PLANNING COMMISSION MEETING

November 8, 2016
FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION MEETING
MONA LISA DREXLER ASSEMBLY CHAMBERS AT THE
JUANITA HELMS ADMINISTRATIVE CENTER
809 TERMINAL STREET, FAIRBANKS, ALASKA

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION
REGULAR MEETING

AGENDA

6:00 p.m.
November 8, 2016

A. ROLL CALL

B. MESSAGES
   1. Chairperson’s Comments
   2. Commissioner’s Comments
   3. Communications to the Planning Commission
   4. Citizen’s Comments – limited to three (3) minutes
      a. Agenda items not scheduled for public hearing
      b. Items other than those appearing on the agenda
   5. Disclosure & Statement of Conflict of Interest

C. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of consent agenda passes all routine items indicated by asterisk (*) on agenda. Consent agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

D. *MINUTES
   1. *Minutes from October 11, 2016 PC Meeting. PAGE 5
   2. *Minutes from October 25, 2016 PC Meeting. PAGE 33

E. CONSENT AGENDA ITEMS

   1. *V2017-005 A request by Brian Roberts on behalf of the State of Alaska Department of Transportation & Public Facilities for a lot size highway variance of 2,841 square feet to the minimum lot size requirement of 40,000 square feet in the General Use 1 (GU-1) zone on Tax Lot 3606, T1N R1W. (Located at 314 Birch Hill Road, on the east side of Birch Hill Road, southeast of Steese Highway). (Staff Contact: Stacy Wasinger) PAGE 53

   2. *V2017-006 A request by Daniel Pistor on behalf of the State of Alaska Department of Transportation & Public Facilities for a lot size highway variance of 121 square feet to the minimum lot size requirement of 40,000 square feet in the Rural Residential (RR) zone on Lot 2, Skol Subdivision. (Located on the east side of Birch Hill Road, southeast of Steese Highway). (Staff Contact: Stacy Wasinger) PAGE 89
F. QUASI-JUDICIAL HEARING

1. V2017-001 A request by Brian Roberts on behalf of Calvin and Cindy Stageman for a lot size highway variance of 29,183 square feet to the minimum lot size requirement of 40,000 feet in the General Use 1 (GU-1) zone. (Located at 1815 Rozak Road, on the west side of Rozak Road, south of Richardson Highway) (Staff Contact: Stacy Wasinger) PAGE 123

2. V2017-002 A request by Brian Roberts on behalf of Jonathan Pearson for a lot size highway variance of 12,056 square feet to the minimum lot size requirement of 40,000 feet in the General Use 1 (GU-1) zone on Lot 1, Block 1 Badger Industrial Park Subdivision. (Located on the east side of Midland Street, south of Richardson Highway) (Staff Contact: Stacy Wasinger) PAGE 211

3. V2017-003 A request by Brian Roberts on behalf of Jonathan Pearson for a lot size highway variance of 4,833.56 square feet to the minimum lot size requirement of 40,000 feet in the General Use 1 (GU-1) zone on Lot 2, Block 1 Badger Industrial Park Subdivision. (Located east of Midland Street, south of Richardson Highway) (Staff Contact: Stacy Wasinger) PAGE 249

4. V2017-004 A request by Brian Roberts on behalf of the State of Alaska Department of Transportation & Public Facilities for a lot size highway variance of 4,783 square feet to the minimum lot size requirement of 40,000 square feet in the Rural Residential (RR) zone on Lot 1, Skol Subdivision. (Located on the east side of Birch Hill Road, southeast of Steese Highway) (Staff Contact: Stacy Wasinger) PAGE 287

5. V2017-007 A request by Daniel Pistor on behalf of the State of Alaska Department of Transportation & Public Facilities for a setback highway variance of 3 feet to the minimum rear-yard setback requirement of 25 feet in the Rural Residential (RR) zone on Lot 40C, Vue Crest Subdivision. (Located at 344 Scenic Hills Court, on the west side of Birch Hill Road, south of Steese Highway). (Staff Contact: Stacy Wasinger) PAGE 407

G. PUBLIC HEARING

NONE

H. APPEALS

NONE

I. UNFINISHED BUSINESS

J. NEW BUSINESS

NONE

K. EXCUSE ABSENT MEMBERS

L. COMMISSIONER’S COMMENTS

1. FMATS PAGE 443

2. Other

M. ADJOURNMENT
MINUTES

October 11, 2016
A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 809 Pioneer Road, Fairbanks, Alaska. The meeting was called to order at 6:00 p.m. by Chris Guinn, Chairman.

MEMBERS PRESENT: Chris Guinn  Mark Billingsley
Sean Reilly  Mindy O’Neal
Charles Whitaker  Pat Thayer (6:07 p.m.)
John Perreault  Wendy Presler
Robert Peterson

MEMBERS ABSENT:  

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Manish Singh, Planner III
Stacy Wasinger, Planner III
Wendy Doxey, Asst. Borough Attorney
Tanya Hughes, Administrative Assistant

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments

NONE

2. Communications to the Planning Commission

Ms. Nelson informed the commission of the following items:
   • Introduced the new Platting Officer
   • Reminded about the Alaska APA Conference
   • Informed about an upcoming workshop.

3. Citizens’ Comments – limited to three (3) minutes
   a. Agenda items not scheduled for public hearing.

NONE

b. Items other than those appearing on the agenda.
4. Disclosure & Statement of Conflict

Mr. Peterson declared that he resided in the Goldstream Subdivision but did not receive a DPO for CU2017-002.

Ms. Doxey inquired if he resided within the radius to receive a DPO.

Mr. Peterson replied that his residence was outside the radius.

Mr. Guinn declared no Conflict of Interest.

Mr. Whitaker declared that he received a phone call from a resident of the Goldstream Subdivision regarding CU2017-002 and he referred the caller to the Department of Community Planning for additional information.

Mr. Guinn declared that he had two conversations with Ms. Wasinger regarding CU2017-002.

Ms. Doxey inquired if the conversations were regarding procedural information or if they involved substantive information regarding the case.

Mr. Guinn clarified they were procedural.

C. * APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on agenda. Consent Agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

MOTION: To approve the Agenda and Consent Agenda by Mr. Billingsley, seconded by Ms. Thayer.

CARRIED WITHOUT OBJECTION

D. MINUTES

1. *Minutes from September 7, 2016 PC Meeting

E. CONSENT AGENDA ITEMS

*HP2017-001 A request by the Alaska Department of Transportation and Public Facilities – Northern Region for local planning authority approval of the Chena Hot Springs Road MP 20 Jenny M. Creek Bridge Replacement project. (Staff Contact: Kellen Spillman)
F. QUASI-JUDICIAL HEARING

CU2017-004 A request by Koma Fenton, AlasConnect, Inc. on behalf of John and Mariagrace Adams for conditional use approval of a 52-foot communications tower, minor in the Rural Estate 2 (RE-2) zone on Parcel #2 of the plat labeled ‘The Partition of the Property of Frank and Sue Ellen Therrel’ in the NW1/4 of the NW1/4 of Section 29, T1S R2W, F.M. (Located at 1345 N Becker Ridge Road, on the west side of N Becker Ridge Road, west of Chena Ridge Road) (Staff Contact: Manish Singh)

OATH GIVEN

Koma Fenton, applicant and Project Manager for AlasConnect, LLC., explained that placing the telecommunication pole across from an existing pole was necessary to serve underserved and unserved residents on the west side. The current pole that will be located across from the proposed pole will serve underserved and unserved residents on the east side. The proposed pole was a communications pole different from a large cell tower, while this would be a utility pole with communications gear at the top. This pole is expected to serve between 2-3 dozen people.

Mr. Guinn stopped the Hearing and declared that he had a Conflict of Interest with the case; he had received a DPO letter but had forgotten the case was on this evening’s agenda.

Mr. Guinn passed the gavel to Ms. Thayer as acting Chair

Ms. Thayer invited Mr. Fenton to continue.

Mr. Fenton replied that his testimony was concluded.

Ms. O’Neall queried what the appearance of the pole would look like and if there were plans for screening.

Mr. Fenton replied that the pole would look like a GVEA power pole and would be located in the right-of-way and surrounded by trees. The visual impact is low; the pole would be indistinguishable from any of the power poles in the same area.

Mr. Billingsley queried why they were not co-locating on another pole.

Mr. Fenton replied that no other poles in the area met their requirements for Line of Sight and proximity for the frequencies they are using.

Mr. Whitaker inquired if foliage interfered.

Mr. Fenton replied yes, with Line of Sight the range increases to between 3 to 5 miles.

Mr. Perreault inquired if there would be additional permit in the future to expand range into other neighborhoods.

Mr. Fenton replied that this was likely the last permit; the conditional use permit process in zones other than General Use 1 was cost prohibitive. It was almost more economical to run fiber directly.
Mr. Singh presented the staff report; the staff analysis determined that the communications tower, minor, with proposed conditions, will meet the intent and purpose of Title 18 and of other ordinances and state statutes, will have adequate public services and will protect public health, safety and welfare. The Department of Community Planning recommended approval of the conditional use permit request for a 52-foot Communications Tower, Minor in the RE-2 zone with seven (7) conditions and three (3) findings of fact:

CONDITIONS:

1. The applicant or holder of this conditional use permit shall comply with all applicable local, state, and federal laws.

2. The applicant or holder of this conditional use permit shall provide FNSB Community Planning Department a set of design drawings and specifications stamped by a registered professional in the state of Alaska.

3. All existing vegetation on the south side of the property, except that necessary to be removed for maintenance of the communications tower, shall be maintained on the property.

4. The support structure of the communications tower shall be a wooden utility pole to appear similar to other power poles in the neighborhood.

5. No shelter, ground equipment or other structures associated with the communications tower shall be added to the site unless appropriate land use approvals are obtained.

6. The communications tower shall not be illuminated.

7. If any modifications are made to the tower design, proposed location, site plan, or other FNSB required documents, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If substantial modifications are made to these documents or to the operation of the communications tower, an amendment to the conditional use permit may be required pursuant to FNSBC 18.104.050 (D).

FINDINGS OF FACT

1. The proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes because it will conform to Title 18 requirements as a conditional use in the RE-2 zone.

   a. The purpose of Title 18 will be met because the Comprehensive Plan Transportation and Infrastructure Goal 2 and Land Use Goal 4 are being enhanced with the development of this site as communications tower, minor.

   b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.

   c. The applicant has provided information sufficient to show they intend to meet all local, state, and federal laws.
2. There are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.
   a. The proposed conditional use does not need any water or sewer for operation.
   b. The site is within Chena Goldstream Fire Service Area.
   c. The site is currently connected to the GVEA grid which will provide sufficient energy supply for tower operation.
   d. The site is served by N Becker Ridge Road and Chena Ridge Road.
   e. Matanuska Telephone Association (MTA), Alasconnect's parent company and a registered public utility company would erect the wooden pole and the install antennas and equipment using the public utility easement and the section line easement toward the west side of the property.
   f. The maintenance of the tower would be done using N Becker Ridge Road.
   g. The tower does not generate any additional trips and does not impede vehicular and pedestrian traffic on the surrounding roads.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the RE-2 zone (FNSBC 18.36) and Standards for communications towers (FNSBC 18.96.160) as well as other federal, state and local requirements for a communications tower, minor.
   a. The tower would serve residents in the neighborhood that are currently underserved by internet service providers.
   b. The visual impact analysis provided by the applicant shows the tower is visually screened by existing trees and houses. The structure and design of the tower makes its appearance very similar to other power poles in the neighborhood minimizing the visual impact.
   c. There are no existing communications towers located in the neighborhood or anywhere within 1,000 feet of the proposed tower location for collocation. There are no existing alternate structures such as power and telephone poles, buildings and other structures in the area meeting the technical requirements of the service provided by ACW.
   d. The proposed location of tower in RE-2 zone meets the technical needs of Line of Sight (LOS) required by the equipment utilized by ACW and the location of the tower helps minimize the visual impact to the residential neighborhood.
   e. The tower is designed to allow for future collocations.
   f. The section of the pole utilized by ACW is only 42% of its capacity; allowing for expansion of ACW's service.
   g. The tower is not illuminated.
   h. The tower meets all requirements of RE-2 zone including yard and height requirements. The tower is located 33 feet from the south property line which is more than the 50% of the height of the tower; therefore, meeting the FNSBC 18.96.160 (C) (2) (h) yard requirements.
   i. The 52 foot height is the minimum required to maintain the LOS to a repeater on another broadcast location.
   j. The tower operates on unlicensed frequencies and do not require an FCC license.
   k. The tower has a determination of no hazard from FAA.
Ms. O’Neall inquired if the property owners resided on the same lot.

Mr. Singh indicated that he noticed activity on the property but referred the question to the owners.

Mr. Perreault queried regarding the phone inquiries based on the DPO’s.

Ms. Doxey clarified that would be hearsay.

Mr. Perreault clarified that he was looking to understand if the calls were factual inquiries or concerns regarding the case.

Ms. Doxey allowed a general summary by Mr. Singh.

Mr. Singh informed that one call was general in nature and the second was regarding visual impact which was the impetus for additional photographs on site.

Ms. O’Neall queried the main access point; the easement is not currently constructed.

Mr. Singh replied it was N. Becker Ridge Drive; the applicant chose to use the easement and the company, MTA, will maintain it if needed for access.

Mr. Fenton declined the opportunity to ask questions of the staff.

Interested Person Testimony Opened

Randy Pitney, interested person, spoke in favor of the request; he cited health and welfare advantages to having cell coverage in this area.

Interested Person Testimony Closed

Mr. Fenton declined the opportunity for rebuttal.

Mr. Reilly queried if the proposed tower was maintenance free.

Mr. Fenton responded that most maintenance could be done remotely; the only on-site maintenance required would be if the equipment breaks.

Mr. Reilly inquired if there was a disaster plan in place.

Mr. Fenton responded that they had a contingency plan for all of their towers; if a new tower was required they would have to contact the parent company, MTA.
MOTION: To approve the Conditional Use Permit for the communications tower, minor with seven (7) conditions, adopting the staff report and three (3) Findings of Fact in support of the approval by Mr. Reilly, seconded by Ms. O’Neal.

DISCUSSION

Mr. Reilly spoke in favor of the application; the tower was necessary and an advantage to protecting the health, safety, and welfare of residents in the area.

Ms. Presler spoke in favor of the application and agreed with Mr. Reilly regarding health, safety, and welfare for the community; further, the services provided were required in the area, it meets the intent of Title 18, and the visual impact was low.

ROLL CALL

Eight (7) in Favor: Mr. Peterson, Ms. O’Neal, Mr. Billingsley, Mr. Reilly, Mr. Perreault, Ms. Presler, Mr. Whitaker, and Ms. Thayer.

Zero (0) Opposed:

MOTION CARRIED

CU2017-002 A request by John Larrison for conditional use approval of a kennel, minor in the Rural Estate 4 (RE-4) zone on Lot 84, Goldstream Subdivision. (Located at 1261 Ballina Road on the south side of Ballina Road, southeast of Goldstream Road). (Staff Contact: Stacy Wasinger)

Mr. Guinn spoke to Interested Person status, which was required to testify for quasi-judicial cases such as this, and relayed that several individuals who resided outside the notification radius applied for pre-hearing determination and he denied those requests. He indicated that he was inclined to make the same determination for all others.

Ms. Doxey clarified that Mr. Guinn would have to consider each request on a case by case basis.

OATH GIVEN
Ms. Wasinger presented the staff report; the staff analysis determined that with the proposed conditions a non-commercial, minor dog kennel which would limit: activity and feeding hours, require vegetation to be retained within the east side yard setback, and maintain all setbacks help mitigate the potential noise impacts, meet the intent and purpose of Title 18 and other ordinances and state statutes, and will protect public health, safety and welfare. The Department of Community Planning recommended approval of the conditional use request for a kennel, minor in the RE-4 zone with ten (10) conditions and three (3) findings of fact in support of approval, noting that condition #8 had changed after the packet was printed and #’s 9 and 10 were new:

CONDITIONS

1. The applicant or holder of this conditional use permit shall comply with all applicable local, state, and federal laws.

2. All training, exercise, feeding, and other kennel activities shall be limited to between the hours of 8am to 10pm.

3. All animals shall be contained on the site through tethers as proposed, fencing, or other equivalent containment methods.

4. All dog shelters and other structures shall meet zoning district setback requirements.

5. Commercial kennel activities shall not be permitted.

6. All existing vegetation within the 25 foot setback on the west side of the property, except that necessary to be removed for maintenance or construction of the dog shelters, shall be maintained on the property.

7. A revised site plan with all dog shelters located out of the setbacks and vegetative buffers shall be submitted to the FNSB Community Planning Department.

8. If any modifications are made to the proposed location, site plan, or other FNSB required documents, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If substantial modifications are made to these documents or to the operation of the kennel, an amendment to the conditional use permit may be required pursuant to FNSBC 18.104.050(D).

9. No dogs will be kept on the site until the residence is constructed and occupied.

10. Dog fecal material will be collected daily and disposed of weekly.

FINDINGS OF FACT

1. The proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes because it will conform to Title 18 requirements as a conditional use in the RE-4 zone.
a. The purpose of Title 18 will be met because the Fairbanks North Star Borough Comprehensive Plan Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to “attract and support development that is compatible with and enhances existing land use”. With appropriate conditions, as proposed, the proposed conditional use is compatible with the existing land uses. The proposed conditional use is also consistent with the Outskirt Area designation.

b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.

c. The Applicant has provided information sufficient to show they intend to meet all local, state, and federal laws.

2. There are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

   a. The proposed conditional use will be served by hauled water, an outhouse for the dry cabin, and animal and other solid waste will be removed from the site to appropriate disposal transfer sites.

   b. The site is within Chena Goldstream Fire Service Area.

   c. The site will be connected to the GVEA grid which will provide sufficient energy supply for the kennel and cabin.

   d. The site is served by Ballina Road and Goldstream Road.

   e. The non-commercial kennel is not expected to generate significant additional trips and does not impede vehicular and pedestrian traffic on the surrounding roads.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the RE-4 zone (FNSBC 18.36) as well as other federal, state and local requirements for a kennel, minor.

   a. The existing vegetation and proposed fencing will create a buffer and minimize the visual impact of the proposed conditional use.

   b. Noise impacts are expected with the operation of the kennel. Hours of activity will be limited to 8am through 10pm to minimize noise impacts on the surrounding residential neighborhood.

   c. Odor impacts involving the kennel use will be minimized with the removal of animal waste daily.

   d. Animals will be tethered on site to prevent health, safety, and welfare concerns caused by uncontained animals.

   e. Outdoor lighting will not be directed toward or impact neighboring properties.

   f. The applicant will comply with all other local, state, and federal laws, including any wetland determination by the Army Corp of Engineers.

Mr. Perreault queried where the previously permitted kennel was located and inquired if it was also a minor kennel.

Ms. Wasinger replied that the previous kennel was no longer in operation; however, it was a minor kennel while operating.
Ms. Thayer queried the setback requirements.

Ms. Wasinger replied setback requirements in the RE-4 zone were 35 feet from the front property line and 25 feet from all other property lines.

Ms. Thayer remarked that included the easement.

Ms. Wasinger concurred.

Mr. Guinn queried how many kennels were located in the neighborhood.

Ms. Wasinger replied there were no other conditional use permits for kennels in the neighborhood.

Mr. Guinn queried if there was a record of covenants.

Ms. Wasinger replied that the residents spoke of covenants, however, she could not find any recorded against the property.

Mr. Reilly noted that the dog houses were located within the setback on the site plan; he inquired what the doghouses would be constructed of; would they be temporary.

Ms. Wasinger responded the dog houses would be moveable, and they are required to meet the setbacks. This was the impetus for the additional conditions.

Mr. Whitaker inquired if staff currently performed site inspections to ensure that setback requirements are met, and further, if code enforcement was complaint driven.

Ms. Singer replied that was correct for zoning code violations. With conditional use there is a little more purview, however, by practice FNSB is complaint driven.

Ms. Nelson clarified that under FNSB Conditional Use Code staff was allowed to verify that conditions were being met, it was not required to be complaint driven.

Ms. O’Neall questioned the shortened Hours of Operation; noting the applicant had requested to be in operation until 11 p.m.

Ms. Singer replied that was an acknowledgement that there were residential uses nearby and 10 p.m. was a generally accepted time for neighborhoods to expect quiet hours; feeding a minor kennel would generate a high degree of noise.

Mr. Guinn spoke regarding the noise generated by barking dogs, citing the decibel table in the staff report.

Ms. Singer clarified that according to her research the typical noise a barking dog makes would be between 65 to 75 db from 3 feet away.

Mr. Guinn reiterated that that level dropped significantly from a distance of 300 feet.

Ms. Singer agreed and clarified that vegetative buffers do not deflect as much as a solid object would, like noise abating fencing.
Mr. Guinn inquired how far away the neighboring house to the east was located.

Ms. Singer explained that according to FNSB GIS it is approximately 300 feet.

Mr. Larrison, applicant and owner, concurred with the accuracy of the staff report and remarked that he did not foresee any difficulty with meeting the conditions proposed. He explained that he purchased the property in May; it was a beautiful area and would be a great spot to have some dogs. He described his dogs as well-mannered and well trained to reduce the noise generally associated with a kennel. He estimated that 90 to 95% of the time his dogs were quiet. His process for feeding was efficient to minimize the time that feeding associated noise was active. He clarified that his kennel consisted of working dogs and he kept them active throughout the winter months, which tired them. He posited that management was crucial for a kennel and expressed that he understood the neighbors’ concerns regarding potential noise. He explained his plans for noise and sight barriers between the dogs and the neighborhood. There will be some barking as dogs will smell the presence of people, other dogs on the road, wildlife in the area. Other than these incidences the dogs are quiet. Monitoring the health of animals was imperative; fecal matter reveals information about the health of an animal and would be picked up on a regular basis.

Ms. Presler queried when meal times would be, as they were noisier times.

Mr. Larrison noted the dogs caloric needs were higher in the winter in order to keep their fat and body temperature at the level it needs to be; during summer, he would feed the dogs once a day, during winter he would feed them twice a day – morning and evening after the run.

Ms. Presler inquired what time the evening feeding would occur.

Mr. Larrison explained that feeding prior to running could cause severe medical problems; in accordance with the conditions he would have the dogs returned to the kennel and the food dished out to the prior to 10 p.m.

Ms. Presler queried how Mr. Larrison would access the trails.

Mr. Larrison replied access was down the street.

Mr. Whitaker inquired where the dogs were kept currently.

Mr. Larrison replied they were on a rental property.

Mr. Whitaker queried if he had received complaints from neighbors.

Mr. Larrison responded that he had never had a single complaint.

Mr. Guinn queried where the rental property was located.

Mr. Larrison replied it was located in the Goldstream Valley.

Mr. Billingsley queried regarding the development of neighboring properties, and the plan for construction of the fence.
Mr. Larrison described neighboring properties. The current plan for fence construction would have to be modified to meet setback requirements. He explained that he fully intended to use a vegetative buffer to hide Ballina Road from view of the dogs. Additionally, fences would be added for barrier.

Mr. Billingsley inquired if he had any ideas for sound dampening.

Mr. Larrison described a sound deadening blanket that was used in conjunction with the fence that helped. He suggested that rotating the location of dogs, with respect to each other, if noise increased; he was open to additional ideas.

Mr. Reilly inquired where Mr. Larrison got his current dogs.

Mr. Larrison explained that he bred his own dogs.

Mr. Reilly queried if he would continue to breed them.

Mr. Larrison replied that he applied for a minor kennel because he has no intention of breeding dogs; this kennel was for his current mushing team.

Ms. Thayer requested specifications of dog shelter dimensions.

Mr. Larrison described the construction of shelters with 6 to 8 foot chains to allow for exercise.

Ms. Thayer noted, based on the site plan, the dogs were all consolidated in the upper corner closest to the road.

Mr. Larrison responded that keeping the dogs closer helped to keep the noise level down.

Ms. Thayer inquired why the location was not centered in the 4.9 acre lot.

Mr. Larrison explained there were some natural barriers to developing this lot; a culvert from the neighbor’s property diverting water to a pond on his property, there was an undeveloped existing driveway. The dogs in the proposed location are the farthest away from the closest neighbors, will be able to utilize the driveway, and will be able to house the dogs on higher and drier land.

Mr. Peterson queried if Mr. Larrison had considered using Ballina Road, crossing Goldstream, going up trails to access the pipeline.

Mr. Larrison replied yes, he had considered that. His current plan was to keep his teams on trails that were familiar. He preferred to keep his dogs away from traffic.

Mr. Peterson inquired if the lot would be lighted.

Mr. Larrison replied no.

Mr. Peterson requested the contingency plan for an unplanned litter of puppies.

Mr. Larrison replied that he would comply with the conditions for a minor kennel; he would relocate the additional dogs with other mushers.
Ms. O’Neall inquired if Mr. Larrison mushed all of the dogs at the same time.

Mr. Larrison explained that he broke the dogs into two distinct teams, and generally ran 10 to 12 dogs, alternating teams.

Ms. O’Neall enquired if there was any anxiety when the dogs were separated.

Mr. Larrison replied yes, there was of sorts.

Ms. O’Neall queried if the separation anxiety created noise.

Mr. Larrison responded, perhaps in the case of a death of a running mate.

Ms. O’Neall asked when Mr. Larrison purchased the property and when he planned to develop it.

Mr. Larrison replied that he purchased the property last May and planned to develop it in the spring.

Mr. Reilly enquired if the property would be completely fenced in when developed.

Mr. Larrison explained that he currently planned to install barrier fences in front of each row of dogs, to obscure their view.

Mr. Reilly enquired if there was a contingency plan if any of the dogs escape.

Mr. Larrison remarked that loose dogs did happen on occasion; his experience with his own dogs was they stayed within the general vicinity and come when called.

Mr. Peterson queried if he closed on the property with a title company.

Mr. Larrison replied yes.

Mr. Peterson enquired if he was informed of any restrictions or neighborhood covenants.

Mr. Guinn inquired if the property was purchased through a realtor.

Mr. Larrison replied yes.

Interested Person Determination Opened

Lily Misel, applying for Interested Person Standing, identified her property outside the FNSB Notification radius and posited that the approval would reduce her property value.

Mr. Peterson inquired if Ms. Misel had a professional opinion that the property value would drop based on a minor kennel in the neighborhood.

Ms. Misel replied that she did not but had personal experience from living near a dog yard which severely impacted the ability to sell houses in that neighborhood because of the noise. There was a trail that starts at the bottom of Waterford and Goldstream and parallels Waterford...
and merges with the pack trail that goes to the pipeline. She explained that she and her family use the trail that parallels Waterford and would be impacted by a dog team.

**Mr. Perreault** noted that trail was a public use trail.

**Ms. Misel** concurred.

**Mr. Perreault** reiterated that Mr. Larrison had already testified that there were trails he preferred.

**Mr. Guinn** requested that Ms. Doxey restate the standards required to testify as an Interested Person.

**Ms. Doxey** stated, for individuals wishing to testify that did not receive a Dear Property Owner letter, three elements needed to be addressed; establish a specific property interest, establish the significant effect that is caused by the proposed action, and the effect has to be different than from the effect felt by the general public.

**Mr. Reilly** enquired how he would be impacted differently by using the trail.

**Ms. Misel** explained that she was concerned and impacted by the noise from the dog yard.

**Chair Guinn Ruled Not an Interested Person**

**William Munera**, applying for Interested Person Standing, identified his property outside the FNSB Notification radius and stated that if Mr. Larrison were to access the trail they would have to pass his property. He stated that he lived there since 2001, owns two horses, and has nothing but problems with his neighbor’s dogs. His specific interest was noise, and loose dogs.

**Chair Guinn Ruled Not an Interested Person**

**Kemal Bouraoui**, applying for Interested Person Standing, identified his property outside the FNSB Notification radius and stated that he had owned the property since 1997. His significant effect was the noise and a decline in property value due to the proposed action.

**Chair Guinn Ruled Not an Interested Person**

**Ms. Thayer** clarified that the impact is the same as that on residents who did receive a Dear Property Owner Letter and were going to testify. That is why the 2,000 foot limit is being enforced for testimony; no one is denying that residents outside that radius would also be impacted; however, the impact will not be significantly different.

**Eric Pyne**, applying for Interested Person Standing, identified his property outside the FNSB Notification radius and stated that he lived there since 1981. He posited that the GIS radius may not be accurate and he could likely be within the radius as his property was located very near
the FNSB 2,000 foot line. He explained that his background was wildland fire since 1978. The impact on his property was significantly different from that of the general public due to the poor response time from Division of Forestry if a fire was started by the applicant's straw in the summertime.

**Chair Guinn Ruled Mr. Pyne was an Interested Person**

**John Holmgren**, applying for Interested Person Standing, identified his property outside the FNSB Notification radius and stated that Ms. Wasinger had stated that he could testify. He relayed that he was a Road Service Commissioner in this area, had lived there for 35 years, and knew the history of the previous two dog teams in the area; he stated that he was significantly impacted because it would change the nature of the subdivision in which he lived.

**Ms. Doxey** advised that the potential for Interested Person Standing be examined separately as a resident verses as a Road Commissioner.

**Mr. Reilly** spoke to the fact that Ms. Wasinger reportedly told Mr. Holmgren he could testify.

**Ms. Doxey** noted that even if Ms. Wasinger had stated that this person could testify, and that statement was in question, the Planning Commission needed to make that determination.

**Mr. Holmgren** commented that as a Road Commissioner he was responsible for the conditions and use of the roads.

**Mr. Guinn** inquired if he enforced any laws.

**Mr. Holmgren** replied no.

**Ms. Doxey** added that Road Service Commissions were responsible for maintenance of the roads; a proposed use that impacted the Road Service Area then standing may be granted.

**Mr. Holmgren** commented that he was the head Commissioner for this area.

**Chair Guinn Ruled Mr. Holmgren was an Interested Person**

**Samuel Deal**, applying for Interested Person Standing, identified the property where he rented a residence within the 2000 foot radius and stated that the owners lived in the lower 48.

**Chair Guinn Ruled Mr. Deal was an Interested Person**

**Scott Lewis**, stated that he did receive a DPO letter.

**Mr. Guinn** informed that he would be called back for Interested Person Testimony.

**Interested Person Determination Closed**
Interested Person Testimony Opened

Sarah Belway, Interested Person, disagreed with the staff recommendation; she posited that the proposed use was not compatible with the surrounding property and does not meet the intent of Title 18, which was to protect private property rights and promote the public health, safety, and general welfare. She gave the following reasoning in support; First, Water Quality, as a registered Civil Engineer and Environmental Engineer in the State of Alaska and after reviewing both the US Fish and Wildlife service’s wetland designation and FNSB ARCGIS maps she stated that the entire property except the area immediately adjacent to Ballina Road was covered by wetlands. The proposed location of the dog yards on the west side may be in wetlands, the location may be moved. The fluid run off to include: urine, feces, food, and straw waste, which are high in nutrient content, will directly impact waters of the United States and would cause degradation to the water quality under the site and directly down gradient to the site and does not protect public health. Second, Noise, a dog kennel located in the neighborhood would create a noise nuisance due to 19 dogs barking. She expressed concern regarding the ability to enjoy the following activities: quiet on their own property, walking their own dog at various times of the day or night, and a 10 pm feeding schedule since her work hours began early. Upon personal inspection, the vegetation near Ballina was sparse on the north east area near her own property, there was direct line of sight; existing vegetation would not create much noise barrier. She expressed concern regarding the proposed fences, positing that they would not reduce the noise. She reported the ability to hear a neighbor’s dog barking from ¼ mile away and expressed concern regarding how 19 dogs would sound from 700 feet away. Third, Property Values; the existence of a kennel would discourage people from buying in the neighborhood and attract other dog mushers. There were additional items of concern that could not be addressed fully during the time allowed such as odor, security, and enforcement by FNSB.

Ms. O’Neall inquired if they were aware that they were purchasing property in a zone that allowed for this type of use.

Ms. Belway replied that when they purchased the property it was zoned RE-4 and allowed up to 5 dogs.

Mr. Billingsley requested clarification if Ms. Belway was conveying that the zoning changed to allow a kennel by Conditional Use.

Ms. Belway replied no, she posited that the passage of this request for a Conditional Use kennel would encourage others.

Mr. Billingsley inquired if she was aware that within the RE-4 zone there were allowed and conditional uses, like kennel, minor, that were allowed after this process.

Ms. Belway replied yes.

Mr. Larrison inquired if Ms. Belway could visualize, with her background in ecology, any way that any sort of livestock could coexist in this neighborhood.

Ms. Belway replied that she did not have a background in Ecology, she was a Civil and Environmental Engineer.
Mr. Larrison continued that she expressed concerns regarding animal waste.

Ms. Belway queried if he was asking in regards to water quality.

Mr. Larrison replied from a water quality standpoint, were Ms. Belway’s concerns regarding all forms of livestock and animals, or just specific to his kennel.

Ms. Belway replied that Mr. Larrison’s property was almost entirely covered by wetlands and was a poor choice of location.

Mr. Larrison replied that his dogs would be located on elevated ground. He inquired if Ms. Belway knew that part of the process required that his plan be approved by the Army Corps of Engineers prior to developing the site.

Ms. Belway replied she was familiar with the process.

Audio Difficulties with microphone system

Adam Fender, Interested Person, described the character of his neighborhood and stated that he specifically chose this location for purchase of property due to a lack of dog teams. In his experience that even under ideal circumstances a pack of dogs presents issues to their human neighbors. Ideal conditions do not lessen these issues: waste disposal, set feeding hours, and fences. However, they do not eliminate issues. If purchasing property today a kennel to the southwest would lessen the amount he would be willing to pay. He had several questions regarding the proposed operation; fencing, vegetative barrier, transportation of dogs off site for mushing; and waste disposal. The FNSE Comprehensive Plan Title 18, Land Use Goal 4, Strategy 10 was to attract and support development that is compatible with and enhances existing land use. To allow a kennel would take away from the neighborhood what the residents enjoy about the community, lowers property values, breeds discontent, and open the Borough to complaints.

Kathy Cannone, Interested Person, explained that she had lived in her home for over 25 years. She voiced concerns regarding the proposed kennel including; lowering property values, the health and welfare of the community, extreme stress, and mental anguish. Current RE-4 zoning has been in place since April 5, 1988, which allowed no more than 5 dogs per house without a conditional use permit; she posited that too many dogs on a property created a nuisance due to noise which in turn creates daily stress which affects mental health. Zoning in the area was changes to exclude dog kennels, which are incompatible with residents lifestyles and does not enhance the community in any way. Residents have invested substantial money in their homes. The presence of a kennel would lower the value of future home sales.

Mr. Whitaker inquired if Ms. Cannone was in residence when previous dog mushers were granted conditional use permits.

Ms. Cannone replied that the last musher was Gary Schultz, who had been Grandfathered. He has since moved.

Mr. Whitaker queried if that dog kennel was an issue for Ms. Cannone.

Ms. Cannone replied no.
Mr. Billingsley queried if there was an RE-4 situation in which Ms. Cannone thought that a kennel was appropriate; if so, what would that be like.

Ms. Cannone responded that it would not be a situation where a residential community was already highly developed and invested in.

Mr. Guinn queried how close to fully developed the neighborhood was.

Ms. Cannone responded that it was almost fully developed.

James Middleton, Interested Person, agreed with previous testimony; he reiterated that a home is most individuals’ biggest expense. His deck is within 200-300 feet of the proposed location of the dog yard and was curious about the decibel testing referenced in the staff report; it must be amplified by 19 dogs. He explained that his property value was his main concern. This area is backed by wetlands and Mr. Larrison cited wildlife as a trigger for barking. There is a 50 foot pond that moose visit daily. How would he keep the wildlife from triggering barking all day and night? If the permit were granted, who would be responsible for the loss of property value? According to research and a conversation with a local Realtor, the proximity of the proposed permit could negatively affect his property value between 8-18 %, which equates to a range of $20,000-50,000. If this passes would the Borough assess that loss?

Mr. Perreault queried regarding the wildlife in the area and Mr. Middleton’s view of the pond on Mr. Larrison’s property.

Mr. Middleton described the wildlife and explained that he had a view of the pond, there was a faint tree line along this area of Ballina Road and on Mr. Larrison’s lot it was mostly dead willows and black spruce. There would be no vegetative barrier for sound or sight.

Mr. Guinn queried if Mr. Middleton had any documentation of the reduction in property value he was concerned with.

Mr. Middleton responded that he did not have anything in writing but described the research he had done online.

Mr. Larrison queried if during his research of property value being affected by a dog kennel moving into the neighborhood had Mr. Middleton looked at the properties that had sold over the course of the last year and knew how many had sold and how long they were on the market in order to have a balanced understanding of the Real Estate market of Fairbanks.

Jon Holmgren, Interested Person and Road Commissioner, explained that he had been around the neighborhood a long time. The previous dog kennel owner, Gary Schultz, had approached the neighbors individually before attaining the conditional use permit and they agreed but the neighbors regretted the decision for the next 10 years because of the noise. Mr. Schultz eventually quit mushing. The second dog musher did not obtain a conditional use permit and when the code enforcement officer responded to a complaint, they told the owner that if he put up a structure with heat lamps they could get by under the less than 5 dogs rule because the rest would be housed indoors in a heated area. That is what the owner did and pretended to keep their dogs in the structure.

Mr. Perreault inquired if Mr. Holmgren was familiar with the history of the lot.
Mr. Holmgren described the previous owners efforts to develop the property for residential use only to discover it was almost entirely permafrost.

Mr. Larrison queried if he was aware of the site plan which showed he did not intend to clear more land; he planned to build a cabin.

Mr. Holmgren replied yes, and that any land cleared would also become a pond.

Mr. Larrison enquired how many dog yards he had seen built on a similar land to draw that conclusion.

Mr. Holmgren replied that he had no experience with dog lots on permafrost but he did have experience with the proposed property.

Mr. Larrison asked if he could imagine that his dogs were no louder than his neighbors one or two dogs.

Mr. Holmgren replied that individually may be correct; however, he currently had a neighbor with a barking dog and 19 barking dogs would be a problem.

Bob Cannone, Interested Person, reminded the Planning Commission that the Department of Community Planning was charged with the health, safety, and welfare of property owners, as well as the value of the largest investment that they would make through zoning, code enforcement, etc. The staff report notes that there would be noise impacts, which are health, safety, and welfare concerns; however it fails to suggest measures to minimize that impact. The report also fails to address any impact the kennel may have on property values. The report does not consider the noise impacts of all 19 dogs and focuses only on levels of noise that would be physically damaging; this fails to consider the impact of everyday noise on the residents’ health and stress levels. The staff proposed limitation of hours of operation was ridiculous; dogs do not obey “quiet hours”. He described a recent hunting trip that was near a dog kennel whose dogs barked from 6 p.m. to midnight. The report suggested that visual impacts could be mitigated; most of the impact on property values would come from the noise generated by having a dog kennel in the subdivision, not from visual impact. He described how a previous request for the temporary placement of a mobile home on the lot was denied based on visual impacts and posited that the permanent presence of a dog kennel would be greater.

Mr. Larrison inquired if his opinion would be different if there were no visual or noise impacts; if the kennel could not be seen or heard.

Mr. Cannone opined that he did not believe that to be possible.

Ray Werner, Interested Person, spoke in opposition to the request and agreed with previous testimony. He posited that the residents had all worked hard for their properties and Mr. Larrison received wrong information on the property prior to purchase. A dog kennel on that property would create a problem in the area, and it seemed like more of a hobby. He himself worked an alternative schedule so the hours of feeding would not work for him. Also, the entire back of Mr. Larrison’s property was open to forest with wildlife that moved through. He opinioned the neighborhood should not be changed for someone’s hobby.

Caroline Vaught, Interested Person, explained that she had been a resident in the Goldstream area since 1989 and had two children who attended the local public school by bus. She
expressed that Mr. Larrison would probably be a good neighbor but the kennel noise would affect the future of vacancies in her rentals in the area. One renter who worked night shift already contacted her regarding the request. She explained that she rode her horse on Ballina Road and voiced concern regarding the potential dangers of loose dogs while riding there and on her own property, where she has horses, goats, and dogs.

Mr. Perreault inquired if her livestock was loose on her property.

Ms. Vaught replied no, they were fenced but her dogs were loose when she was at home.

Mr. Perreault queried what she did with her waste hay.

Ms. Vaught replied that she did not use hay.

Ms. Presler inquired how many of each type of animal she owned.

Ms. Vaught replied that she had 2 horses and 7 or 8 goats.

Ms. O'Neall inquired if any of the neighbors had expressed concern regarding contamination of waste water due to the livestock she kept on her property.

Ms. Vaught replied she did not think that was an issue because she had no ponds on her property and any runoff went down to the culvert that connected to her other property.

Mr. Peterson inquired if that was the culvert that crossed Ballina Road.

Ms. Black replied no.

Naomi Broderson, Interested Person, spoke in opposition to the request and expressed similar concern regarding noise, safety, and the negative impact of property value.

Hilma Lewis, Interested Person, spoke in opposition to the request and agreed with previous testimony regarding concerns.

James Wilson, Interested Person, spoke in opposition to the request and agreed with previous concerns brought up by neighbors' testimony. He expressed sympathy for Mr. Larrison's situation.

Martin Miranda, Interested Person, spoke in opposition to the request and agreed with previous testimony regarding concerns. He expressed disagreement with Mr. Larrison’s plan to drive off wildlife to combat dog noise; wildlife was one of the main reasons he lived in this area. He explained that his grandchildren visited often and described a previous experience of a vicious dog attack that heightened his concern regarding the potential for loose dogs. Further, even a fully fenced dog lot would not address noise.

Mr. Larrison enquired if Mr. Miranda knew of any instance where the disruption of a moose’s migratory pattern caused them to leave the area entirely. He further asked what Mr. Miranda’s experience with how they moved from area to area.

Mr. Miranda they moved 15 feet at a time wandering around.
Scott Lewis, Interested Person, spoke in opposition to the request and explained that Goldstream was no longer a strictly rural area. He explained that his property was located uphill, and above the tree level, from the proposed lot and posited that the sound would travel. Also, he was allergic to dogs and the way the air system traveled in that area a kennel would affect him. He spoke favorably toward dog mushing.

Alicia Giamichael, Interested Person, spoke in opposition to the request and agreed with previous concerns regarding noise, the safety of children, and potential negative impacts on property values. She reiterated that the staff report did not include any information on the potential impact on neighboring property values and wondered if staff had performed research regarding that.

Eric Pyne, Interested Person, spoke in opposition to the request and explained that he lived in the area since 1981 and helped clear and create the existing road and confirmed that the area was full of permafrost; It took a significant amount of rock to build up the road. The proposed location was particularly bad and there was a reason that no one lived there. He posited that if the dogs were there and tore the tundra, there would have subsidence. He cited experience with the Army Corps of Engineers while operating his mining operation and stated they have a bad track record of dealing with issues on small lots, they preferred to focus on large developments. He cited his experience as a Wildland Firefighter since 1978 and described Mr. Larrison's property and the whole area as “high risk” for wildland fires, they were working on a fuel break on the back side of the subdivision. A Two Rivers wildland fire was attributed to a waste pile from animals. State funding for wildland fire positions and equipment was being reduced; therefore, meaningful response time was diminished. This was a subdivision surrounded by black spruce so anything that increases the chance of fire would lead to people losing their homes.

Mr. Perreault noted that the fire risk from a waste pile could be reduced and queried what steps could be taken to reduce the chances.

Mr. Pyne replied, removing offsite daily in the summer months.

Ms. O’Neall spoke to Mr. Pyne’s experience with the ground and permafrost in the area and queried how the property next door to Mr. Larrison’s was able to be developed while his was not.

Mr. Pyne responded that the structure located on it was similar to what Mr. Larrison proposed to build but there was not as much clearing on the neighboring property as there was on the property that he purchased; Mr. Larrison’s property already had the tundra mat stripped off of it. He explained that a distance of 50 to 100 feet could make a difference with the ground features like ice wedges. Mr. Larrison’s feature was in the middle of the property, probably exacerbated by the culvert they had installed; more water would lead to more melting and runoff issues.

Ms. O’Neall requested clarification; Mr. Pyne did think that a cabin could be built on this location.

Mr. Pyne responded that he thought a cabin could be constructed; the problem he foresaw was the dogs; dogs and wetlands were not a good combo. To get around that you would have to fill the wetland area; which requires dealing with the Army Corps of Engineers.

Ms. O’Neall noted that there was a process to go through.
Mr. Pyne replied yes, however, the Army Corps of Engineers was understaffed and the review was not as good as it should be; when approved the whole neighborhood would suffer.

Mr. Reilly inquired if a different type of bedding or foundation would eliminate issues.

Mr. Pyne replied yes, straw was the issue for fires; rock would be an issue for filling wetlands.

Mr. Larrison asked if Mr. Pyne could see a situation in which all of the straw, which was only used in winter months, would be removed from the property and would eliminate the fire danger.

Mr. Pyne replied that he could see a “best effort” scenario; however, in his experience these never worked out. Good intentions…

Isaac Helford, Interested Person, spoke in opposition to the request and agreed with previous testimony. He requested that the application be denied.

Samuel Deal, Interested Person, spoke in opposition to the request and explained that he was a directly adjacent neighbor. He had similar concerns to those already listed; he spoke to concerns regarding air issues and compatibility with his own as a non-traditional work and sleep schedule.

Ms. O’Neall queried if he had any permafrost or water issues on his property.

Mr. Deal explained that the cabin was located on a high point; behind the cabin was a wetland area.

Ms. O’Neall asked if his cabin had running water.

Mr. Deal replied that it had an inside water storage and an above ground septic to the rear of the structure.

Interested Person Testimony Closed

Rebuttal

Mr. Larrison described Alaska’s long history with sled dogs as a sport and for work tasks. He opined that it would be a shame if Alaska grew to the exclusion of sled dogs. He explained that his dogs respond well to his commands; they were quiet approximately 95% of the time. He explained that they would stay well within the limits of city noise ordinances. The area was zoned for a minor kennel. There was still a tundra mat located on the property; it was only missing where the property was previously cleared for development and the pond was now located. He explained that he could have a kennel here without impacting the environment and would work with the Army Corps of Engineers. He agreed that the concept of 19 dogs would be alarming to most people; however, he sought to be a responsible neighbor and there could be multiple use in this area. He opined that they all have rights and that each person’s right would not necessarily benefit anyone else. However, to take away his rights because of speculative concerns would be wrong.

Ms. Thayer inquired if Mr. Larrison looked at other properties prior to purchasing.
Mr. Larrison responded that he had looked for several years; he purchased this lot, in part, because it was advertised by the Realtor as a dog mushing property.

Mr. Perreault asked where the access points for the trail system that he would use were located.

Mr. Larrison explained that El Dorado Creek was in the opposite direction.

**MOTION:** To approve CU2017-002 for kennel, minor with Ten (10) conditions and adopting the staff report and Three (3) findings of fact in support of the approval by Ms. O’Neill, seconded by Mr. Guinn.

Mr. Billingsley noted that this was a tough case. A high number of neighbors have testified to concerns regarding the noise. He remarked that Mr. Larrison had conducted himself with integrity under attack and was well spoken. There were other livestock kept in the area. Alaska did have a long history with and identity of a dog mushing community; Goldstream Valley was directly linked to that history. It comes down to health, safety, and welfare, and good points were made on both sides of the case.

Mr. Reilly spoke in opposition to the request; however, he spoke in favor of diversity and noted that a kennel, minor was a conditional use in this zone. He expressed that he was not concerned with hypotheticals like impact on property values; no proof was entered into the record. He posited that dissention and hard feelings would go away over time and quiet hours could be altered. He agreed with Mr. Billingsley’s observation that Mr. Larrison had conducted himself with integrity while being under attack all evening. He cited specific quantifiable concerns regarding waste water contamination, waste removal, fencing, health, safety, and welfare of the community as the reasons he would vote to deny.

Ms. Presler noted that there was a great deal of testimony regarding permafrost. She noted that visible water ponding on a property did not constitute wetlands; the components of a wetland delineation were specific water, vegetation type, and soil. It is in the proposed Conditions that Mr. Larrison complies with the Army Corps of Engineers. Regarding the concern that dogs would contaminate the water in the area she noted that there were other animals in the area and no one should be drinking the surface water. She stated that her biggest concern was that the Planning Commission was there to protect the property rights of all owners.

Mr. Whitaker spoke in opposition to the request. He posited the request was not in compatible with the neighborhood and cited the Comprehensive Plan Goal 4 Strategy 10, the application did enhance the good of the neighborhood. He spoke to experience living next to a dog team and agreed that you could not keep dogs from barking during the quiet hours. He expressed sympathy for Mr. Larrison.

Ms. Thayer agreed with Mr. Billingsley’s previous statement that health, safety, and the welfare and the protection of the quality of life were paramount and this would be a tough decision.

Ms. O’Neill spoke in favor of the request and observed that this was a tough decision, and when weighing opposing property rights was it different if it was collective verses a single person. She listed other sources of outside noise that could impact various owners on their property. Living in Alaska means different things to each person and having consideration for
different lifestyles. These differences at times impact neighbors. There was other livestock in this neighborhood. The question was where you draw the line. The zoning does allow for the conditional use of a minor kennel in this zone, which allows all residents to have a voice. She commented that the community should ask themselves if they were really a great community, and if they welcomed diversity. She addressed Mr. Larrison directly and remarked that if the permit were not granted perhaps he should consider if he wished to live in a community that treated their neighbors in this way.

**Ms. Doxey** clarified that in RE zones domestic livestock was an allowed use while a kennel is a conditional use.

**Mr. Billingsley** added that if the request were approved the residents could check their covenants.

**Mr. Perreault** spoke in opposition to the request and noted there were competing land use ideas in this case. In Alaska, private property rights were strongly held and did come into conflict. He opined that the staff proposed noise mitigation was not sufficient to mitigate the noise issue. There was a great deal of experience, both the residents and the Commissioners, with kennels and the noise they generate. A kennel may be shielded from sight, but the noise would still remain. He expressed regret with the need to vote to deny.

**Mr. Guinn** spoke in opposition to the request due to the fact that loud noises were a health and welfare issue. He posited that a kennel did not fit the character of the neighborhood.

**ROLL CALL**

One (1) in Favor: Ms. O’Neall

Eight (8) Opposed: Mr. Billingsley, Ms. Thayer, Mr. Reilly, Mr. Perreault, Ms. Presler, Mr. Whitaker, and Mr. Peterson, and Mr. Guinn.

**MOTION CARRIED**

**MOTION:** To deny CU2017-002 with findings of fact to be determined, by Mr. Billingsley, seconded by Mr. Whitaker.

**ROLL CALL**

Nine (9) in Favor: Mr. Perreault, Ms. Presler, Mr. Whitaker, Mr. Peterson, Ms. O’Neall, Mr. Billingsley, Ms. Thayer, Mr. Reilly, and Mr. Guinn,

Zero (0) Opposed:

**MOTION CARRIED**
MOTION: To adopt Three (3) findings of fact:
1.) The use is not consistent with the intent and purpose of Title 18 because the use does not match the character of the existing neighborhood
2.) The use will negatively impact the welfare of the area because the impact of the noise and odors caused by the dog kennel
3.) The use will negatively impact the health, safety and welfare of the neighborhood because of the impacts from noise and smell by Ms. Thayer, seconded by Mr. Billingsley.

MOTION: To amend the motion by striking finding of fact #2, by Ms. Thayer, seconded by Mr. Billingsley.

ROLL CALL ON THE AMENDMENT

Nine (9) in Favor: Ms. Presler, Mr. Whitaker, Mr. Peterson, Ms. O’Neall, Mr. Billingsley, Ms. Thayer, Mr. Reilly, Mr. Perreault, and Mr. Guinn.

Zero (0) Opposed:

MOTION CARRIED

ROLL CALL ON THE MAIN MOTION AS AMENDED

Nine (9) in Favor: Mr. Whitaker, Mr. Peterson, Ms. O’Neall, Mr. Billingsley, Ms. Thayer, Mr. Reilly, Mr. Perreault, Ms. Presler, and Mr. Guinn.

Zero (0) Opposed:

MOTION CARRIED

G. PUBLIC HEARING

NONE

H. APPEALS

NONE

I. UNFINISHED BUSINESS

1. Potential Planning Commission sponsorship of an amendment to Title 18 definitions of “School Buildings”. 
Mr. Guinn commented that, after reading the information, he thought staff did not need to define school buildings further.

Ms. Nelson replied that there was no urgency. There had been a few issues with how the definition of school buildings impacted previous cases. She requested additional information from the Commission regarding what they wanted to change.

