

Submitted by: Chair of the Assembly at the
Request of the Acting Mayor
Prepared by: Heritage Land Bank
For reading: May 26, 2009

CLERK'S OFFICE
APPROVED
Date: 6-16-09

ANCHORAGE, ALASKA
AO No. 2009-68

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION
2 25.40.010 TO DESIGNATE HERITAGE LAND BANK AS THE EXCLUSIVE
3 GRANTEE OF CONSERVATION EASEMENTS AND FUNDS GENERATED BY
4 COMPENSATORY MITIGATION AGREEMENTS WITH THE U.S. ARMY CORPS
5 OF ENGINEERS.
6

7
8 WHEREAS, the Municipality desires to enter into compensatory mitigation
9 agreements with the U.S. Army Corps of Engineers; and

10
11 WHEREAS, in view of its purpose and mission, the Heritage Land Bank is the
12 appropriate agency to serve as the exclusive grantee of conservation easements
13 and the recipient of funds generated by compensatory mitigation agreements; now,
14 therefore,

15
16 THE ANCHORAGE ASSEMBLY ORDAINS:

17
18 Section 1. Anchorage Municipal Code section 25.40.010 is hereby amended to
19 add a new subsection to read as follows:

20
21 **25.40.010 Heritage Land Bank established--Purpose and mission.**

22
23 There is established a Heritage Land Bank. It is the mission of the Heritage
24 Land Bank to manage uncommitted municipal land and the Heritage Land
25 Bank fund in a manner designed to benefit the present and future citizens of
26 Anchorage, promote orderly development, and achieve the goals of the
27 comprehensive plan. The Heritage Land Bank shall acquire, inventory,
28 manage, withdraw, transfer and dispose of municipal land which has not
29 been dedicated or transferred to a specific municipal agency for one or more
30 municipal uses. Acquisition, inventory, management, retention, withdrawal,
31 transfer and disposal of Heritage Land Bank land shall be governed solely by
32 this chapter and the regulations and policies adopted pursuant thereto.
33

34 *** **

35 F. The Heritage Land Bank is the municipal agency designated the
36 exclusive grantee of conservation easements and recipient of funds
37 generated by compensatory mitigation agreements with the U.S. Army
38 Corps of Engineers.

39
40 (AO No. 95-198(S-3), § 2, 12-5-95)

1
2 **Section 2.** This ordinance shall be effective immediately upon passage and
3 approval by the Assembly.
4

5
6 PASSED AND APPROVED by the Anchorage Assembly this 16th day of
7 June, 2009.
8

9
10 *Dilbir Ossander*
11 Chair of the Assembly
12

13 ATTEST:

14 *Sarla S. Jindal*
15
16 Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2009-68 Title: **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 25.40.010 TO DESIGNATE HERITAGE LAND BANK AS THE EXCLUSIVE GRANTEE OF CONSERVATION EASEMENTS AND FUNDS GENERATED BY COMPENSATORY MITIGATION AGREEMENTS WITH THE U.S. ARMY CORPS OF ENGINEERS.**

Sponsor: ACTING MAYOR
 Preparing Agency: Heritage Land Bank
 Others Impacted:

| CHANGES IN EXPENDITURES AND REVENUES: | (Thousands of Dollars) | | | | |
|--|------------------------|------|------|------|------|
| | FY09 | FY10 | FY11 | FY12 | FY13 |
| Operating Expenditures | | | | | |
| 1000 Personal Services | | | | | |
| 2000 Supplies | | | | | |
| 3000 Other Services | | | | | |
| 4000 Debt Service | | | | | |
| 5000 Capital Outlay | | | | | |
| TOTAL DIRECT COST | 0 | 0 | 0 | 0 | 0 |
| 6000 IGCs | 0 | 0 | 0 | 0 | 0 |
| FUNCTION COST: | 0 | 0 | 0 | 0 | 0 |
| REVENUES: | 0 | 0 | 0 | 0 | 0 |
| CAPITAL: | 0 | 0 | 0 | 0 | 0 |
| POSITIONS: FT/PT and Temp. | 0 | 0 | 0 | 0 | 0 |

PUBLIC SECTOR ECONOMIC EFFECTS: HLB is the municipal agency designated to receive and transfer wetland mitigation credits for Corps permits. The current market value of these credits is:

REV (Relative Ecological Value) 1 & 2 debits: \$160,190.00/credit
 REV 3 debits: \$18,244.00/credit

PRIVATE SECTOR ECONOMIC EFFECTS: None; property remains in municipal inventory, with no impact to HLB or to Real Estate Services as a result of this transaction.

