |
| (3 firefighters for extra coverage in summer and 1 firefighter on shift daily) | |
| 3) firefighter wellness/strength training program | \$28,000 |

Chief Achee – WPD; 907-744-7466; policechief@whittieralaska.gov

- | | |
|--|----------------|
| 1) Portable Breath Test device (PBT) \$700 x 2 | \$1,400 |
| 2) Hand pack radio | <u>\$7,000</u> |
| Total request for GVSA Public Safety: | \$145,200 |

Thank you very much for your consideration and support. We appreciate the Municipal Staff and Assembly Members for their work with AR 2024-278 - Alcohol Tax Strategic Plan and the follow up.

Briana Sullivan

Briana Sullivan
Co-Chair, GBOS
Fire Department Supervisor

PROPOSITION 7 - ANCHORAGE FIRE SERVICE AREA FIRE PROTECTION BONDS (Vote for 1)

		Total	
Times Cast		60,455 / 238,209	25.38%
Candidate	Party	Total	
Yes		37,962	62.79%
No		20,840	34.47%
Total Votes		58,802	
		Total	
Unresolved Write-In		0	

PROPOSITION 8 - GIRDWOOD VALLEY SERVICE AREA BONDS (Vote for 1)

		Total	
Times Cast		60,455 / 238,209	25.38%
Candidate	Party	Total	
Yes		27,111	44.84%
No		30,004	45.00%
Total Votes		57,115	
		Total	
Unresolved Write-In		0	

47.47%
52.53%

PROPOSITION 9 - CHUGACH STATE PARK ACCESS SERVICE AREA BONDS (Vote for 1)

		Total	
Times Cast		60,455 / 238,209	25.38%
Candidate	Party	Total	
Yes		32,214	53.29%
No		26,609	44.01%
Total Votes		58,823	
		Total	
Unresolved Write-In		0	

PROPOSITION 10 - ANCHORAGE ROADS AND DRAINAGE SERVICE AREA SPECIAL TAX LEVY (Vote for 1)

		Total	
Times Cast		43,388 / 188,638	23.00%
Candidate	Party	Total	
Yes		25,324	58.37%
No		17,059	39.32%
Total Votes		42,383	
		Total	
Unresolved Write-In		0	

Election Summary Report

General Election

Municipality of Anchorage

April 01, 2025



Summary for: PROPOSITION 8 - GIRDWOOD VALLEY SERVICE AREA BONDS, Girdwood Valley, All Tabulators, All Counting Groups

OFFICIAL RESULTS
In GVSA

Voters Cast: 668 of 1,846 (36.19%)

PROPOSITION 8 - GIRDWOOD VALLEY SERVICE AREA BONDS (Vote for 1)

	Total	
Times Cast	668 / 1,846	36.19%

Candidate	Party	Total	
Yes		414	61.90% 63.3%
No		240	36.70% 36.7%
Total Votes		654	

63.3%
36.7%

	Total	
Unresolved Write-In	0	