Mr. Guinn explained that regarding marijuana facilities applications, the definition of school buildings had been an issue; there was a previous hearing with Mr. Spillman during which Assembly member Roberts testified that an error had been made; some buildings were calling schools by some people and not by others. There was no clear answer at that time, so the definition of school buildings was requested for clarification.

Ms. Nelson replied that staff had been consistent in how school buildings were defined. Other people, including Mr. Roberts, had a different interpretation. Part of the issue was that the State did not have a definition for school buildings with relation to marijuana.

Ms. Doxey added that the Legal Department had specific concern regarding defined terms being modified, "K-12 including vocational programs". Trying to apply the definition of school buildings, trade, technical, and vocational schools were not included; they have a specific definition as well. There was no definition for vocational program.

Ms. Nelson clarified this would be an amendment to the marijuana standards, not to the definition of school buildings. There is a marijuana cleanup ordinance on the Community Planning to do list, which could include this clarification.

Mr. Guinn recommended getting the easy fixes out of the way, first.

J. NEW BUSINESS

NONE

K. EXCUSE ABSENT MEMBERS

NONE

L. COMMISSIONER'S COMMENTS

1. FMATS

   Ms. Thayer relayed information regarding ongoing projects at FMATS.

2. Other

   Mr. Perreault gave a brief update of KUAC.

M. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:25 p.m.
A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 809 Pioneer Road, Fairbanks, Alaska. The meeting was called to order at 6:00 p.m. by Chris Guinn, Chairman.

MEMBERS PRESENT:  
Chris Guinn  Mark Billingsley  
Sean Reilly  Mindy O’Neal  
Pat Thayer  Robert Peterson  
John Perreault  Wendy Presler

MEMBERS ABSENT:  
Charles Whitaker

OTHERS PRESENT:  
Christine Nelson, Director of Community Planning  
Manish Singh, Planner III  
Stacy Wasinger, Planner III  
Wendy Doxey, Asst. Borough Attorney  
Mary Bork, Administrative Assistant

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments

2. Commissioner’s Comments

Mr. Perreault requested that the Planning Commission meeting not be scheduled the same day as the National Election in the future.

3. Communications to the Planning Commission

Ms. Nelson gave updates regarding the following:  
• Planning Commission Conference  
• Upcoming Commission Elections  
• December Meeting – potential cancellation  
• 2017 Planning Commission Calendar dates  
• Term expiration  
• Upcoming changes to agenda formatting

Mr. Guinn inquired about the upcoming security training.

Ms. Nelson explained that there was a special session for Planning Commission and Platting Board and advised all to attend.
4. Citizen’s Comments – limited to three (3) minutes
   a. Agenda items not scheduled for public hearing
      NONE
   b. Items other than those appearing on the agenda
      NONE

5. Disclosure & Statement of Conflict of Interest

Ms. Thayer relayed that she would be conflicted out for V2017-001, V2017-002, & V2017-003 which were postponed to November 8, 2016 Meeting.

Mr. Guinn added that he would also likely be conflicted for the same cases as he was involved in that project.

C. * APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by asterisk (*) on agenda. Consent Agenda items are not considered separately unless any Planning Commission member or citizen so requests. In the event of such request, the item is returned to the general agenda.

MOTION: To approve the Agenda by Ms. Thayer, seconded by Ms. Presler.

ROLL CALL

Eight (8) in Favor: Mr. Reilly, Mr. Perreault, Ms. Presler, Mr. Peterson, Ms. O’Neall, Mr. Billingsley, Ms. Thayer, and Mr. Guinn.

Zero (0) Opposed:

MOTION CARRIED

D. MINUTES

NONE

E. CONSENT AGENDA ITEMS

F. QUASI-JUDICIAL HEARING
CU2017-003 A request by Sherry Gilbert on behalf of CGH Holdings, LLC for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Lot 1, Midway Industrial Park Subdivision. (Located at 1725 Richardson Hwy, on the south side of Richardson Hwy, between El Paso St and Sinclair Ave) (Staff Contact: Manish Singh)

OATH GIVEN

Manish Singh gave the staff report stating that the request will meet the intent and purpose of Title 18 and of other ordinances and state statutes, will have adequate public services and will protect public health, safety and welfare and recommended approval of the conditional use request with five (5) conditions and three (3) Findings of Fact in support of approval:

CONDITIONS

1. The applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:
   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a commercial marijuana cultivation facility.
   b. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and shall comply with all recommendations and/or requirements resulting from the plan review.
   c. The applicant or holder of this conditional use permit shall obtain a formal plan review by the State of Alaska Department of Environmental Conservation and shall comply with all recommendations and/or requirements resulting from the plan review.
   d. The applicant or holder of this conditional use permit shall obtain the applicable floodplain permits and certificates of compliance for each structure to be utilized for the commercial marijuana establishment to comply with Title 15 Floodplain Management Regulations including, but not limited to:
      1) The top of bottom floor of the basement (enclosure) for the house/office shall be filled from the elevation of 463.6 feet to or above the Base Flood Elevation of 464.1 feet.
      2) A new Elevation Certificate for the house/office shall be submitted after the fill has been added.
      3) A Certificate of Compliance shall be obtained to demonstrate compliance with FNSB Title 15 Floodplain Management Regulations.

2. No outdoor storage of marijuana, marijuana products and hazardous substances shall be allowed pursuant to FNSBC 18.96.240 (A) (4). All marijuana or marijuana products shall be stored inside secure facilities.

3. Indoor cultivation, drying, and processing rooms or portions of the building shall be equipped with appropriately sized odor filtration systems to eliminate odor from the cultivation and processing operations.
4. If any of the remaining six (6) existing storage buildings, other than the two (2) existing storage buildings proposed to be used as marijuana cultivation buildings (shown as Building 3 and Building 4 in Figure 2 of the Staff Report) and the existing residence proposed to be used as marijuana employee area and office (shown as Building 9 in Figure 2 of the Staff Report), is used for any functions supporting a marijuana establishment, an amendment to the Conditional Use Permit or a separate appropriate land use permit shall be required.

5. If any modifications are made to the site plan, floor plan, or other FNSB required documents, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If substantial modifications are made to these documents or to the operation of the marijuana cultivation establishment, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050 (D).

FINDINGS OF FACT

1. The proposed conditional use will conform to the intent and purpose of Title 18, Title 15 and of other ordinances and state statutes:
   a. The purpose of Title 18 will be met because the Fairbanks North Star Borough Comprehensive Plan Land Use Goal 3 and Economic Development Goal 2 are being enhanced with the development of this site as a marijuana cultivation facility.
   b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.
   c. 3 AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial marijuana facility obtain a license pursuant to all state regulations. The Applicant has provided information sufficient to show they intend to meet the state regulations and to apply for a state issued license.
   d. The purpose of Title 15 will be met because with the conditions imposed, the conditional use will minimize flood losses and promote health, safety and welfare.

2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use:
   a. The site has an onsite commercial well and a septic system
   b. The site is served by North Star Fire Service Area for fire protection and rescue services and by Alaska State Troopers for law enforcement.
   c. The site is currently connected to the GVEA grid and will provide sufficient energy supply for indoor cultivation activities.
   d. Seven (7) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed cultivation conditional use.
   e. Richardson Highway is an interstate type roadway maintained by the Alaska Department of Transportation and Public facilities. Traffic generated by the cultivation conditional use is expected to be limited and Richardson Highway has sufficient capacity to accommodate the additional trips generated by this conditional use.
3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the GU-1 zone, Title 15 Floodplain Management Regulations and Standards for Commercial Marijuana Establishments (FNSBC 18.84, FNSB 15.04 and 18.96.240, respectively) as well as state requirements for a commercial marijuana cultivation facility.

   a. Security systems, alarms, locks, cameras and lighting will meet state regulations required to obtain a commercial marijuana cultivation license.
   b. Any solid or liquid waste including marijuana plant waste will be disposed of according to state regulations.
   c. Odor will be mitigated with appropriately sized odor filtration systems on cultivation, drying, and processing facilities.
   d. Businesses and industries surrounding the property already experience similar noise and lighting levels.

Mr. Perreault inquired about the actual distance between the adjacent homes and the proposed marijuana cultivation facility.

Mr. Singh replied, according to the scaling of the maps, they were more than 200 feet away.

Mr. Perreault noted that was the limit for that type of property. He inquired if there were requirements for residences.

Mr. Singh clarified there were regulations and buffer distances from residential zones, not residential uses. This property and surrounding properties are zoned General Use 1, which allows residential uses, but is not a residential zone. There are no buffer distance regulations according to Title 18 for this case.

Ms. Thayer spoke regarding improvements on the site and not meeting the floodplain requirements and proposed requirements for two of the outbuildings and the employee office. An elevation certificate was very expensive; why not require all buildings to meet floodplain requirements.

Mr. Singh clarified the application was for three buildings.

Ms. Thayer suggested that it be changed to a recommendation to have all buildings done at once so the property is not piecemealed.

Mr. Singh clarified that Ms. Durham found that only one of these three buildings did not meet floodplain requirements. All other buildings were compliant.

Mr. Billingsley inquired who enforced floodplain requirements.

Ms. Nelson informed that floodplain requirements were under administered under Title 15 and FEMA regulations. Enforcement is done through Community Planning as a cooperative process between the floodplain administrator and the code enforcement officer. Community Planning is required to self-initiate floodplain violation enforcement.
OATH GIVEN TO SHERRY GILBERT

Lawrence Benton, consultant for CGH Holdings, LLC, relayed that all State requirements would be met within the next few weeks.

Sherry Gilbert, applicant, declined to add information.

Mr. Billingsley inquired if Ms. Gilbert had the State permit already and if they would be leasing or would purchase the property.

Ms. Gilbert replied that they did not have the permit yet, it was in process, and they were in the process of purchasing.

Mr. Billingsley inquired what experience either had in the marijuana business.

Mr. Benton replied that he owned a cultivation business.

Mr. Billingsley inquired if they had spoken with the neighbors.

Ms. Gilbert replied only one neighbor.

Mr. Billingsley inquired if there were trees between the proposed site property and the neighboring properties.

Mr. Benton replied yes and they planned to keep them.

Mr. Guinn enquired what the lighting plan was.

Mr. Benton replied they were going to use motion activated lighting, which had an option for all day on lighting, which would be pointed downward, but would meet the State requirements of 20 feet.

Mr. Reilly queried the procedure for odor mitigation and any steps taken for safety and security.

Mr. Benton replied that for odor mitigation, a carbon air filtration system would be used with replaceable charcoal filters; it was basically an HVAC system that would run all of the air through the filters and exhaust outdoors. Regarding safety, the State regulations were stringent and would be met; they would take every precaution possible.

Mr. Reilly asked what the hours of operation were proposed to be.

Mr. Benton replied 12-8 p.m.

Mr. Peterson inquired if this was a storage facility.

Ms. Gilbert replied it was a former ministorage.

Mr. Peterson inquired if that business was completely closed down or if people would be accessing storage units where the proposed the cultivation would be located.
Ms. Gilbert replied there were several cold storage units that were currently rented to people who were deployed or out of state. When they are able to clear out their lockers they will be treated like any visitors to the facility, they will be escorted at all times, and would have an ID badge. None of the units are located in the building they will be using.

Ms. Presler queried traffic projections, and whether they anticipated opening a retail facility on site.

Mr. Benton answered that this was a cultivation operation and would not generate much traffic. There are plans for a future retail store.

Ms. Presler queried how transportation of product would occur; would they deliver to retail stores?

Mr. Benton replied that they planned to supply their own retail stores located at the front of the buildings. They would transport product to other retail stores in their secure vehicle, behind a locked cage.

Ms. O’Neall inquired if anyone would be living on-site.

Ms. Gilbert replied no.

Ms. O’Neall inquired information on the chain link fence located in front of the office; was that preventing access to the storage area?

Mr. Benton replied there was a chain link fence surrounding the storage area.

Ms. O’Neall asked if any product would be stored in the office area.

Mr. Benton replied that all storage would occur in the storage area, not the office.

Mr. Peterson noted that there was no city water or sewer at this location and requested clarification that no water containing fertilizer products would be spilled on the property.

Mr. Benton responded that they were still organizing a gray water system to recycle water; any water to be disposed of will be taken to a treatment facility.

Mr. Peterson inquired if they would be using the water on landscaping on the property.

Mr. Benton responded yes, it was a large property and was common practice.

Mr. Peterson asked what the procedures were for disposal of the trays.

Mr. Benton responded there were State requirements.

Mr. Billingsley noted that the waste water in the winter months would have to be sent away.

Mr. Benton replied probably.

Mr. Billingsley enquired how many employees they anticipated.
Mr. Benton replied two for phase I, they planned on additional phases to follow.

Mr. Billingsley remarked that most businesses attained their State permit before the Conditional Use permit; why the difference with this application?

Ms. Gilbert replied there have been delays.

Interested Person Testimony Opened

OATH GIVEN TO IRIS HOLLAND

Earl Holland, Interested Person, explained that they had lived in this location for 22 years and were the only residential structure along the frontage road. They had trouble with a previous business, Fantasyland, creating nuisance traffic to their house. Their house was approximately 250 feet away from the proposed cultivation facility; he expressed concern regarding increased traffic from the future retail store.

Mr. Billingsley inquired if they knew any of the residents located on the rear side.

Mr. Holland responded no.

Mr. Billingsley inquired if the vegetative buffer was significant between the storage area and the houses located on the back side.

Mr. Holland replied that there was quite a distance between the storage area and the houses with a few houses between; between his house and the facility there was a large berm with trees growing out of that.

Iris Holland, Interested Person, expressed concern that the proposed business may generate foot traffic to her home.

Jeralee Moschell, Interested Person, described the area as a nice quiet residential neighborhood with small children and expressed concern regarding the clientele this type of business will bring to the area. Additional traffic alone would pose a road issue.

Mr. Billingsley requested additional demographic information regarding the neighborhood.

Ms. Moschell described several of the families.

Ms. Reilly inquired if Ms. Moschell contacted Community Planning after receiving the DPO.

Ms. Moschell replied that she did not; she had the impression that she would not be able to speak at the hearing.

Ms. Reilly queried if she contacted the neighbors’ regarding the case and got a feel for neighborhood reaction to the idea.

Ms. Moschell replied that she did not.
Mr. Perreault assured that calling Community Planning was not required, coming here and testifying was great. He inquired if the other industrial traffic used the back roads or if the used other access points.

Ms. Moschell answered that most used the frontage road and the access to the west; it is pretty quiet there.

**Interested Person Testimony Closed**

**Rebuttal**

Mr. Benton, consultant, spoke regarding the improvements to the properties; there is a beautification plan that fits with natural landscape.

Ms. Gilbert added that the frontage road was the only access to their property. She expressed that they sought to be good neighbors and would have an open door policy; if neighbors had an issue they could directly approach them to work it out.

**MOTION:** To approve the Conditional Use Permit for a commercial marijuana cultivation facility, indoor large with five (5) conditions, adopting the staff report and three (3) Findings of Fact in support of the approval by Ms. Presler, seconded by Ms. Thayer.

**DISCUSSION**

Ms. Presler spoke in favor of the request. It meets the intent of Title 18 and will bring economic diversification. The testimony given voiced concern regarding traffic, foot and vehicular; this application was for a cultivation facility which would not bring either. Regarding utility availability, the location is great for fire and rescue. The ADEC review would address water concerns.

Ms. Thayer concurred with Ms. Presler’s statements. She opined that it was a tough decision, considering commercial and residential land usage differences; however this was a use in this area. Access is off of the Richardson Highway along the frontage road. If water became an issue, it could be mitigated.

Mr. Billingsley noted the applicant was qualified and noted that this hearing had a poor showing of residents. Twelve other business in the area testified to allow this use. He expressed a personal wish that a different area had been selected, one not bordering on a residential area on two sides.

Mr. Reilly spoke in favor of the request, but registered concern that there were still storage units rented to individuals. He recommended the removal of the storage items be removed as soon as possible due to the liability issues to the business.

Mr. Guinn spoke in favor of the request. He foresaw this area growing larger and more commercial within the next 10 to 20 years, which would make residential living nearby harder on those residents.
ROLL CALL

Seven (7) in Favor:  Mr. Perreault, Ms. Presler, Mr. Peterson, Ms. O’Neall, Ms. Thayer, Mr. Reilly, and Mr. Guinn.

One (1) Opposed:  Mr. Billingsley

MOTION CARRIED

G. PUBLIC HEARING

Ord 2016-59 An Ordinance Providing For Compensation In The Fairbanks North Star Borough Code Of Ordinances For The Board Of Equalization (4.28.020), The Planning Commission (4.80.010) And The Platting Board (4.84.030) (Sponsor: Assembly member Sattley)

Ms. Nelson presented the staff report; this ordinance would provide for the compensation of $50.00 per member per regularly scheduled meeting of the Planning Commission. Individual planning commissioners may waive this compensation if they wish. They could waive the compensation in writing prior to the meeting. The individual could waive it per meeting or for a block of time like an entire year.

Mr. Reilly queried about 1099’s and taxable income.

Ms. Doxy replied the commission members who want to opt in will fill out paperwork that any borough employee and clarification would be needed from HR.

Mr. Perreault queried if the ordinance has been heard by the Platting Board.

Ms. Nelson, replied yes, the Platting Board heard the ordinance last week and they recommended approval.

Ms. O’Neall inquired is there were any administrative overhead costs that are included with this that were not mentioned.

Ms. Nelson responded that there were not any costs associated with Community Planning. Payroll would issue checks and it would be a minuscule cost to be absorbed.

Public Testimony Opened

Diane Hutchison, spoke in support of the ordinance. Ms. Hutchison identified herself as a Certified Public Accountant. She advised that if you make $600.00 or more, then the entity has to send you a 1099 to report to the IRS. If you make under $600.00 you are supposed to report it. It was considered taxable income.

Public Testimony Closed
MOTION: Not to adopt Ord. 2016-059 An Ordinance Providing For Compensation In The Fairbanks North Star Borough Code of Ordinances for the Board of Equalization (4.28.020), The Planning Commission (4.80.010) And The Platting Board (4.84.030), by Mr. Peterson, seconded by Ms. Presler

Mr. Billingsley communicated it's not enough to convince me to become a planning commissioner, the $50.00 is more like a bonus, but he was unsure if he supported it.

Mr. Perreault expressed that the reason for the ordinance was to entice others to fill seats. He spoke against the recommendation because serving on a commission was a matter of public service.

Mr. Guinn supported the ordinance and explained that he has served on two boards before this one and one of them gave us $50.00 per meeting. It wasn’t anything that he counted on to feed his family, however it was nice to get it and nice to be recognized.

Ms. O’Neall replied that it was weird that the commission was having this conversation and having to vote on it for themselves. The opting out option was good to know especially in thinking of anyone in the future, who may want to have the option. The ordinance might help entice some engagement with the community. If we have the opportunity to opt out, I don’t see why it would prohibit people in the future from having their own choice.

Ms. Thayer agreed with Ms. O’Neall.

Ms. Nelson shared comments heard from the Platting Board and staff, that when the stipend was available it was used for childcare and gas for people that lived farther out. She believed it would enable members of the community to volunteer that might not be able to pay for childcare in order to come to a meeting.

ROLL CALL

Three (3) in Favor: Mr. Peterson, Mr. Billingsley, and Mr. Reilly.

Five (5) Opposed: Ms. Presler, Ms. O’Neall, Ms. Thayer, Mr. Guinn, Mr. Perreault

MOTION DEFEATED

MOTION: To recommend Ord 2016-59 An Ordinance Providing For Compensation In The Fairbanks North Star Borough Code of Ordinances for the Board of Equalization (4.28.020), The Planning Commission (4.80.010) And The Platting Board (4.84.030) by Ms. Thayer, seconded by Ms. O’Neall

ROLL CALL

Five (5) in Favor: Ms. O’Neall, Ms. Thayer, Mr. Perreault, Ms. Presler, and Mr. Guinn

Three (3) Opposed: Mr. Peterson, Mr. Billingsley, and Mr. Reilly

RECOMMENDED APPROVAL
Ord 2016-60 An Ordinance Amending FNSBC 18.112.030 is regarding Initiation of Complaints And amending FNSBC 1.16.030 Regarding Complaints and Complainant Personal Information (Sponsors: Assembly members Hutchison and Dodge).

Ms. Dodge presented that she and Ms. Hutchison often hear from citizens that see things that they want to have addressed. The citizen makes the effort to go to or call Community Planning to make a complaint only to discover that they cannot. Ms. Dodge and Ms. Hutchison agreed that people should be able to make a complaint at large about their community if they feel that strongly about it. The ordinance creates the ability to make an anonymous complaint, because citizens report that they are frightened of their neighbors. This would allow for people to talk to Community Planning, describe the situation, and have enforcement actions be considered; at the very least, the situation is evaluated.

Public Testimony Opened

Ms. Hutchinson spoke in support the ordinance.

Mr. Billingsley inquired where the ordinance was achieving the first and second goal; the first goal being not standing and second goal of being anonymous.

Ms. Doxey replied that line 39 removes the section in Title 18, which required complaints to be brought in writing and to establish standing. There will no longer be a requirement.

Mr. Billingsley inquired if records defined as not public records were, therefore, exempt.

Ms. Doxey replied there were exceptions carved out in state statute, which was what we currently rely on to determine whether something is or is not public record. We will continue to do that but our code has set some specific parameters including requiring the complaints to be in writing and includes that the citizen has an established standing, thus identifying who they are.

Mr. Billingsley inquired how does this interact with the public records law. At this time, if some of these records were exempt under public records law, then why does it need to be written into here?

Ms. Doxey replied because they are not necessarily exempt.

Ms. Nelson elaborated that the current practice requires that someone has to come in and file a written complaint, provide their address and establish a property interest which goes to whether or not they have standing. Many times Community Planning has to tell the complainants that their complaints cannot be addressed because they don't have standing. That was not the practice all through history; it's gone back and forth. The standing requirement went into place in 2005. This amendment would allow anyone, essentially, to make a written complaint if they chose, or a verbal complaint anonymously if they chose. The complainant gets to make the judgment call on if they feel safe enough to provide their personal information. If they do want to provide their personal information, then potentially it can be disclosed as public record. In the past, we have processed complaints regarding violations under criminal processes, which had an automatic exemption from the public records request laws. This is now under a civil procedure so that automatic exemption does not exist, but on a case by case basis the legal department would review (a request) as to whether or not it could be or should be released. Citizens can file an anonymous complaint and Community Planning will go out and look at the...
site to verify the violation. If we can’t verify the violation we won’t proceed if we don’t have contact information for the complainant, the process stops there. If we have contact information, then we can follow up. Essentially, the ordinance allows the public to file a complaint despite their property interest or where they live. It allows the Borough to investigate complaints that we currently can’t and it allows the borough to self-initiate code violation enforcement or accept referrals from other agencies.

Ms. O’Neill inquired if it affected DPO’s or testimony in cases that would come before the commission?

Ms. Nelson replied this only refers to code enforcement.

Mr. Reilly inquired what stops someone from using this to harass someone that they don’t like anonymously and what processes are in place to protect someone who is not doing anything wrong but someone thinks that they are in some violation.

Ms. Dodge requested clarification regarding Ms. Nelson’s statement that when Community Planning investigates the site and there is nothing wrong, they would not proceed.

Ms. Nelson confirmed that Community Planning will not create a case file until it verified that a violation existed.

Mr. Guinn commented that he envisions someone just complaining to make the case work go up.

Ms. Nelson responded that planning will have to establish priorities, like safety, etc. It could dramatically increase planning’s workload although we feel this is important enough to the community that we are supporting it.

Ms. Doxey added that borough enforcement was discretionary, just because a complaint comes in does not require us to then go out and verify or take an enforcement action.

Mr. Guinn communicated that he liked the idea of this. However, staffing could be an issue.

Ms. Nelson responded there is nothing in code that established a timeline requiring when Community Planning must go out and visit, although Community Planning has procedures regarding how to proceed. We will have to decide what the most important cases are and if we can’t get to cases, then we will have to explain to the FNSB Administration or the Assembly why we haven’t addressed them yet.

Mr. Peterson inquired about amending the ordinance to have a fee involving the people making a complaint who could be reimbursed if there was an actual violation.

Ms. Nelson responded that just the reimbursement process would cost more than any fee that we would charge. She would not support that.

Ms. Dodge commented that she would worry about that being a barrier, there might be someone who cannot afford a fee, but they have a neighbor that’s a nightmare.

Mr. Perreault inquired about the process, does planning just visit the site and takes a visual account or is there some sort of contact made to the property owner for a complaint like this?
Ms. Nelson answered that, in general, the first round is to go inspect the site from the public right-of-way, not going onto the property. Then, attempt to contact the property owner. It varies based on a case by case complaint, who the property owner may be, etc. Friendly contact was always the first step in contacting a property owner.

Mr. Perreault inquired who currently decides whether the complainant has standing or not.

Ms. Nelson responded staff, Community Planning Department administration, and Legal.

Mr. Perreault inquired what protects neighbors from complaints in code.

Ms. Nelson answered that we don’t have a written procedure yet. Currently the Code Enforcement officer keeps in contact with the complainant and property owner. We do explain what is and isn’t allowed in the zoning district to the complainant and/or property owner over the phone. If we don’t find a violation we will park the complaint until the complainant calls or comes back in.

Mr. Perreault asked for clarification, would the proposed ordinance allow complainants to contact and leave their contact information with you and not have that be part of the record.

Ms. Nelson clarified that it gives the complainant the option not to leave their contact information. They do have the option to leave it, however, and then it could be disclosed as a public record. We won’t say it always would, but we can’t say it never would.

Mr. Perreault communicated that he wanted to ensure that there are procedures in place to insulate a property owner working within the bounds of zoning to not be persecuted or bothered by constant complaints by neighbors who either don’t care or don’t realize something is an allowed use.

Ms. Nelson responded that planning will not proceed until it has verified a violation independently of the complaint. If the property owner is meeting code, then Community Planning will not proceed with code enforcement action. This allows for a neighbor to have a little more say in what their neighborhood looks like.

Mr. Perreault clarified that the ordinance allows more than just neighbors to complain since a complainant does not have to leave contact information and it allows people whose standing has not been determined to make complaints.

Ms. Nelson affirmed that this was correct.

Ms. Dodge noted that part of the process would be education - it would help the neighborhood and educate both parties.

Mr. Reilly asked if the ordinance allowed anyone to complain about anything at any time. He further inquired if planning was not able to verify or access a property, does the borough have access to take aerial photos of properties at this time?
Ms. Nelson responded no. She added that the ordinance gives more flexibility to all citizens of the borough to address code violations. As a community, there were ways to make zones more liberal or more restrictive, but as a community there is a process to establish what kind of activities happen in each zone.

Mr. Billingsley referenced lines 61-68; if the complaint was verified, what was the standard to disclose the complaining person’s name.

Ms. Doxey answered that, typically, a person’s information was probably disclosable under the public records act unless they have a privacy interest. We often redact cell phone numbers but usually disclose someone’s name and address. If something is submitted to the borough it is searchable as a public record.

Ms. Dodge added that if someone submits a public records request, we examine the public records that they have requested to see if there is anything that is not disclosable.

Ms. O’Neill asked how many people tried to make a complaint and then retracted their complaint after finding out they could not be anonymous.

Ms. Nelson responded that Community Planning frequently makes determinations that a complainant does not have standing. She has only heard about a few where someone is really scared of their neighbor.

Ms. O’Neill inquired of Ms. Nelson to gauge how much of an increase there will be.

Ms. Nelson estimated that there have been at least 50 instances of complaints over the last 2 years which Community Planning has turned away because the complainant did not have standing.

Mr. Peterson inquired about laws to protect someone’s identity. Can it be a year or two years, or can we make it what we want to make it the borough.

Ms. Doxey responded no, that the borough must comply with the state public records law. Upon request, our policy is to fulfill that request within 5 days unless we tell them that we can’t for some reason.

Ms. Dodge noted that there will likely be an increase but many more will be valid and people will appreciate being able to make complaints.

Ms. Hutchinson agreed with Ms. Dodge. She voiced that, in general, the majority of our population are responsible and are frustrated and this will allow them to engage.

Jeff Cook, resident of the borough, spoke of a continuous string of junkyards that he views daily and that has a citizen of the borough, he has standing. He questioned why the borough has codes if they do not enforce them. He spoke to the image of the community if we let it be a continuous junkyard.

Mr. Guinn communicated that the junkyard ordinance it has been difficult to enforce over the years.
Ms. Nelson commented that junkyards are difficult because people don’t see their resources as junk. She communicated that it’s mostly an education process and it is often difficult to achieve voluntary compliance. Having the ability for someone else besides the next door neighbor to complain would help with that type of enforcement.

Mr. Cook commented that he has complained to DOT also; there were too many areas in the borough like this and all people should have standing.

Public Testimony Closed

MOTION: To approve Ord. 2016-60 An Ordinance Amending FNSBC 18.112.030 Regarding Initiation Of Complaints And Amending FNSBC 1.16.030 Regarding Complaints and Complainant Personal Information by Mr. Billingsley, seconded by Ms. Thayer

DISCUSSION

Mr. Billingsley spoke in favor of the ordinance.

Ms. Thayer agreed and said that as a citizen who pays property taxes and whose neighbors pay property taxes, we should be proud of our community. She also agreed with Mr. Cook’s perspective.

Ms. O’Neall spoke in support of the ordinance and added that the speculation that people will do this as a malicious act was unfounded.

Mr. Guinn spoke in support of the ordinance.

ROLL CALL

Eight (8) in Favor: Mr. Reilly, Mr. Perreault, Ms. Presler, Ms. O’Neall, Ms. Thayer, Mr. Billingsley, Mr. Peterson, and Mr. Guinn,

Zero (0) Opposed:

RECOMMENDED APPROVAL

H. APPEALS

NONE

I. UNFINISHED BUSINESS (Continued)

NONE

J. NEW BUSINESS

PC Rules and Procedures

Ms. Nelson explained that Rule 5 was the only update to the Planning Commission Rules and Procedures; it consisted of a reordering of items on the Agenda.
MOTION: To pass the Planning Commission Rules and Procedures as noted in the Meeting Packet, by Mr. Peterson, seconded by Ms. Thayer.

ROLL CALL

Eight (8) in Favor: Mr. Billingsley, Ms. Thayer, Mr. Reilly, Mr. Perreault, Ms. Presler, Mr. Peterson, Ms. O’Neall, and Mr. Guinn,

Zero (0) Opposed:

MOTION CARRIED

K. EXCUSE ABSENT MEMBERS

L. COMMISSIONER’S COMMENTS

1. FMATS

NONE

Ms. Thayer requested that FMATS be removed from all Planning Commission agendas that did not follow a FMATS Technical Committee Meeting.

2. Other

M. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:32 p.m.
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

V2017-005
November 8, 2016 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission

FROM: Stacy Wasinger, Planner III

DATE: October 31, 2016

RE: V2017-005: A request by Brian Roberts on behalf of the State of Alaska Department of Transportation & Public Facilities for a lot size highway variance of 2,841 square feet to the minimum lot size requirement of 40,000 square feet in the General Use 1 (GU-1) zone on Tax Lot 3606, T1N R1W (located at 314 Birch Hill Road, on the east side of Birch Hill Road, southeast of Steese Highway).

I. EXECUTIVE SUMMARY

This item is on the Consent Agenda

The Department of Community Planning recommends APPROVAL of the variance request with one (1) condition and nine (9) Findings of Fact in support of approval. Staff recommends approval because the acquisition of land by the Alaska Department of Transportation and Public Facilities (AKDOT & PF) as right-of-way for the Birch Hill Bicycle and Pedestrian Facility project represents a special condition which is peculiar to the property and which was not caused by the property owner. The subject parcel currently meets the General Use 1 (GU-1) minimum lot size requirement at 43,124 square feet and is being made non-conforming by the proposed 5,965 square foot right-of-way acquisition by AKDOT & PF. The resulting parcel will be 37,159 square feet. The applicant is requesting a variance of 2,841 square feet to the minimum lot size of 40,000 square feet for the resulting parcel. The staff analysis finds that the proposed variance will meet the intent and purpose of Title 18 and of other ordinances and state statutes, would deprive the property owner the use of their property in a similar manner made by other owners in the general area if denied, and will not adversely affect the public health, safety and welfare. The variance request is less than 10% of the minimum required lot size, so this request is eligible for the Planning Commission consent agenda.

II. GENERAL INFORMATION

A. Purpose

To allow a lot size highway variance of 2,841 square feet in the General Use 1 (GU-1) zone.

B. Location

East of Birch Hill Road, southeast of Steese Highway

C. Access

Vacant/Birch Hill Road

D. Size/PAN

<table>
<thead>
<tr>
<th>Square feet</th>
<th>PAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current:</td>
<td>43,124</td>
</tr>
<tr>
<td>Proposed:</td>
<td>37,159</td>
</tr>
</tbody>
</table>

E. Existing Zone

General Use 1 (GU-1)
Minimum Lot Size: 40,000 square feet
F. Existing Land Use
Vacant

G. Surrounding Land Use/Zoning
North: Zoning: GU-1
Land Use: Vacant/Birch Hill Road
South: Zoning: GU-1
Land Use: Commercial/Trax Outdoor
East: Zoning: GU-1
Land Use: Vacant
West: Zoning: GU-1
Land Use: Birch Hill Road

H. Community Facilities
Water/sewer: Vacant
Electricity: GVEA available

I. Code Violations
None listed

J. Flood Zone
X (100%) (March 17, 2014 dFIRM)

K. Zoning History
Ordinance No. 67-34 (adopted 3/28/68): Unrestricted Use (UU)
Ordinance No. 88-10 (adopted 4/19/88): UU to General Use 1 (GU-1)

L. Ownership
Trax Outdoor Center, LLC
PO Box 83086
Fairbanks, AK 99708

M. Applicant
Brian Roberts, Right-of-Way Agent III
Alaska DOT & PF
2301 Peger Road
Fairbanks, AK 99709

III. ZONING AND DEVELOPMENT HISTORY

Fairbanks North Star Borough zoning designations and standards were adopted through Ordinance No. 67-34 on March 28, 1968 and the subject property was zoned Unrestricted Use (UU). There was no minimum lot size requirement under the UU zone. The subject lot was created with the recording of a Statutory Warranty Deed on December 11, 1974 (Exhibit 1). The adoption of Ordinance No. 88-10 on April 19, 1988 changed the zoning designation on the subject parcel from UU to General Use 1 (GU-1), instituting a minimum lot size requirement of 40,000 square feet.

The subject lot is currently 43,124 square feet in size, meeting the GU-1 minimum required lot size. In conjunction with the Birch Hill Bicycle and Pedestrian Facility highway project, the State of Alaska intends to acquire 5,965 square feet from the subject property for right-of-way, leaving the parcel at 37,159 square feet in size, non-conforming to the GU-1 minimum lot size. The applicant is requesting a variance of 2,841 square feet to the minimum lot size of 40,000 square feet for the resulting parcel. FNSBC18.84 requires a 40,000 square foot minimum lot size for the subject parcel and FNSBC 18.104.070 allows that a variance to this numerical standard as a direct result of the right-of-way acquisition can be obtained to be in compliance with Title 18. Additionally, state statute requires AKDOT & PF to comply with local planning and zoning
ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance if needed for right-of-way acquisition for current projects. The lot has not been altered since it was created in 1974.

The applicant revised their initial variance request due to survey methodology resulting in a lot area inconsistency. Based on the recovery of survey monuments in the field, the initial application materials requested a different variance amount of 2,557 square feet from the required minimum lot size. This discrepancy was the result of AKDOT & PF utilizing different surveying monumentation control as a starting point for the Birch Hill Right-of-Way map used for the acquisition area. This differing methodology included utilizing survey monuments in the Steese Highway ROW that were not used for the original deed. The differing survey methodology resulted in AKDOT & PF determining Tax Lot 3606 to be 43,408 square feet, 284 square feet larger than the size indicated in the recorded deed. For right-of-way acquisition, the AKDOT & PF performed a survey of the right-of-way to be acquired but did not perform or record full boundary surveys of the lots. Therefore, the new legal description of Tax Lot 3606 will likely reference the original recorded deed, excepting that portion which is acquired for the Birch Hill right-of-way. The 284 square foot discrepancy in lot area is considered to be relatively minor in survey methodology but an exact number of the requested variance is required for this application.

In order to ensure that the variance is sufficient to account for the right-of-way acquisition and to prevent future issues that may result from any discrepancy in lot area, AKDOT & PF is requesting a variance of 2,841 square feet based on the lot size indicated by the recorded deed for Tax Lot 3606 and the surveyed right-of-way area to be acquired (Figure 1 & Exhibit 2). This amount of variance is the least required to ensure compliance with Title 18 lot size requirements on a lot that is being made non-conforming by this right-of-way acquisition.

**Figure 1: Approximate Remainder Parcel after ROW Acquisition**
(Source: FNSB GIS, annotations in color by Community Planning staff for illustrative purposes.)

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1 Sections of this staff report involving survey related reviews include comments and feedback from George Stefan, FNSB Platting Officer after a review of the application materials with FNSB Planner Stacy Wasinger.
Figure 1 illustrates the approximate area of land to be acquired by AKDOT & PF for the Birch Hill Bicycle and Pedestrian Facility highway project from the subject property. The original lot was 43,124 square feet and 5,965 square feet is proposed to be acquired for right-of-way. This right-of-way acquisition leaves the parcel at a remainder of 37,159 square feet, a deviation of 2,841 square feet or 7.1% from the minimum lot size requirement of 40,000 square feet. Therefore, this item is on the Consent Agenda because the variance “departs from the numerical standards of this title by not greater than 10 percent”.

The Birch Hill Bicycle and Pedestrian Facility highway project is intended to improve the safety of bicyclists and pedestrians by creating a nine foot wide path along Birch Hill Road, from the Fairhill Road intersection to the East Birch Hill Road intersection. The subject parcel is adjacent to Birch Hill Road, which currently has zero to two foot wide shoulders within the 1.9 mile project area. These narrow shoulders cause bicyclists and pedestrians to mix with vehicular traffic. The highway project provides separate facilities for these user groups and helps improve safety and access for bicyclists and pedestrians by creating a 5 to 25 foot buffer. The project requires the acquisition of right-of-way to allow for construction of bicycle and pedestrian facilities. HP2015-002, the Birch Hill Bicycle and Pedestrian Facility highway project was heard by the Planning Commission on October 28, 2014 and approved by the Assembly on December 11, 2014 (the highway project staff report is attached as Exhibit 3 to the V2017-004 staff report). The current application is only for the variance necessitated by the right-of-way acquisition from the subject parcel. Denial of the variance will not result in denial of the highway project but would have the result of necessitating that AKDOT & PF acquire the subject parcel in its entirety rather than the portion associated with this variance application.

IV. APPLICABLE APPROVAL CRITERIA

Variances are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances and Title 29, Alaska Statutes:

Fairbanks North Star Borough (FNSB) Code of Ordinances

18.12.020 Purpose. The purpose of this title is to implement the Fairbanks North Star Borough comprehensive plan. This title is intended to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise.

18.104.070 (A) Procedure for Highway Project Variances. Generally. The planning commission may allow a departure from the numerical standards of this title pertaining to the size of yards and open space areas, building height and size, lot area, number and location of off-street parking spaces and loading areas, and other matters. Highway project variances must be a direct result of right-of-way acquisition.

18.104.070 (B) Procedures for Highway Project Variances: Application for a Highway Project Variance (2.) An application for highway project variance shall be evaluated by the following criteria:

(a) Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district, and
(b.) Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

18.104.070 (D) Procedures for Highway Project Variances: Hearing and Decision Process

(1.) Variance Requests Not Greater Than 10 Percent. If the director of community planning determines no extraordinary circumstances exist, highway project variances which depart from the numerical standards of this title by not greater than 10 percent shall appear on the consent agenda of the planning commission. Affected property owners may address the variance application during the citizen’s comments portion of the agenda. The planning commission may remove the item from the consent agenda and may approve, approve with conditions, or deny the highway project variance. The planning commission may also refer the application to a full review including public hearing in accordance with procedures outlined for highway project variances greater than 10 percent. If the director of community planning determines extraordinary circumstances do exist, the highway project variance will appear as a regular agenda item scheduled for public hearing in accordance with procedures outlined for highway project variance greater than 10 percent.

(2.) Variance Requests Greater Than 10 Percent. Departures of greater than 10 percent from the numerical standards shall be considered by the planning commission in a quasi-judicial hearing.

18.104.070 (E) Procedures for Highway Project Variances. The planning commission shall also consider and adopt findings in each of the following:

1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes’

2. Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;

3. Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.

State of Alaska Statutes

Section 29.40.040 (b). A variance from a land use regulation adopted under this section may not be granted if

1. special conditions that require the variance are caused by the person seeking the variance;

2. the variance will permit a land use in a district in which that use is prohibited; or

3. the variance is sought solely to relieve pecuniary hardship or inconvenience.

Section 35.30.020 Compliance with Municipal Ordinances. A department shall comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners.
V. STAFF ANALYSIS

A. Dear Property Owner Notices

There were 117 dear property owner notices mailed out and staff received two (2) inquiries about the case.

B. Surrounding Land Use and Zoning

The surrounding parcels are all zoned General Use 1 (GU-1) (Figure 2). The neighboring properties are primarily vacant or developed commercially. There is also Rural Residential (RR), Outdoor Recreation (OR), and Rural and Agricultural 5 (RA-5) zoning nearby.

The intent of the GU-1 zone is “to be located in rural areas where community sewer and water systems are unavailable.” The GU-1 zone has no setback requirement and has a minimum lot size requirement of 40,000 square feet. The original lot was 43,124 square feet and 5,965 square feet is proposed to be acquired for right-of-way. This right-of-way acquisition leaves the parcel at a remainder of 37,159 square feet, a deviation of 2,841 square feet or 7.1% from the minimum lot size requirement of 40,000 square feet. (Figure 1).

Figure 2: Zoning Map
(Source: FNSB ArcGIS)

C. Nearby Variances

DOT & PF has also concurrently applied for two other lot size variances (V2017-004 and V2017-006) and one setback variance (V2017-007) related to the Birch Hill Bicycle and
Pedestrian Facility highway project. Figure 3 shows the location of these variances, as well as other variances previously decided. Two other nearby parcels have had variance applications previously denied and five parcels have had previous variances approved. The previously denied variances were not related to a highway project.

Figure 3: Nearby Variance Cases
(Source: FNSB ArcGIS)

Four Variances related to Birch Hill Bicycle and Pedestrian Facility project (in blue)

Two Previously Denied Variances

Subject Parcel

D. FNSB Code of Ordinances: Title 18 Variance Application Standards

1. Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district.

The special condition affecting the subject property is the right-of-way acquisition required for the Birch Hill Bicycle and Pedestrian Facility highway project. The original lot was 43,124 square feet and 5,965 square feet is proposed to be acquired for right-of-way. This right-of-way acquisition leaves the parcel at a remainder of 37,159 square feet, a deviation of 2,841 square feet or 7.1% from the minimum lot size requirement of 40,000 square feet. The applicant’s narrative states that the property was acquired to “improve the safety of bicyclists and pedestrians along Birch Hill Road by providing a 9 foot wide path from the Fairhill Road intersection to the East Birch Hill Road intersection.” The special condition was in support of the overall health, safety, and welfare by creating safer facilities for bicyclists and pedestrians, and is unique to properties abutting the Birch Hill Road project. This right-of-way acquisition was not initiated or caused by the property owner.
2. Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

Strict interpretation of the provision of the zoning title would deprive the property owner of rights commonly enjoyed by other properties in the same district under the terms of the zoning title because the undersized lot will not comply with Title 18 lot size requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18 regarding lot size. Strict interpretation would also have the secondary effect of depriving the property owner of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they are not able to comply with Title 18 regarding lot size.

E. FNSB Code of Ordinances: Title 18 Variance Approval Criteria

1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes.

Purpose of FNSB Title 18: The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The application materials align with Land Use Goal 1, Strategy 3 of the FNSB Regional Comprehensive Plan, which is to “work to reduce to the fullest extent possible the natural conflict that develops between private property rights and community needs and interests.” The proposed variance resolves the conflict created by right-of-way acquisition that takes a privately owned property out of compliance with Title 18 standards. The proposed variance is also consistent with the Perimeter Area designation, which is defined as “area generally within a 10 to 20 minute travel time of urban destinations, and which contains primarily residential use; variable densities are encouraged providing they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities.” This parcel is currently vacant and is zoned General Use 1.

Intent of FNSB Title 18: The intent of Title 18 is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020).”

Allowing a variance for an owner to come into compliance with zoning regulations after a right-of-way acquisition is an example of protecting private property rights with local zoning regulations. The public notification, public hearing procedures and approval criteria for variances protect the property rights of the surrounding property owners.

The proposed variance will promote the public health, safety, and welfare because it will not create any fire, traffic, or safety hazards. The minimum lot size requirement in the GU-1 zone is intended in part to allow for adequate area and separation for well and wastewater systems on site. The parcel is currently vacant and therefore no existing structures, wastewater systems, or uses will be affected by the proposed variance.

Alaska State Statute and Other Ordinances: The site is not within City of Fairbanks or City of North Pole limits and complies with the FNSB Comprehensive Plan and other ordinances. The proposed variance complies with Alaska Statute 29.40.040(b) regarding requirements for variances. FNSBC 18.104.070 allows the Planning Commission to grant variances to the
numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects. Additionally, state statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

2. **Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;**

Denial of the proposed variance would deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area. The undersized lot does not comply with Title 18 requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18 regarding lot size. Three other lots in the vicinity will have land acquired by the AKDOT & PF for the Birch Hill Bicycle and Pedestrian Facility project right-of-way that make them out of compliance with Title 18 standards and two lot size variances and a setback variance have also been applied for on those parcels.

3. **Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.**

The proposed variance will protect the public health, safety or welfare by fulfilling procedural requirements related to the accommodation of development of the Birch Hill Bicycle and Pedestrian Facility project, which improves bicyclist and pedestrian safety. The proposed variance would not create additional fire hazard concerns because the area acquired for right-of-way is adjacent to Birch Hill Road and the property is currently vacant. The GU-1 zone minimum lot size requirement is intended in part to allow for adequate area and separation for wastewater systems on site. The parcel is currently vacant, therefore no existing structures, parking, or uses will be affected by the proposed variance.

F. **State of Alaska Statutes: Title 29 Variance Approval Criteria**

*Section 29.40.040(b).* A variance from a land use regulation may not be granted if:

1. **Special conditions that require the variance are caused by the person seeking the variance;**

The special condition is caused by the State of Alaska acquiring land for the Birch Hill Bicycle and Pedestrian Facility project right-of-way, thereby reducing the size of the lot and making it out of compliance with Title 18 lot size requirements. The property owner did not create this condition.

2. **The variance will permit a land use in a district in which that use is prohibited; or**

The parcel is currently vacant and no use is proposed with the variance that would allow a use not permitted in the GU-1 zone.
3. *The variance is sought solely to relieve pecuniary hardship or inconvenience.*

The proposed variance is not sought solely to relieve pecuniary hardship. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.

VI. RECOMMENDATION

Based on the staff analysis, the Department of Community Planning recommends **APPROVAL** of the requested 2,841 square foot variance from the minimum lot size of 40,000 square feet in the GU-1 zone, with one (1) condition.

VII. CONDITIONS

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

VIII. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the staff report and the following Findings of Fact in support of approval:

1. A special condition of non-conformity of lot size was created on the property by the State of Alaska acquiring land for the Birch Hill Bicycle and Pedestrian Facility project right-of-way.
   a. The applicant has requested the least amount of variance from the GU-1 minimum lot size requirement necessary to accommodate the acquisition of 5,965 square feet of right-of-way.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Birch Hill Road.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (**AS 35.30.020**). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the undersized lot does not comply with Title 18.
a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.

b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for lot size.

6. Approval of the variance would protect public health, safety or welfare because it fulfills procedural requirements related to the accommodation of development of the Birch Hill Bicycle and Pedestrian Facility project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 regarding lot size and state statute. The variance would not adversely affect the public health, safety, and welfare because it does not affect traffic or parking conditions or increase the danger of fire.

7. The property owner did not create the special condition on the property or the need for a variance.

8. The property is currently vacant and no use is proposed that is not allowed in the GU-1 zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Birch Hill Bicycle and Pedestrian Facility project.

DRAFT PLANNING COMMISSION MOTION:

[Only needed if the item is removed from the consent agenda]

I move to approve the requested 2,841 square foot variance from the 40,000 square foot required minimum lot size requirement in the GU-1 zone with one (1) condition, adopting the staff report and nine (9) Findings of Fact in support of the decision.
That Grantor, James Earl Francis
for and considerate of Ten ($10.00) Dollars, in hand paid, conveyed
and warranted to Henry H. Rechenkorn and/or Poster L. Rechenkorn
of Fairbanks, Alaska
with the right of survivorship, and not as tenants in common.
and is conveyed to the above-named option.

A parcel of land lying within the SW 1 4 Section 16,
Township 1 North, Range 1 West, Fairbanks Meridian, more
particularly described as follows:

Commencing at the West quarter corner of Section 16, 71N,
R1W, F.H., proceed S 84° 28' 30" E (Alaska State Plane Coordinate
System Bearing) along the East-West quarter Section
line of said Section Thirty-six, 1344.25 feet to a 1½ inch galvanized iron pipe, making the True Point of Beginning;
thence S 01° 30' 28" E 300.00 feet to a 1½ inch galvanized iron pipe; thence N 84° 28' 30" W approximately 224.17 feet to the Easterly right-of-way line of Alaska Department of Highway Project No. F-062-425; thence along said right-of-way line N 23° 52' 49" E 104.78 feet; thence N 35° 34' 19" E
approximately 242.77 feet to above mentioned mid-section line; thence S 84° 28' 30" E 43.85 feet to the point of beginning, containing 0.99 acres, more or less.

A C

DEC. 1 1974

STACK OF ALASKA

ACKNOWLEDGE

This is to certify that before me, the undersigned Rotary Public
In and for the State of Alaska, duly commissioned notary, this day
personally appeared James Earl Francis, and was sworn
the foregoing instrument, and acknowledged that the same
him, and voluntary act and deed for the uses and purposes therein
mentioned.

Given under my hand and official seal this twenty of Dec 1974.

74-24251

Rotary Public In and for Alaska
By Commission expires 11-1974

Dec 11 9:31 AM '74

69
Site Plan with Approximate Area of Acquired Right-of-Way
(Source: Base map is the Applicant’s provided survey, annotations in color by Community Planning staff.)

5,965 Square Feet Acquired from Tax Lot 3606 for Birch Hill Road Right-of-Way
Public Hearing sign posted October 17, 2016

Birch Hill Road frontage
No written agency comments received for this item
APPLICATION MATERIAL SUBMITTED ON

September 23, 2016
**Variance Application**

**Highway**

**File No.** \(\sqrt{2017-005}\)

**FEES:**
- $800 variance application*
- $200 sign deposit (check or cash only)

*No fee for highway project variance requested by private property owners, if AKDOT/PF didn’t fulfill their statutory responsibility of obtaining a variance.

<table>
<thead>
<tr>
<th><strong>Applicant:</strong></th>
<th><strong>Property Owner:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contact Name:</strong> Brian Roberts</td>
<td><strong>Name:</strong> Trax Outdoor Center, LLC</td>
</tr>
<tr>
<td><strong>Business Name:</strong> State of Alaska DOT&amp;PF</td>
<td><strong>Mailing Address:</strong> P.O. Box 83086</td>
</tr>
<tr>
<td><strong>Mailing Address:</strong> 2301 Peger Rd</td>
<td><strong>City, State Zip:</strong> Fairbanks, AK 99708</td>
</tr>
<tr>
<td><strong>City, State Zip:</strong> Fairbanks, AK 99709</td>
<td><strong>Phone:</strong> 907-374-9600</td>
</tr>
<tr>
<td><strong>Phone:</strong> 907-451-5484</td>
<td><strong>Cell:</strong></td>
</tr>
<tr>
<td><strong>E-mail:</strong> <a href="mailto:brian.roberts@alaska.gov">brian.roberts@alaska.gov</a></td>
<td><strong>E-mail:</strong></td>
</tr>
</tbody>
</table>

**Property Information:**

- **Property Description:** TL-3606 Section 36 T1N-R1W
- **Street Address:** 314 Birch Hill
- **Lot Size:** 43408
- **Parcel Account Numbers (PAN):** 0200069
- **Zoning District:**

**Vacance Request Information:**

- **Variance Type:**
  - [ ] Setback
  - [ ] Lot Size
  - [ ] Other: 

- **Amount of ROW Acquired:**
  - [ ] Square Feet: 5,865
  - [ ] Acres: 

- **Setback Request:**
  - [ ] Front: 
  - [ ] Rear: 
  - [ ] Side: N/S/E/W 
  - [ ] Side: N/S/E/W 

- **Lot Size Request**
  - Zoning District Lot Size Minimum: 40,000
  - Current/Proposed Lot Size: 37,443

- **Reasons for variance request:**
  - Request variance to minimum lot size from 40,000 square feet to 37,443.
  - DOT&PF acquisition reduced lot size below the minimum for zoning district.

