

Turnagain Community Council
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sent via e-mail

Anchorage Planning and Zoning Commission
 Through the Planning Division/Long-Range Planning Section
 MOA Community Development Department
 P.O. Box 196650
 Anchorage, AK 99519-6650

**Re: Turnagain Community Council Comments/Recommendations for
 West Anchorage District Plan Public Hearing Draft, dated July 2011**

Dear Planning and Zoning Commission Members:

Thank you for the opportunity to comment on the **West Anchorage District Plan Public Hearing Draft** (WADP), an important planning document for West Anchorage. Please accept the below comments and recommendations on behalf of Turnagain Community Council (TCC), as approved at our regular meeting September 1, 2011.

On June 7, 2011, TCC submitted comments on the earlier March 2011 Public Review Draft of the West Anchorage District Plan. Our comments were developed and discussed over the course of two of our monthly meetings, as well as a joint community council workshop in May, and approved by TCC on June 2, 2011. Rather than reiterating all of our previous comments here, we are attaching them to this letter and ask that you review and refer to them in addition to the comments below when deliberating changes/approval of the document to understand the full context of the remaining concerns TCC has with Public Hearing Draft before you.

Our June comments were centered on eight topics:

1. Turnagain Bog, which borders the Turnagain neighborhood to the west;
2. The Tony Knowles Coastal Trail and Greenbelt/Buffer;
3. The WADP's discussion of the Airport's past and future efforts to build a new North-South Runway to the west of the existing runway;
4. The WADP's advocacy of a Comprehensive Land Exchange that would facilitate the Airport building a second North-South Runway;
5. The proposed WADP Land Use Plan Map;
6. Proposed private property owner real estate sales disclosure requirements based on Airport noise contours;
7. Municipal advocacy for noise mitigation measures on Airport property through available state and federal programs; and
8. Application of Municipal Land Use Laws to TSAIA lands.

To a greater or lesser extent, all of these issues remain concerns for TCC in the Public Hearing draft of the WADP before you. In some instances, TCC's comments with respect to a topic have been explicitly rejected; in others, the draft WADP makes changes that really do not address the issue; and in other cases, the draft makes half-hearted changes that need additional strengthening to fully address our concerns.

Executive Summary

The Last Bullet on page ix appears to be making a negative judgment concerning the views of the outdoor enthusiasts and park users who value the popular recreational facilities on airport lands. Rather than questioning whether something is a public right, given the existing land ownership,

⇒ we suggest rewording the bullet to read:

- The third group comprised of outdoor enthusiasts and park users believes that popular recreational facilities on airport land (including the Tony Knowles Coastal Trail and several parks), which were conditionally allowed by the TSAIA on a short-term interim basis, are important parts of the quality of life in Anchorage and therefore should be made permanent municipal parkland.

On Airport Issues (page xi), the Executive Summary professes to be neutral on Airport issues, giving all possible solutions equal consideration:

This plan has given all possible solutions equal consideration. Ultimately, it will be up to municipal decision-makers, after candid public dialogue, to determine what final suite of policy approaches should be adopted and retained in the plan.

Yet, in the details of the WADP on Airport issues, the Public Hearing Draft does take sides on specific Airport issues. On some issues it agrees with TCC and on others it sides with the Airport. Specifically, the Public Hearing Draft advocates for a Comprehensive Land Exchange, aligning it with the Airport's preferred Scenario #3 land exchange option (page 160). This would allow for the transfer of Municipal lands, including dedicated municipal parkland and an essential section of the Tony Knowles Coastal Trail buffer/greenbelt, to the Airport, which would allow the Airport to expand to the west with the intent to develop a new North-South Runway to the west of the existing one. TCC strongly opposed an additional North-South Runway when it was proposed in 2007-2008 and has continued to provide opposition during the WADP public input process.

TCC suggests that the time for candid discussion is now and that it is misleading to the public to say one thing in the Executive Summary and then something else in the details of the plan. It is neither fair nor good planning.

⇒ The Executive Summary should be revised to say what is in the Plan concerning Airport issues or it does a disservice to the public, irrespective of what policy approaches are selected by municipal decision-makers.

Turnagain Bog

The preservation of all of the remaining Turnagain Bog wetlands and associated uplands as a natural resource is a major priority for TCC due to their important functions, including wildlife habitat, water pollution filtration, downstream hydrology for Jones Lake, Hood Creek and Cook Inlet, air pollution absorption, and essential noise and aesthetic buffering for residential and recreational areas from the impacts of airport development and operations.

Although TCC acknowledges that this land is on Airport property, we requested in our June comment letter that all of the maps/exhibits and language in the WADP need to consistently recognize Turnagain Bog and associated uplands as Class A (High Value) wetlands and the importance of their preservation to our neighborhood. The 1982 Anchorage Comprehensive Development Plan designates what are now the remaining portions of Turnagain Bog and its associated uplands as Parks/Open Space. The 2020 Anchorage Bowl Comprehensive Plan Conceptual Natural Open Space Map (page 63 of the Comp. Plan) identifies Turnagain Bog as both Community Preference for Natural Open Space and Important Wildlife Habitat (as determined by local wildlife experts and scientific reports).

While the Planning Staff has made some language modifications to the Public Hearing Draft to reflect TCC's comments, the West Anchorage Land Use Plan map designation (Major Transportation Facility) and the residential buffer boundary recommendations were not changed.

An example we provided in our June comments: the Possible Residential Buffer identified on Exhibit 4-1a: West Anchorage Land Use Plan (page 71) and on Exhibit 4-8b: Lake Hood Residential Compatibility Concepts (page 150). TCC recommended that the Residential Buffer be consistent with an area designated in an ordinance passed by the Assembly - AO2000-151(S-2) re: Sale of Klatt Bog Wetland Credits (see Appendix A-7). In that ordinance, there is an area in green identified as Lands Not Permitted in Illustration 2. The ordinance states that it is in the public interest that the portions of Turnagain Bog identified as Lands Not Permitted in green on Illustration 2 (including Scenic Easement) remain as a natural buffer between ANC [Airport] and surrounding neighborhoods. TCC recommends the Plan reflect this ordinance recognition.

Staff's response to this request is that the scenic easement is a reasonable starting point for buffer discussions. That narrow view - that Turnagain Bog values are limited to a narrow scenic buffering along the Airport boundary - does not take into account the high value of its many other functions listed above that should be protected. It also ignores the ordinance's recognition that all of the bog area should be protected.

- ⇒ TCC reiterates our request that a proposed Residential Buffer on Exhibit 4-1a: West Anchorage Land Use Plan (page 71) and Exhibit 4-8b: Lake Hood Residential Compatibility Concepts (page 150) be consistent with the boundaries of the green area in AO 2000-151(S-2), Illustration 2.

While the Public Hearing Draft makes more references to AS 2000-151(S-2) (see TCC June comment letter), Staff comments state the WADP takes no position on the legal applicability of ordinances. TCC's position is that a Municipal planning document **should** take a legal position on a Municipal land use ordinance that was passed by the Assembly and that conditions put forth in AO 2000-151(S-2) are binding conditions of the sale of development rights of Klatt Bog to the Airport for wetland development mitigation. The Public Hearing Draft does not indicate if the Airport has taken a formal legal position that they do not have to abide by the Turnagain Bog conditions in the ordinance. TCC requested in our June comments that if the Airport has presented a legal position to the Municipality, that it be included as a formal document in the Appendix to the Plan. No such documentation from the Airport has been included in the Public Hearing Draft Appendices.

⇒ TCC reiterates that the WADP takes the legal position that the conditions put forth in AO 2000-151(S-2) are binding. TCC also repeats our request that any formal documents presented to the Municipality by the Airport countering the legality of this ordinance be included in the WADP.