Prepared by: **William M. Mehner**
 Director, Heritage Land Bank and Real Estate Services

Telephone: **343-4337**



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 292-2009

MEETING DATE: May 26, 2009

1
2 **FROM: ACTING MAYOR**

3
4 **SUBJECT: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**
5 **SECTION 25.40.010 TO DESIGNATE HERITAGE LAND BANK**
6 **AS THE EXCLUSIVE GRANTEE OF CONSERVATION**
7 **EASEMENTS AND FUNDS GENERATED BY COMPENSATORY**
8 **MITIGATION AGREEMENTS WITH THE U.S. ARMY CORPS OF**
9 **ENGINEERS.**

10
11
12 For a number of years, HLB has been actively involved in planning and providing
13 for compensatory wetlands mitigation required by the U.S. Army Corps of
14 Engineers (COE) permitting process.

15
16 In 2002, the Assembly passed AO 2002-165, authorizing the development of a
17 30-acre ball field and community park complex in the southwest corner of
18 Bicentennial Park and directing the Parks and Recreation Commission to
19 "consider and recommend measures as it deems appropriate to mitigate the loss
20 of natural open space park land to development of a ball field complex." In 2006,
21 the Assembly authorized a conservation easement to be recorded against HLB
22 Parcel #3-048 in furtherance of this mitigation. All mitigation measures were
23 completed April 6, 2009, with HLB designated as the grantee of this conservation
24 easement.

25
26 In 2007, the HLB successfully established a conservation easement on land
27 located south of East Tudor Road totaling around 45 acres, preserving high
28 value wetlands to accomplish compensatory mitigation for impacts associated
29 with the Elmore Road project. HLB finalized the conservation easement to
30 preserve the land in 2007, with HLB named as grantee. In 2008, pursuant to the
31 COE permit for the project, HLB received partial compensation of \$897,487.99
32 from the Alaska Department of Transportation and Public Facilities (DOT) for this
33 compensatory mitigation.

34
35 On March 3, 2009, the Assembly approved AO 2009-20, authorizing a
36 conservation easement to be recorded against portions of several HLB parcels in
37 Campbell Tract, with resulting mitigation credits to be managed by HLB. These
38 mitigation credits will be used as COE-required compensatory mitigation for Dr.

1 Martin Luther King, Jr. Avenue and the State of Alaska Crime Laboratory. On
2 March 9, 2009, the DOT issued a check to HLB in the amount of \$479,971 as
3 compensation for the Crime Lab mitigation credits. HLB will be designated as
4 the grantee on the conservation easement on the mitigation land.

5
6 HLB is in the process of establishing conservation easements to provide
7 wetlands mitigation required by the COE on a number of additional properties:

- 8
9 • HLB Parcel #1-075, at Lower Fire Lake, Eagle River,
10 includes a substandard dam that created this lake; state
11 funds were designated to improve the dam. The HLBAC
12 has approved establishment of a conservation easement
13 protecting the wetlands on the parcel to mitigate for the
14 impacts of the dam project.
- 15
16 • HLB Parcel #3-064 – On September 13, 2007, the HLBAC
17 approved establishing a conservation easement on a portion
18 of HLB Parcel No.3-064, comprising approximately 30-39
19 acres for compensatory mitigation for the E. Dowling
20 Extension.
- 21
22 • HLB Parcel #3-035 – The Chester Creek Trail project
23 requires HLB land compromising approximately 10 acres for
24 wetlands mitigation.

25
26 In addition to providing mitigation for specific government projects on a permit
27 specific basis, HLB is working to develop a program allowing the sale of
28 compensatory mitigation credits for the preservation, restoration and creation of
29 wetlands and streams throughout the municipality. This program utilizes a
30 number of strategies available through the COE permitting process, including the
31 establishment of in-lieu-fee and mitigation banking agreements with the COE to
32 protect our waterways and watersheds while generating income for municipal
33 use. This program protects targeted wetlands with conservation easements and
34 allows HLB to sell the resulting wetland mitigation credits to COE permittees as
35 needed.

36
37 To assure a consistency in management of compensatory mitigation and
38 conservation easements, the Heritage Land Bank proposes this ordinance to
39 designate HLB as the exclusive municipal agency to be the grantee of
40 conservation easements and the recipient of funds generated by compensatory
41 mitigation agreements with the COE.

42
43 Following a public hearing on March 26, 2009, the Heritage Land Bank Advisory
44 Commission approved HLBAC Resolution 2009-03, recommending authorization
45 of this action (**Appendix A**).