Please include any information regarding the applicability of reasonable accommodations for a person having a disability pursuant to FNSBC 18.12.030.

**APPLICANT SIGNATURE:**

**DATE:** 9/22/16

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Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.

W:\Community Planning\$Admin\Forms & Handouts\FYE 2017\Applications\Application_VarianceHighway.docx

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HIGHWAY VARIANCE
REQUIRED APPLICATION CHECKLIST

Please submit the required documentation listed below. Applications will not be scheduled for a Planning Commission meeting agenda until all of these items have been submitted and the application has been deemed complete by staff.

1. Provide a detailed written narrative that addresses the following criteria:

   I. FNSBC 18.104.070 (B)(3)
      e. Amount of right-of-way take from the subject lot
      f. Amount remaining to the subject lot after right-of-way take

   II. FNSBC 18.104.070 (B)(2)
      a. Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district, and
      b. Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

   III. FNSBC 18.104.070 (E)
      1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes;
      2. Whether the denial of the proposed variance will deprive the property owner of the use of the property in a manner similar to the use permitted to be made by the owners of property in the immediate area; and
      3. Whether the proposed variance will adversely affect the public health, safety, and welfare, traffic or parking conditions or increase the danger of fire.

   IV. AS 29.40.040(b) A variance from a land use regulation adopted under this section may not be granted if
      (1) special conditions that require the variance are caused by the person seeking the variance;
      (2) the variance will permit a land use in a district in which that use is prohibited; or
      (3) the variance is sought solely to relieve pecuniary hardship or inconvenience.

2. Provide a Mortgage Location Survey or Site Plan drawn to scale which illustrate:

   I. FNSBC 18.104.070 (B)(d)
      i. The subject property and its area and dimensions, both before and after the right of way take.
      ii. The location of all structures before and after right-of-way take.
      iii. The distances of all structures from all property lines, including old and new right-of-way lines (see applicable site plan guidelines document).

3. Attach a letter from Alaska Department of Environmental Conservation specific to each lot, with conditions, if applicable, regarding development suitability pursuant to 18.104.070.B.3(g).

4. Complete the Public Notice Sign Posting Affidavit. The form is included in the application packet.
Trax Outdoor Center, LLC
Lot Size Variance- Birch Hill Bicycle and Pedestrian Facility Parcel 1

Narrative

The State of Alaska, DOT&PF is preparing the Birch Hill Bicycle and Pedestrian Facility project for construction. The State of Alaska Department of Transportation & Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the safety of bicyclists and pedestrians along Birch Hill Road by providing a 9 foot wide path from the Fairhill Road intersection to the East Birch Hill Road intersection (1.9 miles).

The widths of the shoulders along Birch Hill Road vary from zero to two feet wide. Currently, pedestrians and bicyclists mix with motor vehicles. The project will provide separate facilities to reduce mixing of the user groups, and to improve access to other facilities for pedestrians and bicyclists. The path will provide users with separation from motorized traffic with a buffer of 5 to 25 feet.

The design of this project was determined to be the least impactful design to the surrounding property owners in this area. This project requires the acquisition of parcels in order to accommodate the frontage road and access improvements, including the Trax Outdoor, LLC property.

Variance Criteria

I. FNSBC 18.104.070 (B)(3)

   e. The right-of-way take from Trax Outdoor, LLC’s property is 5,965 square feet.

   f. The lot size prior to acquisition was 43,408 square feet, and is now 37,443 square feet.

II. FNSBC 18.070 (B)(2)

   a. This is a public highway project and the acquisition of the parcel to accommodate the project represents a special condition peculiar to this property and is not applicable to other property in the zoning district. The State maintains the right to Eminent Domain on this project, and as such the sale of the parcel to the State does not constitute an arm’s length transaction. The majority of other owners in this zoning district are not affected by this project and so this condition does not exist for other owners.

   b. Strict interpretation of this title would deprive the owner of rights commonly enjoyed by other properties in this zoning district because of the Birch Hill Bicycle and Pedestrian Facility project.

III. FNSBC 18.070 (D)

   1. The proposed variance conforms to the intent and purpose of this title, other ordinances and Alaska Statutes.
2. The denial of the proposed variance will deprive the property owner of the use of the property in a manner similar to the use permitted to be made by the owners of property in the immediate area.

3. The proposed variance will not adversely affect the public health, safety, and welfare, traffic or parking conditions or increase the danger of fire should it be granted.
APPLICATION MATERIAL SUBMITTED ON

October 28, 2016
Trax Outdoor Center, LLC
Lot Size Variance- Birch Hill Bicycle and Pedestrian Facility Parcel 1

Narrative

The State of Alaska, DOT&PF is preparing the Birch Hill Bicycle and Pedestrian Facility project for construction. The State of Alaska Department of Transportation & Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the safety of bicyclists and pedestrians along Birch Hill Road by providing a 9 foot wide path from the Fairhill Road intersection to the East Birch Hill Road intersection (1.9 miles).

The widths of the shoulders along Birch Hill Road vary from zero to two feet wide. Currently, pedestrians and bicyclists mix with motor vehicles. The project will provide separate facilities to reduce mixing of the user groups, and to improve access to other facilities for pedestrians and bicyclists. The path will provide users with separation from motorized traffic with a buffer of 5 to 25 feet.

The design of this project was determined to be the least impactful design to the surrounding property owners in this area. This project requires the acquisition of parcels in order to accommodate the frontage road and access improvements, including the Trax Outdoor, LLC property.

Variance Criteria

I. FNSBC 18.104.070 (B)(3)

   e. The right-of-way take from Trax Outdoor, LLC’s property is 5,965 square feet.
   
   f. The lot size prior to acquisition was 43,124 square feet, and is now 37,159 square feet.

II. FNSBC 18.070 (8)(2)

   a. This is a public highway project and the acquisition of the parcel to accommodate the project represents a special condition peculiar to this property and is not applicable to other property in the zoning district. The State maintains the right to Eminent Domain on this project, and as such the sale of the parcel to the State does not constitute an arm’s length transaction. The majority of other owners in this zoning district are not affected by this project and so this condition does not exist for other owners.

   b. Strict interpretation of this title would deprive the owner of rights commonly enjoyed by other properties in this zoning district because of the Birch Hill Bicycle and Pedestrian Facility project.

III. FNSBC 18.070 (D)

   1. The proposed variance conforms to the intent and purpose of this title, other ordinances and Alaska Statutes.
2. The denial of the proposed variance will deprive the property owner of the use of the property in a manner similar to the use permitted to be made by the owners of property in the immediate area.

3. The proposed variance will not adversely affect the public health, safety, and welfare, traffic or parking conditions or increase the danger of fire should it be granted.
Stacy Wasinger

From: Roberts, Brian K (DOT) <brian.roberts@alaska.gov>
Sent: Friday, October 28, 2016 1:49 PM
To: Stacy Wasinger
Subject: Birch Hill Bicycle and Pedestrian project lot size variance cases

Stacy,

Based on our discussions about the Birch Hill lot size variances, DOT&PF would like to amend our variance applications in the following way:

Revise the before acquisition size of the lots for V2017-004 & V2017-005 to the Plat/Assessor's lot size.

We would like to keep V2017-006 application the same. The reason for the discrepancies mainly comes down to the difference in survey starting points for the Birch Hill Right of Way Map and the plats and deeds of record. Surveys can differ depending on the monument used as the starting point for the survey. Our right of way surveying for this project was based off of Steese Hwy monuments and the acquisition parcels were based off of this. The plat and deed areas were in all likelihood started or commenced from different monuments. In these cases, the differences are probably within the acceptable level of difference.

However, in order to ensure that the property owners have the minimum variance size needed for their variance, and to prevent issues going into the future, DOT&PF would like to revise our applications as stated above.

Thanks,

--Brian


From: Stacy Wasinger [mailto:SWasinger@fnsb.us]
Sent: Friday, October 07, 2016 11:21 AM
To: Roberts, Brian K (DOT); Pistor, Daniel S (DOT)
Subject: Birch Hill Bicycle and Pedestrian project lot size variance cases

Good morning,

I wanted to clarify on the three lot size variance cases submitted for this project (V2017-004, V2017-005, and V2017-006) how the size of the parcel prior to right-of-way acquisition was determined. Were the lots surveyed as part of the acquisition? There is some discrepancy between the lot sizes on the applications and our records and plats, so I was hoping you’d be able to help clarify. For each case:

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Lot</th>
<th>Plat/Assessor lot size</th>
<th>Variance application stated lot size</th>
</tr>
</thead>
<tbody>
<tr>
<td>V2017-004</td>
<td>Skol Subdivision, Lot 1</td>
<td>40,019 square feet</td>
<td>40,685 square feet</td>
</tr>
<tr>
<td>V2017-005</td>
<td>TL 3606 (314 Birch Hill)</td>
<td>43,124 square feet</td>
<td>43,408 square feet</td>
</tr>
<tr>
<td>V2017-006</td>
<td>Skol Subdivision, Lot 2</td>
<td>40,352 square feet</td>
<td>40,337 square feet</td>
</tr>
</tbody>
</table>
These aren't large discrepancies, but particularly in the case of the two lots in the Sko subdivision that differ from the recorded plat (attached), I wanted to clarify. If there are new surveys or other documents other than that provided with the application, would you please submit those for the file?

If you have any questions, please just let me know.

Thanks so much!

Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 809 Pioneer Road
Fairbanks, AK 99707-1267
DEPARTMENT OF COMMUNITY PLANNING  
STAFF REPORT  

V2017-006  
November 8, 2016 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission  
FROM: Stacy Wasinger, Planner III  
DATE: October 31, 2016  
RE: V2017-006: A request by Daniel Pistor on behalf of the State of Alaska Department of Transportation & Public Facilities for a lot size highway variance of 121 square feet to the minimum lot size requirement of 40,000 square feet in the Rural Residential (RR) zone on Lot 2, Skol Subdivision (located on the east side of Birch Hill Road, southeast of Steese Highway).

I. EXECUTIVE SUMMARY  

This item is on the Consent Agenda

The Department of Community Planning recommends APPROVAL of the variance request with one (1) condition and nine (9) Findings of Fact in support of approval. Staff recommends approval because the acquisition of land by the Alaska Department of Transportation and Public Facilities (AKDOT & PF) as right-of-way for the Birch Hill Bicycle and Pedestrian Facility project represents a special condition which is peculiar to the property and which was not caused by the property owner. The subject parcel currently meets the Rural Residential (RR) minimum lot size requirement at 40,337 square feet and is being made non-conforming by the proposed 458 square foot right-of-way acquisition by AKDOT & PF. The resulting parcel will be 39,879 square feet. The applicant is requesting a variance of 121 square feet to the minimum lot size of 40,000 square feet for the resulting parcel. The staff analysis finds that the proposed variance will meet the intent and purpose of Title 18 and of other ordinances and state statutes, would deprive the property owner the use of their property in a similar manner made by other owners in the general area if denied, and will not adversely affect the public health, safety and welfare. The variance request is less than 10% of the minimum required lot size, so this request is eligible for the consent agenda.

II. GENERAL INFORMATION  

A. Purpose  
To allow a lot size highway variance of 121 square feet in the Rural Residential (RR) zone.

B. Location  
South of Birch Hill Road, southeast of Steese Highway

C. Access  
Vacant/Birch Hill Road

D. Size/PAN  

<table>
<thead>
<tr>
<th>Square feet</th>
<th>PAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current:</td>
<td>40,337</td>
</tr>
<tr>
<td>Proposed:</td>
<td>39,879</td>
</tr>
</tbody>
</table>

E. Existing Zone  
Rural Residential (RR)  
Minimum Lot Size: 40,000 square feet
F. Existing Land Use  
Vacant

G. Surrounding Land Use/Zoning  
North:  Zoning:  RR  
Land Use:  Vacant

South:  Zoning:  RR  
Land Use:  Vacant

East:  Zoning:  RR  
Land Use:  Residential

West:  Zoning:  RR  
Land Use:  Residential

H. Community Facilities  
Water/sewer:  Vacant  
Electricity:  GVEA available

I. Code Violations  
None listed

J. Flood Zone  
X (100%) (March 17, 2014 dFIRM)

K. Zoning History  
Ordinance No. 67-34 (adopted 3/28/68): Unrestricted Use (UU)

Ordinance No. 74-34 (adopted 8/29/74): UU to Rural Residential (RR)

L. Ownership  
Alan and Eliza Skinner  
452 Droz Dr. Apt. B  
Fairbanks, AK 99701

M. Applicant  
Daniel Pistor, Right-of-Way Agent II  
Alaska DOT & PF  
2301 Peger Road  
Fairbanks, AK 99709

III. ZONING AND DEVELOPMENT HISTORY

Fairbanks North Star Borough zoning designations and standards were adopted through Ordinance No. 67-34 on March 28, 1968 and the subject property was zoned Unrestricted Use (UU). There was no minimum lot size requirement under the UU zone. The adoption of Ordinance No. 74-34 on August 29, 1974 changed the zoning designation on the subject parcel from UU to Rural Residential (RR), instituting a minimum lot size requirement of 40,000 square feet (Exhibit 1). The subject lot was created with the recording of the plat for the Skol Subdivision on August 2, 2002 (Exhibit 2).

The subject lot is currently 40,337 square feet in size, meeting the RR minimum required lot size. In conjunction with the Birch Hill Bicycle and Pedestrian Facility highway project, the State of Alaska intends to acquire 458 square feet from the subject property for right-of-way, leaving the parcel at 39,879 square feet in size, non-conforming to the RR minimum lot size. The applicant is requesting a variance of 121 square feet to the minimum lot size of 40,000 square feet for the resulting parcel. FNSBC18.40 requires a 40,000 square foot minimum lot size for the subject parcel and FNSBC 18.104.070 allows that a variance to this numerical standard as a direct result of the right-of-way acquisition can be obtained to be in compliance with Title 18. Additionally,
state statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance if needed for right-of-way acquisition for current projects. The lot has not been altered since it was created in 2002.

Based on the recovery of survey monuments in the field, the application materials request a variance of 121 square feet from the required minimum lot size. AKDOT & PF utilized a different beginning lot size than that shown on the Skol Subdivision plat to calculate the required variance. This discrepancy in lot size was the result of AKDOT & PF utilizing different surveying monumentation control as a starting point for the Birch Hill Right-of-Way map used for the acquisition area. This differing methodology included utilizing centerline survey monuments in the Steese Highway ROW, which do not appear to have been used for the Skol subdivision plat (Exhibit 2). The differing survey methodology resulted in the AKDOT & PF determining Lot 2 to be 40,337 square feet, 15 square feet smaller than the size of the lot on the recorded plat. For right-of-way acquisition, the AKDOT & PF performed a survey of the right-of-way to be acquired but did not perform or record full boundary surveys of the lots. Therefore, the new legal description of Lot 2 will likely reference the original recorded plat, excepting that portion which is acquired for the Birch Hill right-of-way. The 15 square foot discrepancy in lot area is considered to be relatively minor in survey methodology but an exact number of the requested variance is required for this application.

In order to ensure that the variance is sufficient to account for the right-of-way acquisition and to prevent future issues that may result from any discrepancy in lot area, AKDOT & PF is requesting a variance of 121 square feet based on the lot size resulting from the field survey, which is 15 square feet smaller than indicated on the recorded plat for the Skol subdivision. This amount of variance is the least required to ensure compliance with Title 18 lot size requirements on a lot that is being made non-conforming by this right-of-way acquisition.

Figures 1 and 2 illustrate the approximate area of land to be acquired by AKDOT & PF for the Birch Hill Bicycle and Pedestrian Facility highway project from the subject property. The area to be acquired is that portion of the flagstem of Lot 2 directly adjacent to Birch Hill Road. The original lot was 40,337 square feet and 458 square feet is proposed to be acquired for right-of-way. This right-of-way acquisition leaves the parcel at a remainder of 39,879 square feet, a deviation of 121 square feet or 0.3% from the minimum lot size requirement of 40,000 square feet. Therefore, this item is on the Consent Agenda because the variance "departs from the numerical standards of this title by not greater than 10 percent".

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1 Sections of this staff report involving survey related reviews include comments and feedback from George Stefan, FNSB Platting Officer after a review of the application materials with FNSB Planner Stacy Wasinger.
Figure 1: Site Plan with Approximate Area of Acquired Right-of-Way
(Source: Base map is the Applicant’s provided survey, annotations in color by Community Planning staff.)

458 Square Feet
Acquired from Lot 2 for Birch Hill Road Right-of-Way

Figure 2: Enlarged Site Plan with Approximate Area of Acquired Right-of-Way
(Source: Base map is the Applicant’s provided survey, annotations in color by Community Planning staff.)

458 Square Feet
Acquired from Lot 2 for Birch Hill Road Right-of-Way
The Birch Hill Bicycle and Pedestrian Facility highway project is intended to improve the safety of bicyclists and pedestrians by creating a nine foot wide path along Birch Hill Road, from the Fairhill Road intersection to the East Birch Hill Road intersection. The subject parcel is adjacent to Birch Hill Road, which currently has zero to two foot wide shoulders within the 1.9 mile project area. These narrow shoulders cause bicyclists and pedestrians to mix with vehicular traffic. The highway project provides separate facilities for these user groups and helps improve safety and access for bicyclists and pedestrians by creating a 5 to 25 foot buffer. The project requires the acquisition of right-of-way to allow for construction of bicycle and pedestrian facilities. HP2015-002, the Birch Hill Bicycle and Pedestrian Facility highway project was heard by the Planning Commission on October 28, 2014 and approved by the Assembly on December 11, 2014 (the highway project staff report is attached as Exhibit 3 to the V2017-004 staff report). The current application is only for the variance necessitated by the right-of-way acquisition from the subject parcel. Denial of the variance will not result in denial of the highway project but would have the result of necessitating that AKDOT & PF acquire the subject parcel in its entirety rather than the portion associated with this variance application.

IV. APPLICABLE APPROVAL CRITERIA

Variances are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances and Title 29, Alaska Statutes:

Fairbanks North Star Borough (FNSB) Code of Ordinances

18.12.020 Purpose. The purpose of this title is to implement the Fairbanks North Star Borough comprehensive plan. This title is intended to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise.

18.104.070 (A) Procedure for Highway Project Variances. Generally. The planning commission may allow a departure from the numerical standards of this title pertaining to the size of yards and open space areas, building height and size, lot area, number and location of off-street parking spaces and loading areas, and other matters. Highway project variances must be a direct result of right-of-way acquisition.

18.104.070 (B) Procedures for Highway Project Variances: Application for a Highway Project Variance (2.) An application for highway project variance shall be evaluated by the following criteria:

(a) Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district, and

(b) Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

18.104.070 (D) Procedures for Highway Project Variances: Hearing and Decision Process

(1.) Variance Requests Not Greater Than 10 Percent. If the director of community planning determines no extraordinary circumstances exist, highway project variances which depart from the numerical standards of this title by not greater than 10 percent shall appear on the consent agenda of the planning commission. Affected property owners may address the variance application during the citizen’s comments portion of the agenda. The planning commission
may remove the item from the consent agenda and may approve, approve with conditions, or deny the highway project variance. The planning commission may also refer the application to a full review including public hearing in accordance with procedures outlined for highway project variances greater than 10 percent. If the director of community planning determines extraordinary circumstances do exist, the highway project variance will appear as a regular agenda item scheduled for public hearing in accordance with procedures outlined for highway project variance greater than 10 percent.

(2.) Variance Requests Greater Than 10 Percent. Departures of greater than 10 percent from the numerical standards shall be considered by the planning commission in a quasi-judicial hearing.

18.104.070 (E) Procedures for Highway Project Variances. The planning commission shall also consider and adopt findings in each of the following:

1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes’

2. Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;

3. Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.

State of Alaska Statutes

Section 29.40.040 (b). A variance from a land use regulation adopted under this section may not be granted if

1. special conditions that require the variance are caused by the person seeking the variance;

2. the variance will permit a land use in a district in which that use is prohibited; or

3. the variance is sought solely to relieve pecuniary hardship or inconvenience.

Section 35.30.020 Compliance with Municipal Ordinances. A department shall comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners.

V. STAFF ANALYSIS

A. Dear Property Owner Notices

There were 116 dear property owner notices mailed out and staff received two (2) inquiries about the case.
B. Surrounding Land Use and Zoning

The surrounding parcels are all zoned Rural Residential (RR) (Figure 3). The neighboring properties are primarily vacant or developed residentially. There is also General Use (GU-1), Rural Estates 2 (RE-2), and Rural and Agricultural 5 (RA-5) zoning nearby.

The intent of the RR zone is “for low density residential development and other compatible uses in areas where community sewer and water systems may or may not be available.” The RR zone has 25 foot required setbacks to all property lines and requires a minimum lot size of 40,000 square feet. This application requests a variance of 121 square feet from the minimum lot size requirement. The original lot was 40,337 square feet and 458 square feet is proposed to be acquired for right-of-way. This right-of-way acquisition leaves the parcel at a remainder of 39,879 square feet, a deviation of 121 square feet or 0.3% from the minimum lot size requirement of 40,000 square feet (Figure 1).

Figure 3: Zoning Map
(Source: FNSB ArcGIS)

C. Nearby Variances

DOT & PF has also concurrently applied for two other lot size variances (V2017-004 and V2017-005) and one setback variance (V2017-007) related to the Birch Hill Bicycle and Pedestrian Facility highway project. Figure 4 shows the location of these variances, as well as other variances previously decided. Two other nearby parcels have had variance applications.
previously denied and five parcels have had previous variances approved. The previously
denied variances were not related to a highway project.

Figure 4: Nearby Variance Cases
(Source: FNSB ArcGIS)

D. FNSB Code of Ordinances: Title 18 Variance Application Standards

1. Whether special conditions exist which are peculiar to the property involved and which are
   not applicable to other property in the same zoning district.

The special condition affecting the subject property is the right-of-way acquisition required for
the Birch Hill Bicycle and Pedestrian Facility highway project. The original lot was 40,337
square feet and 458 square feet is proposed to be acquired for right-of-way. This right-of-way
acquisition leaves the parcel at a remainder of 39,879 square feet, a deviation of 121 square
feet or 0.3% from the minimum lot size requirement of 40,000 square feet. The applicant’s
narrative states that the property was acquired to “improve the safety of bicyclists and
pedestrians along Birch Hill Road by providing a 9 foot wide path from the Fairhill Road
intersection to the East Birch Hill Road intersection.” The special condition was in support of
the overall health, safety, and welfare by creating safer facilities for bicyclists and pedestrians,
and is unique to properties abutting the Birch Hill Road project. This right-of-way acquisition
was not initiated or caused by the property owner.
2. Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

Strict interpretation of the provision of the zoning title would deprive the property owner of rights commonly enjoyed by other properties in the same district under the terms of the zoning title because the undersized lot will not comply with Title 18 lot size requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18 regarding lot size. Strict interpretation would also have the secondary effect of depriving the property owner of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they are not able to comply with Title 18 regarding lot size.

E. FNSB Code of Ordinances: Title 18 Variance Approval Criteria

1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes.

**Purpose of FNSBC Title 18:** The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The application materials align with Land Use Goal 1, Strategy 3 of the FNSB Regional Comprehensive Plan, which is to “work to reduce to the fullest extent possible the natural conflict that develops between private property rights and community needs and interests.” The proposed variance resolves the conflict created by right-of-way acquisition that takes a privately owned property out of compliance with Title 18 standards. The proposed variance is also consistent with the Perimeter Area designation, which is defined as “area generally within a 10 to 20 minute travel time of urban destinations, and which contains primarily residential use; variable densities are encouraged providing they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities.” This parcel is currently vacant and is zoned Rural Residential.

**Intent of FNSBC Title 18:** The intent of Title 18 is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020).”

Allowing a variance for an owner to come into compliance with zoning regulations after a right-of-way acquisition is an example of protecting private property rights with local zoning regulations. The public notification, public hearing procedures and approval criteria for variances protect the property rights of the surrounding property owners.

The proposed variance will promote the public health, safety, and welfare because it will not create any fire, traffic, or safety hazards. The minimum lot size requirement in the RR zone is intended in part to allow for adequate area and separation for well and wastewater systems on site. The parcel is currently vacant and therefore no existing structures, wastewater systems, or uses will be affected by the proposed variance.

**Alaska State Statute and Other Ordinances:** The site is not within City of Fairbanks or City of North Pole limits and complies with the FNSB Comprehensive Plan and other ordinances. The proposed variance complies with Alaska Statute 29.40.040(b) regarding requirements for variances. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway
projects. Additionally, state statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

2. **Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;**

Denial of the proposed variance would deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area. The undersized lot does not comply with Title 18 requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18 regarding lot size. Three other lots in the vicinity will have land acquired by the AKDOT & PF for the Birch Hill Bicycle and Pedestrian Facility project right-of-way that make them out of compliance with Title 18 standards and two lot size variances and a setback variance have also been applied for on those parcels.

3. **Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.**

The proposed variance will protect the public health, safety or welfare by fulfilling procedural requirements related to the accommodation of development of the Birch Hill Bicycle and Pedestrian Facility project, which improves bicyclist and pedestrian safety. The proposed variance would not create additional fire hazard concerns because the area acquired for right-of-way is adjacent to Birch Hill Road and the property is currently vacant. The RR zone minimum lot size requirement is intended in part to allow for adequate area and separation for wastewater systems on site. The parcel is currently vacant, therefore no existing structures, parking, or uses will be affected by the proposed variance.

F. **State of Alaska Statutes: Title 29 Variance Approval Criteria**

Section 29.40.040(b). A variance from a land use regulation may not be granted if:

1. **Special conditions that require the variance are caused by the person seeking the variance;**

The special condition is caused by the State of Alaska acquiring land for the Birch Hill Bicycle and Pedestrian Facility project right-of-way, thereby reducing the size of the lot and making it out of compliance with Title 18 lot size requirements. The property owner did not create this condition.

2. **The variance will permit a land use in a district in which that use is prohibited; or**

The parcel is currently vacant and no use is proposed with the variance that would allow a use not permitted in the RR zone.
3. *The variance is sought solely to relieve pecuniary hardship or inconvenience.*

The proposed variance is not sought solely to relieve pecuniary hardship. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.

**VI. RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **APPROVAL** of the requested 121 square foot variance from the minimum lot size of 40,000 square feet in the RR zone, with one (1) condition.

**VII. CONDITIONS**

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

**VIII. FINDINGS OF FACT**

The Department of Community Planning further recommends adoption of the staff report and the following Findings of Fact in support of approval:

1. A special condition of non-conformity of lot size was created on the property by the State of Alaska acquiring land for the Birch Hill Bicycle and Pedestrian Facility project right-of-way.
   a. The applicant has requested the least amount of variance from the RR minimum lot size requirement necessary to accommodate the acquisition of 458 square feet of right-of-way.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Birch Hill Road.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (*AS 35.30.020*). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the undersized lot does not comply with Title 18.
a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.

b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for lot size.

6. Approval of the variance would protect public health, safety or welfare because it fulfills procedural requirements related to the accommodation of development of the Birch Hill Bicycle and Pedestrian Facility project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 regarding lot size and state statute. The variance would not adversely affect the public health, safety, and welfare because it does not affect traffic or parking conditions or increase the danger of fire.

7. The property owner did not create the special condition on the property or the need for a variance.

8. The property is currently vacant and no use is proposed that is not allowed in the RR zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Birch Hill Bicycle and Pedestrian Facility project.

DRAFT PLANNING COMMISSION MOTION:

[Only needed if the item is removed from the consent agenda]

I move to approve the requested 121 square foot variance from the 40,000 square foot required minimum lot size requirement in the RR zone with one (1) condition, adopting the staff report and nine (9) Findings of Fact in support of the decision.
ORDINANCE NO. 74-34

AN ORDINANCE AMENDING FNSB 49.15.050, ZONE BOUNDARIES, BY ADDING PORTIONS OF SECTION 38, T1N, R1W, F.M. TO (a) OUTDOOR RECREATION ZONE AND BY ADDING ALL OF Vue Crest SUBDIVISION TO (e) RURAL RESIDENTIAL.

WHEREAS, on April 16, 1974, after due publication and notification, the Planning Commission of the Fairbanks North Star Borough held a public hearing to zone the S 1/2 S 1/2 Section 25, and portions of Section 36, T1N, R1W, F.M.; and

WHEREAS, the Planning Commission, after public hearing, recommends that portions of said property be zoned (a) Outdoor Recreation, (c) Rural Estate, (e) Rural Residential, (m) Neighborhood Shopping, and (v) Holding:

NOW, THEREFORE, BE IT ORDAINED by the assembly of the Fairbanks North Star Borough that FNSB 49.15.050, Zone Boundaries, (a) Outdoor Recreation and (e) Rural Residential be amended by adding those words which are underlined:

FNSB 49.15.050 Zone Boundaries

(a) Outdoor Recreation

SE 1/4, SE 1/4 NE 1/4, Sec. 36, T1N, R1W, F.M.

(e) Rural Residential

LOTS BLOCKS SUBDIVISION

ALL ALL Vue Crest, portions 1, 2 and 3

That portion of the S 1/2 S 1/2, Sec. 25, T1N, R1W, F.M. lying east of the Steese Highway.

PASSED AND APPROVED THIS 24th DAY OF August, 1974.

[Signature]
Presiding Officer

ATTEST:

[Signature]
Clerk of the Assembly

105
Public Hearing sign posted October 17, 2016

Birch Hill Road frontage
Currently vacant

Shared driveway with Lots 1 through 4, Skol Subdivision
*No written agency comments received for this item*
APPLICATION MATERIAL SUBMITTED ON

September 23, 2016
VARIANCE APPLICATION
HIGHWAY
File No. 2017-006

FEES:
- $800 variance application*
- $200 sign deposit (check or cash only)

*No fee for highway project variance requested by private property owners, if AKDOT/PF didn’t fulfill their statutory responsibility of obtaining a variance.

<table>
<thead>
<tr>
<th>Applicant: Contact Name:</th>
<th>Property Owner: Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel Pistor</td>
<td>Alan &amp; Eliza Skinner</td>
</tr>
<tr>
<td>Business Name: SOA DOT&amp;PF</td>
<td>Mailing Address: 452 Droz Dr, Apt B</td>
</tr>
<tr>
<td>Mailing Address: 2301 Peger Rd</td>
<td>City, State Zip: Fairbanks, AK 99701</td>
</tr>
<tr>
<td>City, State Zip: Fairbanks, AK 99709</td>
<td>Phone: 907-451-5331</td>
</tr>
<tr>
<td>Phone: 907-451-5434</td>
<td>Cell: NA</td>
</tr>
<tr>
<td>E-mail: <a href="mailto:daniel.pistor@alaska.gov">daniel.pistor@alaska.gov</a></td>
<td>E-mail: NA</td>
</tr>
</tbody>
</table>

Property Information:
Property Description: Lot 2, Skol Subdivision, Plat No. 2002-62
Street Address: NHN Birch Hill Rd
Parcel Account Numbers (PAN): 531448
Lot Size: 39,879
Zoning District: RR - Rural Residential
Existing Use(s): Vacant Land

Variance Request Information:
Variance Type: Lot Size
Amount of ROW Acquired:
- Square Feet: 458
- Acres: 
Setback Request:
Front: 
Rear: 
Side: N / S / E / W
Zoning District Lot Size Minimum: 40,000
Current/Proposed Lot Size: 39,879
Request Description and amount of variance requested:
Request minimum lot size reduction from 40,000 square feet to 39,879 square feet.
Reasons for variance request:
DOT&PF ROW acquisition reduced lot size below the minimum for the zoning district.

Please include any information regarding the applicability of reasonable accommodations for a person having a disability pursuant to FNSBC 18.12.030.

APPLICANT SIGNATURE: ______________________ DATE: 9/23/16

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.
HIGHWAY VARIANCE
REQUIRED APPLICATION CHECKLIST

Please submit the required documentation listed below. Applications will not be scheduled for a Planning Commission meeting agenda until all of these items have been submitted and the application has been deemed complete by staff.

1. Provide a detailed written narrative that addresses the following criteria:

   I. FNSBC 18.104.070 (B)(3)
      e. Amount of right-of-way take from the subject lot
      f. Amount remaining to the subject lot after right-of-way take

   II. FNSBC 18.104.070 (B)(2)
      a. Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district, and
      b. Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

   III. FNSBC 18.104.070 (E)
      1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes;
      2. Whether the denial of the proposed variance will deprive the property owner of the use of the property in a manner similar to the use permitted to be made by the owners of property in the immediate area; and
      3. Whether the proposed variance will adversely affect the public health, safety, and welfare, traffic or parking conditions or increase the danger of fire.

IV. AS 29.40.040(b) A variance from a land use regulation adopted under this section may not be granted if

   (1) special conditions that require the variance are caused by the person seeking the variance;
   (2) the variance will permit a land use in a district in which that use is prohibited; or
   (3) the variance is sought solely to relieve pecuniary hardship or inconvenience.

2. Provide a Mortgage Location Survey or Site Plan drawn to scale which illustrate:

   I. FNSBC 18.104.070 (B)(3)(d)
      i. The subject property and its area and dimensions, both before and after the right of way take.
      ii. The location of all structures before and after right-of-way take.
      iii. The distances of all structures from all property lines, including old and new right-of-way lines (see applicable site plan guidelines document).

3. Attach a letter from Alaska Department of Environmental Conservation specific to each lot, with conditions, if applicable, regarding development suitability pursuant to 18.104.070.B.3(g).

4. Complete the Public Notice Sign Posting Affidavit. The form is included in the application packet.
Alan & Eliza Skinner
452 Droz Dr, Apt B
Fairbanks, AK 99712
Lot Size Variance- Birch Hill Bicycle and Pedestrian Facility Parcel 20

Narrative

The State of Alaska, DOT&PF is preparing the Birch Hill Bicycle and Pedestrian Facility project for construction. The State of Alaska Department of Transportation & Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the safety of bicyclists and pedestrians along Birch Hill Road by providing a 9 foot wide path from the Fairhill Road intersection to the East Birch Hill Road intersection (1.9 miles).

The widths of the shoulders along Birch Hill Road vary from zero to two feet wide. Currently, pedestrians and bicyclists mix with motor vehicles. The project will provide separate facilities to reduce mixing of the user groups, and to improve access to other facilities for pedestrians and bicyclists. The path will provide users with separation from motorized traffic with a buffer of 5 to 25 feet.

The design of this project was determined to be the least impactful design to the surrounding property owners in this area. This project requires the acquisition of parcels in order to accommodate the frontage road and access improvements, including Mr. and Mrs. Skinner's property.

DOT&PF's acquisition had the effect of reducing the lot size below the minimum required for its zoning district. The lot is now out of compliance by 121 square feet.

Variance Criteria

I. FNSBC 18.104.070 (B)(3)

   e. The right-of-way take from Mr. and Mrs. Skinner’s property is 458 square feet.

   f. The lot size prior to acquisition was 40,337 square feet, and is now 39,879 square feet.

II. FNSBC 18.070 (B)(2)

   a. This is a public highway project and the acquisition of the parcel to accommodate the project represents a special condition peculiar to this property and is not applicable to other property in the zoning district. The State maintains the right to Eminent Domain on this project, and as such the sale of the parcel to the State does not constitute an arm’s length transaction. Most other owners in this zoning district are not affected by this project and so this condition does not exist for other owners.

   b. Strict interpretation of this title would deprive the owner of rights commonly enjoyed by other properties in this zoning district because of the Birch Hill Bicycle and Pedestrian Facility project.

III. FNSBC 18.070 (D)
1. The proposed variance conforms to the intent and purpose of this title, other ordinances and Alaska Statutes.

2. The denial of the proposed variance will deprive the property owner of the use of the property in a manner similar to the use permitted to be made by the owners of property in the immediate area.

3. The proposed variance will not adversely affect the public health, safety, and welfare, traffic or parking conditions or increase the danger of fire should it be granted.
CURRENT OWNER: ALAN F. SKINNER & ELIZA SKINNER
REMAINING AREA: 0.916 ACRES

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DRAWING PROJECT NO. TEA-0002(247)/Z637680000
INITIAL DATE 2/2016

RIGHT OF WAY REQUIRED FOR BIRCH HILL BICYCLE & PEDESTRIAN FACILITY

PROJECT NO. TEA-0002(247)/Z637680000
AREA 458 SQ. FT. PARCEL NO. 20
SCALE 1" = 20' DATE 04/25/2016

SCALE 1" = 20'
APPLICATION MATERIAL
SUBMITTED ON

October 28, 2016
Stacy Wasinger

From: Roberts, Brian K (DOT) <brian.roberts@alaska.gov>
Sent: Friday, October 28, 2016 1:49 PM
To: Stacy Wasinger
Subject: Birch Hill Bicycle and Pedestrian project lot size variance cases

Stacy,

Based on our discussions about the Birch Hill lot size variances, DOT&PF would like to amend our variance applications in the following way:

Revise the before acquisition size of the lots for V2017-004 & V2017-005 to the Plat/Assessor’s lot size.

We would like to keep V2017-006 application the same. The reason for the discrepancies mainly comes down to the difference in survey starting points for the Birch Hill Right of Way Map and the plats and deeds of record. Surveys can differ depending on the monument used as the starting point for the survey. Our right of way surveying for this project was based off of Steese Hwy monuments and the acquisition parcels were based off of this. The plat and deed areas were in all likelihood started or commenced from different monuments. In these cases, the differences are probably within the acceptable level of difference.

However, in order to ensure that the property owners have the minimum variance size needed for their variance, and to prevent issues going into the future, DOT&PF would like to revise our applications as stated above.

Thanks,

--Brian

Brian K. Roberts | Right-of-Way Agent III | Alaska DOT&PF, Northern Region

From: Stacy Wasinger [mailto:SWasinger@fnsb.us]
Sent: Friday, October 07, 2016 11:21 AM
To: Roberts, Brian K (DOT); Pistor, Daniel S (DOT)
Subject: Birch Hill Bicycle and Pedestrian project lot size variance cases

Good morning,

I wanted to clarify on the three lot size variance cases submitted for this project (V2C17-004, V2017-005, and V2017-006) how the size of the parcel prior to right-of-way acquisition was determined. Were the lots surveyed as part of the acquisition? There is some discrepancy between the lot sizes on the applications and our records and plats, so I was hoping you’d be able to help clarify. For each case:

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Lot</th>
<th>Plat/Assessor lot size</th>
<th>Variance application stated lot size</th>
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</thead>
<tbody>
<tr>
<td>V2017-004</td>
<td>Skol Subdivision, Lot 1</td>
<td>40,019 square feet</td>
<td>40,685 square feet</td>
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<tr>
<td>V2017-005</td>
<td>TL 3606 (314 Birch Hill)</td>
<td>43,124 square feet</td>
<td>43,408 square feet</td>
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<tr>
<td>V2017-006</td>
<td>Skol Subdivision, Lot 2</td>
<td>40,352 square feet</td>
<td>40,337 square feet</td>
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</tbody>
</table>
These aren't large discrepancies, but particularly in the case of the two lots in the Skol subdivision that differ from the recorded plat (attached), I wanted to clarify. If there are new surveys or other documents other than that provided with the application, would you please submit those for the file?

If you have any questions, please just let me know.

Thanks so much!
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 809 Pioneer Road
Fairbanks, AK 99707-1267
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

V2017-001
November 8, 2016 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission
FROM: Stacy Wasinger, Planner III
DATE: October 24, 2016

RE: V2017-001: A request by Brian Roberts on behalf of Calvin and Cindy Stageman for a lot size highway variance of 29,183 square feet to the minimum lot size requirement of 40,000 feet in the General Use 1 (GU-1) zone (located at 1815 Rozak Road, on the west side of Rozak Road, south of Richardson Highway).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the variance request with one (1) condition and nine (9) Findings of Fact in support of approval. Staff recommends approval because the acquisition of land by the Alaska Department of Transportation and Public Facilities (AKDOT & PF) as right-of-way for the Richardson Highway represents a special condition which is peculiar to the property and which was not caused by the property owner. The subject parcel is under the GU-1 minimum lot size requirement and is made further non-conforming by the 433 square foot right-of-way acquisition by AKDOT & PF. The staff analysis finds that the proposed variance will meet the intent and purpose of Title 18 and of other ordinances and state statutes and will not adversely affect the public health, safety and welfare. Additionally, if the variance is denied, the denial would deprive the property owner the use of their property in a similar manner made by other owners in the general area.

II. GENERAL INFORMATION

A. Purpose
To allow a lot size highway variance of 29,183 square feet in the General Use 1 (GU-1) zone.

B. Location
East side of Rozak Road, south of Richardson Highway

C. Access
Rozak Road

D. Size/PAN

<table>
<thead>
<tr>
<th>Sf</th>
<th>PAN</th>
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<tbody>
<tr>
<td>11,250</td>
<td>0673452</td>
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</tbody>
</table>

E. Existing Zone
GU-1

F. Existing Land Use
Single-Family Residence with accessory structures.

G. Surrounding Land Use/Zoning

<table>
<thead>
<tr>
<th></th>
<th>Zoning:</th>
<th>Land Use:</th>
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</thead>
<tbody>
<tr>
<td>North:</td>
<td>GU-1</td>
<td>Vacant/Richardson Hwy</td>
</tr>
<tr>
<td>South:</td>
<td>GU-1</td>
<td>Residential</td>
</tr>
</tbody>
</table>
III. ZONING AND DEVELOPMENT HISTORY

The subject lot was created with the recording of a Warranty Deed on November 13, 1953 at 11,250 square feet in size (Exhibit 1). The parcel was located in an unincorporated area and there was no zoning in unincorporated areas at that time. Therefore, no minimum lot size was required when the lot was created. Fairbanks North Star Borough zoning designations and standards were adopted through Ordinance No. 67-34 on March 28, 1968 and the subject property was zoned Unrestricted Use (UU). There was no minimum lot size requirement under the UU zone. The parcel was developed for residential use with the construction of the existing residence in 1986. The adoption of Ordinance No. 88-010 on April 19, 1988 changed the zoning designation on the subject parcel from UU to General Use 1 (GU-1), instituting a minimum lot size requirement of 40,000 square feet. At that time, FNSBC 49.15.030 stated that "lots of record, or uses of land or structures existing at the time of adoption of, or amendment to, this ordinance may be continued even though they do not conform to the standards established by this ordinance". FNSBC 49.15.020 defined lot of record as "a plot of land, the description of which has been recorded in the office of the District Magistrate" (Exhibit 2). The subject parcel qualified as a "lot of record" as defined by the legal non-conforming (grandfather rights) code section in place at that time. Therefore, although the lot was undersized for the GU-1 zone, it was legally created before the GU-1 zone was put into place and was a legal non-conforming lot. With the filing of a Warranty Deed on December 23, 2015, the State of Alaska acquired 433 square feet from the property for right-of-way for the Richardson Highway, leaving the parcel at the current lot size of 10,817 square feet (Exhibit 3). FNSBC 18.84 requires a 40,000 square foot minimum lot size for the subject parcel and FNSBC 18.104.070 allows that a variance to this numerical standard as a
The Richardson Highway project is intended to improve access and safety between Mileposts 353 and 357. The subject parcel is adjacent to a four lane, divided section of the Richardson Highway with a 55 mph speed limit. This section of the Richardson Highway is expected to have continued increased traffic volume, up to 23,000 average daily traffic (ADT) trips by 2035 from the current 14,000. The project requires the acquisition of right-of-way to aid in the implementation of access improvements and a frontage road. HP2013-005, the Richardson Highway MP 353-357 Access Improvements highway project in its entirety was approved by the Planning Commission on March 19, 2013 (Exhibit 4). The current application is only for the variance necessitated by the right-of-way acquisition from the subject parcel. Denial of the variance will not result in denial of the highway project but would have the result of necessitating that AKDOT & PF acquire the entire subject parcel rather than the portion of the parcel associated with this variance application.

Figure 1: Site Plan with Approximate Area of Acquired Right-of-Way
(Source: Base map is the Applicant’s provided survey, annotations in color by Community Planning staff.)
Figure 1 illustrates the approximate area of land acquired by AKDOT & PF for the Richardson Highway project from the subject property. The original lot of record was 11,250 square feet and 433 square feet was acquired in 2015. This right-of-way acquisition leaves the parcel at a remainder of 10,817 square feet.

IV. APPLICABLE APPROVAL CRITERIA

Variances are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances and Titles 29 and 35, Alaska Statutes:

Fairbanks North Star Borough (FNSB) Code of Ordinances

18.12.020 Purpose. The purpose of this title is to implement the Fairbanks North Star Borough comprehensive plan. This title is intended to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise.

18.104.070 (A) Procedure for Highway Project Variances. Generally. The planning commission may allow a departure from the numerical standards of this title pertaining to the size of yards and open space areas, building height and size, lot area, number and location of off-street parking spaces and loading areas, and other matters. Highway project variances must be a direct result of right-of-way acquisition.

18.104.070 (B) Procedures for Highway Project Variances: Application for a Highway Project Variance (2.) An application for highway project variance shall be evaluated by the following criteria:

(a) Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district, and

(b) Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

18.104.070 (D) Procedures for Highway Project Variances: Hearing and Decision Process (1.) Variance Requests Not Greater Than 10 Percent. If the director of community planning determines no extraordinary circumstances exist, highway project variances which depart from the numerical standards of this title by not greater than 10 percent shall appear on the consent agenda of the planning commission. Affected property owners may address the variance application during the citizen’s comments portion of the agenda. The planning commission may remove the item from the consent agenda and may approve, approve with conditions, or deny the highway project variance. The planning commission may also refer the application to a full review including public hearing in accordance with procedures outlined for highway project variances greater than 10 percent. If the director of community planning determines extraordinary circumstances do exist, the highway project variance will appear as a regular agenda item scheduled for public hearing in accordance with procedures outlined for highway project variance greater than 10 percent.
(2.) Variance Requests Greater Than 10 Percent. Departures of greater than 10 percent from the numerical standards shall be considered by the planning commission in a quasi-judicial hearing.

18.104.070 (E) Procedures for Highway Project Variances. The planning commission shall also consider and adopt findings in each of the following:

1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes’
2. Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;
3. Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.

State of Alaska Statutes
Section 29.40.040 (b). A variance from a land use regulation adopted under this section may not be granted if

1. special conditions that require the variance are caused by the person seeking the variance;
2. the variance will permit a land use in a district in which that use is prohibited; or
3. the variance is sought solely to relieve pecuniary hardship or inconvenience.

Section 35.30.020 Compliance with Municipal Ordinances. A department shall comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners.

V. STAFF ANALYSIS

A. Dear Property Owner Notices

There were 40 dear property owner notices mailed out and staff received one (1) inquiry about the case.

B. Surrounding Land Use and Zoning

The surrounding parcels are all zoned General Use (GU-1) (Figure 2). The neighboring properties are primarily vacant or used for residential purposes, with some commercial use to the north across Richardson Highway and an industrial use to the east across Rozak Road.

The intent of the GU-1 zone is “to be located in rural areas where community sewer and water systems are unavailable.” The GU-1 zone has no setback requirement and has a minimum lot size requirement of 40,000 square feet. Residential uses are allowed in the GU-1 zone. This application requests a variance of 29,183 square feet from the lot size requirement for a lot
that was legal non-conforming due to zone changes and made further non-conforming by the State of Alaska acquiring 433 square feet of the property for the Richardson Highway right-of-way (Figure 1).

**Figure 2: Zoning Map**
(Source: FNSB ArcGIS)

C. Nearby Variances

DOT & PF has also concurrently applied for two other lot size variances related to the Richardson Highway project. The parcels considered in those cases are approximately 4,200 feet northwest along Richardson Highway from the subject parcel in this proposed variance. V2017-002 and V2017-003, which pertain to Lot 1 and Lot 2, block 1 of the Badger Industrial Park Subdivision respectively, are the concurrent applications. There are no other nearby variances.

D. FNSB Code of Ordinances: Title 18 Variance Application Standards

1. *Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district.*

The special condition affecting the subject property is the right-of-way acquisition required for the Richardson Highway project. The lot, which was already undersized due to being created
before zoning regulations were in place, was further reduced by an additional 433 square feet taken for the right-of-way acquisition. The applicant’s narrative states that the property was acquired to “improve safety and capacity on the Richardson Highway while maintaining reasonable access to the parcels adjacent to the project via the frontage road system.” The special condition was in support of the overall health, safety, and welfare by creating a safer highway system, and is unique to properties abutting the Richardson Highway project. This right-of-way acquisition was not initiated or caused by the property owners.

2. **Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.**

Strict interpretation of the provision of the zoning title would deprive the property owner of rights commonly enjoyed by other properties in the same district under the terms of the zoning title because the undersized lot does not comply with Title 18 lot size requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18 regarding lot size. Strict interpretation would also have the secondary effect of depriving the property owner of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they are not able to comply with Title 18 regarding lot size.

E. **FNSB Code of Ordinances: Title 18 Variance Approval Criteria**

1. **Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes.**

**Purpose of FNSBC Title 18:** The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The application materials align with Land Use Goal 1, Strategy 3 of the FNSB Regional Comprehensive Plan, which is to “work to reduce to the fullest extent possible the natural conflict that develops between private property rights and community needs and interests.” The proposed variance resolves the conflict created by right-of-way acquisition that takes a privately owned property out of compliance with Title 18 standards. The proposed variance is also consistent with the Urban Area designation, which is defined as “area that is served or can be served with community water and sewer, and contains the most intensive residential, commercial, and industrial development.” This parcel is not served with community water and sewer but does contain a residential use.

**Intent of FNSBC Title 18:** The intent of Title 18 is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020).”

Allowing an owner to develop their private property is an example of protecting private property rights with local zoning regulations. The public notification, public hearing procedures and approval criteria for variances protect the property rights of the surrounding property owners.

The proposed variance will promote the public health, safety, and welfare because it will not create any fire, traffic, or safety hazards. The minimum lot size requirement in the GU-1 zone is intended in part to allow for adequate area and separation for well and wastewater systems on site. The subject parcel does have an existing wastewater system that is not documented
in Alaska Department of Environmental Conservation (ADEC) records. The acquisition of a small corner likely would not affect the separation requirements between a wastewater system and well because the existing septic system is located to the west side of the property behind the house and not in the area of acquisition. The proposed variance is not expected to create any health, safety, or welfare concerns, however it is recommended that the applicant or property owner obtain appropriate ADEC approval for the on-site waste water system.

**Alaska State Statute and Other Ordinances:** The site is not within City of Fairbanks or City of North Pole limits and complies with the FNSB Comprehensive Plan and other ordinances. The proposed variance complies with Alaska Statute 29.40.040(b) regarding requirements for variances. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects. Additionally, state statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

2. **Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;**

Denial of the proposed variance would deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area. The undersized lot does not comply with Title 18 requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18 regarding lot size. Two other lots in the vicinity will have land acquired by the AKDOT & PF for the Richardson Highway project right-of-way that also resulted in the lots being out of compliance with Title 18 standards regarding lot size. Separate lot size variances have been applied for on those parcels.

3. **Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.**

The proposed variance will protect the public health, safety or welfare by fulfilling procedural requirements related to the accommodation of development of the Richardson Highway project, which improves road safety issues, such as traffic. There is adequate parking on the subject property for the single-family use. The proposed variance would not create additional fire hazard concerns because the area acquired for right-of-way is adjacent to Richardson Highway. The GU-1 does not require setbacks and the right-of-way acquisition does not decrease the distance between existing structures.

The minimum lot size requirement in the GU-1 zone is intended in part to allow for adequate area and separation for well and wastewater systems on site. The subject parcel does have an existing wastewater system that is not documented in Alaska Department of Environmental Conservation (ADEC) records. The acquisition of a small corner likely would not affect the separation requirements between a wastewater system and well because the existing septic system is located to the west side of the property behind the house and not in the area of acquisition. The proposed variance is not expected to create any health, safety, or welfare concerns, however it is recommended that the applicant or property owner obtain appropriate ADEC approval for the on-site waste water system.
F. State of Alaska Statutes: Title 29 Variance Approval Criteria

Section 29.40.040(b). A variance from a land use regulation may not be granted if:

1. Special conditions that require the variance are caused by the person seeking the variance;

The special condition was caused by the State of Alaska acquiring land for the Richardson Highway right-of-way in 2015 that further increased the non-conformity regarding lot size on the subject parcel. The property owner did not create this condition.