TCC's June comments on the Public Review Draft of Exhibit 4-18: Wetlands Disposition Status (now on page 197) requested a change to legend wording for Airport-owned wetlands, specifically Turnagain Bog. The Public Hearing Draft is changed from Future Development Likely (subject to Corps permitting and future land trades) to Future Development Possible (subject to Corps permitting, land ownership changes, and buffering considerations),

⇒ However, TCC requests that the Planning & Zoning Commission support insertion of our recommended language: Airport Owned . Acquire or Evaluate for Preservation, to reflect the importance of high-value wetland preservation regardless of ownership.

Tony Knowles Coastal Trail Greenbelt/Buffer

The Tony Knowles Coastal Trail and its associated Greenbelt/Buffer is a highly valued recreational and natural open space asset, not only to Turnagain residents, but the entire community. The WADP should strongly advocate for preservation of the remaining greenbelt land along the trail from Westchester Lagoon to Kincaid Park, in order to maintain the natural environment and natural setting along the trail, to preserve an important wildlife corridor, and to retain a buffer between the trail and adjacent land uses, such as high-impact Airport development and operations. **Please refer to TCC's June comments, where we proposed numerous, specific Plan recommendations.**

Of prime importance, the Public Hearing Draft of the WADP does not reflect TCC's opposition to the segregation of Municipally-owned Heritage Land Bank (HLB) land west of the Airport into two sections: 1) a narrow area of land along the Coastal Trail to presumably be retained as Coastal Trail greenbelt, and 2) the remaining Municipal land identified as Parcel 4 in Exhibit 4-11: Airport Perimeter-Parcel Identification Map (page 163) to be offered to the Airport. That land should not be traded away to the Airport under any kind of land exchange.

- ⇒ All HLB land in Exhibit 4-11: Airport Perimeter . Parcel Identification Map (page 163) should be shown in purple as %Heritage Land Bank property+(as opposed to %Airport Area Special Study Areas+). Similarly, Exhibit 4-9b: Coastal Trail Compatibility Concepts (page 152) should identify as %buffer+all land that falls within the Municipally-owned HLB parcels.

During the WADP Planning Group meetings, **the Airport specifically stated that this HLB land was of low value to the Airport.** The Planning Department has yet to offer an adequate justification for the WADP advocating for disposal of any of this Municipal land, which may be of low value to the Airport, but is highly valued by the community and contains a significant section of the Coastal Trail/Greenbelt.

- ⇒ TCC recommendations submitted in June for Coastal Trail Implementation Actions were not fully incorporated into the Public Hearing Draft and we request that the Commission do so to ensure the long-term protection of this highly valued trail in Anchorage, including the recommendation that all HLB land west of the Airport be transferred to the Parks and Recreation Department and become dedicated parkland.

The Public Review Draft-Comments Summary, distributed by the Planning Department in July, revealed that the Anchorage Water and Wastewater Utility owns Parcel #6, a small, but important section of land that serves as essential buffering between the Coastal Trail and the Airport. Previously, during meetings of the WADP Working Group, and in both the Working Group Draft and the Public Review Draft, the Municipality declared this parcel as owned by the Parks and Recreation Department and designated as parkland.

Based on this new information (which the Planning Department should explain to the public exactly when they discovered this change in ownership),

- ⇒ TCC requests that documentation of AWWU's acquisition of Parcel #6 from the Heritage Land Bank and any conditions associated with the acquisition of this parcel be included in the WADP Appendices.
- ⇒ TCC recommends an additional Implementation Action under Parks Objective #6 (page 222):

%Initiate discussions between AWWU, the MOA Parks and Recreation Department, Turnagain Community Council and Coastal Trail advocate representatives with the goal of establishing a formal agreement between the Parks Department and AWWU that ensures continued and long-term public access to, and protection of, Parcel #6 as a Coastal Trail Greenbelt, and specifies oversight/maintenance responsibilities.%

The Time Frame for this action should be 1-2 years.

This action would be consistent with the West Anchorage Land Use Plan map (page 71), which now shows this parcel as %Other Area that Function as Park and Natural Resource.+

Additional North-South Runway

TCC accepts Airport Objective #2: Promote responsible development and operations inside the airport that minimize the negative effects of airport operations on adjacent neighborhoods, trails, and parks. (page 211).

However, we do not believe that development of a new North-South Runway by TSAIA meets this objective. The WADP recognizes on page 124 that there was %significant public opposition+to a second North-South Runway in 2008 and identified the negative impacts to the surrounding communities on pages 124 and 148 of the plan, including additional noise and air pollution to the surrounding residential and recreational land use area, and severe environmental impacts to dedicated parkland, the Anchorage Coastal Wildlife Refuge, and major rerouting (and possible tunneling) of the Tony Knowles Coastal Trail. In 2008, TSAIA air carriers similarly opposed the development of a second North-South Runway as uneconomic and unjustified by realistic air traffic projections.

TCC opposes the WADP facilitating or recommending actions supporting the development of a new North-South Runway. Specifically, we object to the statement in the Public Hearing Draft that, %eventually, Airport expansion to the west will bring these two uses closer together, so a buffer is essential to maintain some level of separation and screening.+ (Page 148).

The term %eventually+means the Municipality is acknowledging that Airport expansion (another North-South Runway) to the west is likely, even though it would result in myriad impacts, including:

- Acquiring the AWWU sewage treatment plant property, resulting in the necessity of relocating the sewage treatment plant to some other unknown and unplanned for location;
- Rerouting a significant portion of the Coastal Trail (and possibly tunneling it under another North-South Runway);
- Trading Pt. Woronzof Park dedicated Municipal parkland to the Airport, which was created as part of a previous Municipal-Airport land trade and which would require a Municipal vote by city residents;
- Destroying an important natural open space and wildlife corridor area;
- Possibility of placing a massive amount of fill into the Anchorage Coastal Wildlife Refuge.
- Increasing air and noise pollution in West Anchorage.

In its response to comments on this issue, the Planning Department makes its planning assumptions clear by stating: %From strictly a land use standpoint, expanding airport uses to the west of the main runways makes sense since it minimizes future impacts.+¹ TCC does not agree. An objective look at the unaddressed planning problems explained above

¹ [Response to Comments, page 23 \(response to Comment of Turnagain Resident Blythe Marston\)](#).

demonstrates that the WADP fails to realistically acknowledge the significant negative impacts and ramifications of such an expansion. So why then does it advocate for such expansion?

⇒ TCC requests that the first sentence/second graph under Coastal Trail (Exhibit 4-9a/b)+(page 148) be reworded:

When Airport expansion to the west would occur, it would bring the two uses closer together and increase Airport impacts, so a trail greenbelt/buffer would be essential to maintain some level of separation and screening, although the impacts likely would end up severely compromising trail user experiences and natural open space functions.

In the Executive Summary, the WADP professes to be neutral on the issue of Airport expansion to the west, but then throughout the details of the document it advocates and asserts that this development will occur. This approach is misleading and unfair to the public. It also does not reflect the strong public opposition to a second North-South Runway.

⇒ TCC requests that Exhibit 4-9b: Coastal Trail Compatibility Concepts (page 152) exclude Runway Concept+sketches showing locations of two possible second North-South Runways (from the 2008 TSAIA Master Plan Study). To include sketches of a second North-South Runway that would significantly and negatively impact sections of the Coastal Trail on an exhibit titled Coastal Trail Compatibility Concept+defies any sense of realistic trail compatibility. If the final, approved WADP continues to advocate for another North-South Runway as part of West Anchorage's long-term land use vision on its western boundary, the exhibit should be renamed to Coastal Trail INCOMPATIBILITY Concept.

⇒ TCC requests that a statement be included on page 148:

The Turnagain Community Council has expressed its skepticism that development of creative design responses to a second North-South Runway would come close to mitigating the high degree of negative impacts that would occur to the Coastal Trail and adjacent greenbelt/natural open space areas.