46

1 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**
2 **AMENDING ANCHORAGE MUNICIPAL CODE SECTION 25.40.010 TO**
3 **DESIGNATE HERITAGE LAND BANK AS THE EXCLUSIVE GRANTEE OF**
4 **CONSERVATION EASEMENTS AND FUNDS GENERATED BY**
5 **COMPENSATORY MITIGATION AGREEMENTS WITH THE U.S. ARMY**
6 **CORPS OF ENGINEERS.**

7
8 Prepared by: Heritage Land Bank
9 Approved by: William M. Mehner, Executive Director
10 Heritage Land Bank
11 Concur: Mary Jane Michael, Executive Director
12 Office of Economic and Community Development
13 Concur: James N. Reeves, Municipal Attorney
14 Concur: Michael K. Abbott, Municipal Manager
15 Respectfully submitted: Matt Claman, Acting Mayor
16

17 Attachments: **Appendix A** (HLBAC Resolution 2009-03)

Heritage Land Bank Advisory Commission

Resolution 2009-03

A RESOLUTION OF THE HERITAGE LAND BANK ADVISORY COMMISSION RECOMMENDING ASSEMBLY APPROVAL TO AMEND THE MUNICIPAL CODE TO ESTABLISH THE HERITAGE LAND BANK AS THE MUNICIPAL AGENCY EXCLUSIVELY DESIGNATED AS THE GRANTEE OF CONSERVATION EASEMENTS AND THE RECIPIENT OF FUNDS GENERATED BY COMPENSATORY MITIGATION AGREEMENTS WITH THE U.S. ARMY CORPS OF ENGINEERS

WHEREAS, "It is the mission of the Heritage Land Bank to manage uncommitted municipal land ... to benefit the present and future citizens of Anchorage, promote orderly development, and achieve the goals of the comprehensive plan." (AMC 25.40.010); and

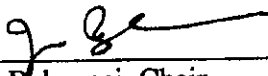
WHEREAS, HLB has an extensive background and expertise in planning and providing for compensatory wetlands mitigation required by the U.S. Army Corps of Engineers permitting process; and

WHEREAS, To assure a consistency in management of compensatory mitigation and conservation easements, it is appropriate to exclusively designate HLB as the grantee of conservation easements and funds generated by compensatory mitigation agreements with the U.S. Army Corps of Engineers,

NOW THEREFORE BE IT RESOLVED, THAT the Heritage Land Bank Advisory Commission recommends Assembly approval to amend the Municipal Code to establish the Heritage Land Bank as the municipal agency exclusively designated as the grantee of conservation easements and the recipient of funds generated by compensatory mitigation agreements with the U.S. Army Corps of Engineers.


Approved by the Heritage Land Bank Advisory Commission on this, the 26th day of March, 2009.

APPROVED:



 Jim Balamaci, Chair
 Heritage Land Bank Advisory Commission

ATTEST:



 William M. Mehner, Executive Director
 Heritage Land Bank

Content ID: 007725

Type: Ordinance - AO

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 25.40.010 TO DESIGNATE HERITAGE LAND BANK AS THE EXCLUSIVE

Title: GRANTEE OF CONSERVATION EASEMENTS AND FUNDS GENERATED BY COMPENSATORY MITIGATION AGREEMENTS WITH THE U.S. ARMY CORPS OF ENGINEERS

Author: vanhornlr

Initiating Dept: HLB

Description: Designation of HLB as grantee of conservation easements and funds for compensatory mitigation revenue via agreements with USACE

Keywords: Conservation Easements Municipal Grantee Amendment to AMC 25.40.010

Date Prepared: 5/13/09 4:34 PM

Director Name: William M. Mehner

Assembly Meeting Date: 5/26/09

Public Hearing Date: 6/9/09

| Workflow Name | Action Date | Action | User | Security Group | Content ID |
|--------------------------|---------------------|---------------|------------------------|-----------------------|-------------------|
| Clerk_Admin_SubWorkflow | 5/15/09 10:52 AM | Exit | Joy Maglaqui | Public | 007725 |
| MuniMgrCoord_SubWorkflow | 5/15/09 10:52 AM | Approve | Joy Maglaqui | Public | 007725 |
| MuniManager_SubWorkflow | 5/15/09 10:51 AM | Approve | Joy Maglaqui | Public | 007725 |
| Legal_SubWorkflow | 5/15/09 10:50 AM | Approve | Rhonda Westover | Public | 007725 |
| Finance_SubWorkflow | 5/14/09 3:33 PM | Approve | Sharon Weddleton | Public | 007725 |
| OMB_SubWorkflow | 5/14/09 12:50 PM | Approve | Bruce Holmes | Public | 007725 |
| ECD_SubWorkflow | 5/13/09 4:53 PM | Approve | Tawny Klebesadel | Public | 007725 |
| HLB_SubWorkflow | 5/13/09 4:39 PM | Approve | William Mehner | Public | 007725 |
| AllOrdinanceWorkflow | 5/13/09 4:38 PM | Checkin | Lynn Roderick Van Horn | Public | 007725 |