2. The variance will permit a land use in a district in which that use is prohibited; or

A single-family residence with accessory uses is permitted in the GU-1 zone.

3. The variance is sought solely to relieve pecuniary hardship or inconvenience.

The proposed variance is not sought solely to relieve pecuniary hardship. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.

VI. RECOMMENDATION

Based on the staff analysis, the Department of Community Planning recommends APPROVAL of the requested 29,183 square feet variance from the minimum lot size of 40,000 square feet in the GU-1 zone with one (1) condition.

VII. CONDITIONS

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

VIII. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the staff report and the following Findings of Fact in support of approval:

1. A special condition of increasing the legal non-conformity of lot size was created on the property by the State of Alaska acquiring land for the Richardson Highway right-of-way.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Richardson Highway.
3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the undersized lot does not comply with Title 18.
   a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.
   b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for lot size.

6. Approval of the variance would protect public health, safety or welfare because it fulfills procedural requirements related to the accommodation of development of the Richardson Highway project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 and state statute. The variance would not adversely affect the public health, safety, and welfare because it does not affect traffic or parking conditions or increase the danger of fire.
   a. ADEC does not have record or approval of the existing wastewater system on the parcel. However, approval of the variance would not increase public health, safety, and welfare concerns from the existing wastewater system because the land acquired will not affect the separation of the well and existing septic system, which is located to the west on the rear of the property away from the area of acquisition.

7. The property owner did not create the special condition on the property or the need for a variance.

8. A single-family residence and accessory uses are permitted in the GU-1 zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Richardson Highway project.

DRAFT PLANNING COMMISSION MOTION:

I move to approve the requested 29,183 square foot variance from the 40,000 square foot required minimum lot size requirement in the GU-1 zone with one (1) condition, adopting the staff report and nine (9) Findings of Fact in support of the decision.
WARRANTY DEED

THIS INDEMNITY, made this 13th day of November, 1953, by and between:  

PERRY E. TAYLOR, of Fairbanks, Alaska, hereinafter called Grantor,  

and,  

CASEY DUZ, also of Fairbanks, Alaska, hereinafter called Grantee,  

WITNESSETH:  

That said Grantor, for and in consideration of the sum of One ($1.00) Dollar, lawful money of the United States of America, and other good and valuable considerations to him in hand paid by the Grantee, receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, convey and confirm unto the said Grantee, his heirs and assigns forever, that certain lot, tract or parcel of land situate in the Fairbanks Recording Precinct, Fourth Division, Territory of Alaska, and more particularly described as follows:  

Commencing at the east quarter corner of Section 34, Township One South, Range One East, Fairbanks Meridian; thence N 45° 04' W a distance of 424.35 ft. to the southeast corner of Block 1, said corner being on the west boundary of the public road right of way; thence N 0° 04' W a distance of 610.0 ft. along said public road right of way to the place of beginning, which point is designated Corner #1; thence N 0° 04' W a distance of 75 ft. along said public road right of way to Corner #2; thence S 89° 56' W a distance of 150.0 ft. to Corner #3; thence S 0° 04' E a distance of 75.0 ft. to Corner #4; thence N 0° 56' E a distance of 150.0 ft. to Corner #1 and the place of Beginning, together with the building situate thereon and the furniture and fixtures contained therein, TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining,  

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said Grantee, and to his heirs and assigns forever, and the said Grantee does covenant and agree with the Grantor that he is the lawful owner of said premises, and that he has the legal right to sell the same and does by these presents warrant and will forever defend the above described premises, and every part and parcel thereof, with the appurtenances, unto said Grantee, his heirs and assigns, against any and all persons having or claiming any right, title or interest therein adverse to the said Grantee, in the quiet and peaceable possession of the same.
IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and
seal this day and year first hereinabove written.

In the presence of:

Mary Lee Fremier

Gerry E. Tate (SEAL)

Eugene V. Miller

UNITED STATES OF AMERICA

TERRITORY OF ALASKA

THIS IS TO CERTIFY that before me, the undersigned, a Notary Public
in said Territory of Alaska, duly commissioned and sworn, personally
appeared GERRY E. TATE, to me known and known to me to be the identical indi-
vidual named in and who executed the within and foregoing Warrantee Deed, and
he acknowledged to me that he signed and sealed the same freely and voluntarily
for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial
seal the day and year in this instrument first hereinabove written.

Mary Lee Fremier
Notary Public in and for Territory
My commission expires December 31, 1957

150.155

LAURENCE MURTAUGH
Recorder

1st National Bank
Fairbanks, Alaska

Morrill

9th Day of May, 1957
THIS INDENTURE, Made the ______ day of ______ in the year of our Lord one thousand nine hundred and ______.
Between ROSE V. TATE, of Fairbanks, Alaska, the party of the first part, and
CASEY DUZY, also of Fairbanks, Alaska, the party of the second part,
WITNESSETH: That said party of the first part, for and in consideration of the sum of ______ dollars, (____$),
Legal Tender of the United States of America, to be paid in hand paid by the said party of the second part,
the receipt whereof is hereby acknowledged, has granted, bargained, sold, remised, released and forever quit-claimed and by these presents does grant, bargain, sell, remise, release and forever quit-claim unto the said party of the second part, and to his heirs and assigns forever, that certain lot, tract or parcel of land situated in the Fairbanks Recording District, Fourth Division, Territory of Alaska, more particularly described as follows:

Beginning at the east quarter corner of Section 34, Township One South, Range One East, Fairbanks Meridian; thence N 45° 04' W a distance of 42.43 ft. to the southeast corner of Block 1, said corner being on the west boundary of the public road right-of-way; thence N 00° 04' W a distance of 610.0 ft. along said public road right-of-way to the place of beginning, which point is designated as Cor. 1; thence N 00° 04' W a distance of 75 ft. along said public road right-of-way to Cor. 2; thence E 00° 56' N a distance of 150.0 ft. to Cor. 3; thence N 00° 04' E a distance of 17.03 ft. to Cor. 4; thence N 00° 56' E a distance of 150.0 ft. to Cor. 5; and the place of beginning.

To have and to hold the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part, and to his heirs and assigns forever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of:

__________________________
Signature of Vendee

__________________________
Signature of Vendor

__________________________
Witness 1

__________________________
Witness 2

__________________________
Witness 3
On this 29th day of May, A.D. One thousand nine hundred and Fifty-Four.

Personally came before me, Elmer C. McGinnis, a Notary Public in and for said Territory, the within named Rose V. Tate to me personally known to be the identical person described in and who executed the within instrument, and she acknowledged to me that she executed the same freely, for the uses and purposes therein mentioned.

WITNESS my hand and seal this 29th day of May, 1954.

Elmer C. McGinnis
Notary Public in and for the Territory of Alaska.

My commission expires December 1, 1956.
ORDINANCE NO. 67-34

AN ORDINANCE AMENDING THE FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES, TITLE 49, BY DELETING CHAPTER 15, FAIRBANKS ZONING; CHAPTER 20, UNIVERSITY AVENUE ZONING; AND CHAPTER 25, HUSKOK ZONING; AND CODIFYING THE FOLLOWING ORDINANCE AS CHAPTER 15, FAIRBANKS NORTH STAR BOROUGH CODE OF ORDINANCES

WHEREAS, the Fairbanks North Star Borough Planning Commission has caused to be prepared a proposed Planning and Zoning Ordinance for the Fairbanks North Star Borough, has held public hearings on said proposed ordinance, and has recommended to the Fairbanks North Star Borough Assembly that the Ordinance be adopted,

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough, Alaska, that the Fairbanks North Star Borough Code of Ordinances be amended by deletion of Chapters 15, 20, and 25, Title 49, and by adding Chapter 15, Title 49, as noted on the following pages, annexed Exhibit A.

PASSED AND APPROVED this 28th day of March, 1968.

ATTEST:

John C. Gustafson
Presiding Officer

Clerk of the Assembly
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EXHIBIT A

TITLE 49, CHAPTER 15

Sec. 49.15.005. Short Title. This Ordinance may be referred to as "Fairbanks North Star Borough Zoning Ordinance".

Sec. 49.15.010. Purpose. The provisions of this Ordinance are for promotion of the public health, safety and welfare.

Sec. 49.15.020. Definitions. For the purpose of this Ordinance the word "shall" is mandatory, the word "may" is permissive. Certain other terms or words used herein shall be interpreted as follows:

(a) Alley. A public way designed and intended to provide a secondary means of access only to property abutting thereon.

(b) Automotive Repair, Major. Major repair or rebuilding of engines, motor vehicles, or trailers; body, frame, or fender straightening or repair; overall painting.

(c) Automotive Repair, Minor. Replacement of minor parts; tune-up; lubrication; washing and polishing of passenger cars and trucks not exceeding 2 1/2 ton capacity.

(d) Automotive Wrecking. Dismantling of motor vehicles or trailers; storage or sale of wrecked vehicles or of parts from dismantled, partially dismantled, or wrecked vehicles.

(e) Building Area. The total of areas covered by a roof, building, or other above-ground structure taken on a horizontal plane plus any additional required off-street parking.

(f) Conditional Use. A use that is essential to or would promote the public health, safety, or welfare but which would also impair the integrity and character of the zone in which the use is conditionally permitted, or of adjoining zones, unless restrictions on location, size, or extent are imposed in addition to those imposed on "permitted uses".

(g) Dwelling Unit. One or more rooms intended as a living unit for one household and having kitchen facilities.

(h) Guest Room. A room in a hotel or rooming house used to provide sleeping accommodations.
(i) Hospital. A building or portion thereof used for the treatment of sick, injured, or infirm persons, and accredited by the American Hospital Association.

(j) Hotel. A building or group of buildings in which there are guest rooms used for general public lodging, on a day-to-day basis.

(k) Junk. Dismantled or wrecked vehicles or machinery, used appliances and furniture, scrap metals, rubber, paper, plastic, or other scrap materials.

(l) Junk Yard. The use of more than 500 square feet of the area of any lot for the dismantling or wrecking of automobiles, other vehicles, or machinery, the storage or keeping of the parts or equipment resulting from such dismantling or wrecking, or the storage or keeping of junk.

(m) Kennels. A lot on which are maintained out of doors four or more dogs.

(n) Lot. A plot of land occupied or to be occupied by a principal use.

(o) Lot of Record. A plot of land, the description of which has been recorded in the office of the District Magistrate.

(p) Lot Line, Interior. A line separating a lot from another lot or from an alley.

(q) Lot Line, Street. A line separating a lot from a street.

(r) Mineral Extraction. The taking from the ground, for commercial use or processing, ore, dirt, sand, gravel, rock, other inorganic material, peat, gas, oil, or coal.

(s) Mobile Home. A dwelling which is designed for transportation as one unit, after fabrication, on highways to a site where it is to be occupied and at which site it arrives complete and ready for occupancy, except for incidental unpacking and assembly operations, location on jacks or foundations, and connections to utilities.

(t) Nursery, Children's. A home or institution used and maintained commercially to provide daily care for five or more children.

(u) Off-Street. An area located entirely outside of the dedicated right-of-way of a street or alley.
Section 49.15.050. Zone Boundaries.

(1) Unrestricted Use Zone. All land within the Fairbanks North Star Borough not in any other zone.
### SCHEDULE C

**GEOMETRICAL STANDARDS FOR LOTS**

<table>
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<tr>
<th>ZONE</th>
<th>Maximum Building Area (% of Lot Area)</th>
<th>Minimum Lot Area (Square Feet)*</th>
<th>Minimum Street Yard Depth (Feet)</th>
<th>Minimum Interior Yard Depth (Feet)</th>
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<tr>
<td>Outdoor Recreation</td>
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<td>General Agriculture</td>
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<td>100</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
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</table>

* A lot shall be of such shape as to encompass a rectangular area of at least twenty feet by forty feet exclusive of required yards.

** Except that building is permitted up to one interior lot line or each of two intersecting interior lot lines.
The GRANTORS, CALVIN C. STAGEMAN, JR. and CINDY F. STAGEMAN, husband and wife, whose mailing address is 1815 Rozak Road, Fairbanks, Alaska 99705, for and in consideration of TEN DOLLARS, and other consideration, in hand paid, conveys and warrants to the GRANTEE, STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES, whose mailing address is 2301 Peger Road, MS 2553, Fairbanks, Alaska 99701, the following-described real estate, located in the State of Alaska:

All that part of the following-described tract of land:

A parcel of land found in Section 34 Township 1 South, Range 1 East (Fairbanks Meridian), located within a portion of Tax Lot 3408 as recorded in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, and more particularly described as follows:

Commencing at the point located on the north east corner of Tax Lot 3408, said point is located 135.44 feet right of Station 459+91.09 of the centerline of Project F-062-4(16) and also being the TRUE POINT OF BEGINNING; THENCE bearing S 01°19'27" W, a distance of 75.00 feet along the eastern boundary of said Tax Lot 3408 to a point located at the south east corner of said Tax Lot 3408, said point being located 191.04 feet right of Station 460+41.43 of the centerline of Project F-062-4(16); THENCE bearing N 88°40'33" W, a distance of 3.00 feet along the southern boundary of said Tax Lot 3408 to a point located on the westerly edge of a thirty three (33) foot section line easement, said point being located 193.05 feet right of Station 460+39.20 of the centerline of Project F-062-4(16); THENCE bearing N 01°19'27" E, a distance of 55.33 feet along the western edge of a section line easement to a point, said point being located 152.04 feet right of Station 460+02.07 of the centerline of Project F-062-4(16); THENCE bearing N 45°42'19" W, a distance of 28.86 feet to a point located on the northern boundary of said Tax Lot 3408, said point being located 151.62 feet right of Station 459+73.21 of the centerline of Project F-062-4(16); THENCE bearing S 86°40'33" E, a distance of 24.12 feet along the northern boundary of said Tax Lot 3408 to the TRUE POINT OF BEGINNING.

Said described parcel contains 433 square feet (0.010 acres) more or less, subject to any and all easements, reservations, restrictions and conveyances of record.
Said described parcel lies within the right-of-way lines of Alaska Project No. 66148, delineated as to said tract of land on the plat attached hereto and made a part hereof as pages 3, 4, and 5 of this instrument and designated as Parcel No. 29.

Said parcel, containing 433 square feet, more or less, in addition to existing right-of-way, is hereby conveyed to the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.

Dated this 21st day of October, 2015.

Calvin C. Stageman, Jr. 
Cindy F. Stageman

ACKNOWLEDGMENT OF GRANTORS

STATE OF ALASKA )
        ss
Fourth Judicial District )

On this 21st day of OCTOBER, 2015, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Calvin C. Stageman, Jr. and Cindy F. Stageman, the Grantors, known to me to be the identical people who executed the foregoing instrument and who acknowledged to me that they signed the same freely and voluntarily, with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

[NOTARY SEAL]

Notary Public in and for the State of Alaska
My Commission Expires Feb. 8, 2018

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, Grantee herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of DECEMBER, 2015.

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

By: ____________________________
   For the Commissioner
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
&
PUBLIC FACILITIES

RIGHT OF WAY REQUIRED
IM-HRO-0A24(19)/66148
RICHARDSON HWY MP 353-357
ACCESS IMPROVEMENTS

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

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<th>PARCEL NO.</th>
<th>SCALE</th>
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<td>1&quot; = 300'</td>
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LINE DATA

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<tr>
<td>L95</td>
<td>S 1°19'27&quot; W</td>
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<td>3.00'</td>
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<td>55.33'</td>
</tr>
<tr>
<td>L98</td>
<td>N 45°42'19&quot; W</td>
<td>28.86'</td>
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CALVIN C. & CINDY F. STAGEMAN
REMAINING AREA: 10,817 S.F.

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR
RICHARDSON HWY MP353-357
ACCESS IMPROVEMENTS

DRAWING ISSUE DATE: 06/29/15
INITIAL DATE: 07/30/15

PROJECT NO. IM-HRO-OA24(19)/66148
AREA 433 S.F. PARCEL NO. 29
SCALE NONE DATE 03-12-2014

Warranty Deed
Page 5 of 5
2015-021573-0
Richardson Highway MP 353-357 Access Improvements Project

Legend

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0 0.125 0.25 0.5 Miles
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

HP2013-005

TO: Fairbanks North Star Borough Planning Commission
RE: HP2013-005 Richardson Highway MP 353–357 Access Improvements

I. PROJECT DESCRIPTION

A request by the Alaska Department of Transportation and Public Facilities – Northern Region for local planning authority approval of the Richardson Highway MP 353-357 Access Improvements Project. This project will address seven at-grade intersections on the Richardson Highway between the Badger Road Interchange and Levee Way. Improvements will include consolidation of at-grade intersections, acceleration/deceleration lanes, and frontage road connectivity improvements. This project is anticipated to require right-of-way acquisition.

II. BACKGROUND

A. Applicant: State of Alaska
Department of Transportation & Public Facilities
2301 Peger Road
Fairbanks, AK 99701

B. Location: Richardson Highway and adjacent frontage roads.

C. Right-of-Way Existing DOT & PF right-of-way and expected right-of-way acquisition from 37 parcels.

D. Current Zoning: General Use (GU-1), Rural Residential (RR), Light Industrial (LI)

E. Comprehensive Plan: Urban Area with Light Industrial land classification (See Attachment B for associated map)

F. FEMA Flood Hazard: A large portion of the project area is located within FEMA Flood Zone A and will require a FNSB Title 15 Flood Plain Permit.

III. ANALYSIS

Current Conditions

The Richardson Highway is a four-lane Urban Interstate, with a project area approximately 3.2 miles in length. The Richardson Highway acts as the primary transportation corridor between the North Pole area and the Fairbanks area, within the Fairbanks North Star borough. The posted speed for this section of the Richardson Highway is 55 miles per hour (MPH) along the entire project area. A portion of this section of Richardson Highway has an associated frontage road system.

In the last 20 years, traffic along this section of the Richardson Highway has increased by approximately 25%, with approximately 8% of the traffic along the Richardson Highway being comprised of heavy truck traffic. The DOT&PF has also indicated that a high percentage of the traffic which uses the associated frontage road system is also truck traffic.
A breakdown of the average daily traffic (ADT) on the Richardson Highway at the Old Richardson Highway, since 2000 is available in Table A of this report. A graph displaying the increase in traffic since 1960 of the Richardson Highway at 3-mile is available in Figure 1 of this report. Photos of the Richardson Highway and associated frontage road system are available in Figures 2 – 4 of this Staff Report.

**Table A: Average Daily Traffic (ADT) Counts on the Richardson Highway**  
**East of Old Richardson Highway**

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**Figure 1: Average Daily Traffic (ADT) Counts by Year (Source: DOT&PF)**

![Graph showing the increase in traffic since 1960 of the Richardson Highway at 3-mile.]

**Figure 2: Richardson Highway Traveling Southbound**
Zoning

The properties located along MP 353–357 of the Richardson Highway encompass the following zones:

- General Use (GU-1)
- Rural Residential (RR)
- Light Industrial (LI)

The vast majority of the parcels and tracts along this section of the Richardson Highway, and accompanying frontage roads are zoned General Use (GU-1). There is a very small area along Davison Road, which is comprised of approximately 25 lots zoned Rural Residential (RR) and two (2) lots zoned Light Industrial (LI). A zoning map of the Richardson Highway from MP 353–357 is available in Attachment A of this report.

While the zoning in this area is primarily GU-1, there has been a great increase in commercial and industrial businesses over the last few years, some of which generate a large amount of truck traffic. The DOT&PF estimates that the truck traffic in the area comprises approximately 8% of the total ADT in the area. The FNSB Comprehensive Plan calls for the majority of this
area to be a Light Industrial, with a small amount of Urban Area. A map of the project area and the FNSB Comprehensive Plan is available in Attachment B of this Staff Report.

**Purpose and Need***

The purpose of this project is to improve safety and capacity on this four-lane, high-traffic section of the Richardson Highway while maintaining reasonable access to the parcels adjacent to the project corridor via the frontage road system. Safety and capacity concerns associated with the many closely spaced intersections along the project corridor, the lack of lighting, and the poor conditions of the surfaces of the access roads include:

- Proximity of intersections creates a high number of potential conflict points and leaves drivers with little time or distance to react.
- Lack of adequate acceleration/deceleration lanes increases the potential for conflicts between merging vehicles and through traffic.
- Lack of lighting limits drivers’ ability to see other traffic and moose in low light conditions.
- Intersection geometry is not suited to use by large trucks, which can block the intersections.
- Insufficient connectivity to Badger Road Interchange causes drivers who might otherwise use the interchange to enter and exit the highway via at-grade intersections.
- Deteriorating pavement on the southern frontage road requires frequent, extensive patching and crack sealing efforts by DOT&PF Maintenance.

*Source: Richardson Highway MP 353-357 Access Improvements Design Study Report*

**Project Scope**

Improve access control on the Richardson Highway between approximate MP 353–357. This project will upgrade and extend the existing frontage road system, construct improved at-grade intersections, and eliminate a number of existing access approaches onto the Richardson Highway.

**Proposed Improvements**

The DOT&PF is proposing numerous improvements as an aspect of this project including acceleration/deceleration lanes, closing the median in several locations, highway lighting, frontage road construction, and improvements to the frontage road system and pavement rehabilitation along the frontage road system.

The DOT&PF considered multiple design alternatives to achieve the purpose and need of this project and ultimately selected the preferred alternative due to safety expectations, right-of-way acquisition minimization, and appropriate level-of-service. An overview of the proposed project improvements is available in Attachment C of this Staff Report.

The Richardson Highway MP 353-357 Access Improvements Project will address seven (7) current at-grade intersections on the Richardson Highway, which are further specified in Figures 5 – 11 of this Staff Report and the typical sections are available in Figure 12 of this Staff Report.
Figure 5: Intersection 1 Wescott Garden Lane/LuAnne Road

This project is proposing to close the median at the Wescott Garden Lane/LuAnne Road Intersection. These resulting intersections will become right-in and right-out only with acceleration and deceleration lanes added.

Figure 6: Intersection 2 Davison Street

The proposed improvements to the Davison Street Intersection will close the median at this intersection creating two right-in right-out intersections. The intersecting points to the Richardson Highway will also be relocated to create perpendicular intersecting points, as the current alignment of Davison Street follows a section line, not perpendicular to the Richardson Highway.

Figure 7: Intersection 3 Midland Street

The Midland Street/Richardson Highway Intersection is proposed to function as a four-way intersection and one of the primary access points to the Richardson Highway. New frontage road is also being proposed to be constructed on the north side of the Richardson Highway along with acceleration and deceleration lanes on the Richardson Highway itself. The proposed
design for this intersection will accommodate queuing for a truck, with the approximate length of 73 feet, perpendicular to the Richardson Highway.

**Figure 8: Intersection 4 End of the South Frontage Road**

The intersection, which is currently located at the end of the South Richardson Highway Frontage Road, will be closed. This frontage road will be extended to create a new four-way intersection at Rozak Road.

**Figure 9: Intersection 5 Rozak Road**

The Rozak Road Intersection, which currently follows a section line, will be shifted to the Northwest and aligned to create a perpendicular four-way intersection. Acceleration and deceleration lanes will be added in each direction. The proposed design for this intersection will accommodate a truck, with the approximate length of 73 feet, perpendicular to the Richardson Highway.

**Figure 10: Intersection 6 Old Richardson Highway**

The Old Richardson Highway/Richardson Highway Intersection at approximately mile 354.4 of the Richardson Highway on the north side will terminate in a cul-de-sac and traffic will use the
Rozak Road/Richardson Highway four-way intersection. This intersection will not exist after the completion of the project.

**Figure 11: Black Gold Express/Hamilton Construction**

The Richardson Highway/South Frontage Road Intersection at approximately MP 353.9 will be improved by adding acceleration/deceleration lanes. This intersection will remain right in/right out only and the frontage road system will be improved by extending it to this intersection.

**Figure 12: Proposed Typical Sections**
Please note: There are many specific design details of this project are not referenced in this Staff Report, which FNSB Community Planning Staff feels are consistent, or not relevant to the FNSB Comprehensive Plan. A full description of this project, including the other alternatives considered, can be found in the DOT&PF’s Design Study Report available at http://dot.alaska.gov/nreg/richaccess/

Bike and Pedestrian

The shoulders on this section of the Richardson Highway are ten (10) feet wide and will serve as an adequate bicycle and pedestrian facility. This section of the Richardson Highway does not preclude bicycle and pedestrian use, like other access controlled sections of roadway in the Fairbanks area. In addition, the frontage roads would be adequate for bicycles and pedestrians to share the driving lanes with vehicles, due to the limited speeds of and low traffic volumes, ranging from an ADT under 100 to approximately 1000. It appears that both the frontage roads and the shoulder of the Richardson Highway meet the bicycle and pedestrian standards presented in the Alaska Preconstruction Manual as well as the AASHTO Guide for the Development of Bicycle Facilities.

Lighting

The DOT&PF is proposing to install lighting at each of the intersections involved in this project, as well as the acceleration/deceleration lanes, which this project is proposing to install.

Maintenance

The Richardson Highway and associated frontage roads are within the DOT&PF right-of-way. The entire Richardson Highway is maintained by the DOT&PF, but a portion of the frontage road system to the North of the Richardson Highway was privately developed and DOT&PF has not been maintaining that section of frontage road. After the completion of this proposed project the DOT&PF will maintain the entire improved frontage road system in the area.

Utility Relocation

It is expected that utility relocation will be involved as an aspect of this project. The utilities in the area include telephone, fiber optic lines, cable TV lines, and electric power lines and will only be relocated when the existing utilities conflict with the proposed design.

Transit

There are two (2) FNSB MACS transit routes that use this section of the Richardson Highway, the Black Line (Salcha/Eielson Route) and Green Line with stops at the Badger Road Interchange. There are no stops along the Richardson Highway frontage road system and FNSB Transportation Manager Adam Barth indicated that they have not seen a demand for stops along the Richardson Highway frontage road system, but would possibly be open to stops, if the demand develops.

Public Meetings / Public Comments

Various public meetings were held from 1994 to 2012 relating to this project. The most recent public open house was held on November 29, 2012 and a summary of the summary of the public comments and associated DOT&PF responses is available in Attachment D of this report.
Cost

The estimated cost for this project is as follows:

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<tr>
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<tr>
<td>Utilities</td>
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<td>Construction</td>
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<tr>
<td><strong>Total Cost of Project</strong></td>
<td><strong>$20,843,000</strong></td>
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This project is funded through National Highway Performance Program (NHPP) funding shown in the Alaska Statewide Transportation Improvement Program (STIP) with construction shown in Federal Fiscal Year (FFY) 2015.

Right-of-Way

The DOT&PF is expecting right-of-way acquisition on 37 Parcels along the Richardson Highway corridor. A preliminary right-of-way map and associated right-of-way impacts table can be viewed in Attachment E of this report.

Crash Data

For a five year period, from 2005 through 2009, there were a total of 90 crashes on this section of the Richardson Highway, with the primary event type being moose related.

Staff Analysis

When the Richardson Highway was originally built there was little consideration to restricting access onto the facility because of the extremely low volumes of traffic. Over the years as the Fairbanks and North Pole Areas began to develop the associated vehicle miles traveled (VMT)'s between Fairbanks and North Pole also increased. FNSB Community Planning Staff agrees with the purpose and need of this project based on the expected increase in traffic volumes in the design life of this project.

The majority of the area adjacent to this project location falls under the Light Industrial area of the FNSB Comprehensive Plan, which is described as “activities such as manufacturing, storage, wholesaling, repair maintenance, and related office functions which do not handle explosives or other hazardous materials, or emit noise, air, chemicals, or other pollutants detrimental to surrounding land uses.” It is expected that a significant amount of truck traffic would be generated from areas of the FNSB Comprehensive Plan shown as Light Industrial areas and this project proves to be consistent with the long range land use plans for the area, in that it is being designed to accommodate both through and local truck traffic, potentially generated from adjacent land usage.

A project which proposes to limit and improve the number of access points along the Richardson Highway is consistent with **Goal 1, Strategy 1, Action C** (Encourage limiting the number of access points to high volume/speed roads).
The area in and around the City of North Pole is one of the fastest growing area in the Fairbanks North Star Borough, with population growth increases ranging from 0.9% to 59.1% from the 2000 Census to 2010 Census**. With the Richardson Highway acting as the primary transportation corridor from the North Pole area to the Fairbanks area, it is very realistic that there will be a minimum of a 2% annual increase of traffic volume on the Richardson Highway, as DOT&PF estimated for this project. This increase in traffic will present many direct access challenges onto this section of the Richardson Highway and this project is anticipating this growth by consolidating the access points, as well as installing other improvements. Staff feels that this project will improve the safety of this section of the Richardson Highway, as well as reduce the delay time of the roads accessing the Richardson Highway, through a combination of the acceleration/deceleration lanes, highway lighting, and consolidation of access points. To illustrate the growth by area of the North Pole area a map containing the growth percentage by Census Block from the 2000 Decennial Census to the 2010 Decennial Census is available in Attachment F of this report.

In the Design Study Report (DSR) which DOT&PF presented for this project, multiple options were considered, which would meet the purpose and need of the project. Some of the other alternatives not selected as the preferred alternative, included grade separated crossings, and right-in/right-out only options with U-turn accommodations. It was decided that the proposed option was the preferred alternative because the right-of-way acquisitions were minimized and the cost estimates and level-of-service (LOS) were minimized, compared to the other alternatives.

Figure 13 illustrates a recommended FHWA access management trade-off between high speed/high capacity roadways, such as the Richardson Highway in the area of this proposed project, and a local roadway.

**Please note: US Census (2000) population for the Fairbanks North Star Borough was found to be undercounted when challenged in 2006.

IV. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends approval of the project.
V. FINDINGS

The Department of Community Planning recommends adoption of the following Findings of Fact in support of conditional approval, as stated in the Fairbanks North Star Borough Comprehensive Plan:

1. This project supports Goal 1, Strategy 1, Action C (Encourage limiting the number of access points to high volume/speed roads) of the Fairbanks North Star Borough Comprehensive Plan.

The Richardson Highway is a four-lane urban interstate with an ADT approaching 20,000 vehicles and a speed limit of 55. Limiting the access points onto this section of roadway and other improvements including acceleration/deceleration lanes, lighting, increasing intersection storage capacity, and frontage road connectivity, are expected to improve safety and operation of the current and future transportation system in the Fairbanks North Star Borough.

Respectfully submitted,

Kellen D. Spillman, Planner IV - Transportation
Community Planning Department

for
Bernardo Hernandez, Director
Department of Community Planning

Attachments
Attachment A: Zoning Map
Attachment B: Comprehensive Plan Map
Attachment C: Project Overview Maps
Attachment D: Public Comments from November 29, 2012 DOT Open House
Attachment E: Expected Right-Of-Way Acquisition Map and Summary Table
Attachment F: Population Growth in the North Pole Area by Census Block Group 2000 - 2010
Attachment G: Returned DPO's (DPO's sent – 429 with 0 responses and two (2) phone calls)
Attachment A: Richardson Highway MP 353 - 357 Zoning

Legend
- Project Location
- Major Roads

0 0.125 0.25 0.5 Miles

165
Attachment B: Richardson Highway MP 353 - 357 Comprehensive Plan
November 29, 2012 Public Open House
Public Comment Summary

Comments in support of project

- **Commercial vehicle access** - Trucking companies within the project area have acknowledged the need for improved access. They confirmed that during busy periods, drivers typically experience substantial delays while waiting for gaps in traffic.

- **Business access** - Several local business owners expressed support for improved access to their facilities with more fully developed frontage roads. Business owners agreed safe access is good for business.

- **Safety** - A daily commuter indicated that this corridor is dangerous because of high speeds, and that reducing the number of intersections will greatly improve safety.

- **Lighting** - Several positive comments were provided in support of adding highway lighting. This portion of the highway is very dark in the winter months. Area businesses also support highway lighting as an added measure of security surrounding their property to deter theft and vandalism.

Comments regarding project impacts

- **Project need** – Questions were raised regarding the need for improved intersections and frontage roads or the need for project as a whole.

  *Response:* Improvements are needed in the area to maintain safe, efficient access as the number of motorists on the Richardson Highway continues to grow. We looked into a number of options including an overpass, various at-grade intersection styles and locations, and removing all of the existing intersections and re-routing traffic to the Badger overpass.

  We determined the current alternative is the most efficient means to provide the needed safety and capacity improvement while balancing impacts to the travelling public and surrounding residents.

- **Property impacts** - Several property owners expressed concerns over right of way acquisition. Specific concerns included questions about loss of property, loss of privacy due to frontage road extension, various acquisition options, compensation, driveway impacts and the right of way process in general.

  *Response:* We are working hard to develop a solution that meets the project needs and minimizes impacts to individual property owners; however, right-of-way acquisition cannot be completely avoided. We will continue to update property owners of potential impacts as the design concept is advanced. Several issues raised are ROW negotiation issues, and we
acknowledge concerns about exposure to new frontage road. Concerns related to introducing theft and vandals due to a new road may be negated by highway lighting, and the fact being more exposed also helps in the sense that potential thieves and vandals would not have as much seclusion from roadway as they currently do. Overall, the Department feels the setting for adjacent businesses will be unchanged with our project in consideration of the fact they are adjacent to a four-lane high-volume, high speed roadway.

- **Emergency vehicle access** – Concerns were raised about possible increased vehicle response time due to changes in access and intersection closures.

  *Response: We followed up with the local fire chief (North Star) regarding these concerns and presented our design concept for review. The fire chief believes the proposed improvements will likely require a few modifications to their route, but overall the improved frontage roads and intersections will offset any travel time lost due to potential intersection closures. They stressed that the shortest route is not necessarily the quickest route and that as first responders, they support our efforts for intersection safety improvements.*

- **Noise** – Multiple users expressed concern regarding additional road noise to abutting properties, and requested noise walls.

  *Response: We will evaluate whether a noise study is required as a part of our environmental document re-evaluation process. If required, a noise study will help us evaluate noise impacts to adjacent property owners. If the results indicate the project will have significant noise impacts, we will explore noise abatement options such as noise walls.*

- **Unsafe driving** – Commenters expressed concerns regarding reckless driving practiced by some truckers while entering and exiting their facilities. Commenters asked DOT to do something about it.

  *Response: This is a law enforcement issue that our design team does not have influence over. However, we believe that providing properly designed facilities will reduce motorist’s likelihood to take greater risks when crossing the highway.*

- **Gas line** – Commenters expressed concern with the impacts the project may have on proposed gas line projects or vice versa.

  *Response: We followed up with the Alaska DNR Division of Oil and Gas, and they said the pipeline routes are not complete at this point. It is unknown which project(s) will ultimately be chosen, when they will be constructed, and/or what alignment will be chosen. We expect this project will be a benefit to the current plan to truck natural gas.*
## Table 7 – Right-of-Way Impacts

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<td>Lot 3</td>
<td>Extension of south frontage road</td>
<td>0.250</td>
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<td>23</td>
<td>416+00 R</td>
<td>Robert M. Schmit</td>
<td>Lot 4</td>
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<td>0.071</td>
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<tr>
<td>24</td>
<td>429+00 R</td>
<td>CGH Holdings Inc.</td>
<td>Lot 1</td>
<td>Extents of work impact property*</td>
<td>0.217</td>
</tr>
<tr>
<td>25</td>
<td>437+00 R</td>
<td>Bette A. Watts</td>
<td>Lot 2B</td>
<td>Extents of work impact property*</td>
<td>0.039</td>
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<tr>
<td>26</td>
<td>438+00 R</td>
<td>David Flenaugh</td>
<td>Lot 3</td>
<td>Extents of work impact property*</td>
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<tr>
<td>27</td>
<td>450+00 R</td>
<td>Stephanie Williams</td>
<td>TL 3427</td>
<td>Extension of south frontage road</td>
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<tr>
<td>28</td>
<td>555+00 R</td>
<td>Thomas W. Maher Living Trust</td>
<td>TL 3410</td>
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<tr>
<td>29</td>
<td>460+00 R</td>
<td>Calvin C. &amp; Cindy F. Stageman</td>
<td>TL3408</td>
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<tr>
<td>30</td>
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<td>TL 3515</td>
<td>Rozak Road realignment (South)</td>
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<td>E5</td>
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<td>TL 3515</td>
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<tr>
<td>31</td>
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<td>34</td>
<td>11+00</td>
<td>Tin Cup, LLC</td>
<td>TL 3419</td>
<td>Rozak Rd. realignment</td>
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<td>TL 3519</td>
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</tbody>
</table>

*Embankment encroaches over the ROW line, so acquisition of a linear strip of the property is anticipated.

**TOTAL ROW ACQUISITION** 15.469
RE: HP2013-005 Richardson Highway MP 353-357 Access Improvements Project

Dear Property Owner:

The Fairbanks North Star Borough Planning Commission will hold a public hearing Tuesday, March 5, 2013, at 7:00 pm. or after in the Borough Administrative Center, Assembly Chambers, 809 Pioneer Road, on the following item:

HP2013-005 A request by the Alaska Department of Transportation and Public Facilities -- Northern Region for local planning authority approval of the Richardson Highway MP 353-357 Access Improvements Project. This project will address seven at-grade intersections on the Richardson Highway between the Badger Road Interchange and Levee Way. Improvements will include consolidation of at-grade intersections, acceleration/deceleration lanes, and frontage road connectivity improvements. This project is anticipated to require right-of-way acquisition.

This hearing is to ensure consistency between the transportation project and the FNSB Regional Comprehensive Plan. You are encouraged to speak at this public hearing and/or submit written comments. Testimony is limited to three minutes per person at the public hearing. Written comments should be submitted prior to the meeting using the space below, or email your comments to planning@co.fairbanks.ak.us referring to request HP2012-005. Contact Kellen Spillman at 459-1260 if you have questions. The staff recommendation on this request can be found at www.co.fairbanks.ak.us/meetings/planningcommission five days before the hearing.

Bernardo Hernandez, Director
Department of Community Planning

Property Owner: Wayne & Lee Greve

Legal description of property owned:
Lot, Block and Subdivision: Groff Lots 5
Comments: About time, it's long overdue.
HP 2013 – 005 Public Telephone Correspondence Summaries

The following is a summary of the telephone calls received by Kellen D. Spillman regarding the public hearing for HP2013-005:

February 19, 2013

A citizen who identified herself as Syd Swenson contacted me at approximately 4:30pm regarding more information on HP2013-005. I gave Ms. Swenson a basic overview of the project and local planning authority approval process. I proceeded to lookup a piece of property which Ms. Swenson owned. I informed Ms. Swenson that the parcel which she owned is not adjacent or included in the preliminary right-of-way acquisition area, which DOT&PF displayed in the project Design Study Report. Ms. Swenson indicated that she liked the idea of the project and thought that intersection improvements were needed at the Richardson Highway/Rentals Street.

February 21, 2013

A citizen who identified himself as Paul Koop contacted me at approximately 4:00pm regarding more information on HP2013-005. Mr. Koop requested more detailed information and I supplied him, via e-mail, with a link to the Design Study Report and contact information to the DOT&PF Project Manager. I gave Mr. Koop an overview of the local planning authority approval process.

March 4, 2013

A citizen who identified himself as Dale Denny contacted me at approximately 11:00am regarding more information on HP2013-005. Mr. Denny requested more detailed information regarding the proposed cul-de-sac at the northwest end of the North Frontage Road of the project. I pulled up Mr. Denny’s property on the GIS system and noted that the proposed cul-de-sac appears to be proposing right-of-way acquisition on this property. Mr. Denny stated that he would still like to access his property from the cul-de-sac. I noted that it appears that access to his property will remain from the frontage road, even though there is a cul-de-sac shown in the proposed design. Mr. Denny stated that he would submit comments to the e-mail address shown on the DPO letter he received. I informed Mr. Denny that this was a Department of Transportation project.
February 6, 2013

Mr. Bernardo Hernandez  
Director of Community Planning  
Fairbanks North Star Borough  
P. O. Box 71267  
Fairbanks, AK 99707

RE: Richardson Highway MP 353-357 Access Improvements  
Project No.: IM-HRO-0A24(19)/66148  
Request for Local Planning Review

Dear Mr. Hernandez,

We are formally requesting local government approval for the subject project.

Under AS 35.30.020, the Department must comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners. If you believe that the Department’s construction of this project would result in a violation of planning, zoning, or other regulations generally applicable to landowners, please identify the portions of the project that would be in violation, and the specific planning, zoning, or other regulations that you believe would be violated.

If we have not received comments regarding the project’s compliance with planning and zoning ordinances within 90 days after submittal of these plans, the Department will proceed with the project as planned. Please contact me at your earliest convenience to schedule any necessary coordination with your Planning Commission to facilitate this request.

Sincerely,

Sarah Schacher, P.E.  
Engineering Manager

gat/smb

Enclosures: Application for Local Government Approval  
Summary of Public Comments

“Get Alaska Moving through... and infrastructure.”
APPLICATION FOR LOCAL GOVERNMENT REVIEW

PROJECT NAME AND NUMBER: Richardson Highway MP 353-357 Access Improvements
IM-HRO-0A24(19)/66148

FNSB ACTION REQUESTED: Review and Comment
(As required by Alaska Statute 35.30.010)

APPLICANT: State of Alaska
Department of Transportation and Public Facilities
Preconstruction Section
Northern Region
2301 Peger Road
Fairbanks, AK 99709-5316

For Information Contact: Sarah Schacher, P.E. (Project Manager) (907) 451-5361

PROJECT DESCRIPTION:

A. Type
   1. Highway X
   2. Facility
   3. Airport
   4. Other

B. Recommended Project Classification
   1. Non-significant
      a. Minor Review
      b. Standard Review X
   2. Significant

C. PROJECT SUMMARY:

This project will address 7 at-grade intersections in the corridor: five existing at-grade intersections will be consolidated into two fully open at-grade intersections, one will have the median closed and have right-in, right-out access only, and another will maintain right-in, right-out access but be improved with acceleration/deceleration lanes. Frontage road connectivity will be addressed through the improvement and extension of existing frontage roads on the north and south sides of the Richardson Highway through the project corridor. See Figures 1, 2, 5 and 10 in the project’s Design Study Report dated December 2012.

PURPOSE OF PROJECT:

The project’s purpose is to improve safety and capacity on the Richardson Highway while maintaining reasonable access to the adjacent property in the corridor via frontage roads.
A. Source
1. FMATS  
2. CIP  
3. Safety  
4. Other  X (FHWA)

B. Justification (traffic warrants, safety, etc.):

Improve safety, access and level of service for turning movements through access control.

PROJECT LOCATION AND TERMINI: Rich Hwy between Badger Interchange and Levee Way

RIGHT OF WAY:  
Existing  X  New  X  N/A  

A. If the project involves right-of-way acquisition, include a map indicating the location and size of the take. Please see Figure 10 in Design Study Report and Table 7, ROW Impacts in Design Study Report. These areas are approximate conservative estimates of impact and will be refined through the design process.

B. Will a plat be filed?  Yes  X  No  

C. Expected date for plat submittal: Spring/Summer 2014

PROJECT FUNDING:

A. Type:  
Construction  FHWA  Design  FHWA  Right-of-Way  FHWA

B. Amount: (estimate)  $17,500,000  $1,788,000  $1,055,000

C. Date available:  FFY 2016*  FFY 2012  FFY 2014

*STIP update pending. FFY=federal fiscal year, which begins Oct 1 of each year.

D. Source: FHWA/STIP

PUBLIC INVOLVEMENT:

A. Public Meetings and Hearings (included synopsis)
2. Requested Meetings
3. Location Hearing  N/A  

If the DOT&PF had a public hearing, please enclose minutes. When minutes are not available, please enclose a summary of public concerns to date regarding the project. Please see attached. This information is also available on our website at: http://dot.alaska.gov/nreq/richaccess/

APPROVAL SIGNATURE:  

Name

DATE  2/6/2013

Sarah Schacher, P.E., Engineering Manager
(Printed Name and Title)
Public Hearing sign posted October 17, 2016

Rozak Road
Rozak Road and Richardson Highway

Northeast corner of subject parcel
WRITTEN AGENCY COMMENTS

V2017-001
Manish Singh

From: Manish Singh
Sent: Friday, August 26, 2016 8:21 AM
To: 'Roberts, Brian K (DOT)'
Cc: Stacy Wasinger

Hi Brian,

If DEC is cannot fulfill your request, I will put a copy of the email in the application and focus on other information required in the incompleteness letter dated August 10, 2016.

Thanks,
Manish

From: Roberts, Brian K (DOT) [mailto:brian.roberts@alaska.gov]
Sent: Wednesday, August 24, 2016 1:04 PM
To: Manish Singh

Manish,

Please see below from DEC regarding the DEC letter requirement. How do we move forward when DEC will not issue these letters?

--Brian

Brian K. Roberts | Right-of-Way Agent III | Alaska DOT&PF, Northern Region

From: Bear, Tonya (DEC)
Sent: Wednesday, August 24, 2016 12:32 PM
To: Roberts, Brian K (DOT)
Cc: Manish Singh
Subject: RE: RE: Rich 353-357 Access Improvements

Hello Brian,

Thanks for this information. As we discussed on the phone, ADEC does not currently approve subdivisions, or replatting of individual lots. The regulations concerning minimum lot sizes and subdivision approvals were repealed in 1998. I cannot fulfill your request to provide a letter regarding existing or future septic systems on the subject lots.

Small lot sizes may result in the prescriptive minimum standards, namely separation distance requirements, from being met. It is possible that an engineer will be required to apply for separation distance waivers or design a wastewater disposal system for these lots, especially Parcel 29. But that lot was already very small and the acquisition of a small corner of the lot potentially does not change whether separation distance requirements can be met. I was unable to find documentation on any existing wastewater disposal system on Parcel 29 so it is possible that separation distance issues already exist. (Note that Parcel 29 is now Tax Lot 3433 in the FNSB property database.)
Please let me know if I can be of further assistance.

Tonya Bear, P.E.
Engineer I

Department of Environmental Conservation
Division of Water, Wastewater Discharge
Engineering Support & Plan Review Section
610 University Avenue, Fairbanks, AK 99709
Email: tonya.bear@alaska.gov
Office: 907-451-2177
Stacy Wasinger

From: Nancy Durham
Sent: Wednesday, September 21, 2016 8:48 AM
To: Stacy Wasinger
Subject: RE: Lot size highway variance cases (V2017-001, V2017-002, and V2017-003)

Stacy,

V2017-002 & V2017-003 will be required to apply for Floodplain Permits if they are doing any work on Lots 1 or 2. If they are just acquiring land and not doing any work, they do not need Floodplain Permits.

Sincerely,

Nancy Durham, MURP, CFM
Flood Plain Administrator
FNSB Community Planning
ndurham@fnsb.us
(907) 459-1263

**Any property can flood even if it is not in a Special Flood Hazard Area. Flood insurance is recommended.

---

From: Stacy Wasinger
Sent: Monday, September 19, 2016 9:38 AM
To: Nancy Durham; Bill Witte
Subject: FW: Lot size highway variance cases (V2017-001, V2017-002, and V2017-003)

Good morning,

Attached are the applications for three highway variances for the October 25th Planning Commission meeting. I’m forwarding them to you both for review and comment because two of the sites are in the flood plain and it looks like all three do not have noted site addresses. Only one site is currently developed (V2017-001).

If you have any questions, please just let me know.

Thanks!

Stacy

---

From: Stacy Wasinger
Sent: Monday, September 19, 2016 9:35 AM
To: Stacy Wasinger
Subject: Lot size highway variance cases (V2017-001, V2017-002, and V2017-003)

Good morning,

The FNSB Community Planning Department has received three lot size highway variance cases — the application materials are attached for your review. In each, the AKDOT & PF is acquiring right of way for a highway project that will reduce the lot in question below the minimum lot size requirement of 40,000 square feet. The applications are for a variance to that minimum lot size requirement for each lot. These cases are scheduled to be heard at a public hearing.
before the Planning Commission on October 25, 2016. Also attached is a zoning report that contains basic information regarding each parcel.

We are providing this information to you for review and comment because the sites are in your service or review area. If you have any concerns or potential issues regarding these variance cases, please send a response in writing and we will include the comment in the information that is provided to the Planning Commission.

Please return any comment by **Friday, September 23**. If there is another contact that would be appropriate to review this application, please feel free to forward this email or let me know and I will contact them. If you have any questions or need any clarification, please just let me know. I appreciate your time and help on this issue.

Thanks!

Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 809 Pioneer Road
Fairbanks, AK 99707-1267
APPLICATION MATERIAL SUBMITTED ON August 5, 2016
**VARIANCE APPLICATION**

**HIGHWAY**

**File No.: V2017-001**

**FEES:**
- ☐ $800 variance application*
- ☐ $200 sign deposit (check or cash only)

*No fee for highway project variance requested by private property owners, if AKDOT/PF didn't fulfill their statutory responsibility of obtaining a variance.

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Property Owner:</th>
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<tbody>
<tr>
<td><strong>Contact Name:</strong> Brian Roberts - Row Agent</td>
<td><strong>Name:</strong> Calvin &amp; Cindy Stageman</td>
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<tr>
<td><strong>Business Name:</strong> 80A DOT/PF</td>
<td><strong>Mailing Address:</strong> 1815 Losale Rd.</td>
</tr>
<tr>
<td><strong>Mailing Address:</strong> 2320 Pega Road - Row</td>
<td><strong>City, State Zip:</strong> North Pole, AK 99705</td>
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<tr>
<td><strong>City, State Zip:</strong> Fairbanks, AK 99709</td>
<td><strong>Phone:</strong></td>
</tr>
<tr>
<td><strong>Phone:</strong> 451-5484</td>
<td><strong>Cell:</strong></td>
</tr>
<tr>
<td><strong>E-mail:</strong> <a href="mailto:Brian.rob@cablealaska.gov">Brian.rob@cablealaska.gov</a></td>
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<th>Property Information:</th>
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<tr>
<td><strong>Property Description:</strong> Tax Lot 3408 FNSB (T23433)</td>
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<td><strong>Street Address:</strong> 1815 Losale Rd.</td>
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<td><strong>Parcel Account Numbers (PAN):</strong> 0673452</td>
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<td><strong>Existing Use(s):</strong> Residential</td>
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<th>Variance Request Information:</th>
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<tr>
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<tr>
<td>☐ Setback</td>
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<td><strong>Amount of ROW Acquired:</strong></td>
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<td>☐ Square Feet: 4,833</td>
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<td><strong>Setback Request:</strong></td>
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<td>☐ Front:</td>
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<td><strong>Lot Size Request:</strong></td>
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<td>Zoning District Lot Size Minimum: 40,000</td>
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<td><strong>Request Description and amount of variance requested:</strong></td>
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<td><strong>Reasons for variance request:</strong></td>
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Please include any information regarding the applicability of reasonable accommodations for a person having a disability pursuant to FNSBC 18.12.030.

APPLICANT SIGNATURE: [Signature] DATE: 8/1/2016

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq, and this document may be subject to public disclosure under state law.
Calvin and Cindy Stageman  
1815 Rozak Rd. 
Northpole, AK 99705  
Lot Size Variance- Richardson Highway MP 353-357 Access Improvements Parcel 29

The State of Alaska, DOT&PF is preparing the Richardson Highway MP 353-357 Access Improvements for construction. The State of Alaska Department of Transportation & Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the access and safety of the Richardson Highway between Mileposts (MP) 353 and 357. The Richardson Highway, a National Highway System (NHS) route, is the main arterial between Fairbanks and North Pole and continues south to Valdez. The project is located within a four lane, divided, 55-mph section of the Richardson Highway. Traffic volumes have increased approximately 25 percent over the past 20 years as the corridor and surrounding area have both experienced growth in the development of commercial and industrial businesses and residential areas. Existing average daily traffic (ADT) is approximately 14,000 vehicles, projected to increase to 23,000 by the design year (2035).

The objective of this project is to improve safety and capacity on the Richardson Highway while maintaining reasonable access to the parcels adjacent to the project corridor via the frontage road system. This will be accomplished by establishing access control similar to that of the rest of the four-lane section of the Richardson Highway to the east and by improving and extending the existing frontage road system.

The design of this project was determined to be the least impactful design to the surrounding property owners in this area. This project requires the acquisition of parcels in order to accommodate the frontage road and access improvements, including Mr. and Ms. Stageman. The parcel acquisition from Mr. and Ms. Stageman was 433 square feet. The lot (Formerly Tax Lot 3408, now 3433) size prior to acquisition was 11,250 square feet, and is now 10,817 square feet. The lot was already out of compliance with the minimum 40,000 square foot requirement.