Because TCC has consistently opposed the development of a second North-South Runway

⇒ TCC also opposes any discussion, recommendation or action in the WADP that would support Airport development of another North-South Runway, including a Comprehensive Land Exchange between the MOA and the Airport that would transfer Pt. Woronzof Park or Coastal Trail greenbelt east of the AWWU Sewage Treatment Plant to the Airport for development of another runway. (Opposition to Comprehensive Land Exchange discussed below as well.)

For example, language on page 124 of the Public Hearing Draft Plan concerning the North-South Runway sets the wrong tone. The analysis of the need for and possible locations of

a new N-S runway+in the %context of future master plan revisions+is too limited. Limiting that analysis to the context of a future Airport master plan simply endorses a new runway, given the unconstrained aviation growth forecasts built into the FAA master plan process.

For clarification, the Airport master plan bases its growth projections and subsequent development %needs+without taking into account mitigating factors, such as high fuel prices, volatile economic conditions, technology that allows bypass of Anchorage as a cargo refueling destination, negative social and environmental impacts of development needed to meet the unconstrained projections, etc. The point is that the Airport master plan process is not what the Municipality should endorse as the appropriate way to address this issue if the community's concerns about a new North-South Runway are going to be addressed in any meaningful way.

Given all of the above,

- ⇒ TCC requests that the WADP include a realistic discussion on page 148 regarding the substantial negative impacts on the Coastal Trail of another North-South Runway and a recommendation that the Municipality not endorse any attempt by TSAIA to do so.

Comprehensive Land Exchange

In our June comments, TCC expressed our opposition to a major component of the draft WADP · the proposed Comprehensive Land Exchange (page 159). The draft Plan indicates the primary interest to TSAIA is not a per parcel land exchange, but a Comprehensive Land Exchange. This global exchange proposes to trade to the Airport Pt. Woronzof Park and the Coastal Trail buffer near the sewage treatment plant to enable development for another or expanded North-South runway, as detailed in the Airport's 2002 and 2008 Airport Master Plans. (See reference to TCC opposition to another runway, as noted above). The draft Plan describes such an exchange as %the most promising means of permanent resolution of long-standing public concernsō +(page 159)

By allowing the Airport to acquire land that would enable them to build a second North-South Runway, a Comprehensive Land Exchange would do anything but resolve long-standing issues in West Anchorage, which TCC has consistently expressed throughout the public process of this document · to no avail. As previously stated, destruction of dedicated parkland, coastal refuge tideland habitat, natural open space, and sections of the Coastal Trail would be irreparable impacts to highly valued areas of West Anchorage. In addition, an increase in Airport noise and air pollution to surrounding land uses that a second runway would generate would add to already existing, long-standing, unresolved noise and air pollution issues. Airport acquisition of these and potentially any other Municipal parcels would allow high-impact aviation/industrial development and activity much closer to some sections of the Coastal Trail.

Pt. Woronzof Park is dedicated Municipal Parkland and thus would require a vote of the citizens of Anchorage to approve transfer of the property. The creation of this %permanent+ parkland was a specific condition of a previous MOA-Airport land exchange. (See History of Land Exchange for Pt. Woronzof Park discussed on pages 119-120 of the Public

Hearing Draft). To now offer this park up to Airport acquisition in this important West Anchorage land use plan flies in the face of a hard-fought compromise between the community, MOA and the Airport on a very controversial land trade in 1994 and is a disservice to the public process that was participated in in good faith by the community.

⇒ TCC recommends that AO-193, AO 94-194 and any other associated documents on the 1994 land trade and declaration of Pt. Woronzof Park becoming permanently dedicated parkland be included in the Appendices section of the WADP.

In our June comments, TCC requested that in the place of Implementation Action IA-20 (page 214 in the Public Review Draft), which was an action initiating a Comprehensive Land Exchange, the WADP include an Implementation Action calling on the Municipality to purchase title or conservation and trail easements on specific perimeter parcels (listed in our June letter) as a preferred way for the MOA to obtain long-term Airport land now used as parkland.²

⇒ TCC reiterates this request to the Planning and Zoning Commission.

The Public Hearing Draft before you responds to TCC comments by including in the discussion of Land Exchanges the idea of ~~other acquisitions~~+by the Municipality of Airport lands desired for long-term recreation or residential separation concerns (Page 134, 159) and a new IA-23 (page 217) allowing for ~~other acquisitions~~+that are systematic in nature.

However, the Public Hearing Draft continues to advocate for a Comprehensive Land Exchange as the preferred alternative because it calls it the only ~~systematic~~+way to obtain these lands and the ~~most promising means of permanent resolution~~+of the land conflicts.³

TCC disagrees that fee simple or conservation easement acquisitions as we propose for inclusion in the Plan are not ~~systematic~~+or effective in terms of permanent resolution. Whether they are ~~promising~~+or not is whether the Municipality is willing to include these options as equally viable alternatives in the WADP and work with FAA, the Airport and the public to pursue public and private funding to accomplish those goals.

We are particularly troubled by the apparent subterfuge contained in language of IA-23 (page 217), which seems to allow for ~~a systematic~~ approach to the permanent resolution of the airport perimeter parcel and land use conflicts, either through a comprehensive land exchange or other action that transfers land title of certain parcels to TSAIA and the MOA,+ but which then seemingly negates the option of fee simple or conservation easement acquisitions by the Municipality labeling them ~~not systematic~~+in the text of the plan (page 159 and 161).

The Public Hearing Draft's text apparently labels our June proposal as new Scenario #6 . Incremental Acquisition (page 161). We do not agree with that characterization and believe that with the MOA Parks Department and other appropriate agencies working with the surrounding community councils and trail and recreation advocates that identifying a clear list of the parcels to be obtained and a plan to obtain them IS a systematic approach. This

² [TCC June 7, 2011 Comment letter at 7.](#)

³ [See page 161 criticizing other acquisitions as not systematic \(Incremental Acquisition Scenario No. 6\).](#)

option would accomplish the desired goals stated on page 159: Municipal acquisition of Airport land for buffer and public recreational use; prioritizing, budgeting, and planning for long-term management of land; and predictability for both the MOA and TSAIA for future development and long-term land use determination. A positive advantage of fee simple or conservation easements that cannot be overstated is that this approach would not have the negative impacts of allowing the Airport to acquire high-valued parkland and Coastal Trail greenbelt/buffers for development of another North-South Runway or other industrial development nears the Coastal Trail.

- ⇒ To reiterate, TCC opposes a Comprehensive Land Exchange as part of the WADP and requests that our alternative acquisition implementation action be substituted in its place. If that does not occur, at a minimum, we request that the discussions on pages 159 and 161 of the text be changed to reflect our comments above, so that the option of fee simple or conservation easement acquisitions by the Municipality in IA-23 not be implicitly rejected by the text of the Plan itself.

Please note: On July 12, 2011, the Anchorage Assembly voted 11-0 to DELETE reference to a “global” land exchange with TSAIA in the 2011 Heritage Land Bank Work Program and 2012-2016 Five-Year Management Plan. The deletion of this language was a recommendation by TCC in our comments submitted to HLB April 8, 2011.

Lastly, TCC takes issue with the following statement in the draft (page 159), ~~the~~ WADP observes that a constructive dialogue was started between local residents and TSAIA during the development of the WADP, which may indicate that the time is right for serious land exchange negotiations.+

TCC had two representatives on the WADP Working Group. When it became known during discussions at the Working Group meetings which parcels of Municipal land were the highest priority for Airport acquisition [Pt. Woronzof Park and Coastal Trail greenbelt/buffer (Parcel #6)] and that the reason for acquiring these parcels would provide it with the land needed to build another North-South Runway · TCC made its position very clear: any Comprehensive Land Exchange that included the Municipality trading away the above two parcels is not something TCC supports and should not be included in the Plan, as it would be a highly controversial and contentious endeavor.

TCC feels that ~~serious land exchange~~+in this sentence implies ~~Comprehensive Land Exchange~~,+as this statement is being made in the context of justification of the WADP including such an exchange as a preferred recommendation. This sentence also implies that active members of the Working Group endorsed the idea of a Comprehensive Land Exchange while discussing possible land exchanges proposals, which is not accurate. There was no consensus amongst Working Group members on this proposal.