This is a public highway project and the acquisition of the parcel to accommodate the project represents a special condition peculiar to this property and is not applicable to other property in the zoning district. The strict interpretation of this title would deprive the property owners of rights commonly enjoyed by other properties in the same zoning district at no fault of their own.
The GRANTORS, CALVIN C. STAGEMAN, JR. and CINDY F. STAGEMAN, husband and wife, whose mailing address is 1815 Rozak Road, Fairbanks, Alaska 99705, for and in consideration of TEN DOLLARS, and other consideration, in hand paid, conveys and warrants to the GRANTEE, STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES, whose mailing address is 2301 Peger Road, MS 2553, Fairbanks, Alaska 99701, the following-described real estate, located in the State of Alaska:

All that part of the following-described tract of land:

A parcel of land found in Section 34 Township 1 South, Range 1 East (Fairbanks Meridian), located within a portion of Tax Lot 3408 as recorded in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, and more particularly described as follows:

Commencing at the point located on the north east corner of Tax Lot 3408, said point is located 135.44 feet right of Station 459+91.09 of the centerline of Project F-062-4(16) and also being the TRUE POINT OF BEGINNING; THENCE bearing S 01°19'27" W, a distance of 75.00 feet along the eastern boundary of said Tax Lot 3408 to a point located at the south east corner of said Tax Lot 3408, said point being located 191.04 feet right of Station 460+41.43 of the centerline of Project F-062-4(16); THENCE bearing N 88°40'33" W, a distance of 3.00 feet along the southern boundary of said Tax Lot 3408 to a point located on the westerly edge of a thirty three (33) foot section line easement, said point being located 193.05 feet right of Station 460+39.20 of the centerline of Project F-062-4(16); THENCE bearing N 01°19'27" E, a distance of 55.33 feet along the western edge of a section line easement to a point, said point being located 152.04 feet right of Station 460+02.07 of the centerline of Project F-062-4(16); THENCE bearing N 45°42'19" W, a distance of 28.86 feet to a point located on the northern boundary of said Tax Lot 3408, said point being located 151.62 feet right of Station 459+73.21 of the centerline of Project F-062-4(16); THENCE bearing S 86°40'33" E, a distance of 24.12 feet along the northern boundary of said Tax Lot 3408 to the TRUE POINT OF BEGINNING.

Said described parcel contains 433 square feet (0.010 acres) more or less, subject to any and all easements, reservations, restrictions and conveyances of record.
Said described parcel lies within the right-of-way lines of Alaska Project No. 66148, delineated as to said tract of land on the plat attached hereto and made a part hereof as pages 3, 4, and 5 of this instrument and designated as Parcel No. 29.

Said parcel, containing 433 square feet, more or less, in addition to existing right-of-way, is hereby conveyed to the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.

Dated this 21st day of October, 2015.

Calvin C. Stageman, Jr.  Cindy F. Stageman

ACKNOWLEDGMENT OF GRANTORS

STATE OF ALASKA

Fourth Judicial District

On this 21st day of October, 2015, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Calvin C. Stageman, Jr. and Cindy F. Stageman, the Grantors, known to me to be the identical people who executed the foregoing instrument and who acknowledged to me that they signed the same freely and voluntarily, with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

[NOTARY SEAL]

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, Grantee herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of December, 2015.

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

By: ____________________________

For the Commissioner

25A-R618 (Rev 09/01/06)
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
&
PUBLIC FACILITIES

RIGHT OF WAY REQUIRED
IM-HRO-0A24(19)/66148
RICHARDSON HWY MP 353-357
ACCESS IMPROVEMENTS

TL 2730
(2002-012404-0)

TL 3504
(2003-020912-0)

ALASKA RAILROAD

TL 3519
(2003-060245-0)

TL 3505
(2003-030459-0)

OLD RICHARDSON HIGHWAY

TL 3410
(2009-000135-0)

TL 3515

RICHARDSON HIGHWAY F-062-4(10)

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

<table>
<thead>
<tr>
<th>INITIAL</th>
<th>DATE</th>
<th>DRAWING</th>
<th>PROJECT NO.</th>
<th>AREA</th>
<th>PARCEL NO.</th>
<th>SCALE</th>
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Warranty Deed
Page 3 of 5

197
2015-021573-0
**LINE DATA**

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---

**CALVIN C. & CINDY F. STAGEMAN**

REMAINING AREA: 10,817 S.F.

---

**STATE OF ALASKA**

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

---

**RIGHT OF WAY REQUIRED FOR**

RICHARDSON HWY MP353-357

ACCESS IMPROVEMENTS

---

**H5** 10/20/15

**45** 10/20/15

INITIAL DATE

**DRAWING**

**PROJECT NO.** IM-HRO-OA24(19)/66148

**AREA** 433 S.F.

**PARCEL NO.** 29

**SCALE** NONE

**DATE** 03-12-2014

---

Warranty Deed

Page 5 of 5

1999 021573-0
Property Summary

PROPERTY PHYSICAL DESCRIPTION
TL 3433 SECTION 34 1S 1E Right-of-Way Deed
2015-021573-0 - 12/23/2015 Previously assessed as
1S 1E 34 3408

BUSINESS

MOST RECENT MILLAGE RATE
14.7660

PROPERTY CLASS
Residential

STATUS
TAXABLE

ADDITIONAL INFORMATION:
Building Details
View Property Location

OWNER
STAGEMAN, CALVIN C JR
STAGEMAN, CINDY F

OWNERSHIP
CO-OWNER

ADDRESS
No data returned

LAND AREA
Parcel
TL 3433  10772 Square Feet

NEIGHBORHOOD
2004 Bradway-Clear Creek

MILLAGE GROUP
0977 North Star Fire Service Area

FIRE SERVICE AREA
NORTH STAR FIRE S A

Documents
The FNSB provides a link to view the recorded document at the State of Alaska Recorders C through the instrument #. The FNSB has no control over the contents posted on any external sites and these sites may have separate terms of use and privacy policies. The inclusion of a web link does not imply endorsement by the FNSB of the site, its content, advertisers or sponsor.

DESCRIPTION
Right-of-Way Deed

RECORD DATE
12/23/2015

BOOK PAGE INSTRUMENT #
2015-021573-0

Assessment History
For questions regarding assessments, contact the FNSB Department of Assessing at 907-459-1428.

YEAR LAND STRUCTURES ETC. FULL VALUE TOTAL EXEMPTIONS TOTAL TAXABLE
2016 $7,107 $163,779 $170,886 $20,000 $150,886

Pay Property Taxes by credit card

Tax History (Updated: 08/03/16 04:29 AM AST)

If taxes are delinquent the interest calculation date is: 9/1/2016. All prior year delinquent payments must be made with guaranteed funds.

For payments made after the due dates, please call the FNSB Division of Treasury and Budget 907-459-1441 for the correct amount.

YEAR TAX LEVIED STATE EXEMPTED FEES TOTAL DUE TOTAL PAID NET DUE
2016 $2,242.36 $0.00 $0.00 $2,242.36 $0.00 $2,242.36

200
APPLICATION MATERIAL SUBMITTED ON

August 30, 2016
Calvin and Cindy Stageman  
1815 Rozak Rd.  
Northpole, AK 99705  
Lot Size Variance- Richardson Highway MP 353-357 Access Improvements Parcel 29

Narrative

The State of Alaska, DOT&PF is preparing the Richardson Highway MP 353-357 Access Improvements for construction. The State of Alaska Department of Transportation & Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the access and safety of the Richardson Highway between Mileposts (MP) 353 and 357. The Richardson Highway, a National Highway System (NHS) route, is the main arterial between Fairbanks and North Pole and continues south to Valdez. The project is located within a four lane, divided, 55-mph section of the Richardson Highway. Traffic volumes have increased approximately 25 percent over the past 20 years as the corridor and surrounding area have both experienced growth in the development of commercial and industrial businesses and residential areas. Existing average daily traffic (ADT) is approximately 14,000 vehicles, projected to increase to 23,000 by the design year (2035).

The objective of this project is to improve safety and capacity on the Richardson Highway while maintaining reasonable access to the parcels adjacent to the project corridor via the frontage road system. This will be accomplished by establishing access control similar to that of the rest of the four-lane section of the Richardson Highway to the east and by improving and extending the existing frontage road system.

The design of this project was determined to be the least impactful design to the surrounding property owners in this area. This project requires the acquisition of parcels in order to accommodate the frontage road and access improvements, including Mr. and Ms. Stageman’s property.

Variance Criteria

I. FNSBC 18.104.070 (B)(3)

   e. The right-of-way take from Mr. and Ms. Stageman’s property is 433 square feet.

   f. The lot (Formerly Tax Lot 3408, now 3433) size prior to acquisition was 11,250 square feet, and is now 10,817 square feet. The lot was already out of compliance with the minimum 40,000 square foot requirement.

II. FNSBC 18.070 (B)(2)

   a. This is a public highway project and the acquisition of the parcel to accommodate the project represents a special condition peculiar to this property and is not applicable to other property in the zoning district. The State maintains the right to Eminent Domain on this project, and as such the sale of the parcel to the State does not constitute an arm’s length transaction. Most other owners in this zoning district are not affected by this project and so this condition does not exist for other owners.

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b. Strict interpretation of this title would deprive the owner of rights commonly enjoyed by other properties in this zoning district because of the Richardson Highway Access Improvement project MP 353-357.

III. FNSBC 18.070 (D)

1. The proposed variance conforms to the intent and purpose of this title, other ordinances and Alaska Statutes.

2. The denial of the proposed variance will deprive the property owner of the use of the property in a manner similar to the use permitted to be made by the owners of property in the immediate area.

3. The proposed variance will not adversely affect the public health, safety, and welfare, traffic or parking conditions or increase the danger of fire should it be granted.
PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

I, Boian Lobors, being first duly sworn, depose and state that:

1. I have submitted an application identified as V2017-001.

2. I have posted and will maintain public notice sign # in accordance with the following provisions:
   a. Sign is posted on the property on which my request for rezone, conditional use or variance has been made.
   b. Sign is clearly visible from streets and roads.
   c. Sign will be maintained free of snow or other materials which impede readability.
   d. Sign is posted between an elevation of 2’ and 8’ above ground level and no further than 50’ from the edge of the road to further ensure readability from streets.
   e. Sign was posted on 10/5/2016 (date) and complies with posting requirements of 20 days prior to the public hearing date.
   f. I shall return the sign to the FNSB Department of Community Planning within 10 days following the final public hearing.

3. I understand a refund check of $200.00 (the amount I have deposited for said sign) will be issued 7-10 days following return of the sign providing that sign is returned in usable condition. I further understand I may receive only partial refund if the sign is damaged when returned to the Borough.

4. This document is null and void when necessary action has been completed as provided in Item #2 f.

Signature

(Print Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this 5th day of October, 2016

Notary Public in and for Alaska
Stacy Wasinger

From: Roberts, Brian K (DOT) <brian.roberts@alaska.gov>
Sent: Thursday, October 13, 2016 7:48 AM
To: Stacy Wasinger
Subject: RE: Rich 353-357 Parcel 29 Stageman

Stacey,

That is correct. 😊

Brian K. Roberts | Right-of-Way Agent III | Alaska DOT&PF, Northern Region

From: Stacy Wasinger [mailto:SWasinger@fnsb.us]
Sent: Wednesday, October 12, 2016 12:25 PM
To: Roberts, Brian K (DOT)
Subject: RE: Rich 353-357 Parcel 29 Stageman

Hi Brian,

I just had one more clarification on this property. My understanding is that there is a well on the property too, but in looking through the application materials, I do not see that its location is noted. Is it also to the rear of the property (west of the house)?

Thanks again for your help!
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 809 Pioneer Road
Fairbanks, AK 99707-1267

From: Roberts, Brian K (DOT) [mailto:brian.roberts@alaska.gov]
Sent: Thursday, September 29, 2016 10:58 AM
To: Stacy Wasinger
Subject: Rich 353-357 Parcel 29 Stageman

Hello,

I was able to confirm that the septic is behind the house and not in the area of our acquisition.

Thanks!
STAFF REPORT

V2017-002
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

V2017-002
November 8, 2016 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission

FROM: Stacy Wasinger, Planner III

DATE: October 24, 2016

RE: V2017-002: A request by Brian Roberts on behalf of Jonathan Pearson for a lot size highway variance of 12,056 square feet to the minimum lot size requirement of 40,000 feet in the General Use 1 (GU-1) zone on Lot 1, Block 1 Badger Industrial Park Subdivision (located on the east side of Midland Street, south of Richardson Highway).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the variance request with one (1) condition and nine (9) Findings of Fact in support of approval. Staff recommends approval because the acquisition of land by the Alaska Department of Transportation and Public Facilities (AKDOT & PF) as right-of-way for the Richardson Highway represents a special condition which is peculiar to the property and which was not caused by the property owner. The subject parcel was legally subdivided to meet the GU-1 minimum lot size requirement at 54,057.96 square feet and is made non-conforming by the proposed 31,113 square foot right-of-way acquisition by AKDOT & PF. The staff analysis finds that the proposed variance will meet the intent and purpose of Title 18 and of other ordinances and state statutes and will not adversely affect the public health, safety and welfare. Additionally, if the variance is denied, the denial would deprive the property owner the use of their property in a similar manner made by other owners in the general area.

II. GENERAL INFORMATION

A. Purpose

To allow a lot size highway variance of 12,056 square feet in the General Use 1 (GU-1) zone.

B. Location

East side of Midland Street, south of Richardson Highway

C. Access

Vacant/Richardson Highway Frontage Road

D. Size/PAN

Sf. 54,057.96 (27,944 after) 0579173

E. Existing Zone

GU-1

F. Existing Land Use

Vacant

G. Surrounding Land Use/Zoning

North: Zoning: GU-1

Land Use: Vacant/Richardson Hwy

South: Zoning: GU-1

Land Use: Vacant

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III. ZONING AND DEVELOPMENT HISTORY

Fairbanks North Star Borough zoning designations and standards were adopted through Ordinance No. 67-34 on March 28, 1968 and the subject property was zoned Unrestricted Use (UU). There was no minimum lot size requirement under the UU zone. The adoption of Ordinance No. 88-010 on April 19, 1988 changed the zoning designation on the subject parcel from UU to General Use 1 (GU-1), instituting a minimum lot size requirement of 40,000 square feet. The subject lot was created with the recording of the plat for the Badger Industrial Park Subdivision on October 17, 2006 at 1.241 acres (54,057.96 square feet) in size, meeting the GU-1 minimum required lot size (Exhibit 1). In conjunction with the Richardson Highway project, the State of Alaska intends to acquire 31,113 square feet from the property for right-of-way, leaving the parcel at the 27,944 square feet in size as proposed by this variance application. FNSBC18.84 requires a 40,000 square foot minimum lot size for the subject parcel and FNSBC 18.104.070 allows that a variance to this numerical standard as a direct result of the right-of-way acquisition can be obtained to be in compliance with Title 18. Additionally, state statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects. The lot size has not been altered since it was created in 2006.

The Richardson Highway project is intended to improve access and safety between Mileposts 353 and 357. The subject parcel is adjacent to a four lane, divided section of the Richardson Highway with a 55 mph speed limit. This section of the Richardson Highway is expected to have continued increased traffic volume, up to 23,000 average daily traffic (ADT) trips by 2035 from the current 14,000. The project requires the acquisition of right-of-way to aid in the implementation of access
improvements and a frontage road. HP2013-005, the Richardson Highway MP 353-357 Access Improvements highway project in its entirety, was approved by the Planning Commission on March 19, 2013 (Exhibit 4, V2017-001 staff report). The current application is only for the variance necessitated by the right-of-way acquisition from the subject parcel. Denial of the variance will not result in denial of the highway project but would have the result of necessitating that AKDOT & PF acquire the entire subject parcel rather than the portion associated with this variance application.

Figure 1: Site Plan with Approximate Area of Acquired Right-of-Way
(Source: Base map is the Applicant’s provided survey, annotations in color by Community Planning staff.)

Figure 1 illustrates the approximate area of land to be acquired by AKDOT & PF for the Richardson Highway project from the subject property. The original platted lot was 1.241 acres and 31,113 square feet is proposed to be acquired for right-of-way. This right-of-way acquisition
leaves the parcel at a remainder of 27,944 square feet, a deviation of 12,056 square feet or 30% from the minimum lot size requirement of 40,000 square feet.

IV. APPLICABLE APPROVAL CRITERIA

Variances are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances and Title 29, Alaska Statutes:

Fairbanks North Star Borough (FNSB) Code of Ordinances

18.12.020 Purpose. The purpose of this title is to implement the Fairbanks North Star Borough comprehensive plan. This title is intended to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise.

18.104.070 (A) Procedure for Highway Project Variances. Generally. The planning commission may allow a departure from the numerical standards of this title pertaining to the size of yards and open space areas, building height and size, lot area, number and location of off-street parking spaces and loading areas, and other matters. Highway project variances must be a direct result of right-of-way acquisition.

18.104.070 (B) Procedures for Highway Project Variances: Application for a Highway Project Variance (2.) An application for highway project variance shall be evaluated by the following criteria:

(a) Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district, and

(b) Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

18.104.070 (D) Procedures for Highway Project Variances: Hearing and Decision Process
(1.) Variance Requests Not Greater Than 10 Percent. If the director of community planning determines no extraordinary circumstances exist, highway project variances which depart from the numerical standards of this title by not greater than 10 percent shall appear on the consent agenda of the planning commission. Affected property owners may address the variance application during the citizen’s comments portion of the agenda. The planning commission may remove the item from the consent agenda and may approve, approve with conditions, or deny the highway project variance. The planning commission may also refer the application to a full review including public hearing in accordance with procedures outlined for highway project variances greater than 10 percent. If the director of community planning determines extraordinary circumstances do exist, the highway project variance will appear as a regular agenda item scheduled for public hearing in accordance with procedures outlined for highway project variance greater than 10 percent.

(2.) Variance Requests Greater Than 10 Percent. Departures of greater than 10 percent from the numerical standards shall be considered by the planning commission in a quasi-judicial hearing.

18.104.070 (E) Procedures for Highway Project Variances. The planning commission shall also consider and adopt findings in each of the following:
1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes’

2. Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;

3. Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.

State of Alaska Statutes

Section 29.40.040 (b). A variance from a land use regulation adopted under this section may not be granted if

1. special conditions that require the variance are caused by the person seeking the variance;

2. the variance will permit a land use in a district in which that use is prohibited; or

3. the variance is sought solely to relieve pecuniary hardship or inconvenience.

Section 35.30.020 Compliance with Municipal Ordinances. A department shall comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners.

V. STAFF ANALYSIS

A. Dear Property Owner Notices

There were 86 dear property owner notices mailed out and staff received one (1) inquiry about the case.

B. Surrounding Land Use and Zoning

The surrounding parcels are all zoned General Use (GU-1) and GU-1 with the Military Noise Overlay (MNO) zone (Figure 2). The neighboring properties are primarily vacant, with one parcel owned by the University of Alaska developed to the west across Midland Street.

The intent of the GU-1 zone is “to be located in rural areas where community sewer and water systems are unavailable.” The GU-1 zone has no setback requirement and has a minimum lot size requirement of 40,000 square feet. This application requests a variance of 12,056 square feet from the minimum lot size requirement. The lot was legally platted to conform with GU-1 lot size requirements and will be made non-conforming by the State of Alaska acquiring 31,113 square feet of the property for the Richardson Highway right-of-way (Figure 1).
C. Nearby Variances

DOT & PF has also concurrently applied for two other lot size variances related to the Richardson Highway project. One of the parcels to be considered in a separate variance case is approximately 4,200 feet southeast along Richardson Highway and the other proposed variance is the adjacent parcel to the east of the subject parcel. V2017-001 and V2017-003, which pertain to TL-3408 and Lot 2, Block 1 of the Badger Industrial Park Subdivision respectively, are the concurrent applications. There are no other nearby variances.

D. FNSB Code of Ordinances: Title 18 Variance Application Standards

1. Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district.

The special condition affecting the subject property is the right-of-way acquisition required for the Richardson Highway project that will cause the lot size to become non-conforming. The lot, which was legally platted and met the minimum lot size requirement of the GU-1 zone, will be reduced by 31,113 square feet acquired for right-of-way. The applicant’s narrative states that the property was acquired to “improve safety and capacity on the Richardson Highway.
while maintaining reasonable access to the parcels adjacent to the project via the frontage road system.” The special condition was in support of the overall health, safety, and welfare by creating a safer highway system, and is unique to properties abutting the Richardson Highway project. This right-of-way acquisition was not initiated or caused by the property owner.

2. Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

Strict interpretation of the provision of the zoning title would deprive the property owner of rights commonly enjoyed by other properties in the same district under the terms of the zoning title because the undersized lot does not comply with Title 18 lot size requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18 regarding lot size. Strict interpretation would also have the secondary effect of depriving the property owner of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they are not able to comply with Title 18 regarding lot size.

E. FNSB Code of Ordinances: Title 18 Variance Approval Criteria

1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes.

Purpose of FNSBC Title 18: The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The application materials align with Land Use Goal 1, Strategy 3 of the FNSB Regional Comprehensive Plan, which is to “work to reduce to the fullest extent possible the natural conflict that develops between private property rights and community needs and interests.” The proposed variance resolves the conflict created by right-of-way acquisition that takes a privately owned property out of compliance with Title 18 standards regarding lot size. The proposed variance is also consistent with the Urban Area designation, which is defined as “area that is served or can be served with community water and sewer, and contains the most intensive residential, commercial, and industrial development.” This parcel is not served with community water and sewer. The parcel is currently vacant.

Intent of FNSBC Title 18: The intent of Title 18 is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020)."

Allowing an owner to develop their private property is an example of protecting private property rights with local zoning regulations. The public notification, public hearing procedures and approval criteria for variances protect the property rights of the surrounding property owners.

The proposed variance will promote the public health, safety, and welfare because it will not create any fire, traffic, or safety hazards. The parcel is currently vacant and therefore no existing structures or uses will be affected by the proposed variance.

Alaska State Statute and Other Ordinances: The site is not within City of Fairbanks or City of North Pole limits and complies with the FNSB Comprehensive Plan and other ordinances.
The proposed variance complies with Alaska Statute 29.40.040(b) regarding requirements for variances. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects. Additionally, state statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

2. **Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;**

Denial of the proposed variance would deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area. The undersized lot does not comply with Title 18 lot size requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18. Two other lots in the vicinity will have land acquired by the AKDOT & PF for the Richardson Highway project right-of-way that make them out of compliance with Title 18 standards and lot size variances have also been applied for on those parcels.

3. **Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.**

The proposed variance will protect the public health, safety or welfare by fulfilling procedural requirements related to the accommodation of development of the Richardson Highway project, which improves road safety issues, such as traffic. The proposed variance would not create additional fire hazard concerns because the area acquired for right-of-way is adjacent to Richardson Highway. The GU-1 zone does not require setbacks and the minimum lot size requirement is intended in part to allow for adequate area and separation for wastewater systems on site. The parcel is currently vacant, therefore no existing structures, parking, or uses will be affected by the proposed variance.

The right-of-way acquisition involved in the proposed variance does include the joint driveway easement for Lots 1 and 2, Block 1 provided in the plat for the Badger Industrial Park subdivision (Exhibit 1). Plat note 8 states “access onto the Richardson Highway frontage road is limited to four shared driveway easements for lots 1-4 block 1, and lots 1-4 block 2 as shown within the common driveway easements reserved by this plat.” However, access to the lots will still be allowed from the frontage road by AKDOT & PF as stated by the applicant, a Right-of-Way Agent for AKDOT & PF. Lots 1 and 2, Block 1 of the Badger Industrial Park subdivision are partially located in the floodplain. Floodplain permits are required if any construction or work is proposed, but not solely for the acquisition of land. No development is proposed at this time.

F. **State of Alaska Statutes: Title 29 Variance Approval Criteria**

*Section 29.40.040(b)*. A variance from a land use regulation may not be granted if:

1. Special conditions that require the variance are caused by the person seeking the variance;

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1 Sections of this staff report involving floodplain related reviews include comments and feedback from Nancy Durham, FNSB Floodplain Administrator, MURP, CFM after a review of the application materials with FNSB Planner Stacy Wasinger.
The special condition is a non-conforming lot size caused by the State of Alaska acquiring land for the Richardson Highway right-of-way. The property owner did not create this condition.

2. *The variance will permit a land use in a district in which that use is prohibited; or*

   The parcel is currently vacant and no use is proposed with the variance that would allow a use not permitted in the GU-1 zone.

3. *The variance is sought solely to relieve pecuniary hardship or inconvenience.*

   The proposed variance is not sought solely to relieve pecuniary hardship. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.

**VI. RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **APPROVAL** of the requested 12,056 square feet variance from the minimum lot size of 40,000 square feet in the GU-1 zone with one (1) condition.

**VII. CONDITIONS**

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

**VIII. FINDINGS OF FACT**

The Department of Community Planning further recommends adoption of the staff report and the following Findings of Fact in support of **approval**:

1. A special condition of a non-conforming lot size was created on the property by the State of Alaska acquiring land for the Richardson Highway right-of-way.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Richardson Highway.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.
5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the undersized lot does not comply with Title 18.

   a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.
   b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for lot size.

6. Approval of the variance would protect public health, safety and welfare because it fulfills procedural requirements related to the accommodation of development of the Richardson Highway project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 and state statute. The variance would not adversely affect the public health, safety, and welfare because the property is currently undeveloped and the proposed variance does not affect traffic or parking conditions or increase the danger of fire.

7. The property owner did not create the special condition on the property or the need for a variance.

8. The parcel is currently vacant and the proposed variance does not include a use that would not be allowed in the GU-1 zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Richardson Highway project.

**DRAFT PLANNING COMMISSION MOTION:**

I move to approve the requested 12,056 square foot variance from the 40,000 square foot required minimum lot size requirement in the GU-1 zone with one (1) condition, adopting the staff report and nine (9) Findings of Fact in support of the decision.
Public Hearing sign posted October 17, 2016

Richardson Highway Access Road and Midland Street
Currently vacant lots

Richardson Highway Access Road
Stacy Wasinger

From: Nancy Durham
Sent: Wednesday, September 21, 2016 8:48 AM
To: Stacy Wasinger
Subject: RE: Lot size highway variance cases (V2017-001, V2017-002, and V2017-003)

Stacy,

V2017-002 & V2017-003 will be required to apply for Floodplain Permits if they are doing any work on Lots 1 or 2. If they are just acquiring land and not doing any work, they do not need Floodplain Permits.

Sincerely,

Nancy Durham, MURP, CFM
Flood Plain Administrator
FNSB Community Planning
ndurham@fnsb.us
(907) 459-1263

**Any property can flood even if it is not in a Special Flood Hazard Area. Flood insurance is recommended.

From: Stacy Wasinger
Sent: Monday, September 19, 2016 9:38 AM
To: Nancy Durham; Bill Witte
Subject: FW: Lot size highway variance cases (V2017-001, V2017-002, and V2017-003)

Good morning,

Attached are the applications for three highway variances for the October 25th Planning Commission meeting. I'm forwarding them to you both for review and comment because two of the sites are in the flood plain and it looks like all three do not have noted site addresses. Only one site is currently developed (V2017-001).

If you have any questions, please just let me know.

Thanks!
Stacy

From: Stacy Wasinger
Sent: Monday, September 19, 2016 9:35 AM
To: Stacy Wasinger
Subject: Lot size highway variance cases (V2017-001, V2017-002, and V2017-003)

Good morning,

The FNSB Community Planning Department has received three lot size highway variance cases – the application materials are attached for your review. In each, the AKDOT & PF is acquiring right of way for a highway project that will reduce the lot in question below the minimum lot size requirement of 40,000 square feet. The applications are for a variance to that minimum lot size requirement for each lot. These cases are scheduled to be heard at a public hearing
before the Planning Commission on October 25, 2016. Also attached is a zoning report that contains basic information regarding each parcel.

We are providing this information to you for review and comment because the sites are in your service or review area. If you have any concerns or potential issues regarding these variance cases, please send a response in writing and we will include the comment in the information that is provided to the Planning Commission.

Please return any comment by **Friday, September 23**. If there is another contact that would be appropriate to review this application, please feel free to forward this email or let me know and I will contact them. If you have any questions or need any clarification, please just let me know. I appreciate your time and help on this issue.

Thanks!
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 809 Pioneer Road
Fairbanks, AK 99707-1267
APPLICATION
MATERIAL
SUBMITTED ON

August 5, 2016
VARIANCE APPLICATION
HIGHWAY

File No. V2017-002

FEES: ☐ $800 variance application*
☐ $200 sign deposit (check or cash only)

*No fee for highway project variance requested by private property owners, if AKDOT/PF didn’t fulfill their statutory responsibility of obtaining a variance.

Applicant:
Contact Name: Boan Kubesas - Raw Agent
Business Name: SDI NOT PE
Mailing Address: 2301 Beggs Rd
City, State Zip: Fairbanks, AK 99709
Phone: 451-5494
E-mail: boan.kubesas@alaska.gov

Property Owner:
Name: Jonathan Pearson
Mailing Address: 1895 Cheryl Ct Unit B
City, State Zip: North Pole, AK 99705
Phone: 907-371-0490
Cell: N/A
E-mail: N/A

Property Information:
Property Description: Lot 1 Block 1 Badger Industrial
Street Address: N/A
Lot Size: 54,057.96
Parcel Account Numbers (PAN): 0579173
Existing Use(s): Land
Zoning District: 64-1

Variance Request Information:
Variance Type: ☐ Setback ☐ Lot Size ☐ Other: 
Amount of ROW Acquired: ☐ Square Feet: 31,113 ☐ Acres: 
Setback Request:
☐ Front: ☐ Rear: ☐ Side: N / S / E / W ☐ Side: N / S / E / W 
Lot Size Request: Zoning District Lot Size Minimum: 40,000
Current/Proposed Lot Size: 22,944
Request Description and amount of variance requested: See Attached
Reasons for variance request: See Attached

Please include any information regarding the applicability of reasonable accommodations for a person having a disability pursuant to FNSBC 18.12.030.

APPLICANT SIGNATURE: [Signature]
DATE: 8/3/16

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.

8/1/2016
Jonathan F. Pearson  
Lot 1 Block 1 Badger Industrial Park  
North Pole, AK 99705  
Lot Size Variance- Richardson Highway MP 353-357 Access Improvements Parcel-10

The State of Alaska, DOT&PF is preparing the Richardson Highway MP 353-357 Access Improvements for construction. The State of Alaska Department of Transportation & Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the access and safety of the Richardson Highway between Mileposts (MP) 353 and 357. The Richardson Highway, a National Highway System (NHS) route, is the main arterial between Fairbanks and North Pole and continues south to Valdez. The project is located within a four lane, divided, 55-mph section of the Richardson Highway. Traffic volumes have increased approximately 25 percent over the past 20 years as the corridor and surrounding area have both experienced growth in the development of commercial and industrial businesses and residential areas. Existing average daily traffic (ADT) is approximately 14,000 vehicles, projected to increase to 23,000 by the design year (2035).

The objective of this project is to improve safety and capacity on the Richardson Highway while maintaining reasonable access to the parcels adjacent to the project corridor via the frontage road system. This will be accomplished by establishing access control similar to that of the rest of the four-lane section of the Richardson Highway to the east and by improving and extending the existing frontage road system.

The design of this project was determined to be the least impactful design to the surrounding property owners in this area. This project requires the acquisition of parcels in order to accommodate the frontage road and access improvements, including acquiring a portion of Mr. Pearson’s land at Lot 1 Block 1 Badger Industrial Park. The parcel 10 acquisition from Mr. Pearson is 31,113 square feet. The lot size prior to acquisition is 54057.96 square feet, and the remainder after acquisition will be 22,944 square feet. Mr. Pearson’s property is zoned GU-1 with a minimum lot size of 40,000 square feet required.

This is a public highway project and the acquisition of the parcel to accommodate the project represents a special condition peculiar to this property that is not applicable to other property in the zoning district. The strict interpretation of this title would deprive the property owners of rights commonly enjoyed by other properties in the same zoning district at no fault of their own.
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
&
PUBLIC FACILITIES

RIGHT OF WAY REQUIRED
IM-HRO-0A24(19)/66148
RICHARDSON HWY MP 353-357
ACCESS IMPROVEMENTS

COLASKA INC.
TWIN RICH SUBDIVISION
PLAT #2013-87
(TRACT A)

PARCEL C
TL-2705
(2001-025177-0)

RICHARDSON HIGHWAY F-062-4(16)

LOT 1A
PLAT 2004-27
MIDLAND ACRES 1ST ADDITION

LOT 2A
PLAT 2004-27
MIDLAND ACRES 1ST ADDITION

LOT 1
LOT 2
LOT 3
LOT 11
LOT 12
LOT 13

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR
RICHARDSON HWY MP353-357
ACCESS IMPROVEMENTS

DRAWING

PROJECT NO. IM-HRO-0A24(19)/66148

AREA 31,113 S.F. PARCEL NO. 10

SCALE 1" = 300' DATE 03/12/2014

INITIAL DATE 1 OF 3
JONATHAN F. PEARSON
REMAINING AREA: 0.531 ACRES

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR
RICHARDSON HWY MP353-357
ACCESS IMPROVEMENTS

PROJECT NO. IM-HRO-OA24(19)/66148
AREA 31,113 S.F. PARCEL NO. 10
SCALE 1"=100' DATE 03-12-2014

INITIAL
DATE 2 OF 3
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JONATHAN F. PEARSON  
REMAINING AREA: 0.531 ACRES

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STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

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RIGHT OF WAY REQUIRED FOR  
RICHARDSON HWY MP353-357  
ACCESS IMPROVEMENTS

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SCALE N/A  
DATE 03-12-2014
Property Summary

back to Search Page

PAN
0579173

PROPERTY PHYSICAL DESCRIPTION
LOT 1 BLOCK 1 BADGER INDUSTRIAL PARK
Previously assessed as 1S 1E 27 2731

BUSINESS

MOST RECENT MILLAGE RATE
14.7660

PROPERTY CLASS
Vacant Land

STATUS
TAXABLE

ADDITIONAL INFORMAT:
Building Details
View Property Location

LAND AREA
Parcel
Lot 1 Block 1 54057.96 Square Feet

FIRE SERVICE AREA
NORTH STAR FIRE STA

OWNER
NAME
PEARSON, JOHNATHAN F

INTEREST
OWNERSHIP

ADDRESS
No data returned

Documents
The FNSB provides a link to view the recorded document at the State of Alaska Recorders C through the instrument #. The FNSB has no control over the contents posted on any external sites and these sites may have separate terms of use and privacy policies. The inclusion of a web link does not imply endorsement by the FNSB of the site, its content, advertisers or sponsor.

DESCRIPTION
Warranty Deed
Multi-Parcel Deed of Trust
Warranty Deed
Plat

RECORD DATE
12/10/2014
12/10/2014
1/3/2008
10/17/2006

BOOK
2014-016899-0
2014-016899-0
2008-000069-0
2006-026735-0

PAGE

INSTRUMENT #

Assessment History
For questions regarding assessments, contact the FNSB Department of Assessing at 907-459-1428.

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Pay Property Taxes by credit card

Tax History (Updated: 08/03/16 04:29 AM AST)
If taxes are delinquent the interest calculation date is: 9/1/2016. All prior year delinquent payments must be made with guaranteed funds.
For payments made after the due dates, please call the FNSB Division of Treasury and Budget at 907-459-1441 for the correct amount.

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Narrative

The State of Alaska, DOT&PF is preparing the Richardson Highway MP 353-357 Access Improvements for construction. The State of Alaska Department of Transportation & Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the access and safety of the Richardson Highway between Mileposts (MP) 353 and 357. The Richardson Highway, a National Highway System (NHS) route, is the main arterial between Fairbanks and North Pole and continues south to Valdez. The project is located within a four lane, divided, 55-mpg section of the Richardson Highway. Traffic volumes have increased approximately 25 percent over the past 20 years as the corridor and surrounding area have both experienced growth in the development of commercial and industrial businesses and residential areas. Existing average daily traffic (ADT) is approximately 14,000 vehicles, projected to increase to 23,000 by the design year (2035).

The objective of this project is to improve safety and capacity on the Richardson Highway while maintaining reasonable access to the parcels adjacent to the project corridor via the frontage road system. This will be accomplished by establishing access control similar to that of the rest of the four-lane section of the Richardson Highway to the east and by improving and extending the existing frontage road system.

The design of this project was determined to be the least impactful design to the surrounding property owners in this area. This project requires the acquisition of parcels in order to accommodate the frontage road and access improvements.

Variance Criteria

I. FNSBC 18.104.070 (B)(3)
   
e. The right-of-way take for the parcel 10 acquisition from Mr. Pearson is 31,113 square feet.
   
f. The lot size prior to acquisition is 54057.96 square feet, and the remainder after acquisition will be 22,944 square feet. Mr. Pearson’s property is zoned GU-1 with a minimum lot size of 40,000 square feet required.

II. FNSBC 18.070 (B)(2)
   
a. This is a public highway project and the acquisition of the parcel to accommodate the project represents a special condition peculiar to this property and is not applicable to other property in the zoning district. The State maintains the right to Eminent Domain on this project, and as such the sale of the parcel to the State does not constitute an arm’s length transaction. Most other owners in this zoning district are not affected by this project and so this condition does not exist for other owners.
b. Strict interpretation of this title would deprive the owner of rights commonly enjoyed by other properties in this zoning district because the parcel owner purely because of the Richardson Highway Access Improvement project MP 353-357.

III. FNSBC 18.070 (D)

1. The proposed variance conforms to the intent and purpose of this title, other ordinances and Alaska Statutes.

2. The denial of the proposed variance will deprive the property owner of the use of the property in a manner similar to the use permitted to be made by the owners of property in the immediate area.

3. The proposed variance will not adversely affect the public health, safety, and welfare, traffic or parking conditions or increase the danger of fire should it be granted.
APPLICATION MATERIAL
SUBMITTED ON

September 29, 2016
Stacy Wasinger

From:  Roberts, Brian K (DOT) <brian.roberts@alaska.gov>
Sent:  Thursday, September 29, 2016 1:26 PM
To:  Stacy Wasinger
Subject:  RE: Rich 353-357

Stacy,

It is my understanding that Mr. Pearson will be using both lots concurrently for one use, but yes the project manager will allow access to the frontage road.

--Brian

Brian K. Roberts | Right-of-Way Agent III | Alaska DOT&PF, Northern Region

From:  Stacy Wasinger [mailto:SWasinger@fnsb.us]
Sent:  Thursday, September 29, 2016 11:54 AM
To:  Roberts, Brian K (DOT)
Subject:  RE: Rich 353-357

Hi Brian,

Regarding the other variance applications associated with this project (V2017-002 and V2017-003, parcels owned by Jonathan Pearson), I have a question regarding access. Per the plat for this subdivision (attached), the two lots are supposed to share driveway access to the Richardson Highway frontage road (plat note 8). However, it appears that the driveway easement will be taken with the right-of-way acquisition. Will there be access allowed to the frontage road with the acquisition for both lots? Or has this been considered already?

Thanks again for your help!
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 809 Pioneer Road
Fairbanks, AK 99707-1267

From:  Roberts, Brian K (DOT) [mailto:brian.roberts@alaska.gov]
Sent:  Thursday, September 29, 2016 10:58 AM
To:  Stacy Wasinger
Subject:  Rich 353-357 Parcel 29 Stageman

Hello,
I was able to confirm that the septic is behind the house and not in the area of our acquisition.

Thanks!

--Brian

Brian K. Roberts | Right-of-Way Agent III | Alaska DOT&PF, Northern Region
STAFF REPORT

V2017-003
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

V2017-003
November 8, 2016 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission

FROM: Stacy Wasinger, Planner III

DATE: October 24, 2016

RE: V2017-003: A request by Brian Roberts on behalf of Jonathan Pearson for a lot size highway variance of 4,833.56 square feet to the minimum lot size requirement of 40,000 feet in the General Use 1 (GU-1) zone on Lot 2, Block 1 Badger Industrial Park Subdivision (located east of Midland Street, south of Richardson Highway).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the variance request with one (1) condition and nine (9) Findings of Fact in support of approval. Staff recommends approval because the acquisition of land by the Alaska Department of Transportation and Public Facilities (AKDOT & PF) as right-of-way for the Richardson Highway represents a special condition which is peculiar to the property and which was not caused by the property owner. The subject parcel was legally subdivided to meet the GU-1 minimum lot size requirement at 54,406.44 square feet and is made non-conforming by the proposed 19,240 square foot right-of-way acquisition by AKDOT & PF. The resulting parcel will be 35,166.44 square feet. The staff analysis finds that the proposed variance will meet the intent and purpose of Title 18 and of other ordinances and state statutes and will not adversely affect the public health, safety and welfare. Additionally, if the variance is denied, the denial would deprive the property owner the use of their property in a similar manner made by other owners in the general area.

II. GENERAL INFORMATION

A. Purpose

To allow a lot size highway variance of 4,833.56 square feet in the General Use 1 (GU-1) zone.

B. Location

East of Midland Street, south of Richardson Highway

C. Access

Vacant/Richardson Highway Frontage Road

D. Size/PAN

Sf.  PAN
54,406.44 (35,166.44 after)  0579181

E. Existing Zone

GU-1

F. Existing Land Use

Vacant

G. Surrounding Land Use/Zoning

North: Zoning: GU-1  Land Use: Vacant/Richardson Hwy
South: Zoning: GU-1  Land Use: Vacant

253
III. ZONING AND DEVELOPMENT HISTORY

Fairbanks North Star Borough zoning designations and standards were adopted through Ordinance No. 67-34 on March 28, 1968 and the subject property was zoned Unrestricted Use (UU). There was no minimum lot size requirement under the UU zone. The adoption of Ordinance No. 88-010 on April 19, 1988 changed the zoning designation on the subject parcel from UU to General Use 1 (GU-1), instituting a minimum lot size requirement of 40,000 square feet. The subject lot was created with the recording of the plat for the Badger Industrial Park Subdivision on October 17, 2006 at 1.249 acres (54,406.44 square feet) in size, meeting the GU-1 minimum required lot size (Exhibit 1). In conjunction with the Richardson Highway project, the State of Alaska intends to acquire 19,240 square feet from the property for right-of-way, leaving the parcel at the 35,166.44 square feet in size as proposed by this variance application. FNSBC 18.84 requires a 40,000 square foot minimum lot size for the subject parcel and FNSBC 18.104.070 allows that a variance to this numerical standard as a direct result of the right-of-way acquisition can be obtained to be in compliance with Title 18. Additionally, state statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects. The lot size has not been altered since it was created in 2006.

The Richardson Highway project is intended to improve access and safety between Mileposts 353 and 357. The subject parcel is adjacent to a four lane, divided section of the Richardson Highway with a 55 mph speed limit. This section of the Richardson Highway is expected to have continued increased traffic volume, up to 23,000 average daily traffic (ADT) trips by 2035 from the current 14,000. The project requires the acquisition of right-of-way to aid in the implementation of access improvements and a frontage road. HP2013-005, the Richardson Highway MP 353-357 Access
Figure 1: Site Plan with Approximate Area of Acquired Right-of-Way
(Source: Base map is the Applicant’s provided survey, annotations in color by Community Planning staff.)

Figure 1 illustrates the approximate area of land to be acquired by AKDOT & PF for the Richardson Highway project from the subject property. The original platted lot was 1.249 acres and 19,240 square feet is proposed to be acquired for right-of-way. This right-of-way acquisition
leaves the parcel at a remainder of 35,166.44 square feet, a deviation of 4,833.56 square feet or 12% from the minimum lot size requirement of 40,000 square feet.

IV. APPLICABLE APPROVAL CRITERIA

Variances are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances and Title 29, Alaska Statutes:

Fairbanks North Star Borough (FNSB) Code of Ordinances

18.12.020 Purpose. The purpose of this title is to implement the Fairbanks North Star Borough comprehensive plan. This title is intended to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise.

18.104.070 (A) Procedure for Highway Project Variances. Generally. The planning commission may allow a departure from the numerical standards of this title pertaining to the size of yards and open space areas, building height and size, lot area, number and location of off-street parking spaces and loading areas, and other matters. Highway project variances must be a direct result of right-of-way acquisition.

18.104.070 (B) Procedures for Highway Project Variances: Application for a Highway Project Variance. (2.) An application for highway project variance shall be evaluated by the following criteria:

(a) Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district, and

(b) Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

18.104.070 (D) Procedures for Highway Project Variances: Hearing and Decision Process

(1.) Variance Requests Not Greater Than 10 Percent. If the director of community planning determines no extraordinary circumstances exist, highway project variances which depart from the numerical standards of this title by not greater than 10 percent shall appear on the consent agenda of the planning commission. Affected property owners may address the variance application during the citizen’s comments portion of the agenda. The planning commission may remove the item from the consent agenda and may approve, approve with conditions, or deny the highway project variance. The planning commission may also refer the application to a full review including public hearing in accordance with procedures outlined for highway project variances greater than 10 percent. If the director of community planning determines extraordinary circumstances do exist, the highway project variance will appear as a regular agenda item scheduled for public hearing in accordance with procedures outlined for highway project variance greater than 10 percent.

(2.) Variance Requests Greater Than 10 Percent. Departures of greater than 10 percent from the numerical standards shall be considered by the planning commission in a quasi-judicial hearing.

18.104.070 (E) Procedures for Highway Project Variances. The planning commission shall also consider and adopt findings in each of the following:
1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes’

2. Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;

3. Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.

State of Alaska Statutes

Section 29.40.040 (b). A variance from a land use regulation adopted under this section may not be granted if

1. special conditions that require the variance are caused by the person seeking the variance;

2. the variance will permit a land use in a district in which that use is prohibited; or

3. the variance is sought solely to relieve pecuniary hardship or inconvenience.

Section 35.30.020 Compliance with Municipal Ordinances. A department shall comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners.

V. STAFF ANALYSIS

A. Dear Property Owner Notices

There were 72 dear property owner notices mailed out and staff received two (2) inquiries about the case.

B. Surrounding Land Use and Zoning

The surrounding parcels are all zoned General Use (GU-1) and GU-1 with the Military Noise Overlay (MNO) zone (Figure 2). The neighboring properties are primarily vacant, with one parcel owned by the University of Alaska developed to the west across Midland Street.

The intent of the GU-1 zone is “to be located in rural areas where community sewer and water systems are unavailable.” The GU-1 zone has no setback requirement and has a minimum lot size requirement of 40,000 square feet. This application requests a variance of 4,833.56 square feet from the minimum lot size requirement. The lot was legally platted to conform with GU-1 lot size requirements and will be made non-conforming by the State of Alaska acquiring 19,240 square feet of the property for the Richardson Highway right-of-way (Figure 1).
C. Nearby Variances

DOT & PF has also concurrently applied for two other lot size variances related to the Richardson Highway project. One of the parcels to be considered in a separate variance case is approximately 4,200 feet southeast along Richardson Highway and the other proposed variance is the adjacent parcel to the west of the subject parcel. V2017-001 and V2017-002, which pertain to TL-3408 and Lot 1, Block 1 of the Badger Industrial Park Subdivision respectively, are the concurrent applications. There are no other nearby variances.

D. FNSB Code of Ordinances: Title 18 Variance Application Standards

1. Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district.

The special condition affecting the subject property is the right-of-way acquisition required for the Richardson Highway project that will cause the lot size to become non-conforming. The lot, which was legally platted and met the minimum lot size requirement of the GU-1 zone, will be reduced by 19,240 square feet acquired for right-of-way. The applicant’s narrative states
that the property was acquired to “improve safety and capacity on the Richardson Highway while maintaining reasonable access to the parcels adjacent to the project via the frontage road system.” The special condition was in support of the overall health, safety, and welfare by creating a safer highway system, and is unique to properties abutting the Richardson Highway project. This right-of-way acquisition was not initiated or caused by the property owner.

2. Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

Strict interpretation of the provision of the zoning title would deprive the property owner of rights commonly enjoyed by other properties in the same district under the terms of the zoning title because the undersized lot will not comply with Title 18 lot size requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18. Strict interpretation would also have the secondary effect of depriving the property owner of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they are not able to comply with Title 18 regarding lot size.

E. FNSB Code of Ordinances: Title 18 Variance Approval Criteria

1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes.

Purpose of FNSBC Title 18: The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The application materials align with Land Use Goal 1, Strategy 3 of the FNSB Regional Comprehensive Plan, which is to “work to reduce to the fullest extent possible the natural conflict that develops between private property rights and community needs and interests.” The proposed variance resolves the conflict created by right-of-way acquisition that takes a privately owned property out of compliance with Title 18 standards regarding lot size. The proposed variance is also consistent with the Urban Area designation, which is defined as “area that is served or can be served with community water and sewer, and contains the most intensive residential, commercial, and industrial development.” This parcel is not served with community water and sewer. The parcel is currently vacant.

Intent of FNSBC Title 18: The intent of Title 18 is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020).”

Allowing an owner to develop their private property is an example of protecting private property rights with local zoning regulations. The public notification, public hearing procedures and approval criteria for variances protect the property rights of the surrounding property owners.

The proposed variance will promote the public health, safety, and welfare because it will not create any fire, traffic, or safety hazards. The parcel is currently vacant and therefore no existing structures or uses will be affected by the proposed variance.
Alaska State Statute and Other Ordinances: The site is not within City of Fairbanks or City of North Pole limits and complies with the FNSB Comprehensive Plan and other ordinances. The proposed variance complies with Alaska Statute 29.40.040(b) regarding requirements for variances. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects. Additionally, state statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

2. Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;

Denial of the proposed variance would deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area. The undersized lot does not comply with Title 18 lot size requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18 regarding lot size. Two other lots in the vicinity will have land acquired by the AKDOT & PF for the Richardson Highway project right-of-way that make them out of compliance with Title 18 standards and lot size variances have also been applied for on those parcels.

3. Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.

The proposed variance will protect the public health, safety or welfare by fulfilling procedural requirements related to the accommodation of development of the Richardson Highway project, which improves road safety issues, such as traffic. The proposed variance would not create additional fire hazard concerns because the area acquired for right-of-way is adjacent to Richardson Highway. The GU-1 zone does not require setbacks and the minimum lot size requirement is intended in part to allow for adequate area and separation for wastewater systems on site. The parcel is currently vacant, therefore no existing structures, parking, or uses will be affected by the proposed variance.

The right-of-way acquisition involved in the proposed variance does include the joint driveway easement for Lots 1 and 2, Block 1 provided in the plat for the Badger Industrial Park subdivision (Exhibit 1). Plat note 8 states “access onto the Richardson Highway frontage road is limited to four shared driveway easements for lots 1-4 block 1, and lots 1-4 block 2 as shown within the common driveway easements reserved by this plat.” However, access to the lots will still be allowed from the frontage road by AKDOT & PF as stated by the applicant, a Right-of-Way Agent for AKDOT & PF. Lots 1 and 2, Block 1 of the Badger Industrial Park subdivision are partially located in the floodplain. Floodplain permits are required if any construction or work is proposed, but not solely for the acquisition of land\(^1\). No development is proposed at this time.

F. State of Alaska Statutes: Title 29 Variance Approval Criteria

Section 29.40.040(b). A variance from a land use regulation may not be granted if:

\(^1\) Sections of this staff report involving floodplain related reviews include comments and feedback from Nancy Durham, FNSB Floodplain Administrator, MURP, CFM after a review of the application materials with FNSB Planner Stacy Wasinger.
1. **Special conditions that require the variance are caused by the person seeking the variance;**

The special condition is a non-conforming lot size caused by the State of Alaska acquiring land for the Richardson Highway right-of-way. The property owner did not create this condition.

2. **The variance will permit a land use in a district in which that use is prohibited; or**

The parcel is currently vacant and no use is proposed with the variance that would allow a use not permitted in the GU-1 zone.

3. **The variance is sought solely to relieve pecuniary hardship or inconvenience.**

The proposed variance is not sought solely to relieve pecuniary hardship. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.

**VI. RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **APPROVAL** of the requested 4,833.56 square feet variance from the minimum lot size of 40,000 square feet in the GU-1 zone with one (1) condition.

**VII. CONDITIONS**

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

**VIII. FINDINGS OF FACT**

The Department of Community Planning further recommends adoption of the staff report and the following Findings of Fact in support of approval:

1. A special condition of a non-conforming lot size was created on the property by the State of Alaska acquiring land for the Richardson Highway right-of-way.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Richardson Highway.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.
5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the undersized lot does not comply with Title 18.

   a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.
   b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for lot size.

6. Approval of the variance would protect public health, safety and welfare because it fulfills procedural requirements related to the accommodation of development of the Richardson Highway project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 and state statute. The variance would not adversely affect the public health, safety, and welfare because the property is currently undeveloped and the proposed variance does not affect traffic or parking conditions or increase the danger of fire.

7. The property owner did not create the special condition on the property or the need for a variance.

8. The parcel is currently vacant and the proposed variance does not include a use that would not be allowed in the GU-1 zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Richardson Highway project.

DRAFT PLANNING COMMISSION MOTION:

I move to approve the requested 4,833.56 square foot variance from the 40,000 square foot required minimum lot size requirement in the GU-1 zone with one (1) condition, adopting the staff report and nine (9) Findings of Fact in support of the decision.
Public Hearing sign posted October 17, 2016

Richardson Highway Access Road and Midland Street
Currently vacant lots

Across Richardson Highway Access Road
WRITTEN AGENCY
COMMENTS

V2017-003
Stacy Wasinger

From: Nancy Durham
Sent: Wednesday, September 21, 2016 8:48 AM
To: Stacy Wasinger
Subject: RE: Lot size highway variance cases (V2017-001, V2017-002, and V2017-003)

Stacy,

V2017-002 & V2017-003 will be required to apply for Floodplain Permits if they are doing any work on Lots 1 or 2. If they are just acquiring land and not doing any work, they do not need Floodplain Permits.

Sincerely,

Nancy Durham, MURP, CFM
Flood Plain Administrator
FNSB Community Planning
ndurham@fnsb.us
(907) 459-1263

**Any property can flood even if it is not in a Special Flood Hazard Area. Flood insurance is recommended.**

---

From: Stacy Wasinger
Sent: Monday, September 19, 2016 9:38 AM
To: Nancy Durham; Bill Witte
Subject: FW: Lot size highway variance cases (V2017-001, V2017-002, and V2017-003)

Good morning,

Attached are the applications for three highway variances for the October 25th Planning Commission meeting. I’m forwarding them to you both for review and comment because two of the sites are in the flood plain and it looks like all three do not have noted site addresses. Only one site is currently developed (V2017-001).

If you have any questions, please just let me know.

Thanks!
Stacy

---

From: Stacy Wasinger
Sent: Monday, September 19, 2016 9:35 AM
To: Stacy Wasinger
Subject: Lot size highway variance cases (V2017-001, V2017-002, and V2017-003)

Good morning,

The FNSB Community Planning Department has received three lot size highway variance cases – the application materials are attached for your review. In each, the AKDOT & PF is acquiring right of way for a highway project that will reduce the lot in question below the minimum lot size requirement of 40,000 square feet. The applications are for a variance to that minimum lot size requirement for each lot. These cases are scheduled to be heard at a public hearing.
before the Planning Commission on October 25, 2016. Also attached is a zoning report that contains basic information regarding each parcel.

We are providing this information to you for review and comment because the sites are in your service or review area. If you have any concerns or potential issues regarding these variance cases, please send a response in writing and we will include the comment in the information that is provided to the Planning Commission.

Please return any comment by **Friday, September 23rd**. If there is another contact that would be appropriate to review this application, please feel free to forward this email or let me know and I will contact them. If you have any questions or need any clarification, please just let me know. I appreciate your time and help on this issue.

Thanks!
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 809 Pioneer Road
Fairbanks, AK 99707-1267
APPLICATION MATERIAL SUBMITTED ON

August 5, 2016
VARiANCE APPLICATION
HIGHWAY
File No. V2017-003

FEES: ☐ $600 variance application*
☐ $200 sign deposit (check or cash only)
*No fee for highway project variance requested by private property owners, if AKDOT/PF didn't fulfill their statutory responsibility of obtaining a variance.

Applicant:
Contact Name: Brian Kobera-Rav Agent
Business Name: 50A Do t Of Fe
Mailing Address: 2301 Peger Rd
City, State Zip: Fairbanks, AK 99709
Phone: 451-5484
E-mail: brian.kobera@alaska.gov

Property Owner:
Name: Jonathan Pearson
Mailing Address: 1885 Cheryl Ct. Unit B
City, State Zip: North Pole, AK 99705
Phone: 907-371-0440

Property Information:
Property Description: Lot 2, Block 1 Badger Industrial
Lot Size: 54,406.44
Zoning District: CU-1

Variance Request Information:
Variance Type: ☐ Setback ☑ Lot Size ☐ Other: 
Amount of ROW Acquired: 
☐ Square Feet: 19,240 ☐ Acres: 
Setback Request:
☐ Front: ☐ Rear: ☐ Side: N/S/E/W ☐ Side: N/S/E/W 
Lot Size Request:
Lot Size Request: Zoning District Lot Size Minimum: 41,000
Current/Proposed Lot Size: 35,166.44

Reasons for variance request: See Attached

Please include any information regarding the applicability of reasonable accommodations for a person having a disability pursuant to FNSBC 18.12.030.

APPLICANT SIGNATURE: 
DATE: 8/13/16

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.

V2017-003 Applications/Handout/FY17/Appendix/Highway.docx
Jonathan F. Pearson  
Lot 2 Block 1 Badger Industrial Park  
North Pole, AK 99705  
Lot Size Variance- Richardson Highway MP 353-357 Access Improvements Parcel-11

The State of Alaska, DOT&PF is preparing the Richardson Highway MP 353-357 Access Improvements for construction. The State of Alaska Department of Transportation & Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the access and safety of the Richardson Highway between Mileposts (MP) 353 and 357. The Richardson Highway, a National Highway System (NHS) route, is the main arterial between Fairbanks and North Pole and continues south to Valdez. The project is located within a four lane, divided, 55-mphh section of the Richardson Highway. Traffic volumes have increased approximately 25 percent over the past 20 years as the corridor and surrounding area have both experienced growth in the development of commercial and industrial businesses and residential areas. Existing average daily traffic (ADT) is approximately 14,000 vehicles, projected to increase to 23,000 by the design year (2035).

The objective of this project is to improve safety and capacity on the Richardson Highway while maintaining reasonable access to the parcels adjacent to the project corridor via the frontage road system. This will be accomplished by establishing access control similar to that of the rest of the four-lane section of the Richardson Highway to the east and by improving and extending the existing frontage road system.

The design of this project was determined to be the least impactful design to the surrounding property owners in this area. This project requires the acquisition of parcels in order to accommodate the frontage road and access improvements, including acquiring a portion of Mr. Pearson’s land at Lot 2 Block 1 Badger Industrial Park. The parcel 11 acquisition from Mr. Pearson is 19,240 square feet. The lot size prior to acquisition is 54,406.44 square feet, and the remainder after acquisition will be 35,166.44 square feet. Mr. Pearson’s property is zoned GU-1 with a minimum lot size of 40,000 square feet required.

This is a public highway project and the acquisition of the parcel to accommodate the project represents a special condition peculiar to this property that is not applicable to other property in the zoning district. The strict interpretation of this title would deprive the property owners of rights commonly enjoyed by other properties in the same zoning district at no fault of their own.
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION &
PUBLIC FACILITIES

RIGHT OF WAY REQUIRED
IM-HRO-0A24(19)/66148
RICHARDSON HWY MP 353-357
ACCESS IMPROVEMENTS

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

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RICHARDSON HIGHWAY F-062-4(16)

COLASKA INC.
TWIN RICH SUBDIVISION
PLAT #2013-87
(TRACT A)
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JOHNATHAN F. PEARSON
REMAINING AREA: 0.811 ACRES

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STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR
RICHARDSON HWY MP353-357
ACCESS IMPROVEMENTS

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INITIAL DATE 3 OF 3
Property Summary

PROPERTY PHYSICAL DESCRIPTION
LOT 2 BLOCK 1 BADGER INDUSTRIAL PARK
Previously assessed as 1S 1E 27 2731

PROPERTY CLASS
Vacant Land

STATUS
TAXABLE

ADDITIONAL INFORMATION
Building Details
View Property Location

LAND AREA
Parcel
Lot 2 Block 1  54406.44 Square Feet

OWNER
PEARSON, JOHNATHAN F

ADDRESS
No data returned

Documents
The FNSB provides a link to view the recorded document at the State of Alaska Recorders C through the instrument #. The FNSB has no control over the contents posted on any external sites and these sites may have separate terms of use and privacy policies. The inclusion of web link does not imply endorsement by the FNSB of the site, its content, advertisers or sponsors.

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Assessment History
For questions regarding assessments, contact the FNSB Department of Assessing at 907-459-1428.

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Pay Property Taxes by credit card

Tax History (Updated: 08/03/16 04:29 AM AST)
If taxes are delinquent the interest calculation date is: 9/1/2016. All prior year delinquent payments must be made with guaranteed funds.
For payments made after the due dates, please call the FNSB Division of Treasury and Budget 907-459-1441 for the correct amount.

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APPLICATION MATERIAL SUBMITTED ON

August 30, 2016
Jonathan F. Pearson  
Lot 2 Block 1 Badger Industrial Park  
North Pole, AK 99705  
Lot Size Variance- Richardson Highway MP 353-357 Access Improvements Parcel-11

Narrative

The State of Alaska, DOT&PF is preparing the Richardson Highway MP 353-357 Access Improvements for construction. The State of Alaska Department of Transportation & Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the access and safety of the Richardson Highway between Mileposts (MP) 353 and 357. The Richardson Highway, a National Highway System (NHS) route, is the main arterial between Fairbanks and North Pole and continues south to Valdez. The project is located within a four lane, divided, 55-mph section of the Richardson Highway. Traffic volumes have increased approximately 25 percent over the past 20 years as the corridor and surrounding area have both experienced growth in the development of commercial and industrial businesses and residential areas. Existing average daily traffic (ADT) is approximately 14,000 vehicles, projected to increase to 23,000 by the design year (2035).

The objective of this project is to improve safety and capacity on the Richardson Highway while maintaining reasonable access to the parcels adjacent to the project corridor via the frontage road system. This will be accomplished by establishing access control similar to that of the rest of the four-lane section of the Richardson Highway to the east and by improving and extending the existing frontage road system.

The design of this project was determined to be the least impactful design to the surrounding property owners in this area. This project requires the acquisition of parcels in order to accommodate the frontage road and access improvements.

Variance Criteria

I. FNSBC 18.104.070 (B)(3)

   e. The right-of-way take for the parcel 11 acquisition from Mr. Pearson is 19,240 square feet.

   f. The lot size prior to acquisition is 54,406.44 square feet, and the remainder after acquisition will be 35,166.44 square feet. Mr. Pearson’s property is zoned GU-1 with a minimum lot size of 40,000 square feet required.

II. FNSBC 18.070 (B)(2)

   a. This is a public highway project and the acquisition of the parcel to accommodate the project represents a special condition peculiar to this property and is not applicable to other property in the zoning district. The State maintains the right to Eminent Domain on this project, and as such the sale of the parcel to the State does not constitute an arm’s length transaction. Most other owners in this zoning district are not affected by this project and so this condition does not exist for other owners.
b. Strict interpretation of this title would deprive the owner of rights commonly enjoyed by other properties in this zoning district because of the Richardson Highway Access Improvement project MP 353-357.

III. FNSBC 18.070 (D)

1. The proposed variance conforms to the intent and purpose of this title, other ordinances and Alaska Statutes.

2. The denial of the proposed variance will deprive the property owner of the use of the property in a manner similar to the use permitted to be made by the owners of property in the immediate area.

3. The proposed variance will not adversely affect the public health, safety, and welfare, traffic or parking conditions or increase the danger of fire should it be granted.
APPLICATION MATERIAL
SUBMITTED ON

September 29, 2016
Stacy Wasinger

From: Roberts, Brian K (DOT) <brian.roberts@alaska.gov>
Sent: Thursday, September 29, 2016 1:26 PM
To: Stacy Wasinger
Subject: RE: Rich 353-357

Stacy,

It is my understanding that Mr. Pearson will be using both lots concurrently for one use, but yes the project manager will allow access to the frontage road.

--Brian

Brian K. Roberts | Right-of-Way Agent III | Alaska DOT&PF, Northern Region

From: Stacy Wasinger [mailto:SWasinger@fnsb.us]
Sent: Thursday, September 29, 2016 11:54 AM
To: Roberts, Brian K (DOT)
Subject: RE: Rich 353-357

Hi Brian,

Regarding the other variance applications associated with this project (V2017-002 and V2017-003, parcels owned by Jonathan Pearson), I have a question regarding access. Per the plat for this subdivision (attached), the two lots are supposed to share driveway access to the Richardson Highway frontage road (plat note 8). However, it appears that the driveway easement will be taken with the right-of-way acquisition. Will there be access allowed to the frontage road with the acquisition for both lots? Or has this been considered already?

Thanks again for your help!
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 809 Pioneer Road
Fairbanks, AK 99707-1267

From: Roberts, Brian K (DOT) [mailto:brian.roberts@alaska.gov]
Sent: Thursday, September 29, 2016 10:58 AM
To: Stacy Wasinger
Subject: Rich 353-357 Parcel 29 Stageman

Hello,
I was able to confirm that the septic is behind the house and not in the area of our acquisition.

Thanks!

--Brian
STAFF REPORT

V2017-004
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

V2017-004
November 8, 2016 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission

FROM: Stacy Wasinger, Planner III

DATE: October 31, 2016

RE: V2017-004: A request by Brian Roberts on behalf of the State of Alaska Department of Transportation & Public Facilities for a lot size highway variance of 4,063 square feet to the minimum lot size requirement of 40,000 square feet in the Rural Residential (RR) zone on Lot 1, Skol Subdivision (located on the east side of Birch Hill Road, southeast of Steese Highway).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the variance request with one (1) condition and nine (9) Findings of Fact in support of approval. Staff recommends approval because the acquisition of land by the Alaska Department of Transportation and Public Facilities (AKDOT & PF) as right-of-way for the Birch Hill Bicycle and Pedestrian Facility project represents a special condition which is peculiar to the property and which was not caused by the property owner. The subject parcel was legally subdivided to meet the Rural Residential (RR) minimum lot size requirement at 40,019 square feet and is being made non-conforming by the proposed 4,082 square foot right-of-way acquisition by AKDOT & PF. The resulting parcel will be 35,937 square feet. The applicant is requesting a variance of 4,063 square feet to the minimum lot size of 40,000 square feet for the resulting parcel. The staff analysis finds that the proposed variance will meet the intent and purpose of Title 18 and of other ordinances and state statutes, would deprive the property owner the use of their property in a similar manner made by other owners in the general area if denied, and will not adversely affect the public health, safety and welfare.

II. GENERAL INFORMATION

A. Purpose

To allow a lot size highway variance of 4,063 square feet in the Rural Residential (RR) zone.

B. Location

South of Birch Hill Road, southeast of Steese Highway

C. Access

Vacant/Birch Hill Road

D. Size/PAN

<table>
<thead>
<tr>
<th>Square feet</th>
<th>PAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current: 40,019</td>
<td>0531430</td>
</tr>
<tr>
<td>Proposed: 35,937</td>
<td></td>
</tr>
</tbody>
</table>

E. Existing Zone

Rural Residential (RR)
Minimum Lot Size: 40,000 square feet

F. Existing Land Use

Vacant
G. Surrounding Land Use/Zoning

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RR</td>
<td>Vacant/Birch Hill Road</td>
</tr>
<tr>
<td>South</td>
<td>RR</td>
<td>Vacant</td>
</tr>
<tr>
<td>East</td>
<td>RR</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>RR</td>
<td>Vacant</td>
</tr>
</tbody>
</table>

H. Community Facilities
- Water/sewer: Vacant
- Electricity: GVEA available

I. Code Violations
- None listed

J. Flood Zone
- X (100%) (March 17, 2014 dFIRM)

K. Zoning History
- Ordinance No. 67-34 (adopted 3/28/68): Unrestricted Use (UU)
- Ordinance No. 74-34 (adopted 8/29/74): UU to Rural Residential (RR)

L. Ownership
- Alascorp, Inc
  - PO Box 72419
  - Fairbanks, AK 99707

M. Applicant
- Brian Roberts, Right-of-Way Agent III
- Alaska DOT & PF
  - 2301 Peger Road
  - Fairbanks, AK 99709

III. ZONING AND DEVELOPMENT HISTORY

Fairbanks North Star Borough zoning designations and standards were adopted through Ordinance No. 67-34 on March 28, 1968 and the subject property was zoned Unrestricted Use (UU). There was no minimum lot size requirement under the UU zone. The adoption of Ordinance No. 74-34 on August 29, 1974 changed the zoning designation on the subject parcel from UU to Rural Residential (RR), instituting a minimum lot size requirement of 40,000 square feet (Exhibit 1). The subject lot was created with the recording of the plat for the Skol Subdivision on August 2, 2002 (Exhibit 2).

The subject lot is currently 40,019 square feet in size, meeting the RR minimum required lot size. In conjunction with the Birch Hill Bicycle and Pedestrian Facility highway project, the State of Alaska intends to acquire 4,082 square feet from the subject property for right-of-way, leaving the parcel at 35,937 square feet in size, non-conforming to the RR minimum lot size. The applicant is requesting a variance of 4,063 square feet to the minimum lot size of 40,000 square feet for the resulting parcel. FNSBC18.40 requires a 40,000 square foot minimum lot size for the subject parcel and FNSBC 18.104.070 allows that a variance to this numerical standard as a direct result of the right-of-way acquisition can be obtained to be in compliance with Title 18. Additionally, state statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance if
needed for right-of-way acquisition for current projects. The lot has not been altered since it was created in 2002.

The applicant revised their initial variance request due to two issues. First, the amount of right-of-way acquisition was revised due to a numerical error. The initial request indicated that the acquisition would be 4,802 square feet. A review of the right-of-way survey, however, shows that a number was transposed and the accurate area of acquisition is 4,082 square feet.

Second, based on the recovery of survey monuments in the field, the initial application materials requested a different variance amount of 4,117 square feet from the required minimum lot size. This discrepancy was the result of AKDOT & PF utilizing different surveying monumentation control as a starting point for the Birch Hill Right-of-Way map used for the acquisition area. This differing methodology included utilizing centerline survey monuments in the Steese Highway ROW, which do not appear to have been used for the Skol subdivision plat (Exhibit 2). The differing survey methodology resulted in AKDOT & PF determining Lot 1 to be 40,685 square feet, 666 square feet larger than the size of the lot on the recorded plat. For right-of-way acquisition, the AKDOT & PF performed a survey of the right-of-way to be acquired but did not perform or record full boundary surveys of the lots. Therefore, the new legal description of Lot 1 will likely reference the original recorded plat, excepting that portion which is acquired for the Birch Hill right-of-way. The 666 square foot discrepancy in lot area is considered to be relatively minor in survey methodology but an exact number of requested variance is required for this application.1

In order to ensure that the variance is sufficient to account for the right-of-way acquisition and to prevent future issues that may result from any discrepancy in lot area, AKDOT & PF is requesting a variance of 4,063 square feet based on the lot size indicated by the recorded plat for the Skol subdivision and the surveyed right-of-way area to be acquired. This amount of variance is the least required to ensure compliance with Title 18 lot size requirements on a lot that is being made non-conforming by this right-of-way acquisition.

**Figure 1: Approximate Remainder Parcel after ROW Acquisition**
(Source: FNSB GIS, annotations in color by Community Planning staff for illustrative purposes.)

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1 Sections of this staff report involving survey related reviews include comments and feedback from George Stefan, FNSB Platting Officer after a review of the application materials with FNSB Planner Stacy Wasinger.
Figure 1 illustrates the approximate area of land to be acquired by AKDOT & PF for the Birch Hill Bicycle and Pedestrian Facility highway project from the subject property. The original platted lot was 40,019 square feet and 4,082 square feet is proposed to be acquired for right-of-way. This right-of-way acquisition leaves the parcel at a remainder of 35,937 square feet, a deviation of 4,063 square feet or 10.2% from the minimum lot size requirement of 40,000 square feet.

The Birch Hill Bicycle and Pedestrian Facility highway project is intended to improve the safety of bicyclists and pedestrians by creating a nine foot wide path along Birch Hill Road, from the Fairhill Road intersection to the East Birch Hill Road intersection. The subject parcel is adjacent to Birch Hill Road, which currently has zero to two foot wide shoulders within the 1.9 mile project area. These narrow shoulders cause bicyclists and pedestrians to mix with vehicular traffic. The highway project provides separate facilities for these user groups and helps improve safety and access for bicyclists and pedestrians by creating a 5 to 25 foot buffer. The project requires the acquisition of right-of-way to allow for construction of bicycle and pedestrian facilities. HP2015-002, the Birch Hill Bicycle and Pedestrian Facility highway project was heard by the Planning Commission on October 28, 2014 and approved by the Assembly on December 11, 2014. The highway project staff report is attached as Exhibit 3. The current application is only for the variance necessitated by the right-of-way acquisition from the subject parcel. Denial of the variance will not result in denial of the highway project but would have the result of necessitating that AKDOT & PF acquire the subject parcel in its entirety rather than the portion associated with this variance application.

IV. APPLICABLE APPROVAL CRITERIA

Variance are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances and Title 29, Alaska Statutes:

Fairbanks North Star Borough (FNSB) Code of Ordinances

18.12.020 Purpose. The purpose of this title is to implement the Fairbanks North Star Borough comprehensive plan. This title is intended to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise.

18.104.070 (A) Procedure for Highway Project Variances. Generally. The planning commission may allow a departure from the numerical standards of this title pertaining to the size of yards and open space areas, building height and size, lot area, number and location of off-street parking spaces and loading areas, and other matters. Highway project variances must be a direct result of right-of-way acquisition.

18.104.070 (B) Procedures for Highway Project Variances: Application for a Highway Project Variance (2.) An application for highway project variance shall be evaluated by the following criteria:

(a) Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district, and

(b) Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;
18.104.070 (D) Procedures for Highway Project Variances: Hearing and Decision Process

(1.) Variance Requests Not Greater Than 10 Percent. If the director of community planning determines no extraordinary circumstances exist, highway project variances which depart from the numerical standards of this title by not greater than 10 percent shall appear on the consent agenda of the planning commission. Affected property owners may address the variance application during the citizen’s comments portion of the agenda. The planning commission may remove the item from the consent agenda and may approve, approve with conditions, or deny the highway project variance. The planning commission may also refer the application to a full review including public hearing in accordance with procedures outlined for highway project variances greater than 10 percent. If the director of community planning determines extraordinary circumstances do exist, the highway project variance will appear as a regular agenda item scheduled for public hearing in accordance with procedures outlined for highway project variance greater than 10 percent.

(2.) Variance Requests Greater Than 10 Percent. Departures of greater than 10 percent from the numerical standards shall be considered by the planning commission in a quasi-judicial hearing.

18.104.070 (E) Procedures for Highway Project Variances. The planning commission shall also consider and adopt findings in each of the following:

1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes’

2. Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;

3. Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.

State of Alaska Statutes

Section 29.40.040 (b). A variance from a land use regulation adopted under this section may not be granted if

1. special conditions that require the variance are caused by the person seeking the variance;

2. the variance will permit a land use in a district in which that use is prohibited; or

3. the variance is sought solely to relieve pecuniary hardship or inconvenience.

Section 35.30.020 Compliance with Municipal Ordinances. A department shall comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners.
V. STAFF ANALYSIS

A. Dear Property Owner Notices

There were 104 dear property owner notices mailed out and staff received five (5) inquiries about the case.

B. Surrounding Land Use and Zoning

The surrounding parcels are all zoned Rural Residential (RR) (Figure 2). The neighboring properties are primarily vacant or developed residentially. There is also General Use (GU-1), Rural Estates 2 (RE-2), and Rural and Agricultural 5 (RA-5) zoning nearby.

The intent of the RR zone is “for low density residential development and other compatible uses in areas where community sewer and water systems may or may not be available.” The RR zone has 25 foot required setbacks to all property lines and requires a minimum lot size of 40,000 square feet. This amended application requests a variance of 4,063 square feet from the minimum lot size requirement. The original platted lot was 40,019 square feet and 4,082 square feet is proposed to be acquired for right-of-way. This right-of-way acquisition leaves the parcel at a remainder of 35,937 square feet, a deviation of 4,063 square feet or 10.2% from the minimum lot size requirement of 40,000 square feet (Figure 1).

Figure 2: Zoning Map
(Source: FNSB ArcGIS)

C. Nearby Variances

DOT & PF has also concurrently applied for two other lot size variances (V2017-005 and V2017-006) and one setback variance (V2017-007) related to the Birch Hill Bicycle and Pedestrian Facility highway project. Figure 3 shows the location of these variances, as well as

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other variances previously decided. Two other nearby parcels have had variance applications previously denied and five parcels have had previous variances approved. The previously denied variances were not related to a highway project.

**Figure 3: Nearby Variance Cases**
(Source: FNSB ArcGIS)

D. **FNSB Code of Ordinances: Title 18 Variance Application Standards**

1. Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district.

The special condition affecting the subject property is the right-of-way acquisition required for the Birch Hill Bicycle and Pedestrian Facility highway project. This application requests a variance of 4,063 square feet from the minimum lot size requirement. The original platted lot was 40,019 square feet and 4,082 square feet is proposed to be acquired for right-of-way. This right-of-way acquisition leaves the parcel at a remainder of 35,937 square feet, a deviation of 4,063 square feet or 10.2% from the minimum lot size requirement of 40,000 square feet. The applicant's narrative states that the property was acquired to “improve the safety of bicyclists and pedestrians along Birch Hill Road by providing a 9 foot wide path from the Fairhill Road intersection to the East Birch Hill Road intersection.” The special condition was in support of the overall health, safety, and welfare by creating safer facilities for bicyclists and pedestrians, and is unique to properties abutting the Birch Hill Road project. This right-of-way acquisition was not initiated or caused by the property owner.
2. Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

Strict interpretation of the provision of the zoning title would deprive the property owner of rights commonly enjoyed by other properties in the same district under the terms of the zoning title because the undersized lot will not comply with Title 18 lot size requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18 regarding lot size. Strict interpretation would also have the secondary effect of depriving the property owner of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they are not able to comply with Title 18 regarding lot size.

E. FNSB Code of Ordinances: Title 18 Variance Approval Criteria

1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes.

Purpose of FNSBC Title 18: The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The application materials align with Land Use Goal 1, Strategy 3 of the FNSB Regional Comprehensive Plan, which is to “work to reduce to the fullest extent possible the natural conflict that develops between private property rights and community needs and interests.” The proposed variance resolves the conflict created by right-of-way acquisition that takes a privately owned property out of compliance with Title 18 standards. The proposed variance is also consistent with the Perimeter Area designation, which is defined as “area generally within a 10 to 20 minute travel time of urban destinations, and which contains primarily residential use; variable densities are encouraged providing they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities.” This parcel is currently vacant and is zoned Rural Residential.

Intent of FNSBC Title 18: The intent of Title 18 is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020).”

Allowing a variance for an owner to come into compliance with zoning regulations after a right-of-way acquisition is an example of protecting private property rights with local zoning regulations. The public notification, public hearing procedures and approval criteria for variances protect the property rights of the surrounding property owners.

The proposed variance will promote the public health, safety, and welfare because it will not create any fire, traffic, or safety hazards. The minimum lot size requirement in the RR zone is intended in part to allow for adequate area and separation for well and wastewater systems on site. The parcel is currently vacant and therefore no existing structures, wastewater systems, or uses will be affected by the proposed variance.

Alaska State Statute and Other Ordinances: The site is not within City of Fairbanks or City of North Pole limits and complies with the FNSB Comprehensive Plan and other ordinances. The proposed variance complies with Alaska Statute 29.40.040(b) regarding requirements for variances. FNSBC 18.104.070 allows the Planning Commission to grant variances to the
numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects. Additionally, state statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

2. **Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;**

Denial of the proposed variance would deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area. The undersized lot does not comply with Title 18 requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18 regarding lot size. Three other lots in the vicinity will have land acquired by the AKDOT & PF for the Birch Hill Bicycle and Pedestrian Facility project right-of-way that make them out of compliance with Title 18 standards and two lot size variances and a setback variance have also been applied for on those parcels.

3. **Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.**

The proposed variance will protect the public health, safety or welfare by fulfilling procedural requirements related to the accommodation of development of the Birch Hill Bicycle and Pedestrian Facility project, which improves bicyclist and pedestrian safety. The proposed variance would not create additional fire hazard concerns because the area acquired for right-of-way is adjacent to Birch Hill Road and the property is currently vacant. The RR zone minimum lot size requirement is intended in part to allow for adequate area and separation for wastewater systems on site. The parcel is currently vacant, therefore no existing structures, parking, or uses will be affected by the proposed variance.

F. **State of Alaska Statutes: Title 29 Variance Approval Criteria**

Section 29.40.040(b). A variance from a land use regulation may not be granted if:

1. **Special conditions that require the variance are caused by the person seeking the variance;**

The special condition is caused by the State of Alaska acquiring land for the Birch Hill Bicycle and Pedestrian Facility project right-of-way, thereby reducing the size of the lot and making it out of compliance with Title 18 lot size requirements. The property owner did not create this condition.

2. **The variance will permit a land use in a district in which that use is prohibited; or**

The parcel is currently vacant and no use is proposed with the variance that would allow a use not permitted in the RR zone.
3. *The variance is sought solely to relieve pecuniary hardship or inconvenience.*

The proposed variance is not sought solely to relieve pecuniary hardship. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.

**VI. RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **APPROVAL** of the requested 4,063 square foot variance from the minimum lot size of 40,000 square feet in the RR zone, with one (1) condition.

**VII. CONDITIONS**

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

**VIII. FINDINGS OF FACT**

The Department of Community Planning further recommends adoption of the staff report and the following Findings of Fact in support of **approval**:

1. A special condition of non-conformity of lot size was created on the property by the State of Alaska acquiring land for the Birch Hill Bicycle and Pedestrian Facility project right-of-way.
   a. The applicant has requested the least amount of variance from the RR minimum lot size requirement necessary to accommodate the acquisition of 4,082 square feet of right-of-way.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Birch Hill Road.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (**AS 35.30.020**). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the undersized lot does not comply with Title 18.
a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.

b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for lot size.

6. Approval of the variance would protect public health, safety or welfare because it fulfills procedural requirements related to the accommodation of development of the Birch Hill Bicycle and Pedestrian Facility project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 regarding lot size and state statute. The variance would not adversely affect the public health, safety, and welfare because it does not affect traffic or parking conditions or increase the danger of fire.

7. The property owner did not create the special condition on the property or the need for a variance.

8. The property is currently vacant and no use is proposed that is not allowed in the RR zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Birch Hill Bicycle and Pedestrian Facility project.

DRAFT PLANNING COMMISSION MOTION:

I move to approve the requested 4,063 square foot variance from the 40,000 square foot required minimum lot size requirement in the RR zone with one (1) condition, adopting the staff report and nine (9) Findings of Fact in support of the decision.
ORDINANCE NO. 74-34

AN ORDINANCE AMENDING FNSB 49.15.050, ZONE BOUNDARIES, BY ADDING PORTIONS OF SECTION 38, T1N, R1W, F.M. TO (a) OUTDOOR RECREATION ZONE AND BY ADDING ALL OF VUE CREST SUBDIVISION TO (e) RURAL RESIDENTIAL.

WHEREAS, on April 16, 1974, after due publication and notification, the Planning Commission of the Fairbanks North Star Borough held a public hearing to zone the S 1/2 S 1/2 Section 25, and portions of Section 36, T1N, R1W, F.M.; and

WHEREAS, the Planning Commission, after public hearing, recommends that portions of said property be zoned (a) Outdoor Recreation, (c) Rural Estate, (e) Rural Residential, (m) Neighborhood Shopping, and (v) Holding:

NOW, THEREFORE, BE IT ORDAINED by the assembly of the Fairbanks North Star Borough that FNSB 49.15.050, Zone Boundaries, (a) Outdoor Recreation and (e) Rural Residential be amended by adding those words which are underlined:

FNSB 49.15.050 Zone Boundaries
(a) Outdoor Recreation
SE 1/4, SE 1/4 NE 1/4, Sec. 38, T1N, R1W, F.M.
(e) Rural Residential
LOTS BLOCKS SUBDIVISION
ALL ALL VUE Crest, portions 1, 2 and 3

That portion of the S 1/2 S 1/2, Sec. 25, T1N, R1W, F.M. lying east of the Steese Highway.

PASSED AND APPROVED THIS 24th DAY OF August, 1974.

Presiding Officer

ATTEST:

Clerk of the Assembly

303
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

HP2015 – 002

TO: Fairbanks North Star Borough Planning Commission
RE: HP2015 – 002 Birch Hill Bicycle and Pedestrian Facility

I. PROJECT DESCRIPTION

A request by the Department of Transportation and Public Facilities for local planning authority approval of the Birch Hill Bicycle and Pedestrian Facility project. This project is proposing to construct a separated shared use pathway along Birch Hill Road from Fairhill Road to the Birch Hill Recreation Area. Right-of-way acquisition is expected.

II. BACKGROUND

A. Applicant: State of Alaska
   Department of Transportation & Public Facilities
   2301 Peger Road
   Fairbanks, AK 99701

B. Location: Birch Hill Road (From Fairhill Road to the Birch Hill Recreation Area)

C. Right-of-Way
   Existing DOT&PF right-of-way, and a strip right-of-way acquisition expected on 15 parcels.

D. Current Zoning:
   General Use (GU-1), Rural Residential (RR), Rural Estates (RE-2), and Outdoor Recreational (OR)

E. Comprehensive Plan:
   Perimeter Area and Preferred Residential Land

F. FEMA Flood Hazard:
   The entire proposed project area is located within FEMA Flood Zone X and will not require a FNSB Title 15 Flood Plain Permit.

III. ANALYSIS

Current Conditions

Birch Hill Road is a 1.9 mile long collector type roadway serving as a link between the Steese Expressway and several established residential neighborhoods and a regional recreation facility, Birch Hill Recreation Area. The speed limit along the roadway is 40 miles per hour, changing to 30 miles per hour prior to the roadway curving to the east and continuing up the hill. The traffic volumes typically vary between 1,300 vehicles per day and 2,000 vehicles per day, but large events at the recreation facility can push traffic volumes significantly higher than the average. A summary of the ADT counts over the most recent four (4) years for Birch Hill Road is displayed in Table A.

Table A: Average Daily Traffic (ADT) Counts on Birch Hill Road at Fairhill Road*

<table>
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<th>Year</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
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<tr>
<td>Traffic Volume (ADT)</td>
<td>1,575</td>
<td>1,910</td>
<td>1,400</td>
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Birch Hill Recreation Area is one of the most used recreational facilities within the FNSB, offering recreation opportunities such as Nordic skiing, bicycling trails, disk golf, and other large community events. The FNSB Parks and Recreation Department tracks the number of entering vehicles with typically annual counts between 80,000 and 100,000 vehicles, with the majority of these vehicles utilizing Birch Hill Road.

Currently, Birch Hill Road has a typical section of two travel lanes and shoulders along the roadway that vary between zero (0) feet wide and two (2) feet wide. Bicycles and pedestrians are currently sharing the driving lane with vehicles as no dedicated facilities are available. In some areas along the roadway there appears to be an informal pathway that has developed by non-motorized uses. This informal trail diverges from the roadway just prior to the sharp curve on Birch Hill Road and re-connects to the roadway just after the curve. Photos of the current conditions on Birch Hill Road are available in Figure 1 – Figure 3 and a photo of this informal trail is available in Figure 4*. A portion of Birch Hill Road parallels the Steese Expressway with very minimal separation between the two roadways.

Zoning/Land Use

The properties located along Plack Road encompass the following zoning designations:

- General Use (GU-1)
- Rural Residential (RR)
- Rural Estates (RE-2)
- Outdoor Recreational (OR).

*Source DOT&PF Northern Region, Birch Hill Road Bicycle and Pedestrian Facility open house
The majority of the parcels along Birch Hill Road are zoned Rural Residential (RR) or Rural Estates (RE-2) and have developed residentially. There are also a small number of commercial uses along the intersection of Fairhill Road and the Birch Hill Recreation Area located at the end of Birch Hill Road. A zoning map of the Birch Hill Road area is available in Attachment A.

In addition to the current zoning, the FNSB Regional Comprehensive Plan designates the entire area as “Perimeter Area” with the majority of the area as “Preferred Residential Area”. A number of the parcels in the area have not been developed yet, including a large 22 lot subdivision fronting on Birch Hill Road, approved by the FNSB Platting Board in 2013. Due to the comprehensive plan designation, zoning, and recent subdivision history it is realistic to assume that this area will continue to develop residentially at a high rate. A map of the FNSB Comprehensive Plan designation for the Birch Hill Road area is available in Attachment B.

Because of the growth potential and the large regional recreation area, DOT&PF forecasted a 2035 traffic volume of 2,580 vehicles per day, about a 1,000 vehicle increase over existing conditions.

**Proposed Improvements**

The project scope that the Alaska DOT&PF developed the project under was to “construct a bike/pedestrian facility along Birch Hill Road to allow safe access to the Birch Hill Recreational Trail System”. This scoped was developed from the stated need “to provide a continuous bicycle and pedestrian path along Birch Hill Road to enhance bicycle and pedestrian safety between the Fairbanks area and the Birch Hill Recreational Trail System while encouraging more non-motorized transportation for the area residents.”

The improvements that DOT&PF are proposing consist of a nine (9) foot wide separated pathway with two (2) foot shoulders on each side of the pathway. The separation will vary between five (5) feet and 25 feet along the project area. Beginning at Fairhill Road the project will have a large separation from Birch Hill Road, up to 25 feet in certain locations. This large separation will provide an increased buffer between the non-motorized users and vehicles, in addition to requiring very little relocation of the existing utilities in the area. At each intersection the pathway will be brought into close proximity to the roadway to provide increased visibility of the users to vehicles. A typical section of the pathway from Fairhill Road to the curve section is available in Figure 5.

**Figure 5: Proposed Birch Hill Bicycle and Pedestrian Facility Typical Section**

As Birch Hill Road approaches the sharp curve section, approximately where Birch Hill Road begins to diverge from the Steese Expressway, the pathway is proposed to be brought closer to the roadway with a separation of approximately five (5) feet. This five foot separation will continue for the remainder of Birch Hill Road to the entrance of the Birch Hill Recreation Area.
Due to the steep tertian along this section and in an attempt to greatly minimize right-of-way acquisition the DOT&PF is proposing to install sections of 42 inch high railing between the pathway and private property. A figure of the proposed typical section from the curve section of Birch Hill Road to the Birch Hill Recreation Area is available in Figure 6.

**Figure 6: Proposed Birch Hill Bicycle and Pedestrian Facility Typical Section**

When the concept of the Birch Hill Bicycle and Pedestrian Facility project origination it was originally considered to be paired with another proposed non-motorized transportation project in the area, the Farmers Loop to Chena Hot Springs Road Trail Connection project. This project proposed to connect the trail systems along Farmers Loop Road and Chena Hot Springs Road and has since been closed by DOT&PF, but a number of the comments that were received by DOT&PF reflect this project and public open houses were held simultaneously for the two projects.

**Maintenance**

Birch Hill Road is owned and maintained by DOT&PF and the roadway and attached bicycle and pedestrian facility will continue to be owned and maintained by DOT&PF after the completion of this project.

**Transit**

There are no transit routes along Birch Hill Road. The FNSB School District does provide bus service to Joy Elementary School, Tanana Middle School, and Lathrop High School, with multiple bus stop locations along Birch Hill Road and adjacent subdivision streets.

**Public Meetings / Public Comments**

This project was nominated for inclusion in the FMATS Transportation Improvement Program (TIP), as are the majority of FMATS projects, and scored based on set criteria by the FMATS Technical Committee. The FMATS Technical Committee scored this project, and other similarly nominated projects, resulting in this project being included and funded in the TIP.

As DOT&PF began to design the project there was a public meetings held in March 2011 with 42 participants. The majority of the comments appear to be in-favor of some type of bicycle and
pedestrian facility along Birch Hill Road with many stating design preferences. The options considered by DOT&PF for this project include a separated pathway along the road corridor, formalizing the informal pathway “through the woods”, and the no-build option. The proposed design was considered the preferred alternative because of the safety for non-motorized users, minimizing right-of-way acquisition, and public comments received. The comments that were received by DOT&PF during their project open houses are available in Attachment C. As previously mentioned the Birch Hill Road project was considered to design and construct this project in conjunction with the proposed Farmers Loop to Chena Hot Springs Road Trail Connection project and a number of the comments received by DOT&PF reflect both projects. 

Prior to the FNSB Planning Commission meeting there were 193 “Dear Property Owner” letters sent, to the same properties that DOT&PF notified for their public open house, with seven written responses received, all in favor of the project, and two phone calls received, one against the project and one requesting more information. The responses are available in Attachment D.

Cost

The estimated cost for this project is as follows:

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<th>Phase</th>
<th>Cost (in $)</th>
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<tr>
<td>2: Design</td>
<td>850,000</td>
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<tr>
<td>3: Right-of-Way</td>
<td>300,000</td>
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<td>7: Utility relocation</td>
<td>100,000</td>
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<td>4: Construction</td>
<td>2,282,000</td>
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<tr>
<td>Total Cost of Project (pre-ICAP)</td>
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This project is funded through Federal Community Transportation Program (CTP) funds and a State General Fund appropriation in the FMATS Transportation Improvement Program (TIP).

Right-of-Way

For the construction of this project, right-of-way acquisition is expected to be required from 15 parcels along Birch Hill Road. All of these acquisitions are expected to be strip acquisitions ranging from approximately 7 feet to 20 feet, with one acquisition proposed to be approximately 32 feet. In addition to the right-of-way acquisition the DOT&PF expects a temporary construction easement on 15 parcels.

It does not appear that any of the proposed right-of-way acquisition will decrease the remaining lot area below the minimum lot size that the zoning on each parcel dictates. There may be a possible setback variance required for an accessory structure on one of the parcels zoned Rural Residential, but more detailed information will be required to make this determination. If a variance is needed, DOT&PF will pursue said variance after the right-of-way has been acquired from the lot in question.

A map indicating the parcels where right-of-way acquisition is proposed is available in Attachment E and a set of detailed right-of-way plans for the Birch Hill Bicycle and Pedestrian Facility project is available in Attachment F of this report.

Staff Analysis

The area of Birch Hill Road is designated “Perimeter Area” and “Preferred Residential Area” in the FNSB Comprehensive Plan. “Perimeter Area” is “Area generally within a 10 to 20 minute travel time of urban destinations, and which contains primarily residential use; variable densities are encouraged providing they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities.” The “Preferred Residential
The Birch Hill area has developed residentially in addition to providing the preferred access to a large regional recreational facility (Birch Hill Recreation Area), and both the residential and recreational uses are steadily increasing. It is expected that the number of users, motorized and non-motorized, along Birch Hill Road will continue to increase in the future.

According to design standards presented by the American Association of State Highway and Transportation Officials (AASHTO), in the Fourth Edition of the Guide for the Development of Bicycle Facilities, the highest traffic volume at which bicycles should share lanes with vehicles is 1,000 vehicles per day. While it may have been acceptable for bicycles and pedestrians to share travel lanes with vehicles on Birch Hill Road in the past, the traffic levels have increased to a level above 1,000 vehicles per day.

The proposed design of a separated pathway along Birch Hill Road is an accepted standard for a bicycle and pedestrian facility is supported by FNSB Community Planning staff. Additionally, there appears to be public support for this project, as evident in the comments received by DOT&PF through the design process, and support from FNSB Parks and Recreation.

Staff finds that the Birch Hill Bicycle and Pedestrian Facility project is consistent with Goal 1, Strategy 1, Action C (Integrate pedestrian-friendly sidewalks and bike trails along newly-developed roads or as enhancements during road maintenance), Goal 1, Strategy 3 (Make the borough more pedestrian-friendly in urban and suburban areas and safer in rural and remote areas) and Goal 1, Strategy 2, Action C (Promote a comprehensive Borough bicycle plan that links public facilities, including schools and parks) of the Transportation and Infrastructure section of the FNSB Regional Comprehensive Plan.

IV. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends that the Planning Commission recommend approval of HP2015-002 to the FNSB Assembly.

Note: Due to proposed right-of-way acquisition the FNSB Assembly will take final action on this item.

V. FINDINGS

The Department of Community Planning recommends adoption of the following Findings of Fact in support of approval, as stated in the Fairbanks North Star Borough Comprehensive Plan:

1. This project supports Goal 1, Strategy 1, Action C of the Transportation and Infrastructure section of the Fairbanks North Star Borough Comprehensive Plan to “integrate pedestrian-friendly sidewalks and bike trails along newly-developed roads or as enhancements during road maintenance”.

2. This project supports Goal 1, Strategy 3 of the Transportation and Infrastructure section of the FNSB Regional Comprehensive Plan “to make the borough more pedestrian-friendly in urban and suburban areas and safer in rural and remote areas”.

311
3. This project supports **Goal 1, Strategy 2, Action C** of the Transportation and Infrastructure section of the FNSB Regional Comprehensive Plan to "promote a comprehensive Borough bicycle plan that links public facilities, including schools and parks".

Respectfully submitted,

[Signature]

Kellen D. Spillman, AICP, Planner IV – Transportation
Community Planning Department

for

Melissa Kellner, Acting Director
Department of Community Planning

Attachments:
Attachment A – Birch Hill Area Zoning Map
Attachment B – Birch Hill Area Comprehensive Plan Designation Map
Attachment C – Comments Received at DOT&PF Open Houses
Attachment D – Dear Property Owner Responses and Telephone Call Summaries
Attachment E – Proposed Right-of-Way Acquisition Overview
Attachment F – Preliminary Right-of-Way Plans (From DOT&PF)
Attachment G – Local Planning Authority Approval Request Form
Attachment A: Birch Hill Road Area Zoning

Legend

- Project Location
- Major Roads

0 0.075 0.15 0.3 Miles

Birch Hill Recreation Area
Attachment B: Birch Hill Road Comprehensive Plan Designation

Legend

- Project Location
- Major Roads

0 0.075 0.15 0.3 Miles

Birch Hill Recreation Area
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**ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES**

**PUBLIC MEETING**

**SIGN IN SHEET**

March 24, 2011 4-6 p.m.

**PROJECT:** Birch Hill Bike & Pedestrian Facilities-Project 63768 & Farmers Loop to Chena Hot Springs Rd Trail Connection-Project 76710

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<td>Ted Johnson</td>
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<td>Ricky Boesland</td>
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-10- Effective December 2004
Attachment C: Sign In Sheet and Comments Received at DOT&PF Open Houses

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<td>Kerry Barnes</td>
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<td>Donna Cardino</td>
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<td>Philip P. Patterson</td>
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<td>Chris SWAIM</td>
<td>574 BIRCHHILL RD 99712, <a href="mailto:chrisswaim@gmail.com">chrisswaim@gmail.com</a></td>
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<td>Brian Weldon</td>
<td>151 Farmer Loop Ext. P.O. Box 99712</td>
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<td>Gerald Ratson</td>
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<td>Steve Taylor (FNSB Parks &amp; Rec)</td>
<td>1920 Lathrop St 99701</td>
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<td>Eric Troyer</td>
<td>2051 Pine Cone Rd P.O. Box 99709</td>
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<td><strong>Don &amp; Sara Ramos</strong></td>
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<td><strong>Vina Emerson</strong></td>
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<td><strong>Joe Sheehan</strong></td>
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<td>Drew Williams</td>
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<td>802-361-7114</td>
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<tr>
<td>Lisa Jackson Bloom</td>
<td>283 Hillside Drive</td>
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<td>Shauna Griffin</td>
<td>118 Mountain View Dr</td>
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Attachment C: Sign In Sheet and Comments Received at DOT&PF Open Houses

Sastamoinen, Shawna (DOT)

From: Hooper, Barry L (DOT)
Sent: Monday, November 24, 2008 10:32 AM
To: Kawasaki, Sonja (DOT); Sastamoinen, Shawna (DOT)
Subject: FW: DOT Project 76710 proposal (all season multi-use trail)

fyi

Barry L. Hooper, P.E.
Engineering Manager
Preliminary Design & Environmental
Northern Region DOT&PF
Phone: 907-451-2218
Fax: 907-451-5126

From: Swaim, Christopher [mailto:Chris.Swaim@alaska-pipeline.com]
Sent: Sunday, November 23, 2008 8:52 AM
To: Hooper, Barry L (DOT)
Subject: Re: DOT Project 76710 proposal (all season multi-use trail)

Barry,

I am writing you as a concerned property owner along the proposed Birch Hill route for a new all season multi-use trail. This route is not acceptable, not only because it cuts into my property, but because it creates unsafe conditions.

- Intended use versus actual use
While I realize the use of this trail is intended for bikers/walkers/joggers/skiers it can not be denied that multi-use trails in the Fairbanks area are often used by snow machines and four-wheelers even when there are signs 'prohibiting' such use. While I agree that recreational vehicles are entertaining it is disturbing to think that they would be allowed/encouraged to transverse my property at all hours of the day or night. Aside from the annoyance of the increased recreational traffic, there are actually covenants against such recreational vehicle use in my neighborhood.

- Road crossings
Any route that would require crossing the Steese Highway at the Farmers Loop intersection would be unsafe without an expensive pedestrian overpass. The intended users would have to dismount from skis/bikes to cross a multi lane road at an extremely busy intersection. This is an inconvenience at best, and unsafe/potentially fatal at worst. The intersection is not adequate for current traffic needs, let alone increased pedestrian and recreational vehicle use as well.

Crossing Birch Hill Rd at the blind 90 degree corner is unsafe not just an inconvenience. Vehicles do not slow down for that corner. I have pulled out of my driveway many times after looking both directions and had to accelerate quickly to avoid traffic that was coming down the hill too fast. Having more pedestrian/recreational traffic on that corner will increase the probability of accidents on that corner.

Please let me know if I also need to submit my opposition to this route in writing for it to be included in the official public commentary for this project. While I am in favor of increasing the trail system in the Fairbanks area, I will be deeply displeased if the Birch Hill Route is chosen for such a project.

Regards,

CHRISTOPHER SWAIM
Electrical Engineer
Pipeline Maintenance Engineering
Sr. Commissioning Engineer
907-450-5438 (Fairbanks) / 4487 (PS04)

12/3/2008
Sastamoinen, Shawna (DOT)

From: Hooper, Barry L (DOT)
Sent: Monday, December 01, 2008 1:11 PM
To: Sastamoinen, Shawna (DOT)
Cc: Kawasaki, Sonja (DOT)
Subject: FW: Farmers Loop to CHSR Trail - Project number 76710
Attachments: DOT Preliminary comments.doc

Fyi

Barry L. Hooper, P.E.
Engineering Manager
Preliminary Design & Environmental
Northern Region DOT&PF
Phone: 907-451-2218
Fax: 907-451-5126

From: Cathy Birklid [mailto:fncab@uaf.edu]
Sent: Monday, December 01, 2008 1:08 PM
To: Hooper, Barry L (DOT)
Subject: Re: Farmers Loop to CHSR Trail - Project number 76710

Hi, Barry;

Attached, please find my preliminary comments for the proposed Farmer’s Loop - Chena Hot Springs bike paths....

Thank you!

Cathy

Hooper, Barry L (DOT) wrote:

    Cathy,

    I forgot to mention that we are accepting comments on the proposed routes through December 1, 2008. We will be looking to finalize the draft recon report by the end of the year. Your comments can be emailed to me for consideration.

    Call or email me if you have questions.

    Barry

Barry L. Hooper, P.E.
Engineering Manager
Preliminary Design & Environmental
Northern Region DOT&PF
Phone: 907-451-2218
Fax: 907-451-5126

12/3/2008
Thanks, perfect!

Cathy

Hooper, Barry L (DOT) wrote:

Cathy,

Here is a weblink to the draft recon report.

http://www.dot.state.ak.us/stwdplag/projectinfo/northern.shtml

Let me know if you have any questions.

Barry

Barry L. Hooper, P.E.
Engineering Manager
Preliminary Design & Environmental
Northern Region DOT&PF
Phone: 907-451-2218
Fax: 907-451-5126

Hi, Barry:

I rec'd the notice that was mailed, but I was unable to make the Nov 12 meeting. Would it be possible to view the 3 proposed trail routes for project no. 76710?

Do you have an electronic version or a weblink?
I live on the Old Steese Highway near Superior Hardwoods.