- ⇒ TCC requests that the last sentence/first graph under 4.3.6 Land Exchange or Other Acquisition Considerations (page 159) be deleted from the WADP, so there is no misinterpretation regarding the content of what the Working Group discussed during its meetings on the topic of land exchanges.

West Anchorage Land Use Plan Map

With regard to the West Anchorage Land Use Plan map (Exhibit 4-1a, page 71), in our June Comments on the Public Review Draft, we objected to the WADP Land Use Plan Map designating all airport property as ~~M~~Major Transportation Facility.⁺ Unfortunately, our comments were not incorporated into WADP Land Use Plan Map contained in the Public Hearing Draft. Parcels within Airport boundaries that TCC recommends be acquired by the Municipality through purchase title or conservation/trail easements should be designated as ~~O~~Other Areas that Function as Park and Natural Resources⁺ to accurately reflect the long-term community use of these lands as such. (See June comment letter for specific list of parcels).

- ⇒ TCC requests that Airport-owned identified parcels in our June letter be designated as ~~O~~Other Areas that Function as Park and Natural Resources⁺ in the WADP Land Use Plan Map.

In our June comments, we also stated that the alternative land classifications on the Land Use Map is not an adequate substitute for designating future land uses in West Anchorage. In particular, we object to the alternative land use identifying a dedicated municipal park . MOA Point Woronzof Park -- as a major transportation facility to locate a new North-South runway (that the WADP insists it is not advocating).

Similarly, the alternative Land Use Classifications should not designate other Municipal land as ~~M~~Major Transportation Facility,⁺ including the Coastal Trail greenbelt buffering near the sewage treatment plant, or Heritage Land Bank land west of the Airport that serves as essential Coastal Trail greenbelt buffering from current and future Airport operations and development. And we do not believe that the alternative Land Use Classification buffers for the Coastal Trail or Turnagain Bog depicted in the map are adequate. These comments have not been incorporated into the Public Hearing Draft⁴ and TCC disagrees with Staff comment rationale provided in their Comments Summary for not making what we feel are appropriate changes that would be in the community's best interest and reflect long-held community uses/values of those lands.

The Land Use Plan Map is one of the most important aspects of the WADP and we cannot endorse it as presented in the WADP Public Hearing Draft.

- ⇒ TCC requests that our previous requested changes be made, including that it show parcels within Airport boundaries recommended for acquisition⁵ by the Municipality through purchase title or conservation/trail easements be designated as ~~O~~Other Areas that Function as Park and Natural Resources⁺ and that the Alternative Land Use Classifications section of this map be deleted, so that no Municipally-owned land is shown as ~~M~~Major Transportation Facility.⁺

⁴ See Planning Department response to comment in WADP Public Review Draft Comments Summary prepared by Planning Dept at page 37 (Page 71 exhibits response to comment of Cathy Gleason). We would note that TCC made the same comment.

⁵ See List on page 7 (with the exception of Parcel 13) in the attached June 2011 Comment Letter.

Our requests are consistent with the 1982 Anchorage Comprehensive Plan Generalized Land Use Plan Map, in that Airport/State of Alaska-owned land was broken down into several categories . including Parks/Open Space+ reflecting current and/or long-term community desired uses of some land within Airport boundaries. To do otherwise, is to abandon the Municipality's role and participation in determining land use in West Anchorage.

Private Property Owner Disclosure Requirements Based on Airport Noise Contours

The establishment of a Noise Overlay+zoning district and an Airport Environs Overlay+for private property, based on the Airport's 60 DNL or higher noise contours (pages 132 & 213), could negatively impact private property owners. This approach would also provide no incentives for the Airport and its leaseholders to reduce noise at the source on Airport property.

Mandates would include full-page prominent+disclosure statements to prospective buyers · which could affect ability to sell and the sales price · and plat notes put on subdivision plats that would require enhanced sound attenuation measures put on new construction or additions (see Appendix A-5, Sample Avigation Easement).

The current noise contour map in the WADP (Exhibit 2-12: TSAIA Noise Contours, page 45) was based on a 1997 Airport noise study. It may be updated this year or in 2012. This contour could move from the time one study is done to the next, yet plat notes and sales disclosures mandates would be based on potentially outdated information. This is not an appropriate way to deal with Airport-generated noise impacts on West Anchorage property owners and TCC requests that more discussion be put in the Plan to address the inequities of this proposal.

Also, TCC requests that the WADP Plan clarify and/or address:

- 1) What, if any, of the proposed Implementation Actions are additional requirements above and beyond what is currently required of property owners, so that it is clear what additional actions are being asked of private property owners under the Noise Overlay proposal; and
- 2) If additional restrictions/disclosure requirements are put in place for those residents whose property falls within the Noise Overlay zoning district+or the Airport Environs Overlay+(as established by TSAIA's DNL contour lines), would it be appropriate for these requirements to only apply to those impacted by TSAIA's aviation-generated noise? Would property owners impacted by aviation noise generated by Merrill Field, Elmendorf-Ft. Richardson Joint Military Base, Campbell Lake, etc. be exempt from the restrictions/disclosure requirements recommended in the WADP? Is it fair/legal to put additional restrictions/disclosure requirements on homes affected by aviation noise from one airport in one area of town, but not another? Clearly, the WADP needs to provide an analysis of this potential dichotomy.

TCC asked these questions in our June comments; staff response was to still include Implementation Action (IA-8, page 213) in the Public Hearing Draft to ~~%~~adopt an airport influence overlay as part of the municipal zoning code,+yet they inserted language based on our questions to ~~%~~investigate this method's legality.+ To use a worn out phrase, that is putting the cart before the horse. The WADP should not include an action item that has yet to be vetted on its legal status. The Working Group community council representatives brought up this questionable action at numerous meetings, once this proposal was put forth by the MOA and consultants. The legality should have been explored during that time.

⇒ TCC continues to oppose the recommendation for a noise overlay zoning district and ask the Commission to delete all text and implementation actions from the WADP.

Municipal Advocacy for Noise Mitigation Measures On Airport Property Through Available State and Federal Programs

In its June comments, TCC requested that the Municipality be more proactive and more assertive in representing the interests of West Anchorage residents in the TSAIA's planning processes, including such things as the Airport Master Plan and the Part 150 Noise Compatibility Study and Noise Compatibility Program.

We asked that the Municipality advocate on behalf of its Westside residents that the Airport undertake noise mitigation measures on the Airport with funding available through Part 150 and through TSAIA and local aviation fuel sales tax revenues. (WADP Appendix A-3, FAA Grant Assurance #25). As the draft WADP acknowledges, the regulatory complexity of Airport decision-making does not lend itself to citizen's understanding of the avenues for advancing their interest in noise mitigation and other measures applicable to the Airport that could reduce impacts on the surrounding community. Consequently, TCC believes the Municipality has an important role to play in providing the expertise and institutional presence to advocate for the community's interest in noise reduction on the Airport. In order to carry out the TSAIA Implementation Actions involving the MOA, it is important that the Municipality has the expertise and staffing necessary to address the complexities involved in the TSAIA/Municipality relationship.

To do this, TCC recommends:

⇒ A new Implementation Action is added to Airport Objective #2 Promote responsible development and operations inside the airport that minimize the negative effects of airport operations on adjacent neighborhoods, trails and parks. (pages 140 & 211):

~~%~~Advocate for West Anchorage residents's interest in operational noise mitigation measures on the TSAIA as part of the FAA Part 150 Noise Compatibility Program, recommendations in the TSAIA Comprehensive Ground Noise Study, and through Airport Master Plan and other State and Federal regulatory or land use programs.+

Responsible Entity: MOA, Time Frame: Immediate

⇒ A new Implementation Action is added to Airport Objective #4 Improve communication, understanding, problem solving, and consensus building between TSAIA, MOA, FAA, airport leaseholders, and the surrounding community, and better integrate these stakeholders into airport decision-making. (pages 157 & 215):

• Create a new position in the Municipal Planning Department to work on TSAIA-Municipal issues and act as an advocate for community interests in noise reduction, air and water quality issues, traffic, buffer/natural open space and park and recreational issues, and other concerns arising out of TSAIA development and operations. Act as a point of contact for the community and for Municipal participation in Municipal, State, FAA and other regulatory or land use programs that might provide an avenue for resolution of community concerns about Airport impacts.+

Responsible Entity: MOA, Time Frame: Immediate

The Public Hearing Draft at IA-21 (p. 216) recommends designating an airport liaison at the Municipality as a point person for Airport issues. We see that as a half-hearted approach that will not meet the intent of the advocacy and work we suggest is need by the Municipality.

There are plenty of Airport Advisory Groups with Municipal points of contact. What is needed is a new staff position in the Planning Department who will have the time to develop the needed expertise on these complex regulatory issues and the time to work on these issues to make a difference on behalf of the community.

⇒ Consequently, we request that our original proposed language be included in the plan.

Depending on the Circumstances, Municipal Land Use Laws May Apply on the TSAIA

We are pleased that the Public Hearing Draft incorporated our proposed language on page 125 concerning application of local land zoning to the airport. It is very important that the Municipality assert its authority to apply land use zoning to the Airport and not simply negotiate with the TSAIA from a position of weakness.

With that in mind, we believe it is important for the public to be involved and able to comment on the proposed Memorandum of Understanding between the Municipality and the State of Alaska concerning application of municipal land use authority on Airport land contained in Implementation Action IA-1 (page 211).

⇒ In addition, we request that Implementation Action IA-1 Item 1 include a sentence stating that the Memorandum of Understanding will be presented to the Planning and Zoning Commission and Assembly for approval.

We are also pleased that Implementation Action IA-1 Item 2 (page 211) contains a recommendation for a Mayor-Governor appointed committee to explore alternative airport

management structures. We recommend that the language be revised to better capture the intended goals as follows:

- ⇒ Pursue a Mayor-Governor appointed committee to explore alternative airport management structures that promote responsible airport development and airport operations while responding to community and municipal needs.+

Thank you for the opportunity to comment on this important Plan for West Anchorage. While our letter may have missed referencing specific exhibits and/or text, TCC's intent is for our comments on the above issues are reflected in all relevant sections of the document. As a reminder, please also refer to our June comments (attached).

We realize this is a complex, complicated Plan with many components. Members of TCC have spent many hours on this endeavor, as our goal is to have a thoughtful, meaningful long-term planning document that reflects community and public interests in West Anchorage. TCC looks forward to continue working with the Municipality and the Planning and Zoning Commission to ensure that our input during this public hearing process is reflected in the Draft of the WADP that will be submitted to the Anchorage Assembly.

Sincerely,

Cathy L. Gleason
President
Turnagain Community Council

Attachment:
Turnagain Community Council WADP Public Review Draft Comments, June 7, 2011

CC:
Mayor Dan Sullivan
Assembly Member Harriet Drummond
Assembly Member Ernie Hall
Mr. Jerry Weaver, MOA Community Development Department Director
Mr. Thede Tobish, MOA Senior Planner
Mr. Dennis A. Wheeler, Municipal Attorney
Mr. John Rodda, Anchorage Parks and Recreation Department Director
Ms. Tammy Oswald, Heritage Land Bank & Real Estate Services Director

Attachment

Turnagain Community Council
C/o Cathy L. Gleason, President
4211 Bridle Circle, Anchorage, Alaska 99517
907-248-0442 tccpresident@yahoo.com

June 7, 2011

sent via e-mail

Mr. Thede Tobish
 Senior Planner
 West Anchorage District Plan
 Planning Division/Long-Range Planning Section
 MOA Community Development Department
 PO Box 196650
 Anchorage AK 99519-6650

**Re: Turnagain Community Council Recommendations for
 West Anchorage District Plan Public Review Draft, dated March 2011**

Dear Mr. Tobish (Thede):

Thank you for the opportunity to comment on this important planning document for West Anchorage. Please accept the below comments on behalf of Turnagain Community Council, as approved at our regular meeting June 2, 2011.

TCC appreciates the work of the Planning Department and its consultants to form a stakeholder Planning Group with TCC representation and to meet with TCC to develop the Objectives of the Plan. These brain storming sessions on the positive values of living in Turnagain and the things we would like to see preserved or improved are generally well reflected in the Plan objectives. We also appreciate your efforts to explain the Plan at council meetings and attend the public meeting hosted by the Turnagain, Spenard and Sand Lake Community Councils on May 12. Lastly, thank you for your department's willingness to extend the comment deadline in order for TCC to have more time to discuss and make recommendations on the WADP.

While TCC is in general agreement with the Objectives set out in the Plan, we do not think the text and Implementation Actions adequately fulfill those Objectives. As explained below, there needs to be some text revisions in Chapter 4, and some Implementation Actions in Chapter 5 of the Plan need to be strengthened, others added, and some should be removed, as they are counter to the Objectives of the Plan. As a general comment, we do not think the Implementation Actions are robust enough to meet the Objectives of the Plan. Accordingly, we have made some constructive suggestions for additional Implementation Actions for the Plan.

Our comments below are organized by topic. We have included page references as appropriate to direct the reader to a specific part of the Public Review Draft.

⇒ Turnagain Bog

The preservation of all of the remaining Turnagain Bog wetlands and associated uplands as a natural resource and buffer between industrial and airport development and the local community is a major concern to TCC. As a general comment, all of the maps/exhibits and language in the WADP need to consistently recognize the Turnagain Bog and associated uplands as Class A (High Value) wetlands and the importance of their preservation.

The proper designation of Turnagain Bog and associated uplands should demonstrate the commitment of West Anchorage residents to protect the important functions of these wetlands, including wildlife habitat, water pollution filtration, downstream hydrology for Jones Lake, Hood Creek and Cook Inlet, air pollution absorption, and essential buffering for residential and recreational areas from airport development and operations.

For example, the Possible Residential Buffer identified on Exhibit 4-1a: West Anchorage Land Use Plan (page 71) and on Exhibit 4-8b: Lake Hood Residential Compatibility Concepts (page 148) appears to be premised upon an outdated plan that first was proposed in the 1990s for a bike path corridor on Airport property next to their chain link fence from Lakeshore Dr. to W. Northern Lights Blvd. This proposal was never supported by TCC and surrounding landowners . nor is it included in the Anchorage Bike Plan. TCC recommends that the Residential Buffer include the entire ~~lands~~ ~~Not Permitted~~+area identified in green in Illustration 2 - Detail referenced in paragraph 10 of AO2000-151(S-2) re: Sale of Klatt Bog Wetland Credits (Appendix A-7). The ordinance states it is in the public's best interest that this area remain as a natural buffer between the Airport and the surrounding neighborhood and **the Plan should reflect this ordinance recognition.**

The TCC specifically disagrees with the comment that there are legal disputes over the Turnagain Bog conditions put forth in AS 2000-151 (S-2) regarding the sale of development rights of Klatt Bog to the Airport for wetland development mitigation, as stated on page 122 of the WADP. If the Airport has taken a formal legal position that they do not have to abide by the Turnagain Bog conditions in the ordinance, then that legal position should be included as a formal document in the Appendix to the Plan. Otherwise, unattributed statements about, ~~there~~ ~~are~~ differing opinions about how binding this ordinance is on the Airport+should be removed from the plan. As a general comment, the Municipality should not make statements contrary to its legal interests in a Municipal planning document.

TCC also requests that the Planning Department clarify the intent of the WADP Wetlands Exhibits 4-18: Wetlands Disposition Status (page 193). Does %Wetland Disposition Status+ indicate current status of the wetlands, as stated on page 192? Or is the intent of this exhibit to indicate what the WADP document recommends for the future (i.e., that it endorses %Future Development+for Turnagain Bog, as stated in the Legend of the exhibit)?