Thanks,

Cathy

--

*****************************************************************************

Cathy Birklid
Fiscal Officer
Re: Farmers Loop To Chena Hot Springs Road Trail Connection Reconnaissance Study

November 30, 2008

Mr. Hooper,

We appreciate the opportunity to comment on this study. After reading through the report and considering the three alternatives, the Interior Trails Preservation Coalition supports the Birch Hill-Steese Expressway route. We think this would be the best route for several reasons:

- It appears to be the least expensive.
- It offers quick trail access to the most private residential lots, including offering immediate “back door” access to many lots.
- It appears to offer the best subsurface ground for building a trail, which should make construction easier and help reduce long-term maintenance costs.
- It offers the possibility of adding a connector trail from the Birch Hill Recreation Area. The idea of connecting the Birch Hill trails with the trails at Creamer’s Field and the Jeff Studdert Racegrounds has been around for a while.
- It could eventually be extended to the Steese Expressway-Johansen Expressway intersection and even beyond. (We would like to see a split-grade crossing in that area so that residents on the east side of the Steese Expressway have easy, non-driving access to the growing business district on the west side of the expressway.)
- It is in an aesthetically pleasing setting, especially if a buffer can be maintained between the roads and the trail as much as possible.

We also understand the route has some negatives.

- It parallels a major road, so road noise would probably be significant. This bothers some trail users, but others don’t mind.
- It makes several major road crossings: Chena Hot Springs Road, the Steese Expressway, and Birch Hill Road (twice). However, all the routes have major road crossings.
- An at-grade crossing at the intersection of Farmers Loop and Steese Expressway would be dangerous given the width of the road, the volume of traffic, and the speed at which much of that traffic travels. If the Birch Hill-Steese Expressway route is chosen, we would like to see a split-grade crossing built. At minimum we would like to see the crosswalk facilities upgraded.

ITPC
P.O. Box 74263, Fairbanks, AK 99707
Phone: (907) 458-7968
Attachment C: Sign In Sheet and Comments Received at DOT&PF Open Houses

- Because it passes by so many private parcels there may be significant short-term opposition. However, history has shown that most people are eventually happy that they have a trail near their homes.
- Because it would connect to the Chena Hot Springs Road path, which is used by motorized trail users, it may attract motorized trail users. (In fact, we suspect that the Farmers Loop store may be a big attraction in this regard.) Many people do not like motorized trail vehicles so close to their houses. Also, the study indicates that the trail would be designed for multi-use non-motorized use. If motorized users start to use the trail regularly, it could cause wear and tear problems. If necessary, these concerns could be addressed by creating barriers that would restrict motorized vehicles from using the trail.

We don't like the other paths for a couple of other reasons:
- The Old Steese Highway route would cross several driveways and roads that have an uphill approach to the highway. In winter especially, drivers would be less likely to look and stop for trail traffic as they try to crest the hill to get on the highway. They would more likely be looking for road traffic. (However, this route would get many non-drivers off the Old Steese Highway, which has no useful shoulder.)
- The Swan Lane-powerline route would likely have extensive future maintenance costs because of the land it runs over. Also, the route is very straight for quite a distance. If a trail built along this route is as straight as the route and is level and smooth, and if motorized users continue to use it (they already do), then a trail along that route could encourage some motorized trail users to go very fast. That could create dangers for themselves and for other trail users. This route is also more isolated than the others, making some people less likely to use it. (Though others would like this.)
- Both routes would use the Chena Hot Springs Road-Steese Expressway underpass. The shoulder of that underpass is narrow and could create a dangerous situation if more trail users are directed to it.

We know that the study also included a "no-build" option, but we don’t like that option. We think a path along the Birch Hill-Steese Expressway should be built. Such a path would be an important addition to the trail system in Fairbanks. It would
- Encourage more trail use, resulting in healthier, happier people.
- Encourage non-car commuting, reducing car traffic on the roads.
- Help get walkers, runners, horseback riders, etc. off the roads in that area, creating a safer situation.

Sincerely,

Eric Troyer
Vice President

cc: Tom Hancock, FNSB Trails Coordinator
Sastamoinen, Shawna (DOT)

From: Hooper, Barry L (DOT)
Sent: Monday, December 01, 2008 5:03 PM
To: Sastamoinen, Shawna (DOT); Kawasaki, Sonja (DOT)
Subject: FW: FARMERS LOOP-CHS ROAD PATH--comments

fyi

Barry L. Hooper, P.E.
Engineering Manager
Preliminary Design & Environmental
Northern Region DOT&PF
Phone: 907-451-2218
Fax: 907-451-5126
-----Original Message-----
From: herriges@gci.net [mailto:herriges@gci.net]
Sent: Monday, December 01, 2008 5:01 PM
To: Hooper, Barry L (DOT)
Subject: FARMERS LOOP-CHS ROAD PATH--comments

Hello Barry,

Please consider in your final design of this project, integrating potential access connectors between roadside paths such as these and off-road trail systems, specifically Birch Hill and Creamer's Refuge.
Please discuss options with the Borough trails coordinator.

There had been talk for years of efforts to link trails and trail systems such as linking Birch Hill trails with Dog Mushers trails in Creamers Refuge and with UAP trails to create a linked trail system.
The difficult part of this system would seem to be crossing the Steese Expressway with an overpass or underpass.

It seems to me that this project could possibly be designed to complement a trail linkage. For instance, if the Birch Hill road option is chosen, the path could possibly be eventually continued south on the east side of the Steese Expressway to nearer the Johansson intersection, where an overpass or underpass could allow safe crossing of the Steese Expressway by trail users in both winter and summer. Trails linking to Birch Hill and to Creamer's refuge could then be developed.

One additional comment is to please continue to consider accommodations for bikes on the roads in general, even when paths are created. I often bike from Farmers Loop out Chena Hot Springs road on my road bike.
The options are on the shoulder of the Steese Expressway or in the traffic lane of the old Steese. I usually choose the latter. It would be nice if there were a shoulder on the old Steese to allow for safe hiking. The multi-use paths are sometimes very good for biking (eg. the new path to Ester) and sometimes they are not suitable for biking, especially at higher speeds, due to factors such as other path users (eg. people walking with dogs or children), unsafe road and driveway crossings, poor surface conditions, etc.
If possible, roads should be designed to accommodate bikes regardless of whether there is an adjacent bike path.

Thanks for your consideration. I much appreciate the time and effort put into planning and constructing roadside trails/paths.

Sincerely,
Jim Herriges
Fairbanks
Attachment C: Sign In Sheet and Comments Received at DOT&PF Open Houses

Sastamoinen, Shawna (DOT)

From: Hooper, Barry L (DOT)
Sent: Friday, December 05, 2008 11:56 AM
To: Sastamoinen, Shawna (DOT)
Cc: Kawasaki, Sonja (DOT)
Subject: FW: Proj #76710: Farmers Loop Rd-Chena Hot Springs Rd Trail Connector

Shawna,

Here’s the last of the email comments.

Barry

---

Barry L. Hooper, P.E.
Engineering Manager
Preliminary Design & Environmental
Northern Region DOT&PF
Phone: 907-451-2218
Fax: 907-451-5126

---

From: Tom Hancock [mailto:thancock@co.fairbanks.ak.us]
Sent: Monday, December 01, 2008 5:44 PM
To: Hooper, Barry L (DOT)
Cc: Michael Cox; John Haas
Subject: Proj #76710: Farmers Loop Rd-Chena Hot Springs Rd Trail Connector

Mr. Hooper:
The Fairbanks North Star Borough Department of Parks and Recreation attended the open house for the Farmers Loop Road-Chena Hot Springs Road Trail Connector Project No. 76710 and reviewed the information provided. We have also talked with community trail user groups, Borough Community Planning, and the Borough Trails Advisory Commission, and together we all feel that this connector project would be a tremendous asset to the community, whichever alternate was chosen.

As part of the Borough Parks and Recreation trails mission we advocate for an expanded, interconnected system of dedicated recreational trails. We feel strongly that recreational trails have significant economic and social value that provides many benefits to the residents and visitors to the Borough. The Farmers Loop Road-Chena Hot Springs Road Trail Connector project would add to that value and benefit and would provide a connection between existing bike path facilities as well as future connections from the Birch Hill Recreation area to the Jeff Studdert trail system, and beyond to the University of Alaska Fairbanks Facilities and other Borough recreational trails.

Although all of the reconnaissance report alternate routes have potential, the Birch Hill Road route has generated most of the positive verbal comments through this office. Like all of the alternate routes the Birch Hill Road Route has its share of challenges, however, it has generated more support though this office due to some of the same reasons stated in the reconnaissance report: That it is appealing because of its good accessibility to the broader public and its aesthetically-pleasing wooded setting. Another positive for the Birch Hill Road Route is that DOT does not anticipate any geotechnical problems.

One area of concern that the Borough has is the route connector across the Steese Expressway at the intersection with

12/5/2008

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Framers Loop Road. Absent of any discussion in the reconnaissance report on this crossing it appears that a crossing would be an at-grade crossing. If so, this would generate a great deal of concern for crossing safety as this is a very wide and extremely busy intersection. The Borough would encourage DOT to consider a split-grade crossing either by an overpass or by an underpass similar to those constructed and used in Anchorage. A split grade crossing would solve safety concerns and increase the functionality of the connector for more types of uses.

Thank you for the opportunity to comment. We look forward to working with you on this very important public recreational project.

Thomas E. Hancock, Jr., Trails Coordinator
Department of Parks and Recreation
Fairbanks North Star Borough
PO Box 71267
Fairbanks, Alaska 99707
Tel: (907) 459-7401
Fax: (907) 459-1072
thancock@co.fairbanks.ak.us
COMMENT SHEET

FARMERS LOOP TO CHENA HOT SPRINGS ROAD TRAIL
Project No. 76710
OPEN HOUSE
November 12, 2008

We welcome written input and ideas from the public. Thank you for taking the time to be involved.

PLEASE RETURN COMMENTS BY DECEMBER 1, 2008.

COMMENTS:

A trail link between Farmers Loop
& CHSR would be great!

I'm very in favor of constructing
more unpaved trails along our roadways.
The Sheep Creek & Chena Hot Springs
unpaved trails on
Road are wonderful resources!

E-MAIL ADDRESS: tinymanelizabeth@yahoo.com

NAME: Mary Brunner

MAILING ADDRESS: 613 Noyes St, Fairbanks, AK 99701

For further information, please contact Barry Hooper, P.E., Engineering Manager, at (907) 451-2218. To correspond by text telephone (TDD), please call (907) 451-2363. (If you need more space please use back side of sheet.)
**COMMENT SHEET**

**FARMERS LOOP TO CHENA HOT SPRINGS ROAD TRAIL**

Project No. 76710

OPEN HOUSE

November 12, 2008

We welcome written input and ideas from the public. Thank you for taking the time to be involved.

**PLEASE RETURN COMMENTS BY DECEMBER 1, 2008.**

**COMMENTS:**

<table>
<thead>
<tr>
<th>I fully support the trail project as long as it benefits multiple uses including motorized uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>I would love to see a presentation to both the Fairbanks Advisory Committee to the Board of Game, and the local Parks Commission (DNR).</td>
</tr>
<tr>
<td>Thanks to all the DOT employees who made it possible for us to have this event!</td>
</tr>
</tbody>
</table>

**E-MAIL ADDRESS:** Ruger7mm@alaska.com

**NAME:** Jennifer Yunas

**MAILING ADDRESS:** 3875 Geist Rd E/Fairbanks, AK 99709

For further information, please contact Barry Hooper, P.E., Engineering Manager, at (907) 451-2218. To correspond by text telephone (TDD), please call (907) 451-2363. (If you need more space please use back side of the sheet.)
Attachment C: Sign In Sheet and Comments Received at DOT&PF Open Houses

From: Joe Sheehan <jose.sheehan@qci.net>
Subject: Reminder Note: All Season/Multi-Use Trail proposal input. Open House Wednesday, 12 NOV, re:-- Project 76710 (CHSR map of alternatives)]
Date: November 9, 2008 5:44:34 PM AKST
To: undisclosed-recipients: ;

attachment, 1.4 MB (Save as)

All--

For discussion: Re: DOT Project 76710 proposal (all season multi-use trail) going through your property line--
Please email and/or call Barry Hooper of DOT at the email address below or at his phone # at the end of the email below (barry.hooper@alaska.gov / 451-2218). Also please attend the open house on Wednesday, 12 November, at the Birch Hill Ski Center between 5 and 7 P.M. It is important to register your official (in writing) input and objection to the route selection of the Birch Hill route, either during the open house or via email, or there will be no obstacle to selecting it as a viable option. See my email below which outlines the main points of concern and why the other options are clearly superior. You are welcome to extract or add to my argument from your own perspective and with impacts upon your own property. Safety and cost of mitigation are two key considerations, in addition to the impact upon your property values and lifestyle of having an all season, "multi-use" (ATV/Snowmobile/Bike/pedestrian) go through your yard frontage.

Thanks for making a difference--this Birch Hill route option is certainly NOT preferable to the other available options on the North/West side of the Steese Hwy, and will be a safety hazard at all crossing points on the attached map. The Farmer's Loop/Steeese Intersection crossing, plus the blind crossing of the coner of Birch Hill road alone make this unviable, expensive and extremely dangerous. A benign connecting bike path effort is one thing, but this is intended to be an all season, "multi-use" trail designated as an official route to connect other areas which are currently services by trails on the North/West side of the Steese. See my email below for the key concerns. Look at the attached map and you should be very concerned. I am not yet sure of whether or not the plan also means to impose a trail through your actual property vs. the narrow highway right of way offered in some areas, but this certainly will affect some neighborhood property owners and also means that ATVs / Snowmobiles / bikes / pedestrians, etc can legally transit along your property line at all hours of the day and night on an officially designated trail system. Then they must cross a couple of dangerous intersections and high-traffic corners which will certainly result in accidents involving kids on ATVs / snowmobiles. The Swan Lake or Old Steese routes are far superior. Let your voices be heard!

---Original Message---

Subject: Re: Trail proposal input--Project 76710 (CHSR map of alternatives)
Date: Sat, 08 Nov 2008 16:47:27 -0900
From: Joe Sheehan <jose.sheehan@qci.net>
To: barry.hooper@alaska.gov
CC: Joe Sheehan <jose.sheehan@qci.net>

Re: Project 76710 proposal (all season multi-use trail)
Proposal Open House Meeting: November 12, 2008 at 5-7 p.m. at Birch Hill Recreation Area (Ski Center).

To: Barry L. Hooper, P.E.
Engineering Manager, Preliminary Design & Environmental, Northern Region DOT&PF, Phone: 907-451-2216, barry.hooper@alaska.gov

Thanks, Barry. I erred and did indeed receive an email at the other address. I must have misread it. Please note my initial response input below as well as my considered attempt at an initial rough decision matrix. I won't be able to attend the Open House on the 12th, but may be available that week via phone (907-978-1746) if you have any questions. Either way, I will contact you the following week to follow up this note below and to scope your intentions and better ID the facts relating to planning this project. I look forward to discussing this proposal with you and will try to meet with you in person then.

Thanks, 
-Joe Sheehan

I fully support the need for such a trail linkage project and I believe that the Swan Lake route would be the best choice since it clearly offers the best safety, access and linkage to existing & future routes. Second choice is the Old Steese route, which is more practical and flexible for linkage to current/future paths while still being cheaper and safer than the Birch Hill route. I am vehemently opposed to the Birch Hill route proposal as a concerned adjoining property owner and because it is clearly the least desirable of the 3 options when considered for cost, safety, access issues and meeting the intent of the very connectivity that this project is designed to remedy. I support either of the two North/West side routes over a "no build"
option (unless the preferred route recommendation is deemed to be the Birch Hill course of action, whereupon I will support no build). The realities of current usage and needs, balanced with the desire to effect prudent planning before even more congestion evolves, means that it would be visionary to establish such a route now. Since this is intended to be an all-season "multi-use route" and bike path transportation route that should tie to other existing routes, there are several important issues to consider:

The Birch Hill route:
- Requires an ATV, snowmachine, biker, hiker/dog walker to cross Birch Hill Road at the blind corner which is at the bottom of Birch Hill, where it is already hazardous enough for road vehicles given the steep hill and often slippery roadway. Folks just go too fast down that hill or up from the West and often are barely in control at that sharp 90 degree turn where they cannot see an ATV, snowmachine, biker or hiker traversing the road. This road crossing cannot be made adequately safe for multi-user ATV/snowmachines, cyclists/pedestrians or motorists without an expensive and intrusive over/underpass.
- Does not extend, link or leverage the continuity of existing bike path and ATV/snowmachine route systems which are currently all established on the North/West side of the Steese Hwy. This change to the informal low plan of the existing systems would require a couple of safe crossings and effectively commit to a plan which prevents future expansion or linkage on the North/West side. Any planning for future use should link existing trails and utilize the large unpopulated areas and roadways instead of re-routing "multi-use" ATV and snowmachine traffic through neighborhoods and along dangerous road intersections. This option would also not support desired extension of bike paths from the Johnsen "Expressway" path northward along the Steese toward Goldstream/Fox, but instead would divert such trails indirectly through neighborhoods and require the traversing and/or crossing of several high usage roadways, including CHSP road.
- Forces a crossing of the busy Farmers Loop / Steese Intersection (which currently is confusing enough for some motorists who seem to not be able to negotiate the proper lanes and turns because DOT has refused to put up turn lane signs and because a designated turn lane is needed from both sides of the east/west access onto the Steese). There is simply no good way to link multi-use trails at this busy intersection without an overlander pass, and it will only get worse. I have seen rogue ATV/snowmachines and pedestrians almost get killed trying to cross this intersection which is not designed for current traffic needs, let alone off road traffic linked to an official trail system.
- Requires establishment of a bike path along Birch Hill road from the Farmer's Loop intersection and then cross country to CHSP road. Much of this trail frontage would be pushed into the yards of homeowners along that route because there is not enough existing road right of way in this cramped area and no adequate available space between the current guard rail and the edge of the road bed. As it is, anyone who traverses this road in the winter knows that road plows do not and cannot adequately or consistently plow this area well enough to clear the entire narrow roadway due to this tight guard rail. In addition to leaving a large snow berm and the dangerous loss of roadway near the guardrail, the plows and blowers must move/blow snow onto the only remaining area to displace to-- where a trail/bike path would go. There is no choice. This is already inadequate and hazardous enough for motorists, let alone now adding an all weather multi-use trail that will require added expensive clearing and snow removal due to the lack of other options. The bottom line is that this area is already too tight, and adding another consideration is just too much without a major and expensive reworking of the entire Birch Hill Road and access area between private property and the Steese Highway. Note-- The existing GVEA power line is NOT a viable access or right of way. While it traverses private property, it is NOT a right of way for establishing access trails for ATVs, snowmachines, bike paths and other potential users of a "multi-use" trail system. Home owners will fight this in court!!! Nobody wants a bunch of young yahoos on ATVs/snowmobiles ripping through their homestead and having access to their yards at all hours of the day and night.
- Encourages an additional implicit access for ATVs and snowmachines using this "multi-use" trail, creating havoc in neighborhoods and along areas that are already too cramped for road space. Whether intenced or not, this additional east side access would also increase temptation for ATV/snowmachine usage of the Birch Hill Ski trails and neighborhoods since un supervised kids and the expediency of these newly created access routes would turn the Birch Hill area into an ATV and snowmachine park. There is no plausible denial or adequate regulation of this outcome.
- Requires establishment of a new trail system where none currently exists on the South/Fast side paralleling the Steese Hwy-- through homeowner back yards, or along the very narrow and marginally sized terrain located along the highway right of way, or along the GVEA power line (NOT a right of way). Again-- Home owners will fight this in court!!! Nobody wants to establish a new trail system there that encourages a bunch of young yahoos on ATVs/snowmobiles to go roaming through their homestead and have access to their yards at all hours of the day and night.
- The Birch Hill area already has plenty of existing access and shortcut route options for bicyclists (a benign and legal roadway user group) without granting ATV / snowmachine "multi-use" (noisy, fast moving and NOT a legal roadway user group) which has no legitimate destination to travel once they get off the proposed trails within the Birch Hill neighborhoods. Bottom line-- Birch Hill neighborhoods and ski trails should not be turned into a designated ATV/snowmobile recreation area traversed by un supervised youths at all hours of the day and night. The existing bypasses and trail networks on the North/West side of the Steese Hwy should be designated, improved and linked.

The Old Steese route is along a much less used frontage road, is much safer to travel along than the Birch Hill route, is relatively cheap to construct compared to needing over/underpasses, is fairly flat to travel on, offers adequate sight distances,
requires a lower crossing risk at all crossing sites (though the underpass under the Steese Hwy is narrow and would ideally require a designated crossing lane for the trail), and offers more areas for a dedicated trail path than Birch Hill due to the less constrained and constricted frontage areas / rights of way.

The Swan Lake route is by far the safest, easiest, and most flexible of the three routes. I even suspect that it may be the cheapest, given that it is easier to directly link with existing trails, requires no additional major highway crossings or under/overpasses, and has fewer interfaces or at grade crossings with driveways, property owners, etc. It will also draw far less property owner opposition and litigation (perhaps even get a lot of support!). This is clearly the preferred option!!

Decision Matrix. Ranked 1 (or 0) to 4, with 4 being the best ranking / lowest risk / most desirable option:

<table>
<thead>
<tr>
<th>Cost $ Construction</th>
<th>Safety Access</th>
<th>Property Owner Linkage</th>
<th>Opposition / Litigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swan Lake:</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Old Steese:</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Birch Hill:</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>&quot;No Build&quot;:</td>
<td>N/A</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Hooper, Barry L (DOT) wrote:

<<Fig 2_76710 Prop Routes-FULL.pdf>>

Joe,

Here's a copy of the alternatives as you requested. I think I sent this to another email address previously (see below).

Barry

Barry L. Hooper, P.E.
Engineering Manager
Preliminary Design & Environmental
Northern Region DOT&PF
Phone: 907-451-2218
Fax: 907-451-5125
Attachment C: Sign In Sheet and Comments Received at DOT&PF Open Houses

Geis, Kindra R (DOT)

From: Beck, Albert M L (DOT)
Sent: Friday, March 25, 2011 8:51 AM
To: Kerry Barnes
Cc: Geis, Kindra R (DOT); Sastamoinen, Shawna (DOT)
Subject: RE: Birch Hill Pedestrian Facility and Farmer's Loop Road to Chena Hot Springs Road Trail Connection

Will do. FYI, I have been working with Tom Hancock (Trails Coordinator) with Parks and Recreation Department FNSB. If you have any questions – drop me a line or email.

From: Kerry Barnes [mailto:KBarnes@fnsb.us]
Sent: Friday, March 25, 2011 8:43 AM
To: Beck, Albert M L (DOT)
Subject: Birch Hill Pedestrian Facility and Farmer's Loop Road to Chena Hot Springs Road Trail Connection

Mr. Beck,
I was at your Open House yesterday, very informative. Please keep me informed at this email.

Kerry Barnes
Retained Lands Officer
Office: (907) 459-1244
Fax: (907) 459-1122

Improvement is inevitable.
"Resistance is futile."
Growth is optional

LAND MANAGEMENT
Fairbanks North Star Borough
809 Pioneer Road
P. O. Box 71267
Fairbanks, Alaska 99707-1267
COMMENT SHEET
OPEN HOUSE-PUBLIC MEETING
MARCH 24, 2011

BIRCH HILL BICYCLE AND PEDESTRIAN FACILITY • TEA-0002(247)/65760
& FARMERS LOOP TO CHENA HOT SPRINGS ROAD TRAIL CONNECTION • TEA-0644(16)/76710

ALTERNATIVES (Please check which alternatives you support, and provide additional comments below)

BIRCH HILL BICYCLE AND PEDESTRIAN FACILITY PROJECT
☑ Alternative 1: Path along Birch Hill Road from Fairhill Road to East Birch Hill Road
☑ A: Path follows the road alignment around the corner at the bottom of the hill
☐ B: Path diverges from Birch Hill Road to follow an existing trail through the woods near the corner at the bottom of the hill
☐ Alternative 6: No Build - Do not construct this project

FARMERS LOOP TO CHENA HOT SPRINGS ROAD TRAIL CONNECTION PROJECT
☑ Alternative 2: Birch Hill/Steese Expresway Route (includes ☑ A & ☐ B alternatives described above)
☐ Alternative 3: Swan Lane Route
☐ Alternative 4: Old Steese Route
☐ Alternative 6: No Build - Do not construct this project

COMBINATION OF BIRCH HILL AND FARMERS LOOP PROJECTS
☑ Alternative 5: Combine the two projects (includes ☐ A & ☐ B alternatives described above)
☐ Other: I have a different idea for either or both of the projects, described below

Birch Hill needs a pedestrian/bike path for the number 1 reason of safety. That road is scary with bikes, walkers, and cars. We have 4 children 10 and up and we do not allow them to ride their bikes down to Farmers Loop to get on the bike path. Therefore, they don't do a lot of bike riding.

E-MAIL ADDRESS: dipole@geci.net
NAME: Jennifer Bennett
MAILING ADDRESS: 149 Concord Ave Fairbanks AK 99712

PLEASE PROVIDE YOUR COMMENTS BY APRIL 8, 2011. THANK YOU.

For further information, please contact Albert Beck, P.E., Engineering Manager, by mail at: State of AK DOT&PF, 2301 Peger Road, Fairbanks, AK, 99709-5316, by telephone at (907) 451-5359 or by email: albert.beck@alaska.gov or visit the project website at http://dot.alaska.gov/sprg/trails/. To correspond by text telephone (TDD), please call (907) 451-2363.

(If you need more space, please use back side of this sheet.)

335
because of having to drive/load/unload bikes.
To Whom It May Concern:

I am writing to encourage the FMATS Committee to please consider the Birch Hill Bike Path proposal put forth last year. This project is supported by numerous members of the Fairbanks community as reflected in the 2010-2013 TIP Public Comments posted at [http://www.fmats.alaska.gov/fmats_tip_comments.shtml](http://www.fmats.alaska.gov/fmats_tip_comments.shtml).

The need for a bike path along Birch Hill Road is readily apparent as the runners, walkers and bicyclists are once again using the road now that the snow has cleared. In addition to providing a safe route for the numerous users of the Birch Hill Recreation area, a bike path would also support an environmentally friendly transportation route for the many people who live in the area.

Thanks for your time and consideration.

Michelle Renfrew
Vue Crest Subdivision Resident
Hi Donna,

I live in the Birch Hill area and would like to see the proposed bike/pedestrian path project become a priority. I am very pleased to see that it has made it into the FMATS Program but feel as a matter of safety that it should be constructed sooner.

We have gotten our bikes out for the summer and have taken our three children out several times along Birch Hill Road. We have no option but to travel this way to get out of our neighborhood and onto a safe bike path on the other side of the Steese Highway to Farmers Loop. Each time it is nerve racking since there is a fair amount of traffic along this narrow road with no shoulders. Could you please forward my e-mail on to the Technical and FMATS Policy Committees for their consideration? I urge them to move this project forward.

Thank you.
Dawn M. Johnson
308 Hillside Drive
Fairbanks, AK 99712
--- On Fri, 7/31/09, Johnson, Russ <Russ.Johnson@alyeska-pipeline.com> wrote:

From: Johnson, Russ <Russ.Johnson@alyeska-pipeline.com>
Subject: FW: TIP Comments
To: akrussj@yahoo.com
Date: Friday, July 31, 2009, 2:01 PM

Russ Johnson

Survey/Civil Support Engineer

(907) 450-5776

From: Johnson, Russ
Sent: Friday, July 31, 2009 1:59 PM
To: 'djgardino@cl.fairbanks.ak.us'
Cc: 'Johnson, Dawn M (DOT)'; Michelle Renfrew (fnmr@uaf.edu)
Subject: TIP Comments

I support the Birch Hill Road Separated Multi-use Path project.

This project is needed for pedestrian safety. It's amazing no pedestrians have been killed yet (that I'm aware of) while traveling on Birch Hill Road. This road does not meet current design standards, specifically shoulder widths.

The Birch Hill Recreation area attracts outdoor enthusiasts all year round. Narrow shoulders force pedestrians to use the vehicle travel way. It's common to see people walking, running, bicycling and roller skiing along Birch Hill Road.
Attachment C: Sign In Sheet and Comments Received at DOT&PF Open Houses

Birch Hill has numerous developed subdivisions along and around the proposed corridor. Beside the public attracted to the Birch Hill Recreation area, a lot of local Birch Hill residents would also benefit having a path. I often see local neighborhood residents (including myself) riding bikes with their young children in vehicle lanes because there is no pedestrian facilities or adequate shoulder width.

Adding a separated multi-use path along the existing power line will not increase noise levels because snow machines, motor cycles and 4-wheelers already use the corridor. All other users have negligible effect on noise levels.

The Birch Hill project would provide a great benefit to the community of Fairbanks, not just the local residents. It’s needed to provide safe pedestrian travel to our nationally recognized recreational facility.

Respectfully submitted,

Russ Johnson
308 Hillside Drive
Fairbanks, AK 99712
Donna J. Gardino

From: Johnson, Russell M (DOT) [russell.johnson@alaska.gov]
Sent: Monday, May 03, 2010 12:29 PM
To: Donna J. Gardino
Subject: Birch Hill Bike Path
Attachments: FW: TIP Comments

Donna, please forward my comments on to the Technical Committee.

I urge the Technical Committee to begin the Birch Hill Bike Project as soon as possible.

Pedestrian travel along Birch Hill road is dangerous. The roadway has no shoulders, forcing pedestrians to use the travel way.

Please re-read my attached comments I have previously submitted.

The bike path is needed now before someone gets hurt.

Respectfully Submitted,

Russ Johnson
308 Hillside Drive
Fairbanks, AK 99712
COMMENT SHEET  
OPEN HOUSE-PUBLIC MEETING  
MARCH 24, 2011 

BIRCH HILL BICYCLE AND PEDESTRIAN FACILITY • TEA-0002(247)/63768  
& FARMERS LOOP TO CHENA HOT SPRINGS ROAD TRAIL CONNECTION • TEA-0644(16)/76710  

ALTERNATIVES (Please check which alternatives you support, and provide additional comments below)  

BIRCH HILL BICYCLE AND PEDESTRIAN FACILITY PROJECT  
☐ Alternative 1: Path along Birch Hill Road from Fairhill Road to East Birch Hill Road  
☐ A: Path follows the road alignment around the corner at the bottom of the hill  
☐ B: Path diverges from Birch Hill Road to follow an existing trail through the woods near the corner at the bottom of the hill  
☐ Alternative 6: No Build - Do not construct this project  

FARMERS LOOP TO CHENA HOT SPRINGS ROAD TRAIL CONNECTION PROJECT  
☐ Alternative 2: Birch Hill/Steese Expresway Route (includes ☐ A & ☐ B alternatives described above)  
☐ Alternative 3: Swan Lane Route  
☐ Alternative 4: Old Steese Route  
☐ Alternative 6: No Build - Do not construct this project  

COMBINATION OF BIRCH HILL AND FARMERS LOOP PROJECTS  
☒ Alternative 5: Combine the two projects (includes ☐ A & ☒ B alternatives described above)  
☐ Other: I have a different idea for either or both of the projects, described below  

I work at Birch Hill Recreation area and I definitely see the need for a path all the way to Birch Hill. I see all sorts of bikers and runners along the shoulders and it is only a matter of time before there is an accident. In the winter, ski teams run for training when it is too cold to ski but they are not allowed to run on ski trails. Groups of 

E-MAIL ADDRESS: rholland@co.fairbanks.ak.us  

NAME: Ricky Holland  

MAILING ADDRESS: 149B Rifle Board Rd.  99712  

PLEASE PROVIDE YOUR COMMENTS BY APRIL 8, 2011. THANK YOU. 

For further information, please contact Albert Beck, P.E., Engineering Manager, by mail at: State of AK DOT&PF, 2301 Peger Road, Fairbanks, AK, 99709-5316, by telephone at (907) 451-5359 or by email: albert.beck@alaska.gov or visit the project website at http://dot.alaska.gov/nrea/trails/. To correspond by text telephone (TDD), please call (907) 451-2363. (If you need more space, please use back side of this sheet.)
High schools running on the shoulders makes for a very dangerous situation. I prefer the trail through the woods because to cross Birch Hill road at the corner would be extremely dangerous. Every year there are cars in the ditch that are not able to make the corner as they come down the hill. I also think pedestrian and bicycle access to the Birch Hill Bee area would be extremely beneficial to the community.
Attachment C: Sign In Sheet and Comments Received at DOT&PF Open Houses

COMMENT SHEET
OPEN HOUSE-PUBLIC MEETING
MARCH 24, 2011

BIRCH HILL BICYCLE AND PEDESTRIAN FACILITY • TEA-0002(247)/63768
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I ride my bicycle as a commute and for recreation.
I like the plan, but would like to see the trail extend down City Lights to the Johnson.
I formerly lived on Swan Ln. I would commute all the way up the Steese Hwy on the shoulder.
If this project was done this way I

E-MAIL ADDRESS: elijah.lyke@earthlink.net
NAME: Elijah Lyke
MAILING ADDRESS: 607 Clara St, P.O. Box 99701

PLEASE PROVIDE YOUR COMMENTS BY APRIL 8, 2011. THANK YOU.

For further information, please contact Albert Beck, P.E., Engineering Manager, by mail at: State of AK DOT&PF, 2301 Peger Road, Fairbanks, AK, 99709-5316, by telephone at (907) 451-5359 or by email: albert.beck@alaska.gov or visit the project website at http://dot.alaska.gov/nreg/trails/. To correspond by text telephone (TDD), please call (907) 451-2363.

(If you need more space, please use back side of this sheet.)
Most likely take the Highway shoulder north until the trail starts on the East side of the streets. I try to balance safety and speed of commute the current section of the Farmers Loop to Johnson isn't great for commuting. I prefer to cross major intersections as little as possible, so a trail from Johnson to CHSR on one side or the other is preferable. All that said I love bike trails and I'll support whatever option you choose.
COMMENT SHEET
OPEN HOUSE-PUBLIC MEETING
MARCH 24, 2011

BIRCH HILL BICYCLE AND PEDESTRIAN FACILITY • TEA-0002(247)/63768
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☐ B will allow for safer travel while filling the need for a connection from Farmers Loop Rd and Chena Hot Springs Road.
☐ Overall this looks like a wonderful project!

E-MAIL ADDRESS: twx50c@yahoo.com
NAME: Sharon Alden
MAILING ADDRESS: 159 Kniffen Rd 99712

PLEASE PROVIDE YOUR COMMENTS BY APRIL 8, 2011. THANK YOU.
I really like the "cut off" on Birch Hill Rd through the Forest. This will be a nice section of the trail.

Avoid the Old Streeve to Powerline Route. Bad soil will shorten the life of the asphalt path & a crossing of the Streeve will be safer at Farmer Loop with the signal.

Thank you for your time.

I would like to ski.
Thank you for your comments. Have a great weekend.

From: Christine Matson [mailto:christine@yukonac.com]
Sent: Friday, April 01, 2011 12:27 PM
To: Beck, Albert M L (DOT)
Subject: Birch Hill Bicycle and Ped Project COMMENTS

Hi Albert Beck,

I was unable to attend the meeting on March 24, but would like to comment on the alternatives.

I would select Alternative 5, using the B alternative to route around the corner through the woods.

Comments:
As a 25 year resident of Fairbanks I am glad DOT is adding a bike path to this area. I commute by bicycle and live at 4 mile Chena Hot Springs Road (CHSR), commuting to downtown to work in the summer. This proposed connection to the CHSR would be a great idea for users of the Farmer’s Loop Path to access the trails at Birch Hill. The multi user trial on CHSR is really unsafe for bikers, but the road itself is used by commuters and a safe alternative to the expressway or old steese hwy would be helpful to these bikers.

I have commuted and ridden my bike in the Fairbanks area since 1985. I am glad DOT is adding bike paths and getting public input. There are several paths in town, such as Ballaine road that are a complete joke. Careful planning makes all the difference, as does maintenance. Thank you for resurfacing the Old Steese-Johansen trail last summer, it was a huge improvement over the last few years!

Thank you for taking my comments and your work on this project ☺

Christine Matson
PO Box 10414
Fairbanks, AK 99710
Christine@yukonac.com
Harmony,

Thank you for your comments. I agree public involvement is a critical component to developing a successful project, and potentially affected property owners should have their voices heard.

In the case of this project we’ve made two independent efforts to connect the affected residents and respond to their comments (such as dropping the path connection between Birch Hill Road and Chena Hot Springs Road, and reducing ROW and tree clearing impacts). Also, about a month ago, we contacted the adjacent property owners near the 90 degree bend of Birch Hill Road to seek their opinion on the revised attached path route. Our hope is to ensure the satisfaction of as many people as possible, and/or to resolve comments/concerns that might come up. To date, the comments we’ve received from the residents and adjacent property owners have all been supportive of this updated plan to reduce ROW impacts and clearing.

Below is a comment from one of the property owners near the 90 degree bend:

“Per our face to face meeting on Tuesday I am much more pleased with the proposal to attach a Bike and Pedestrian path to the road using the existing Right-Of-Way. As we discussed attaching the path to the road would have less impacts to brush and trees than going behind my property and others along the route. I do request that impacts to existing trees both on my property and on the Right-Of-Way be minimized through engineering “tweaks” to the design.

I support the intent to not have a separated path, especially at the end of driveways, to increase safety for the path users and minimize impacts to drivers entering or exiting driveways.

I also strongly support the decision to not utilize a Birch Hill bike and pedestrian path to connect the Farmers Loop and Chena Hot Springs Road trail systems.

Thank you for taking the time to meet with me face-to-face. It was very helpful to get a more candid feel for your take on the project and the design.”

As the plan for this path develops, we will do our best to continue to involve all those who are affected by this project.

Thanks again,
Al

From: Tomaszewski [mailto:sparkyelectricalservices@gmail.com]
Sent: Thursday, April 11, 2013 1:09 PM
To: Beck, Albert M L (DOT)
Subject: Birch Hill Bicycle and Pedestrian Facility project

Hi,
I am emailing to put input on the path route and input on the proposed plan.

Thank you for making a good effort to contact the residents in this area. I appreciate getting a letter in the mail and feel as though you are truly making an effort to work with the community you are making changes in.

I believe that a bicycle pedestrian path along Birch Hill road will make it safer for the pedestrians and drivers along this road.

I am very happy to hear that you will no longer be making a pedestrian crossing near Concord Avenue. This would have been a very dangerous crossing for both vehicles and pedestrians.

I have reviewed both proposed path routes for the path along Birch Hill. I believe either would have the same end result of safety and access.

I would ask what the land/home owners that are directly affected by this choose? I believe that we ought to be respectful and considerate of local owners and their privacy and how this will affect them.

I think the people who have this directly next to or on their property ought to have more say or a greater weight to their choices.

My "vote" is for whatever is the least intrusive to the existing land/home owners.

Please let us all be good neighbors and not take away the rights of one for the many. When we ignore how it affects one person we lose sight that they are one of the many as well. It could be you or I who lose our voice next.

Thank you,
Harmony Tomaszewski
135 Wilderness Dr.
Fairbanks, AK
99712

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NOTICE OF CONFIDENTIALITY: This message may contain privileged or confidential information and is intended for the addressee only. If you are not the named addressee you should not review, disseminate, distribute or copy this e-mail. If you received this transmission in error, please notify the sender immediately by return e-mail and delete this errant message. Finally, the recipient should check this e-mail and any attachments for the presence of viruses. Sparky's Electrical Services, Inc. accepts no liability for any damage caused by any virus transmitted by this e-mail. Thank you.
Attachment C: Sign In Sheet and Comments Received at DOT&PF Open Houses

From: Beck, Albert M L (DOT)
To: Ted W Tisdale
Cc: Storey, Benjamin M (DOT); Langton, Jeremy P (DOT)
Subject: RE: Birch Hill, proposed bike path
Date: Monday, April 15, 2013 11:54:31 AM

Mr. Tisdale,

Thank you for comments and sharing your insight on other probable issues with the alternate route. All the comments to date, from this recent mailer, have been in support of the project and more specifically a path that is adjacent to the road. The comment period ends shortly and barring any issues that might come up, we will process with the attached/adjacent pathway route.

Al

From: Ted W Tisdale [mailto:wamcat36@gci.net]
Sent: Saturday, April 13, 2013 12:58 PM
To: Beck, Albert M L (DOT)
Subject: Birch Hill, proposed bike path

13 Apr 13

Subject: Bicycle/ Pedestrian Path

To: Al Beck Engineering Manager
State of Alaska

Mr. Beck I have reviewed your proposal to build a bicycle path up birch hill to the recreational area, I completely agree with your proposal and your reasons for not wanting to use the alternate route, I can add a few more problems that it would cause home owners and property owners up here in the Vue Crest subdivision out of experience. If you picked that route I would be very vocal against it for the reasons mentioned plus it being used by snow machines trespassing through people property at all hours of the day and night, in the past this trail area has been utilized in removing property stolen by thief’s breaking into houses up here and stealing property as the route was used to enter the area and leave with the stolen property as a 36 year resident up here I have had to put up a lot illegal snow machine and ATV activity up here and at all hours of the day and night.

I sincerely hope that the route around the hill and adjacent to the existing birch hill be will be used, I think the bicycle/ pedestrian path is a great idea.
Sincerely Theodore W. Tisdale
365 Parkland Drive
Fairbanks AK 99712-1650
907-457-6053

Wamcat36@gci.net
Carl – Thank you for commenting. I agree – some users will want snow to remain on the path. I'd think M&O will be able to accommodate that – depending on the snow fall and accumulation.

Al

From: Carl Tompkins [mailto:CarlT@briceinc.com]
Sent: Tuesday, April 09, 2013 8:50 AM
To: Beck, Albert M L (DOT)
Subject: Bike Path

Al,

I am so happy that a bike path is finally going in on this road. I have witnessed so many near miss accidents involving bikes and skiers on this road. It seems to me that the proposed route would be the best way since the ROW is in place. The only thing I see is that the winter skiers wouldn't want it plowed and if it's an extension of the road then I'm sure the plows would take it back to the ditch. I am not a skier but I do see skiers come down that road at a high speed pace I'm sure they are leaving the ski area on top. I'm all for the winter use of this by snow machines also. This would keep them out of the road way.

Thanks

Carl Tompkins
Brice Companies
907-978-3027 Cell
907-488-6759 Fax
George,

Thanks for commenting. You ask a good question. Yes, your proposed route would be shorter and cost less. Before writing this response, I reviewed the original project nomination material provided prior to FMATS approving and funding the project. I focused on just why did the project scope call out the route “along Birch Hill Road”? Several members of the public and adjoining neighbors nominated/endorsed the project due to concerns about safety along Birch Hill Road citing its narrow shoulders and that,

“This project would help make Fairbanks a more sustainable community by increasing connectivity and allowing methods of transit that are fuel efficient and environmentally friendly... This project would connect the Birch Hill Recreation Trail System to the Farmers Loop Bike Trail promoting connectivity between neighborhoods. It will encourage the use of bicycles and subsequently energy conservation.”

The following public comments exemplify Birch Hill area residents’ thoughts on safety, as well as community and trail cohesion:

- “Runners and cyclists share Birch Hill’s access road with drivers, which ... presents a safety issue for parents and others”

- “Safer access for the non-motorized public would improve this corridor.”

Based on these representative samples of the commenters’ majority opinion, the basic desire behind the project was providing a facility along Birch Hill Road. Logical start and end termini being the Steese/Fairhill intersection and the Birch Hill Recreational Area.

We verified the project scope by public comment (in 2011/2012), FMATS, FNSB Parks and Rec, as well as other agencies and came up with the following purpose and need:

“The purpose of the project is to provide safe bicycle and pedestrian access along Birch Hill Road.

The project is needed to provide a continuous bicycle and pedestrian path along Birch Hill Road to enhance bicycle and pedestrian safety between the Fairbanks area and the Birch Hill Recreational Trail System while encouraging more non-motorized transportation for area residents.”
While you are correct in your affirmations about your own proposed route, there was already public consensus early on to focus the path along the currently chosen route.

I hope this clarifies why the proposed path is located along Birch Hill Road and again, thanks for commenting - Al

From: george150 [mailto:george150@gci.net]  
Sent: Monday, April 15, 2013 3:37 PM  
To: Beck, Albert M L (DOT)  
Subject: Fw: Emailing: George Splitstoser

To Mr. Al Beck

click on the paper clip
Slavic,

Thank you for taking the time to comment. I agree this will be a great addition to the neighborhood.

Al

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From: Slavic Puchalsky [mailto:vpuchalsky@yahoo.com]
Sent: Sunday, April 14, 2013 8:46 PM
To: Beck, Albert M L (DOT)
Subject: birch hill bicycle route

Dear Al Beck,

I just wanted to state that I'm for the birch hill bicycle route. The route that I prefer is the alternative, but I'm fine with the other route. I live on Hillside Dr. and I use Prarkland Dr. trail, jogging every week. I believe that it would be a great addition to the neighborhood.

Thank you,
Slavic Puchalsky
Attachment C: Sign In Sheet and Comments Received at DOT&PF Open Houses

Greg,

Thanks for the call this morning and following up with this email. I appreciate the detailed comments. All the comments to date, from this recent mailer, have been in support of the project and more specifically a path that is adjacent to the road. The comment period ends shortly and barring any issues that might come up, we will proceed with the attached/adjacent pathway route, which has the least amount of impact to your property (limiting it to the section where Birch Hill Road turns to go up the hill). On Wednesday, this week, I’ll be able to tell you and the FNSB in confidence that the “alternative route” is no longer being considered. Please stop by sometime and we can show you the proposed design (with fill limits) on our survey. Please keep in touch, and I’ll do my best to do the same.

Al

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From: Greg Milles [mailto:gmilles@hometownpt.com]
Sent: Monday, April 15, 2013 12:18 PM
To: Beck, Albert M L (DOT)
Cc: Ringstad Jim; Ringstad Jim; Milles Kelly
Subject: Birch Hill Bike Path Development

Dear Mr. Beck,

Thank you for speaking with me on the phone this morning. We are writing to express our thoughts on the Birch Hill Bike Path Development options. After speaking with the borough in regards to the proposed area of development, as well as, walking the proposed path along the Birch Hill Road and the alternative option along the Parkland Drive and through a proposed easement along the tract of property that we are developing as part of the neighborhood, we believe that the original proposed route along Birch Hill would be the safest and easiest developed route for the following reasons.

1.) The alternative route that goes along the Parkland Road and through the Tract A in Milles Subdivision has multiple grade changes that vary up to 30 degrees of slope, which in turn will create a wide easement with switch backs to maintain an appropriate grade for a path. These easements would detract from the privacy, as well as, the beauty of the current and proposed development.

2.) Through the Tract A there are many large growth birch trees that would have to be removed for development to make the pathway accessible by machinery. The Birch Hill Road already has an easement that has minimal clearing of trees needed.

3.) Safety of the pedestrians and bicyclist would be most visible along the Birch Hill
Attachment C: Sign In Sheet and Comments Received at DOT&PF Open Houses

Road pathway.  
4.) Snow removal would be easiest along the Birch Hill Road, as the alternative route would have minimal area for snow storage.  
5.) Cost of development would be significantly less along the Birch Hill Road: clearing of trees, grade, accessibility during development.  

We wish the State to be successful in their planning and we will work with you to develop the safest and most economical path to achieve your goals for the community and our neighborhood growth. In closing, we would again like to state that our support would be in favor of the Bike Path following along the current Birch Hill Road easement to reduce safety and financial concerns of our community.  

Thank you for your time and efforts,  

Greg & Kelly Milles  
907-378-7538
Mr. and Mrs. Johnson,

Thank you for your comments. We agree this is a much needed improvement for the community. It’s not often we receive comments stating: “Trees will have to be cleared no matter what alternative is chosen. DOT has every right to clear trees within the public right-of-way if it is for transportation purposes.”

or

“Concerns related to unauthorized ATV or snow machine use on the path is minor compared to concerns for pedestrian or bicycle safety along the road.”

Next month we should have our environmental document approved. Once approved we’ll start the design, ROW, and utility relocation phases.

Thank you again for taking the time to comment.

Al
From: Russ Johnson [mailto:akrussj@yahoo.com]
Sent: Saturday, April 13, 2013 10:34 AM
To: Beck, Albert M L (DOT)
Subject: Birch Hill Bicycle & Ped Facility

Mr. Beck,

I am responding to your letter dated April 3, 2012 requesting input on the subject project.

The project is needed no matter what preferred alternative is ultimately chosen. I understand the need to balance safety, impacts to adjacent property owners and project costs.

I support the path adjacent to the roadway. Hopefully it eliminates the need to acquire right-of-way, reduces project costs and speeds up the design process.

Trees will have to be cleared no matter what alternative is chosen. DOT has every right to clear trees within the public right-of-way if it is for transportation purposes.

Thanks for the opportunity to comment.

Russ & Dawn Johnson
308 Hillside Drive
Fbks. AK 99712
Robert,

Thanks for commenting. You pose a good question. Yes, your proposed route would cost less and might attract greater utilization of some user types. The project scope is “Construct a bicycle/pedestrian path along Birch Hill Road to allow safe access to the Birch Hill Recreational Trail System.” Before writing this response, I reviewed the original project nomination material provided prior to FMATS approving and funding the project. I focused on just why did the project scope call out the route “along Birch Hill Road”? Several members of the public and adjoining neighbors nominated/endorsed the project due to concerns about safety along Birch Hill Road citing its narrow shoulders and that,

“This project would help make Fairbanks a more sustainable community by increasing connectivity and allowing methods of transit that are fuel efficient and environmentally friendly... This project would connect the Birch Hill Recreation Trail System to the Farmers Loop Bike Trail promoting connectivity between neighborhoods. It will encourage the use of bicycles and subsequently energy conservation.”

The following public comments exemplify Birch Hill area residents’ thoughts on safety, as well as community and trail cohesion:

- “Runners and cyclists share Birch Hill’s access road with drivers, which ... presents a safety issue for parents and others”

- “Safer access for the non-motorized public would improve this corridor.”

Based on these representative samples of the commenter’s majority opinion, the basic desire behind the project was providing a facility along Birch Hill Road. Logical start and end termini being the Steese/Fairhill intersection and the Birch Hill Recreational Area. We then derived the existing scope and had it verified by public comment (in 2011/2012), FMATS, FNSB Parks and Rec, as well as other agencies and came up with the following purpose and need:

“The purpose of the project is to provide safe bicycle and pedestrian access along Birch Hill Road.

The project is needed to provide a continuous bicycle and pedestrian path along Birch Hill Road to enhance bicycle and pedestrian safety between the Fairbanks area and the Birch Hill Recreational Trail System while encouraging more non-motorized transportation for area residents.”
While you are correct in your affirmations about your own proposed route, there was already public consensus early on to focus the path along the currently chosen route.

I hope this clarifies why the proposed path is located along Birch Hill Road and again, thanks for commenting - Al

From: oscarbead@gmail.com
Sent: Monday, April 15, 2013 3:01 PM
To: Beck, Albert M I (DOT)
Subject: Birch Hill Bicycle and Pedestrian Facility Letter

April 15, 2013

To: Albert Beck
    Engineering Manager
    Department of Transportation and Public Facilities Northern Region
    Design & Engineering Services

Re: Letter
Dated 4/3/13 with attached Project Map Dated 4/2/13, Postmarked 4/9/13, Requesting input By 4/15/13 on the Birch Hill Bicycle and Pedestrian Facility

Greetings Sir:

The Project Scope is stated as:
"Construct a bicycle/pedestrian path along Birch Hill Road to allow safe access to the Birch Hill Recreational Trail System". (BHRTS)

I respectfully suggest the Project Scope Statement Does Not express the actual Project intent and purpose.

To my limited knowledge, the Project Scope is correctly stated as:
Construct a bicycle/pedestrian path to allow safe access to the Birch Hill Recreational Trail System"

This is a critical difference for a whole host of reasons, for example:
Public bicycle/pedestrian access to BHRTS can rather easily be developed in a manner which will attract far greater utilization at a vastly reduced cost.

There currently is a Recognized Access to BHRTS (and has been for many years) at the East end of Peters Road (Fairhill to Knifffen, to Peters). I suggest this access both is, and has been recognized and/or utilized by all interested parties and the public for over 20 years, and therefore KOV should be little, if any obstacle.

To my limited knowledge, there are 2 complaints regarding the Peters Rd access to BHRTS:
1. BHRTS operator (Borough/City) for very good reasons strongly desires to Limit legitimate access to the trails. There's only 1 road in and the gate is operated daily.

I would suggest this entirely valid concern can easily be accommodated at the Peters Road access with a large turnstile which near the circumference of each section has a bicycle front wheel retainer about 4 feet high. The user simply lifts the bicycle handlebars enough to retain the front wheel, then unhooks it after passing through. This reduces the bicycle's horizontal axle center to center measurement, which is already 4" to 6" shorter than that of a small motorcycle (ex. Kawasaki 80cc Trail is 44" c to c). Fencing in front of the turnstile would have a locking gate.
This will provide cyclist/pedestrian access and eliminate motorcycle, ATV, snowmachine, equestrian access. The only added burden to BHRTS operator is a second gate to operate.
2. Some would complain that the trails accessed from this location are extremely steep. They are in fact, Short and Steep; "short" being the redeeming feature. A hike can presently be walked up this section, and this could be easily mitigated with the addition of a zigzag path for summertime use, while leaving the present configuration intact for skiing.