TCC specifically objects to the Exhibit 4-18: Wetlands Disposition Status+map reflecting that %future development [is] likely+for all of these Class A wetlands as future Airport expansion subject only to %Corps permitting and future land trades.+This wholesale designation gives the erroneous impression . not reflected in the rest of the plan . that the Municipality and the local community concurs that development of all of these Class A wetlands is desirable and appropriate.

If the purpose of the exhibit is to show current status, TCC requests that Turnagain Bog be categorized as %Airport Owned . Class A (High Value) Wetlands+to reflect their classification in the 1996 Anchorage Wetlands Management Plan and Exhibit 2-14: Wetlands Classifications and Coastal Zone Boundary. If the exhibit s intent is to indicate WADP recommended future action, TCC requests Turnagain Bog be categorized as %Airport Owned . Acquire or Evaluate for Preservation,+to reflect the importance of its preservation to the neighborhood.

⇒ **Tony Knowles Coastal Trail Greenbelt/Buffer**

TCC supports Park Objective #6: %Acquire and permanently preserve the Tony Knowles Coastal Trail from Kincaid Park to Westchester Lagoon as a well maintained, continuous, public recreational corridor with vegetative buffer.+ (pages 195 & 219)

Our view of a %vegetative buffer+for the Coastal Trail is more than a narrow strip of vegetation on both sides of the trail. Rather, we envision the preservation of the existing natural greenbelts along the trail from Westchester Lagoon to Kincaid Park. Unfortunately, many of the natural greenbelt areas along the trail have been lost as a result of private development. Where greenbelt land along the trail is in Municipal ownership, it should not leave municipal ownership and should be preserved as greenbelt along the trail in order to maintain the natural environment and natural setting along the trail that is so valued by recreational users, to preserve an important wildlife corridor, and to retain a buffer between the trail and adjacent land uses, such as high-impact Airport development and operations.

TCC opposes the segregation of Municipally-owned Heritage Land Bank (HLB) land west of the Airport into a narrow area of land along the Coastal Trail to presumably be retained as Coastal Trail greenbelt, from the remaining Municipal land . identified as Parcel 4 in Exhibit 4-11: Airport Perimeter-Parcel Identification Map (page 161) . to be offered to the Airport. Those lands should not be traded away to the Airport under any kind of land exchange and all HLB land in this area should be shown in purple as %Heritage Land Bank property+(as opposed to %Airport Area Special Study Areas+) in the exhibit.

Similarly, Exhibit 4-9b: Coastal Trail Compatibility Concepts (page 150) should identify as %buffer+all land that falls within the Municipally-owned HLB parcels.

In order to fully implement Parks Objective #6, TCC recommends an additional Implementation Action for Parks on page 219 stating:

All sections of the Coastal Trail and associated greenbelt buffering on Municipal land not already protected as dedicated parkland should be transferred to the Department of Parks and Recreation and be designated as such. Specifically, all Heritage Land Bank land west of the airport not encumbered by existing nonprofit leases, utility easement or airport use easements should become permanently dedicated parkland. In areas where clearing has occurred on HLB land, an plan for revegetation should be developed and implemented.+

Under Parks Objective #6 on page 195 of the Plan, TCC recommends that the third sentence be reworded to read:

The WADP recommends that the MOA permanently acquire those portions of the Coastal Trail corridor that are under TSAIA ownership, so that the full length of the Coastal Trail corridor is brought under Municipal ownership for permanent protection.+

This change in the Plan should also be included on page 219 as an additional Park Implementation Action:

Acquire those portions of the Coastal Trail corridor and appropriate greenbelt, to be determined by joint Municipal/public/Airport Task Force, that are under TSAIA ownership, so that the full length of the Coastal Trail corridor is brought under Municipal ownership for permanent protection.+

TCC supports Implementation Action P-6, which calls on the Municipality to Acquire additional or acquire a vegetative buffer easement west of Lyn Ary Park for added buffering of the Coastal Trail.+(page 219) TCC proposes adding language to P-6 that states:

The MOA should work with the Anchorage Parks Foundation, Great Land Trust and other organizations to purchase land or easements along the Coastal Trail Corridor to maintain the natural open space along the trail corridor.+

TCC proposes rewording Implementation Action P-7 (page 219) to state:

Maintain a **minimum** development setback of at least 300 feet where the Coastal Trail runs through non-Municipal land to preserve wildlife habitat and to ensure buffering from adjacent land uses. Any selective clearing for safety purposes would need to be done judiciously to ensure the integrity of the greenbelt natural setting and wildlife habitat is maintained.+

The TCC supports Implementation Action P-8 (page 219) calling on the MOA to:

Develop a strategy to address coastal bluff erosion, identify and contact appropriate agencies, assess mitigation options/costs and prepare a brief report comparing and contrasting alternative solutions.+

This Implementation Action was a response to comments from TCC representatives concerning past and future impacts to the Coastal Trail caused by erosion of bluff areas along the trail. To adequately address this problem, the TCC recommends adding to the Implementing Action that the MOA should work with the appropriate agencies, including the Airport, to both develop and implement a strategy to address coastal erosion along the Tony Knowles Coastal Trail Corridor.

⇒ **Additional North-South Runway**

TCC accepts Airport Objective #2: Promote responsible development and operations inside the airport that minimize the negative effects of airport operations on adjacent neighborhoods, trails, and parks. (page 209)

However, we do not believe that development of a new North-South Runway by TSAIA meets this objective. The WADP recognizes on page 123 that there was significant public opposition to a second North-South Runway in 2008 and identified the negative impacts to the surrounding communities on page 146 of the plan, including additional noise and air pollution to the surrounding residential and recreational land use area, and severe environmental impacts to dedicated parkland, the Anchorage Coastal Wildlife Refuge, and major rerouting (and possible tunneling) of the Tony Knowles Coastal Trail. In 2008, TSAIA air carriers similarly opposed the development of a second North-South Runway as uneconomic and unjustified by realistic air traffic projections.

Consequently, TCC requests that page 123 of the WADP note that TCC has passed motions and/or resolutions opposing the development of a second North-South Runway, and that TCC continues to oppose any such expansion.

TCC opposes the WADP facilitating or recommending actions supporting the development of a new North-South Runway as well. Specifically, TCC requests that the first sentence/second graph under Coastal Trail (Exhibit 4-9a/b) (page 146) be reworded:

Airport expansion to the west would bring the two uses closer together and increase Airport impacts, so a trail greenbelt/buffer would be essential to maintain some level of separation and screening, although the impacts likely would end up severely compromising trail user experiences and natural open space functions.

TCC requests that Exhibit 4-9b: Coastal Trail Compatibility Concepts (page 150) exclude Runway Concept sketches showing locations of two possible second North-South Runways (from the 2008 TSAIA Master Plan Study for reference only).

TCC requests that a statement be included on page 146:

TCC is very skeptical that development of creative design responses to a second North-South Runway would come close to mitigating the high degree of negative

impacts that would occur to the Coastal Trail and adjacent greenbelt/natural open space areas.+

Because TCC has consistently opposed the development of a second North-South Runway, TCC also opposes any WADP discussion, recommendation or action that would support Airport development of another North-South Runway, including a comprehensive land exchange between the MOA and the Airport that would transfer Pt. Woronzof Park or Coastal Trail greenbelt east of the AWWU Sewage Treatment Plant to the Airport for development of another runway. (Opposition to comprehensive land trade discussed below as well.)

Finally, given all of the above, TCC requests that WADP include a realistic discussion on page 146 regarding the substantial negative impacts on the Coastal Trail of another North-South Runway and a recommendation that the Municipality not endorse any attempt by TSAIA to do so.

⇒ **Comprehensive Land Exchange**

The WADP indicates the primary interest to the Anchorage International Airport is not a per parcel land exchange, but a comprehensive land exchange (pages 156-167) that involves acquiring Pt. Woronzof Park and the Coastal Trail buffer near the sewage treatment plant to enable development for another or expanded North-South runway as detailed in the Airport's 2002 and 2008 Airport Master Plans. (See reference to TCC opposition, as noted above). Pt. Woronzof Park is dedicated Municipal Parkland and thus would require a vote of the citizens of Anchorage to approve transfer of the property. (See History of Land Exchange for Pt. Woronzof Park discussed on pages 119-120 of the WADP.) Acquisition of these and other parcels would allow high-impact aviation/industrial development and activity much closer to the Coastal Trail and possible changes or relocation of the Coastal Trail, which is one of the most significant recreational features in Anchorage and specifically, West Anchorage.

Specifically, a Comprehensive Land Exchange, as proposed in the WADP Public Review Draft, identifies MOA parcels to potentially be traded to the Airport, including:

- **Narrow Greenbelt Buffer between a section of the Coastal Trail running next to AWWU Sewage Treatment Plant and the current Airport boundary to the east** (Map Parcel #6). This is a small, but significant greenbelt section for the trail, strategically located between two highly-incompatible land uses . yet it works due to the site location, topography and mature vegetation that has been preserved.
- **Pt. Woronzof Park** (created as a condition of a 1994 land exchange between MOA and Airport when Airport acquired 129 acres of MOA Heritage Land Bank land east of park) (Map Parcel #17) See discussion above as to TCC opposition to any option for a comprehensive land exchange involving Pt. Woronzof Park.
- **All acreage of Earthquake Park south of W. Northern Lights** (Map Parcel #27) TCC finds it outrageous that the West Anchorage District Plan would propose giving away a portion of another major park with a significant historical impact in Anchorage. The

publicly-owned wetlands within this park area are designated Class A (High Value) in the 1996 Anchorage Wetlands Management Plan and Exhibit 2-14: Wetlands Classifications and Coastal Zone Boundary and should remain permanently protected dedicated parkland. (Airport acquisition of this dedicated parkland would also require a citizen majority vote to approve transfer of the property to the Airport.)

- **AWWU Property south of current sewage treatment facility** (Map Parcel #30). TCC expresses concern about the possibility of TSAIA obtaining the AWWU property set aside for possible facility expansion in the future. If traded to TSAIA, an expanded AWWU Sewage Treatment Plant would then need to be relocated, causing other potential impacts in West Anchorage that are not at all addressed in the Plan.
- **Municipally-owned Heritage Land Bank land generally north and west of the E-W Runways where a section of the Coastal Trail is routed** (Map Parcel #4). TCC requests that this proposal be eliminated from the Plan and, instead, all HLB land in this area be transferred to the Parks Department as permanently dedicated parkland/Coastal Trail greenbelt.

The TCC requests that the WADP reflects the option that all of the above parcels should remain in MOA ownership because they serve valuable functions for the Anchorage community, including wildlife habitat, scenic viewsheds, Turnagain residential buffering from Airport impacts, recreational opportunities, wetland functions, essential buffering to the Coastal Trail as well as routing for the trail itself, and land for future expansion of the sewage treatment plant, if needed.

Land Exchange Scenario #1 (page 158) states that a transfer of recreational lands to the Municipality from the Airport ~~without~~ any compensatory property given in return would not be supported by the TSAIA or FAA. TCC suggests that this statement is misleading since the TSAIA/FAA requirement is that the Airport be compensated at fair market value for its land. That can also be accomplished through money payment. TCC requests that Scenario #1 and/or Table 4.3-3 be modified to include a scenario in which the Municipality purchases these State lands or purchases a conservation easement on these State lands with the support of the Anchorage Parks Foundation, Great Land Trust or other sources of funding. Similarly, the option of preserving wetland parcels in their natural state as part of wetlands mitigation banking should also be included. (See page 132)

Contrary to the statement made on page 132 of the draft plan, conservation easements are not limited to situations in which wetlands credits are not available from off-site airport sources or preservation of wetlands is required by the U.S. Army Corps of Engineers. Under Alaska Statute 34.17.010 . 34.17.100, the Conservation and Public Recreation Easement Act, conservation easements can be created on TSAIA lands if the City provides fair market value compensation for the public easement.

In conclusion, the TCC requests that in the place of Implementation Action IA-20 (page 214), the WADP include an Implementation Action calling on the Municipality to purchase title or conservation and trail easements on the following parcels:

- Parcel 2: Little Campbell Lake
- Parcel 3: Coastal Trail, SW corner of E-W Runway

- Parcel 5: Coastal Trail, West Airpark Tract South of Pt. Woronzof Park
- Parcel 7: Coastal Trail, Point Woronzof Overlook
- Parcel 8: Coastal Trail, Eastside of Pt. Woronzof Bluffs
- Parcel 9: Turnagain Bog
- Parcel 11: Spenard Beach Park
- Parcel 12: Northern area of Connor's Bog/Lake
- Parcel 13: East Section of Connor's Land-Snow Dump
- Parcel 14: DeLong Lake Park Parcel
- Parcel 20: Notch between FCC land and Little Campbell Lake
- Parcel 28: Raspberry Road Buffer
- Parcel 29: Kullis Road Buffer

⇒ Land Use Plan Map

The WADP Land Use Plan Map, which will become an element of the Anchorage 2020 Comprehensive Plan and will guide future land use decisions, should reflect the community's long-term vision of land use in West Anchorage, **regardless of ownership**.

Not all airport property should be designated as %Major Transportation Facility,+as shown on Exhibit 4-1a: West Anchorage Land Use Plan (page 71). Instead, parcels within airport boundaries that TCC recommends be acquired by the Municipality through purchase title or conservation/trail easements (see list on page 7, with the exception of Parcel 13) should be designated as %Other Areas that Function as Park and Natural Resources.+

This approach would be consistent with the 1982 Anchorage Comprehensive Plan Generalized Land Use Plan Map, in that Airport/State of Alaska-owned land was broken down into several categories . including %Parks/Open Space+-- reflecting current and/or long-term community desired uses of some land within Airport boundaries.

No alternative Land Use Classifications on the Land Use Plan Map should show Municipal land as %Major Transportation Facility,+including MOA Pt. Woronzof Park dedicated parkland, Coastal Trail greenbelt buffering near the sewage treatment plant, or Heritage Land Bank land west of the Airport that serves as essential Coastal Trail greenbelt buffering from current and future Airport operations and development.

⇒ Private Property Owner Disclosure Requirements Based on Airport Noise Contours

The establishment of a %Noise Overlay+zoning district and an %Airport Environs Overlay+for private property, based on the Airport's 60 DNL or higher noise contours (pages 129 & 211), could negatively impact private property owners. This approach would also provide no incentives for the Airport and its leaseholders to reduce noise at the source on Airport property.

Mandates would include full-page prominent disclosure statements to prospective buyers, which could affect ability to sell and sales price, and plat notes put on subdivision plats that would require enhanced sound attenuation measures put on new construction or additions.

The current noise contour map in the WADP was based on a 1997 Airport noise study. It may be updated this year or 2012. This contour could move from the time one study is done to the next, yet plat notes and sales disclosures mandates would be based on potentially outdated information. This is not an appropriate way to deal with Airport-generated noise impacts on West Anchorage property owners and TCC requests that more discussion be put in the Plan to address the inequities of this proposal.

Also, TCC requests that the WADP Plan clarify and/or address:

- 3) What, if any, of the Implementation Actions are additional requirements above and beyond what is currently required of property owners, so that it is clear what additional actions are being asked of private property owners, as recommended in the WADP; and
- 4) If additional restrictions/disclosure requirements are put in place for those residents whose property falls within the Noise Overlay zoning district or the Airport Environs Overlay (as established by TSAIA's DNL contour lines), would it be appropriate for these requirements to only apply to those impacted by TSAIA's aviation-generated noise? Would property owners impacted by aviation noise generated by Merrill Field, Elmendorf-Ft. Richardson Joint Military Base, Campbell Lake, etc. be exempt from the restrictions/disclosure requirements recommended in the WADP? Is it fair to put additional restrictions/disclosure requirements on homes affected by aviation noise from one airport in one area of town, but not another? Clearly, the WADP needs to provide an analysis of this potential dichotomy.

⇒ **Municipal Advocacy for Noise Mitigation Measures On Airport Property Through Available State and Federal Programs**

TCC requests that the Municipality be more proactive and more assertive in representing the interests of West Anchorage residents in the TSAIA's planning processes, including such things as the Part 150 Noise Compatibility Study and Noise Compatibility Program. The Part 150 Noise Study includes measuring aircraft noise and determining the exposure of individuals to noise in the vicinity of airports. The Noise Compatibility Program is designed to reduce the number of people and/or incompatible land uses within the airport's noise contours. (Appendix A-9)

The Municipality should also advocate on behalf of its Westside residents that the Airport undertake noise mitigation measures on the Airport with funding available through Part 150 and through TSAIA and local aviation fuel sales tax revenues. (Appendix A-3, FAA Grant Assurance #25) As the draft WADP acknowledges on page 124, the regulatory complexity of Airport decision-making does not lend itself to citizens' understanding of the avenues for advancing their interest in noise mitigation and other measures applicable to the Airport that could reduce impacts on the surrounding community. Consequently, TCC believes the

Municipality has an important role to play in providing the expertise and institutional presence to advocate for the community's interest in noise reduction on the Airport. In order to carry out the TSAIA Implementation Actions involving the MOA, it is important that the Municipality has the expertise and staffing necessary to address the complexities involved in the TSAIA/Municipality relationship.

To do this, TCC recommends:

- 1) A new Implementation Action be added to Airport Objective #2 Promote responsible development and operations inside the airport that minimize the negative effects of airport operations on adjacent neighborhoods, trails and parks. (pages 138 & 209):

Advocate for West Anchorage residents' interest in operational noise mitigation measures on the TSAIA as part of the FAA Part 150 Noise Compatibility Program, recommendations in the TSAIA Comprehensive Ground Noise Study, and through Airport Master Plan and other State and Federal regulatory or land use programs.

Responsible Entity: MOA

- 2) A new Implementation Action be added to Airport Objective #4 Improve communication, understanding, problem solving, and consensus building between TSAIA, MOA, FAA, airport leaseholders, and the surrounding community, and better integrate these stakeholders into airport decision-making. (pages 151 & 212):

Create a new position in the Municipal Planning Department to work on TSAIA-Municipal issues and act as an advocate for community interests in noise reduction, air and water quality issues, traffic, buffer/natural open space and park and recreational issues, and other concerns arising out of TSAIA development and operations. Act as a point of contact for the community and for Municipal participation in Municipal, State, FAA and other regulatory or land use programs that might provide an avenue for resolution of community concerns about Airport impacts.

Responsible Entity: MOA

⇒ **Depending on the Circumstances, Municipal Land Use Laws May Apply on the TSAIA**

The WADP's discussion of the application of local land zoning to the Airport is far too conciliatory to the Airport. Rather than asserting the Municipality's legal interests, the draft WADP concedes defeat on the application of land use zoning to the Airport and instead, calls for negotiation with the TSAIA.

The issue of whether MOA zoning applies to TSAIA and the surrounding state-owned lands is not a simple issue. The issue is unresolved and the Alaska courts have not ruled on the specific issue. There is an October 24, 1996, Informal Alaska Attorney General's opinion on the subject. The Informal Opinion concludes that the 1951 provisions of the Airport Zoning Act, AS 02.25.020, controls over the later and more general provisions of AS 35.30.020

that requires state departments to comply with local zoning ordinances in the same manner and to the same extent as other landowners. AS 35.30.30 authorizes a waiver, %f a department clearly demonstrates an overriding state interest, waiver of local planning authority approval and the compliance requirement may be granted by the governor.+

The Informal Opinion concludes that the two acts must be harmonized, but ultimately reaches the conclusion that the Airport Zoning Act must control in order to have uniformity in airport zoning in Alaska. The Informal Opinion concludes that the State Aviation laws manifest an intention to occupy the field of land use regulation. This conclusion, however, is not self-evident nor is it the only possible interpretation when harmonizing the two state statutes. In light of the lack of a pre-emption clause in AS 35.30.020 and AS 02.25.020, a court could conclude that in the absence of an actual conflict between a DOT exercise of zoning authority under AS 02.25.020 and a Municipal Zoning Ordinance, that the more general mandate that state departments comply with local zoning requirements controls. The Alaska Supreme Court's 2004 decision in *Native Villiage of Eklutna v. Alaska Railroad Corporation*, 87 P.3d 41 (Alaska 2004) makes such an interpretation upholding municipal zoning even more likely. In *Eklutna*, the Alaska Supreme Court upheld the Municipality of Anchorage's application of local zoning law to the Alaska Railroad, a public corporation created as an instrumentality of the State empowered to run the Alaska Railroad. The Court found that a lack of clear legislative intention to preempt application of local zoning to the Railroad dictated application of such zoning. In so doing, the Alaska Supreme Court applied a %a balance of interests+test opposed to a strict %a superior sovereign+test.

In the case of AS 02.25.020 and AS 35.30.020, the Legislature has not clearly preempted application of local zoning to the Airport. Rather, AS 35.30.020 applies local zoning to state departments, including DOT, as a general proposition. While AS 02.25 empowers DOT to adopt airport zoning using the procedures in the Airport Zoning Act, we are not aware that the Airport has actually adopted a zoning plan under this authority. In the absence of an actual zoning plan adopted by the Airport using the procedures in AS 02.25 that directly conflicts with a Municipal zoning ordinance, there is no potential conflict with Municipal land use zoning's application to Airport lands.

TCC requests that all of the statements concerning the inapplicability of Municipal zoning to Airport lands be removed from the draft WADP. For example, on page 124, 4.3.3 Airport Regulations, TCC recommends the text in the first graph, starting with second sentence, to read:

%Unlike many other airports, TSAIA is owned by the State of Alaska rather than the city in which it operates. This means that, even though the Airport is the predominant land use in West Anchorage, the MOA does not directly operate or control the development or operational decisions made there. This problem caused by the absence of municipal ownership is compounded by the State disputing the authority of municipal zoning on airport property. See 2004 Inf. Ag. Op. (October 25, 1996). The MOA disagrees with this interpretation of state law given the general mandate in AS 35.30.020 that all departments comply with local zoning ordinances and subdivision requirements in the same manner and to the same extent as other landowners and based on the Alaska Supreme Court's adoption of a balancing of interests test to the application of local zoning in *Native Villiage of Eklutna v. Alaska Railroad Corporation*, 87 P.3d 41 (Alaska 2004).+

Thank you for the opportunity to comment on this important Plan. While our letter may have missed referencing specific exhibits and/or text, TCC's intent is for our comments on the above issues be reflected in all relevant sections of the document. TCC looks forward to continue working with the Municipality to ensure that our input during this public process is reflected in the Public Hearing Draft of the WADP that will be submitted to the Anchorage Planning and Zoning Commission. There has been a suggestion with regard to the WADP Planning Group meeting with the Planning Department to review public comment after the June 10 deadline. We would be interested in pursuing that effort as well as meeting with the Planning Department at any time to discuss our input.

Sincerely,

Cathy L. Gleason
President
Turnagain Community Council

CC:

Mayor Dan Sullivan
Assembly Member Harriet Drummond
Assembly Member Ernie Hall
Mr. Jerry Weaver, MOA Community Development Department Director
Mr. Dennis A. Wheeler, Municipal Attorney
Mr. John Rodda, Anchorage Parks and Recreation Department Director
Ms. Tammy Oswald, Heritage Land Bank & Real Estate Services Director