I would respectfully suggest to anyone who asserts the short steep trail section in question is a deal breaker, that they walk a bike up that section now, and then Ride a bike (or walk) on Birch Hill Road from Fairhill to BHRTS stadium area and Then Report which route would most likely see repeated use, especially by families with younger children.

Now how about the Money?
The money Not spent on this proposed Single purpose project could likely pay for a far more publicly valuable Multi-purpose project: Connecting the Farmers Loop Bike path with the Chena Hot Springs Road path....

Sincerely
Robert Beadles
414 Parkland Drive
Fairbanks, Alaska 99712 457.8331
Willard and Wilma,

Thanks for your comments. We’ll look into the grades of the road (blocking the view of smaller cars) as well as the improved signage for the intersection. It’s likely this project will not re-grade the road, since it’s outside of the scope and budget, but maybe there is something we can do – I don’t want to count it out yet. As we move forward with design we’ll keep in mind your concerns regarding the signing. Thanks again - Al

Greetings, I think that a bike/hiking trail is a great idea for this area, as many times bikes are put in danger on the road. I would support the trail being near the road, for the reasons you have stated, and for injured people on the trail to be seen if help is needed.

I would also like to recommend that the road be cut down as you crest the hill coming down from the ski area at Nilgrab ave. several times cars have come over that crest and nearly hit us as we enter the road, as you cannot see cars coming if you are in a car. Larger pu’s and such aren’t so bad. If nothing else, maybe you could suggest that they put a 25mph sign for dangerous intersection. Thanks for your time

Willard and Wilma Vinton
124 Nilgrab ave
Fairbanks, AK. 99712
Comm. Planning Dept

OCT 10 2014
RECEIVED

BUSINESS REPLY LABEL
FIRST-CLASS MAIL PERMIT NO. 118 FAIRBANKS, ALASKA
POSTAGE WILL BE PAID BY ADDRESSEE
DEPARTMENT OF COMMUNITY PLANNING
FAIRBANKS NORTH STAR BOROUGH
P.O. BOX 71267
FAIRBANKS, AK 99707-9990

FOLD ON THIS LINE

RE: HP2015-002 Birch Hill Bicycle and Pedestrian Facility

Dear Property Owner:

The Fairbanks North Star Borough Planning Commission will hold a public hearing Tuesday, October 28, 2014 at 7:00 pm. or after in the Borough Administrative Center, Assembly Chambers, 809 Pioneer Road, on the following item:

HP2015-002 A request by the Department of Transportation and Public Facilities for local planning authority approval of the Birch Hill Bicycle and Pedestrian Facility project. This project is proposing to construct a separated shared use pathway along Birch Hill Road from Fairhill Road to the Birch Hill Recreation Area. Right-of-way acquisition is expected.

This hearing is to ensure consistency between the transportation project and the FNSB Regional Comprehensive Plan. You are encouraged to speak at this public hearing and/or submit written comments. Testimony is limited to three minutes per person at the public hearing. Written comments should be submitted prior to the meeting using the space below, or email your comments to planning@fnsb.us referring to request HP2015-002. Contact Kellen Spillman at 459-1260 if you have questions. The staff recommendation on this request can be found at www.fnsb.us/meetings/planningcommission five days before the hearing.

Mellissa Kellner, Acting Director
Department of Community Planning

Property Owner: Russell Johnson

Legal description of property owned:
Lot 107 Vue Crest South

Comments: I support the separated path. It is safer and more relaxing for people who use it. I see bicyclists + people walking in the road because the shoulders on Birch Hill Road are too narrow. This is dangerous, someone will get hurt.

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq, and this document may be subject to public disclosure under state law.
Comm. Planning Dept
OCT 20 2014
RECEIVED

BUSINESS REPLY LABEL
FIRST-CLASS MAIL
PERMIT NO. 118
FAIRBANKS, ALASKA
NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES
POSTAGE WILL BE PAID BY ADDRESSEE
DEPARTMENT OF COMMUNITY PLANNING
FAIRBANKS NORTH STAR BOROUGH
P.O. BOX 71207
FAIRBANKS, AK 99707-9990

FOLD ON THIS LINE

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Melissa Kellner, Acting Director
Department of Community Planning

Property Owner: Suzan Baset

Legal description of property owned:
Lot, Block and Subdivision: 251 E. Birch Hill Pak Place 2 Lot A1

Comments: Birch Hill is an extremely dangerous road for bicyclists, runners & walkers as there is no shoulder. It is even more dangerous at the bottom of the hill where the road has a sharp turn, which makes it hazardious for drivers of vehicles also. PLEASE develop a pathway on Birch Hill before there are serious accidents or deaths.

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Melissa Kellner, Acting Director
Department of Community Planning

Property Owner: [Signature]

Legal description of property owned:
Lot, Block and Subdivision:

Comments: [Signature]

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RE: HP2015-002 Birch Hill Bicycle and Pedestrian Facility

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Melissa Kellner, Acting Director
Department of Community Planning

Property Owner: Greg & Kelly Miles

Legal description of property owned: MILLES SUBDIVISION, TRACT A (BLOCK B) AND LOT 12, BLOCK A

Comments: We are in favor of the bike path as it is a great community access and improves safety of pedestrians, bikers, and skiers.

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Comm. Planning Dept
OCT 16 2014
RECEIVED

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DEPARTMENT OF COMMUNITY PLANNING
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FOLD ON THIS LINE
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Malissa Kellner, Acting Director
Department of Community Planning

Property Owner: E.Lawson

Legal description of property owned:
Lot, Block and Subdivision: Lot 61

Comments: This is a wonderful idea. Birch Hill is only a short bicycle ride from town, but not an easy one to get to. Increased pedestrian traffic would be beneficial to the community.

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Comm. Planning Dept

OCT 16 2014
RECEIVED

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Melissa Kellner, Acting Director
Department of Community Planning

Property Owner: Lyle & Olene Greschauer

Legal description of property owned: Lot 103, We Crest South

Comments: We are all for the bike path. It will really increase safety as well as enjoyment. Thanks

Olene & Lyle

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq, and this document may be subject to public disclosure under state law.
Hi Kellen,

The Parks Department is in full support of this project which will facilitate recreational access from the Steese Highway to Birch Hill Recreation Area and trail system. This project will increase safety of pedestrians and cyclists by constructing a path separated from the active roadway which has very narrow shoulders. In addition the Parks Department firmly believes it is important to continue providing opportunities for the public to engage in active, healthy outdoor pursuits such as walking, jogging and cycling.

Thank you for considering our comments.

Steve Taylor
Parks Project Coordinator
FNSB Parks & Recreation Dept
ph. 907-459-1074
fx. 907-459-1072
Telephone Conversations Regarding HP2015-002 Birch Hill Bicycle and Pedestrian Facility

October 8, 2014

Received one telephone call from an individual who identified himself as Mr. Walker inquiring about the design and status of the project. Information was provided to the caller as well as contact information for the DOT&PF Project Manager. Mr. Walker requested more information about the interaction between his driveway and the proposed facility. Mr. Walked indicated that he would submit comments via the received DPO.

Received a telephone call from Robert Beadles requesting more information on the project. Mr. Beadles detailed his past involvement with the project and expressed concern over the design. Mr. Beadles noted that a more efficient way of accessing Birch Hill Recreation Area from Fairhill Road would be to utilize an existing trail easement from Peters Road. A suggestion was made by Mr. Beadles to construct the trail from Peters Road and use the remaining savings to construct the Farmers Loop to Chena Hot Springs Road Trail Connection project, which was at one point planned in conjunction with this project.
Attachment E: Parcels Expected to Be Involved in Right-of-Way Acquisition

Legend

- Project Location
- Major Roads
- Parcels Involved in ROW

0 0.075 0.15 0.3 Miles

Birch Hill Recreation Area
Attachment F: Preliminary Right-of-Way Plans from DOT&PF
Attachment F: Preliminary Right-of-Way Plans from DOT&PF

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<tr>
<th>State of Alaska</th>
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**Preliminary Plans**

1. **Notice to Contractor:**
   - The preliminary plans are an estimate of the project and are subject to change.

2. **General Notes:**
   - All proposed improvements and changes are subject to further engineering studies.

---

EXHIBIT 3
ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

FAIRBANKS NORTH STAR BOROUGH (FNSB) APPLICATION FOR LOCAL GOVERNMENT REVIEW

PROJECT NAME AND NUMBER: Birch Hill Bicycle and Pedestrian Facility
63768/0002(247)

FNSB ACTION REQUESTED: Review and Comment
(As required by Alaska Statute 35.30.020)

APPLICANT: State of Alaska
Department of Transportation and Public Facilities
Design and Engineering Services
Northern Region
2301 Peger Road
Fairbanks, AK 99709-5316

For Information Contact: Carl F. Heim 451-5359
(Project Manager) (Telephone Number)
carl.heim@alaska.gov
(E-mail Address)

PROJECT DESCRIPTION:

A. Type
1. Highway
2. Facility
3. Airport
4. Other x Bike Path

B. Recommended Project Classification
1. Non-significant
2. Significant

C. PROJECT SUMMARY:
Construct a bicycle/pedestrian path along Birch Hill Road to allow safe access to the Birch Hill Recreation Trail system.

PURPOSE OF PROJECT:
Increase connectivity to the Fairbanks trail system and improve safety for the travelling public.
A. Source
1. FMATS x
2. CIP
3. Safety
4. Other

B. Justification (traffic warrants, safety, etc.):

Safety

PROJECT LOCATION AND TERMINI:

RIGHT OF WAY: Existing x New x N/A

A. If the project involves right of way acquisition, include a map indicating the location and size of the take.

B. Will a plat be filed? Yes x No

C. Expected date for plat submittal: 5/1/2015

PROJECT FUNDING:

A. Type:
   Construction x Design x Right-of-Way x

B. Amount: (estimate) 2.3M 580K 300K


D. Source:
   FMATS FMATS FMATS

PUBLIC INVOLVEMENT:

A. Public Meetings and Hearings (included synopsis)
   1. Scoping Meeting
   2. Requested Meetings
   3. Location Hearing
   4. Design Hearing

   (indicate for whom, i.e., PTA, FMATS, etc.)

If the DOT&PF had a public hearing, please enclose minutes. When minutes are not available, please enclose a summary of the controversy to date regarding the project.

A public hearing was not necessary. An open house was held on 8/24/2011 with 42 participants. Comments are attached.

Please contact Kellen Spillman, FNSB Planner, at 459-1266 or kspillman@fnsb.us if you have any questions regarding completion of this application.
Site Plan with Approximate Area of Acquired Right-of-Way
(Source: Base map is the Applicant’s provided survey, annotations in color by Community Planning staff.)

4,082 Square Feet Acquired from Lot 1 for Birch Hill Road Right-of-Way
Public Hearing sign posted October 17, 2016

Birch Hill Road frontage
Currently vacant

Shared driveway with Lots 1 through 4, Skol Subdivision
WRITTEN AGENCY COMMENTS

V2017-004*

*No written agency comments received for this item
APPLICATION MATERIAL
SUBMITTED ON

September 23, 2016
**VARIANCE APPLICATION**
**HIGHWAY**
File No. V2017-004

**Fairbanks North Star Borough Department of Community Planning**
809 Pioneer Road/P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 459-1260 Fax: (907) 459-1255
planning@fnsb.us

**Fees:**
- $800 variance application*
- $200 sign deposit (check or cash only)

*No fee for highway project variance requested by private property owners, if AKDOT/PF didn't fulfill their statutory responsibility of obtaining a variance.

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Property Owner:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name: Brian Roberts</td>
<td>Name: Alascorp, Inc.</td>
</tr>
<tr>
<td>Business Name: State of Alaska DOT&amp;PF</td>
<td>Mailing Address: P.O. Box 72419</td>
</tr>
<tr>
<td>Mailing Address: 2301 Peger Rd</td>
<td>City, State Zip: Fairbanks, AK 99707</td>
</tr>
<tr>
<td>City, State Zip: Fairbanks, AK 99709</td>
<td>Phone: 907-456-6400</td>
</tr>
<tr>
<td>Phone: 907-451-5484</td>
<td>Cell:</td>
</tr>
<tr>
<td>E-mail: <a href="mailto:brian.roberts@alaska.gov">brian.roberts@alaska.gov</a></td>
<td>E-mail: <a href="mailto:alascorp@alaska.net">alascorp@alaska.net</a></td>
</tr>
</tbody>
</table>

**Property Information:**
- Property Description: Lot 1 SKOL previously assessed as 1N 1W 25 2513
- Street Address: N/A
- Lot Size: 40,685
- Parcel Account Numbers (PAN): 0531430
- Existing Use(s): Vacant Land

**Variance Request Information:**
- Variance Type: [ ] Setback [ ] Lot Size [ ] Other: 
- Amount of ROW Acquired:
  - [ ] Square Feet: 4,802
  - [ ] Acres: 
- Setback Request:
  - [ ] Front: 
  - [ ] Rear: 
  - [ ] Side: N / S / E / W 
  - [ ] Side: N / S / E / W 
- Lot Size Request:
  - Zoning District Lot Size Minimum: 40,000
  - Current/Proposed Lot Size: 35,883
- Request Description and amount of variance requested:
  - Request variance to minimum lot size of 40,000 square feet.
  - DOT&PF ROW acquisition reduced lot size below the minimum for the zoning district.

---

Please include any information regarding the applicability of reasonable accommodations for a person having a disability pursuant to FNSBC 18.12.030.

**APPLICANT SIGNATURE:**

**DATE:** 9/27/16

---

**Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.**
HIGHWAY VARIANCE
REQUIRED APPLICATION CHECKLIST

Please submit the required documentation listed below. Applications will not be scheduled for a Planning Commission meeting agenda until all of these items have been submitted and the application has been deemed complete by staff.

1. Provide a detailed written narrative that addresses the following criteria:

   I. FNSBC 18.104.070 (B)(3)
      e. Amount of right-of-way take from the subject lot
      f. Amount remaining to the subject lot after right-of-way take

   II FNSBC 18.104.070 (B)(2)
      a. Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district, and
      b. Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

   III. FNSBC 18.104.070 (E)
      1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes;
      2. Whether the denial of the proposed variance will deprive the property owner of the use of the property in a manner similar to the use permitted to be made by the owners of property in the immediate area; and
      3. Whether the proposed variance will adversely affect the public health, safety, and welfare, traffic or parking conditions or increase the danger of fire.

   IV. AS 29.40.040 A variance from a land use regulation adopted under this section may not be granted if
      (1) special conditions that require the variance are caused by the person seeking the variance;
      (2) the variance will permit a land use in a district in which that use is prohibited; or
      (3) the variance is sought solely to relieve pecuniary hardship or inconvenience.

2. Provide a Mortgage Location Survey or Site Plan drawn to scale which illustrate:

   I. FNSBC 18.104.070 (B)(3)(d)
      i. The subject property and its area and dimensions, both before and after the right of way take.
      ii. The location of all structures before and after right-of-way take.
      iii. The distances of all structures from all property lines, including old and new right-of-way lines (see applicable site plan guidelines document).

3. Attach a letter from Alaska Department of Environmental Conservation specific to each lot, with conditions, if applicable, regarding development suitability pursuant to 18.104.070.B.3(g).

4. Complete the Public Notice Sign Posting Affidavit. The form is included in the application packet.
Alascorp, Inc.
Lot Size Variance- Birch Hill Bicycle and Pedestrian Facility Parcel 21

Narrative

The State of Alaska, DOT&PF is preparing the Birch Hill Bicycle and Pedestrian Facility project for construction. The State of Alaska Department of Transportation & Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the safety of bicyclists and pedestrians along Birch Hill Road by providing a 9 foot wide path from the Fairhill Road intersection to the East Birch Hill Road intersection (1.9 miles).

The widths of the shoulders along Birch Hill Road vary from zero to two feet wide. Currently, pedestrians and bicyclists mix with motor vehicles. The project will provide separate facilities to reduce mixing of the user groups, and to improve access to other facilities for pedestrians and bicyclists. The path will provide users with separation from motorized traffic with a buffer of 5 to 25 feet.

The design of this project was determined to be the least impactful design to the surrounding property owners in this area. This project requires the acquisition of parcels in order to accommodate the frontage road and access improvements, including Alascorp, Inc’s property.

Variance Criteria

I. FNSBC 18.104.070 (B)(3)

   e. The right-of-way take from Alascorp’s property is 4,802 square feet.

   f. The lot size prior to acquisition was 40,685 square feet, and is now 35,883 square feet.

II. FNSBC 18.070 (B)(2)

   a. This is a public highway project and the acquisition of the parcel to accommodate the project represents a special condition peculiar to this property and is not applicable to other property in the zoning district. The State maintains the right to Eminent Domain on this project, and as such the sale of the parcel to the State does not constitute an arm’s length transaction. The majority of other owners in this zoning district are not affected by this project and so this condition does not exist for other property owners.

   b. Strict interpretation of this title would deprive the owner of rights commonly enjoyed by other properties in this zoning district because of the Birch Hill Bicycle and Pedestrian Facility project.

III. FNSBC 18.070 (D)

   1. The proposed variance conforms to the intent and purpose of this title, other ordinances and Alaska Statutes.
2. The denial of the proposed variance will deprive the property owner of the use of the
property in a manner similar to the use permitted to be made by the owners of property in the
immediate area.

3. The proposed variance will not adversely affect the public health, safety, and welfare, traffic
or parking conditions or increase the danger of fire should it be granted.
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
&
PUBLIC FACILITIES

RIGHT OF WAY REQUIRED

---

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR
BIRCH HILL BICYCLE AND
PEDESTRIAN FACILITY

<table>
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<th>INITIAL</th>
<th>DATE</th>
<th>DRAWING</th>
<th>PROJECT NO.</th>
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<td>TEA-0002(247)/2637680000</td>
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AREA 4,082 SQ. FT. PARCEL NO. 21

SCALE 1"=400' DATE 04/25/2016

399
APPLICATION MATERIAL SUBMITTED ON

October 28, 2016
Alascorp, Inc.
Lot Size Variance- Birch Hill Bicycle and Pedestrian Facility Parcel 21

Narrative

The State of Alaska, DOT&PF is preparing the Birch Hill Bicycle and Pedestrian Facility project for construction. The State of Alaska Department of Transportation & Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the safety of bicyclists and pedestrians along Birch Hill Road by providing a 9 foot wide path from the Fairhill Road intersection to the East Birch Hill Road intersection (1.9 miles).

The widths of the shoulders along Birch Hill Road vary from zero to two feet wide. Currently, pedestrians and bicyclists mix with motor vehicles. The project will provide separate facilities to reduce mixing of the user groups, and to improve access to other facilities for pedestrians and bicyclists. The path will provide users with separation from motorized traffic with a buffer of 5 to 25 feet.

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Variance Criteria

I. FNSBC 18.104.070 (B)(3)

   e. The right-of-way take from Alascorp’s property is 4,082 square feet.

   f. The lot size prior to acquisition was 40,019 square feet, and is now 35,937 square feet.

II. FNSBC 18.070 (B)(2)

   a. This is a public highway project and the acquisition of the parcel to accommodate the project represents a special condition peculiar to this property and is not applicable to other property in the zoning district. The State maintains the right to Eminent Domain on this project, and as such the sale of the parcel to the State does not constitute an arm’s length transaction. The majority of other owners in this zoning district are not affected by this project and so this condition does not exist for other property owners.

   b. Strict interpretation of this title would deprive the owner of rights commonly enjoyed by other properties in this zoning district because of the Birch Hill Bicycle and Pedestrian Facility project.

III. FNSBC 18.070 (D)

   1. The proposed variance conforms to the intent and purpose of this title, other ordinances and Alaska Statutes.
2. The denial of the proposed variance will deprive the property owner of the use of the property in a manner similar to the use permitted to be made by the owners of property in the immediate area.

3. The proposed variance will not adversely affect the public health, safety, and welfare, traffic or parking conditions or increase the danger of fire should it be granted.
Stacy Wasinger

From: Roberts, Brian K (DOT) <brian.roberts@alaska.gov>
Sent: Friday, October 28, 2016 1:49 PM
To: Stacy Wasinger
Subject: Birch Hill Bicycle and Pedestrian project lot size variance cases

Stacy,

Based on our discussions about the Birch Hill lot size variances. DOT&PF would like to amend our variance applications in the following way:

Revise the before acquisition size of the lots for V2017-004 & V2017-005 to the Plat/Assessor’s lot size.

We would like to keep V2017-006 application the same. The reason for the discrepancies mainly comes down to the difference in survey starting points for the Birch Hill Right of Way Map and the plats and deeds of record. Surveys can differ depending on the monument used as the starting point for the survey. Our right of way surveying for this project was based off of Steese Hwy monuments and the acquisition parcels were based off of this. The plat and deed areas were in all likelihood started or commenced from different monuments. In these cases, the differences are probably within the acceptable level of difference.

However, in order to ensure that the property owners have the minimum variance size needed for their variance, and to prevent issues going into the future, DOT&PF would like to revise our applications as stated above.

Thanks,
--Brian

Brian K. Roberts | Right-of-Way Agent III | Alaska DOT&PF, Northern Region

From: Stacy Wasinger [mailto:SWasinger@fnsb.us]
Sent: Friday, October 07, 2016 11:21 AM
To: Roberts, Brian K (DOT); Pistor, Daniel S (DOT)
Subject: Birch Hill Bicycle and Pedestrian project lot size variance cases

Good morning,

I wanted to clarify on the three lot size variance cases submitted for this project (V2C17-004, V2017-005, and V2017-006) how the size of the parcel prior to right-of-way acquisition was determined. Were the lots surveyed as part of the acquisition? There is some discrepancy between the lot sizes on the applications and our records and plats, so I was hoping you’d be able to help clarify. For each case:

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Lot</th>
<th>Plat/Assessor lot size</th>
<th>Variance application stated lot size</th>
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<tr>
<td>V2017-004</td>
<td>Skol Subdivision, Lot 1</td>
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<td>TL 3606 (314 Birch Hill)</td>
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<td>V2017-006</td>
<td>Skol Subdivision, Lot 2</td>
<td>40,352 square feet</td>
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<tr>
<td>V2017-007</td>
<td>Vue Crest, Lot 40C</td>
<td>1.026 acres (44692.56 sq ft)</td>
<td>44,695 square feet</td>
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</table>

These aren’t large discrepancies, but particularly in the case of the two lots in the Skol subdivision that differ from the recorded plat (attached), I wanted to clarify. If there are new surveys or other documents other than that provided with the application, would you please submit those for the file?

If you have any questions, please just let me know.

Thanks so much!

Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 809 Pioneer Road
Fairbanks, AK 99707-1267
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

V2017-007
November 8, 2016 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission
FROM: Stacy Wasinger, Planner III
DATE: October 31, 2016
RE: V2017-007: A request by Daniel Pistor on behalf of the State of Alaska Department of Transportation & Public Facilities for a setback highway variance of 3 feet to the minimum rear-yard setback requirement of 25 feet in the Rural Residential (RR) zone on Lot 40C, Vue Crest Subdivision (located at 344 Scenic Hills Court, on the west side of Birch Hill Road, south of Steese Highway).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the variance request with one (1) condition and nine (9) Findings of Fact in support of approval. Staff recommends approval because the acquisition of land by the Alaska Department of Transportation and Public Facilities (AKDOT & PF) as right-of-way for the Birch Hill Bicycle and Pedestrian Facility project represents a special condition which is peculiar to the property and which was not caused by the property owner. The subject structure was constructed to meet the Rural Residential (RR) rear-yard setback requirement of 25 feet and is being made non-conforming by the proposed 3,158 square foot right-of-way acquisition, ranging in depth from 17 feet to 18 feet, by AKDOT & PF. The resulting rear-yard setback will be 22 feet, which will require a 3 foot variance from the RR minimum setback requirement of 25 feet. The staff analysis finds that the proposed variance will meet the intent and purpose of Title 18 and of other ordinances and state statutes, would deprive the property owner the use of their property in a similar manner made by other owners in the general area if denied, and will not adversely affect the public health, safety and welfare.

II. GENERAL INFORMATION

A. Purpose

To allow a setback highway variance of 3 feet in the Rural Residential (RR) zone.

B. Location

South of Birch Hill Road, southeast of Steese Highway

C. Access

Scenic Hills Court

D. Size/PAN

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<td>Proposed: 41,537</td>
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</table>

E. Existing Zone

Rural Residential (RR)
Minimum Lot Size: 40,000 square feet

F. Existing Land Use

Residential
G. Surrounding Land Use/Zoning

North:  Zoning: RR
Land Use: Vacant

South: Zoning: OR
Land Use: Vacant

East: Zoning: RE-2
Land Use: Birch Hill Road/Residential

West: Zoning: RR
Land Use: Vacant

H. Community Facilities
Water/sewer: Private well/septic
Electricity: GVEA

I. Code Violations
None listed

J. Flood Zone
X (100%) (March 17, 2014 dFIRM)

K. Zoning History
Ordinance No. 67-34 (adopted 3/28/68): Unrestricted Use (UU)
Ordinance No. 74-34 (adopted 8/29/74): UU to Rural Residential (RR)

L. Ownership
Travis and Amy Kulp
PO Box 71926
Fairbanks, AK 99707

M. Applicant
Daniel Pistor, Right-of-Way Agent II
Alaska DOT & PF
2301 Peger Road
Fairbanks, AK 99709

III. ZONING AND DEVELOPMENT HISTORY

Fairbanks North Star Borough zoning designations and standards were adopted through Ordinance No. 67-34 on March 28, 1968 and the subject property was zoned Unrestricted Use (UU). There were no setbacks requirements under the UU zone. The adoption of Ordinance No. 74-34 on August 29, 1974 changed the zoning designation on the subject parcel from UU to Rural Residential (RR), instituting minimum setback requirements of 25 feet from all property lines (Exhibit 1). The subject lot was created with the recording of a replat for the Vue Crest Subdivision Portion No. 2 on June 18, 1985 (Exhibit 2). FNSB Assessor records show that the existing single-family home was constructed in 1987 (Exhibit 3).

The greenhouse, which is the structure in question for this variance request, was completed in 2016. It is currently existing. A previous variance was granted on this property for the existing single-family residence with a non-conforming side-yard setback of 21.7 feet instead of the required 25 feet on July 14, 2015 (Exhibit 4). In conjunction with the Birch Hill Bicycle and Pedestrian Facility highway project, the State of Alaska intends to acquire 3,158 square feet in a portion of land that is 17-18 feet deep from the subject property for right-of-way. The acquisition does not result in a non-conforming lot size but does create a non-conforming setback by leaving the greenhouse 22 feet from the rear property line. FNSBC 18.104.070 requires a 25 foot rear-yard setback for all structures on the subject parcel and FNSBC 18.104.070 allows that a variance to
this numerical standard as a direct result of the right-of-way acquisition can be obtained to be in compliance with Title 18. Additionally, state statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance if needed for right-of-way acquisition for current projects. The greenhouse is existing and the acquisition of right-of-way will create a non-conforming rear-yard setback.

**Figure 1: Site Plan with Approximate Area of Acquired Right-of-Way**
(Source: Base map is the Applicant’s provided survey, annotations in color by Community Planning staff.)

Figure 1 illustrates the approximate area of land to be acquired by AKDOT & PF for the Richardson Highway project from the subject property. 3,158 square feet is proposed to be acquired for right-of-way, resulting in a reduction of 17 to 18 feet in the rear-yard. This right-of-way acquisition causes the existing greenhouse to have a rear-yard setback of 22 feet, a deviation of 3 feet or 12% from the minimum rear-yard setback requirement of 25 feet.

The Birch Hill Bicycle and Pedestrian Facility highway project is intended to improve the safety of bicyclists and pedestrians by creating a nine foot wide path along Birch Hill Road, from the Fairhill Road intersection to the East Birch Hill Road intersection. The subject parcel is adjacent to Birch
Hill Road, which currently has zero to two foot wide shoulders within the 1.9 mile project area. These narrow shoulders cause bicyclists and pedestrians to mix with vehicular traffic. The highway project provides separate facilities for these user groups and helps improve safety and access for bicyclists and pedestrians by creating a 5 to 25 foot buffer. The project requires the acquisition of right-of-way to allow for construction of bicycle and pedestrian facilities. HP2015-002, the Birch Hill Bicycle and Pedestrian Facility highway project was heard by the Planning Commission on October 28, 2014 and approved by the Assembly on December 11, 2014 (highway project staff report attached as Exhibit 3 to the staff report for V2017-004). The current application is only for the setback variance necessitated by the right-of-way acquisition from the subject parcel. Denial of the variance will not result in denial of the highway project but would have the result of necessitating that AKDOT & PF acquire the subject parcel in its entirety rather than the portion associated with this variance application.

IV. APPLICABLE APPROVAL CRITERIA

Variances are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances and Title 29, Alaska Statutes:

Fairbanks North Star Borough (FNSB) Code of Ordinances

18.12.020 Purpose. The purpose of this title is to implement the Fairbanks North Star Borough comprehensive plan. This title is intended to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise.

18.104.070 (A) Procedure for Highway Project Variances. Generally. The planning commission may allow a departure from the numerical standards of this title pertaining to the size of yards and open space areas, building height and size, lot area, number and location of off-street parking spaces and loading areas, and other matters. Highway project variances must be a direct result of right-of-way acquisition.

18.104.070 (B) Procedures for Highway Project Variances: Application for a Highway Project Variance (2.) An application for highway project variance shall be evaluated by the following criteria:

(a) Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district, and

(b) Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

18.104.070 (D) Procedures for Highway Project Variances: Hearing and Decision Process

(1.) Variance Requests Not Greater Than 10 Percent. If the director of community planning determines no extraordinary circumstances exist, highway project variances which depart from the numerical standards of this title by not greater than 10 percent shall appear on the consent agenda of the planning commission. Affected property owners may address the variance application during the citizen’s comments portion of the agenda. The planning commission may remove the item from the consent agenda and may approve, approve with conditions, or deny the highway project variance. The planning commission may also refer the application to a full review including public hearing in accordance with procedures outlined for highway
project variances greater than 10 percent. If the director of community planning determines extraordinary circumstances do exist, the highway project variance will appear as a regular agenda item scheduled for public hearing in accordance with procedures outlined for highway project variance greater than 10 percent.

(2.) Variance Requests Greater Than 10 Percent. Departures of greater than 10 percent from the numerical standards shall be considered by the planning commission in a quasi-judicial hearing.

18.104.070 (E) Procedures for Highway Project Variances. The planning commission shall also consider and adopt findings in each of the following:

1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes’

2. Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;

3. Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.

State of Alaska Statutes

Section 29.40.040 (b). A variance from a land use regulation adopted under this section may not be granted if

1. special conditions that require the variance are caused by the person seeking the variance;

2. the variance will permit a land use in a district in which that use is prohibited; or

3. the variance is sought solely to relieve pecuniary hardship or inconvenience.

Section 35.30.020 Compliance with Municipal Ordinances. A department shall comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners.

V. STAFF ANALYSIS

A. Dear Property Owner Notices

There were 130 dear property owner notices mailed out and staff received one (1) inquiry about the case.

B. Surrounding Land Use and Zoning

The surrounding parcels to the north and west are zoned Rural Residential (RR), the parcel to the south is zoned Outdoor Recreation (OR), and the parcel to the east is zoned Rural Estates 2 (RE-2) (Figure 2). The neighboring properties are primarily vacant or developed
residentially. There is also General Use (GU-1), Rural and Agricultural 5 (RA-5) zoning nearby, and the Military Noise Overlay zone nearby.

The intent of the RR zone is “for low density residential development and other compatible uses in areas where community sewer and water systems may or may not be available.” The RR zone has 25 foot required setbacks to all property lines and requires a minimum lot size of 40,000 square feet. This application requests a variance of 3 feet from the minimum rear-yard setback requirement of 25 feet. The greenhouse in question was constructed to meet the setback requirements in 2016 and will be made non-conforming by the State of Alaska acquiring 3,158 square feet with a depth of 17-18 feet of the property for the Birch Hill Road right-of-way. This right-of-way acquisition causes the existing greenhouse to have a rear-yard setback of 22 feet, a deviation of 3 feet or 12% from the minimum rear-yard setback requirement of 25 feet. (Figure 1).

Figure 2: Zoning Map
(Source: FNSB ArcGIS)

C. Nearby Variances

DOT & PF has also concurrently applied for three lot size variances related to the Birch Hill Bicycle and Pedestrian Facility highway project. Figure 3 shows the location of these variances, as well as other variances previously decided. Two other nearby parcels have had variance applications previously denied and five parcels have had previous variances approved. The previously denied variances were not related to a highway project. A previous
variance has been approved on the subject parcel for the existing single-family residence that was 21.7 feet from the north side property line.

**Figure 3: Nearby Variance Cases**
(Source: FNSB ArcGIS)

D. **FNSB Code of Ordinances: Title 18 Variance Application Standards**

1. *Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district.*

The special condition affecting the subject property is the right-of-way acquisition required for the Birch Hill Bicycle and Pedestrian Facility highway project. The lot will be reduced by 3,158 square feet, with a depth of 17-18 feet, acquired for right-of-way but will still meet the minimum lot size requirement. The acquisition, however, will reduce the rear-yard setback of an existing greenhouse to 22 feet, requiring a 3 foot variance from the required minimum setback of 25 feet. The applicant’s narrative states that the property was acquired to “improve the safety of bicyclists and pedestrians along Birch Hill Road by providing a 9 foot wide path from the Fairhill Road intersection to the East Birch Hill Road intersection.” The special condition was in support of the overall health, safety, and welfare by creating safer facilities for bicyclists and pedestrians, and is unique to properties abutting the Birch Hill Road project. This right-of-way acquisition was not initiated or caused by the property owner.
2. Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

Strict interpretation of the provision of the zoning title would deprive the property owner of rights commonly enjoyed by other properties in the same district under the terms of the zoning title because the rear yard setback will not comply with Title 18 requirements without a variance. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18 regarding setbacks. Strict interpretation would also have the secondary effect of depriving the property owner of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they are not able to comply with Title 18 regarding setbacks.

E. FNSB Code of Ordinances: Title 18 Variance Approval Criteria

1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes.

Purpose of FNSBC Title 18: The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The application materials align with Land Use Goal 1, Strategy 3 of the FNSB Regional Comprehensive Plan, which is to “work to reduce to the fullest extent possible the natural conflict that develops between private property rights and community needs and interests.” The proposed variance resolves the conflict created by right-of-way acquisition that takes a privately owned property out of compliance with Title 18 standards. The proposed variance is also consistent with the Perimeter Area designation, which is defined as “area generally within a 10 to 20 minute travel time of urban destinations, and which contains primarily residential use; variable densities are encouraged providing they are compatible with the surrounding community, sensitive to natural systems and have adequate water and sewer facilities.” The parcel is also designated Preferred Residential Land, which is “land determined to be more suitable that other lands for development because it is generally: a) on slopes of 20% or less, b) not designated wetlands, c) has a lower probability of containing detrimental permafrost conditions.” This parcel is currently developed residentially.

Intent of FNSBC Title 18: The intent of Title 18 is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020).”

Allowing a variance for an owner to come into compliance with zoning regulations after a right-of-way acquisition is an example of protecting private property rights with local zoning regulations. The public notification, public hearing procedures and approval criteria for variances protect the property rights of the surrounding property owners.

The proposed variance will promote the public health, safety, and welfare because it will not create any fire, traffic, or safety hazards. The proposed variance reduces the rear-yard setback adjacent to Birch Hill Road. The proposed variance will not result in any existing structure being closer than 10 feet to a property line or another structure, which helps limit fire and safety hazards. The applicant states that existing well and septic systems are not within the area of acquisition. The acquisition of right-of-way to provide bicycle and pedestrian facilities will help promote public health, safety, and welfare, and the safe flow of traffic by providing a separation and buffer between vehicles and pedestrians.
Alaska State Statute and Other Ordinances: The site is not within City of Fairbanks or City of North Pole limits and complies with the FNSB Comprehensive Plan and other ordinances. The proposed variance complies with Alaska Statute 29.40.040(b) regarding requirements for variances. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects. Additionally, state statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

2. Whether the denial of the proposed variance will deprive the property owner of the use of property in a manner similar to the use permitted to be made by the owners of property in the immediate area;

Denial of the proposed variance would deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area. The rear-yard setback of 22 feet does not comply with Title 18 requirements without a variance. Without a variance, the recently constructed greenhouse would be required to move to meet minimum required setbacks. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and gain compliance with Title 18 regarding setbacks. Three other lots in the vicinity will have land acquired by the AKDOT & PF for the Birch Hill Bicycle and Pedestrian Facility project right-of-way that make them out of compliance with Title 18 standards and three lot size variances have also been applied for on those parcels.

3. Whether or not the proposed variance will adversely affect the public health, safety and welfare, traffic or parking conditions, or increase the danger of fire.

The proposed variance will protect the public health, safety or welfare by fulfilling procedural requirements related to the accommodation of development of the Birch Hill Bicycle and Pedestrian Facility project, which improves bicyclist and pedestrian safety. The proposed variance will not result in any existing structure being closer than 10 feet to a property line or another structure, which helps limit fire and safety hazards. The applicant states that existing well and septic systems are not within the area of acquisition. The acquisition of right-of-way to provide bicycle and pedestrian facilities will help promote public health, safety, and welfare, and the safe flow of traffic by providing a separation and buffer between vehicles and pedestrians.

F. State of Alaska Statutes: Title 29 Variance Approval Criteria

Section 29.40.040(b). A variance from a land use regulation may not be granted if:

1. Special conditions that require the variance are caused by the person seeking the variance;

The special condition is caused by the State of Alaska acquiring land for the Birch Hill Bicycle and Pedestrian Facility project right-of-way, thereby reducing the size of the rear-yard setback and making it out of compliance with Title 18 setback requirements. The property owner did not create this condition.
2. *The variance will permit a land use in a district in which that use is prohibited; or*

The parcel is currently developed with a single-family home and accessory uses. Residential uses are permitted in the RR zone.

3. *The variance is sought solely to relieve pecuniary hardship or inconvenience.*

The proposed variance is not sought solely to relieve pecuniary hardship. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding setbacks.

**VI. RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **APPROVAL** of the requested 3 foot variance from the minimum rear-yard setback requirement of 25 feet in the RR zone, with one (1) condition.

**VII. CONDITIONS**

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

**VIII. FINDINGS OF FACT**

The Department of Community Planning further recommends adoption of the staff report and the following Findings of Fact in support of approval:

1. A special condition was created on the property by the State of Alaska acquiring land for the Birch Hill Bicycle and Pedestrian Facility project right-of-way creating a non-conforming rear-yard setback.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Birch Hill Road.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.
5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the 22 foot rear-yard setback does not comply with Title 18.

   a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding setbacks.
   b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for setbacks.

6. Approval of the variance would protect public health, safety or welfare because it fulfills procedural requirements related to the accommodation of development of the Birch Hill Bicycle and Pedestrian Facility project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 regarding setbacks and state statute. The variance would not adversely affect the public health, safety, and welfare because it does not affect traffic or parking conditions or increase the danger of fire.

7. The property owner did not create the special condition on the property or the need for a variance.

8. The property is currently developed with a single-family residence and accessory uses, which are permitted uses in the RR zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Birch Hill Bicycle and Pedestrian Facility project.

**DRAFT PLANNING COMMISSION MOTION:**

I move to approve the requested 3 foot variance from the 25 foot required minimum rear-yard setback requirement in the RR zone with one (1) condition, adopting the staff report and nine (9) Findings of Fact in support of the decision.
ORDINANCE NO. 74-34

AN ORDINANCE AMENDING FNSB 49.15.050, ZONE BOUNDARIES, BY ADDING PORTIONS OF SECTION 36, T1N, R1W, F.M. TO (a) OUTDOOR RECREATION ZONE AND BY ADDING ALL OF VUE CREST SUBDIVISION TO (e) RURAL RESIDENTIAL.

WHEREAS, on April 16, 1974, after due publication and notification, the Planning Commission of the Fairbanks North Star Borough held a public hearing to zone the S 1/2 S 1/2 Section 25, and portions of Section 36, T1N, R1W, F.M.; and

WHEREAS, the Planning Commission, after public hearing, recommends that portions of said property be zoned (a) Outdoor Recreation, (c) Rural Estate, (e) Rural Residential, (m) Neighborhood Shopping, and (v) Holding:

NOW, THEREFORE, BE IT ORDAINED by the assembly of the Fairbanks North Star Borough that FNSB 49.15.050, Zone Boundaries, (a) Outdoor Recreation and (e) Rural Residential be amended by adding those words which are underlined:

FNSB 49.15.050 Zone Boundaries

(a) Outdoor Recreation

SE 1/4, SE 1/4 NE 1/4, Sec. 36, T1N, R1W, F.M.

(e) Rural Residential

LOTS

ALL

BLOCKS

ALL

SUBDIVISION

VUE CREST, portions 1, 2 and 3

That portion of the S 1/2 S 1/2, Sec. 25, T1N, R1W, F.M. lying east of the Steese Highway.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 1974.

Charles W. \\
Presiding Officer

ATTEST:

Anne C. Spalding
Clerk of the Assembly
### Building and Plumbing Information

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<td>BATH</td>
<td></td>
</tr>
<tr>
<td>SHINGLES</td>
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<tr>
<td>ROOF</td>
<td></td>
</tr>
<tr>
<td>GAB/FLAT</td>
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</tr>
<tr>
<td>&quot;A&quot; FRAME</td>
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<tr>
<td>SHELVES</td>
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</tr>
<tr>
<td>WOOD POST</td>
<td></td>
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<tr>
<td>WOOD SILLS</td>
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</tr>
<tr>
<td>BASEMENT</td>
<td></td>
</tr>
<tr>
<td>PARTIAL</td>
<td></td>
</tr>
<tr>
<td>FULL</td>
<td></td>
</tr>
<tr>
<td>WOOD</td>
<td></td>
</tr>
<tr>
<td>CONCRETE</td>
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<tr>
<td>OUTSIDE ENT.</td>
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<tr>
<td>REC. ROOM</td>
<td></td>
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<tr>
<td>LIVING RM.</td>
<td>28 x 11.5</td>
</tr>
<tr>
<td>FIN. WALLS</td>
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<tr>
<td>FIN. CEILING</td>
<td></td>
</tr>
<tr>
<td>FIN. FLOORS</td>
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<tr>
<td>HEATED</td>
<td>28 x 11.5</td>
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<tr>
<td>NO. OF ROOMS</td>
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</tr>
<tr>
<td>INTERIOR</td>
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<tr>
<td>OPEN STUDS</td>
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<td>INSULATION</td>
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<td>WALL BOARD</td>
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<tr>
<td>WOOD PANELING</td>
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<tr>
<td>LOG</td>
<td></td>
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<tr>
<td>OTHER</td>
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</table>

### Plumbing Information

- TUBS/SHO/SHOWER 2
- TOILETTES 2
- BASINS 2
- SHOWER STALLS 1
- KITCHEN SINKS 1
- WATER SOURCE 1
- SEWER SOURCE 1
- GRADE PER LEVEL %

### Electrical Information

- ELECTRICAL
  - WIRED
  - AMPs 100/200
  - OUTLETS P. A. G.
  - LIGHTING P. A. G.
  - EX. PAINT
  - EX. SIDING
  - PLUMB. RUF-IN
  - PLUMB. FINISH
  - ELECTRIC RUF-IN
  - ELECTRIC FINISH
  - INTERIOR DECOR
  - INTERIOR FINEISH
  - BLT-IN/INT. TRIM
  - SASH/DOORS
  - FLOOR FINISH HEAT
  - TOTAL

### Building Value Calculation

<table>
<thead>
<tr>
<th>Item</th>
<th>Area or Quantity</th>
<th>Unit Cost</th>
<th>Total</th>
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<tbody>
<tr>
<td>A</td>
<td>1208</td>
<td>2.464</td>
<td>29.64</td>
</tr>
<tr>
<td>B</td>
<td>202</td>
<td>202</td>
<td>202</td>
</tr>
<tr>
<td>C</td>
<td>176</td>
<td>800</td>
<td>136</td>
</tr>
<tr>
<td>D</td>
<td>192.9</td>
<td>192.9</td>
<td>192.9</td>
</tr>
<tr>
<td>E</td>
<td>258.3</td>
<td>258.3</td>
<td>258.3</td>
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<tr>
<td>F</td>
<td>56</td>
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</tr>
<tr>
<td>G</td>
<td>154</td>
<td>154</td>
<td>154</td>
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</tbody>
</table>

### Operations & Procedures

- PERFORMED BY: INSP.
- DATE: 10/14/87
- CALC.: 208.6
- REVIEW: 10/14/87

### Depreciation & Obsolescence

- A. EFFECTIVE AGE DEPRECIATION %
- B. OBSERVED PHYSICAL CONDITION %
- C. TOTAL DEPRECIATION (A+B) %
- D. NET CONDITION (100-C) %
- E. OVERIMPROVEMENT %
- F. UNDERIMPROVEMENT %
- G. OTHER %
- H. NET CONDITION (100-E+F-G) %
- I. FINAL NET CONDITION (A x H) %

### Summary of Appraised Value

- REPL. COST: $91,000

### Building Area Calculation

- FLOOR/AREA: 192.9
- WIDTH: 110
- LENGTH: 110
- AREA: 219,86

### Notes

- SCALE: 1/4" = 8 FT.

---

### Adjusted Replacement Cost

- A.V.: 424
### DESCRIPTION:

<table>
<thead>
<tr>
<th>INFLUENCES</th>
<th>%</th>
<th>(+) or (-)</th>
<th>SIZE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Topography</td>
<td></td>
<td></td>
<td>1.026 ac</td>
</tr>
<tr>
<td>Drainage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Irreg. Mod.</td>
<td></td>
<td></td>
<td>110</td>
</tr>
</tbody>
</table>

### USE ZONE:

**AREA CHANGES:**

- **1980:** Repaired 8.5'x9' 9/21/80

### ASSESSED VALUATION

<table>
<thead>
<tr>
<th>YEAR</th>
<th>OWNER</th>
<th>LAND</th>
<th>IMP</th>
<th>TOTAL</th>
<th>REASON FOR CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985</td>
<td>extinct Robert &amp; Marie Grace</td>
<td>assessed w/land &amp; 1/20 acre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1986</td>
<td>Ecker Teddy W &amp; Lynn G.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### REMARKS:

- **1-14-87:** New res, comp. 8/27
- 11-1-87 New res
- 12-5-91 New detached car house
- 3-21-92 Complaint 11.20 ac. w/owner
- 5-19-93 New photo, res appears well maintained
- 12-11-98 ET AU date

This is a well built, main house. ET/MA

### PLACE PICTURE HERE

- **1970:** 150,000 7/76
- **1986:** 99,000 9/86
- **1987:** 187,000 9/16
- **1990:** 18,000 6/91

425
NOTICE OF DECISION RE: V2015-016A

July 22, 2015

Teddy W & Lynette E Baxter
344 Scenic Hills Rd
Fairbanks, AK 99712

Dear Mr. & Ms. Baxter:

At its regular meeting of July 14, 2015, the Planning Commission of the Fairbanks North Star Borough considered your request for a setback variance of 3.3 feet to the side-yard setback requirement of twenty-five feet (25') for an existing single-family home located 21.7 feet from the south property line in the Rural Residential (RR) zone on Lot 40C of Vue Crest Subdivision. (Located at 344 Scenic Hills Court, at the southeast end of Scenic Hills Court)

The Commission voted six (6) in favor two (2) opposed, resulting in approval of your request.

Public notice signs must be returned within 10 days. Upon receipt, in good condition, we will promptly initiate a refund of the $150.00 sign deposit.

This decision may be appealed in writing to the Office of the Borough Clerk within fifteen (15) days from the date of the decision to the Fairbanks North Star Borough Board of Adjustment.

If you have any questions regarding this matter, please feel free to contact the Department of Community Planning, Division of Planning and Zoning, 809 Pioneer Road, or call 459-1260.

Sincerely,

D. Christine Nelson
Director, Department of Community Planning

DWN/th

CC: “Jim” James Altherr
*No written agency comments received for this item
APPLICATION MATERIAL
SUBMITTED ON

September 23, 2016
VARIANCE APPLICATION
HIGHWAY
File No. V2017-007

FEES: $800 variance application*
$200 sign deposit (check or cash only)

*No fee for highway project variance requested by private property owners, if AKDOT/PF didn’t fulfill their statutory responsibility of obtaining a variance.

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Property Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name: Daniel Pistor</td>
<td>Name: Travis &amp; Amy Kulp</td>
</tr>
<tr>
<td>Business Name: SOA DOT&amp;PF</td>
<td>Mailing Address: PO Box 71926</td>
</tr>
<tr>
<td>Mailing Address: 2301 Peger Rd</td>
<td>City, State Zip: Fairbanks, AK 99707</td>
</tr>
<tr>
<td>City, State Zip: Fairbanks, AK 99709</td>
<td>Phone: 907-712-7296</td>
</tr>
<tr>
<td>Phone: 907-451-5434</td>
<td>Cell: NA</td>
</tr>
<tr>
<td>E-mail: <a href="mailto:daniel.pistor@alaska.gov">daniel.pistor@alaska.gov</a></td>
<td>E-mail: NA</td>
</tr>
</tbody>
</table>

Property Information:
Property Description: Lot 40C, Portion No. 2 of Vue Crest Subdivision, Plat No. 85-92
Street Address: 344 Scenic Hills Ct
Lot Size: 41,537 sq. ft.
Parcel Account Numbers (PAN): 426385
Zoning District: RR - Rural Residential
Existing Use(s): Primary Residence

Variance Request Information:
Variance Type: setback
Amount of ROW Acquired:
Setback Request:
Lot Size Request: Zoning District Lot Size Minimum: _______ Current/Proposed Lot Size: _______
Request Description and amount of variance requested:
Request rear lot line setback reduction from 25' to 22'.
Reasons for variance request:
DOT&PF ROW acquisition moved lot line closer to existing structure.

Please include any information regarding the applicability of reasonable accommodations for a person having a disability pursuant to FNSBC 18.12.030.

APPLICANT SIGNATURE: __________________________ DATE: 9/23/16

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.
HIGHWAY VARIANCE
REQUIRED APPLICATION CHECKLIST

Please submit the required documentation listed below. Applications will not be scheduled for a Planning Commission meeting agenda until all of these items have been submitted and the application has been deemed complete by staff.

1. **Provide** a detailed *written narrative* that addresses the following criteria:

   I. **FNSBC 18.104.070 (B)(3)**
   
   e. Amount of right-of-way take from the subject lot
   
   f. Amount remaining to the subject lot after right-of-way take

   II **FNSBC 18.104.070 (B)(2)**
   
   a. Whether special conditions exist which are peculiar to the property involved and which are not applicable to other property in the same zoning district, and
   
   b. Whether strict interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

   III. **FNSBC 18.104.070 (E)**
   
   1. Whether the proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes;
   
   2. Whether the denial of the proposed variance will deprive the property owner of the use of the property in a manner similar to the use permitted to be made by the owners of property in the immediate area; and
   
   3. Whether the proposed variance will adversely affect the public health, safety, and welfare, traffic or parking conditions or increase the danger of fire.

   IV. **AS 29.40.040 (b)** *A variance from a land use regulation adopted under this section may not be granted if*

   (1) *special conditions that require the variance are caused by the person seeking the variance;*
   
   (2) *the variance will permit a land use in a district in which that use is prohibited; or*
   
   (3) *the variance is sought solely to relieve pecuniary hardship or inconvenience.*

2. **Provide** a Mortgage Location Survey or Site Plan drawn to scale which illustrate:

   I. **FNSBC 18.104.070 (B)(3)(d)**
   
   i. The subject property and its area and dimensions, both before and after the right-of-way take.
   
   ii. The location of all structures before and after right-of-way take.
   
   iii. The distances of all structures from all property lines, including old and new right-of-way lines (see applicable site plan guidelines document).

3. **Attach** a letter from Alaska Department of Environmental Conservation specific to each lot, with conditions, if applicable, regarding development suitability pursuant to 18.104.070.B.3(g).

4. **Complete** the *Public Notice Sign Posting Affidavit*. The form is included in the application packet.
Travis & Amy Kulp
344 Scenic Hills Ct
Fairbanks, AK 99712
Setback Variance- Birch Hill Bicycle and Pedestrian Facility Parcel 14

Narrative

The State of Alaska, DOT&PF is preparing the Birch Hill Bicycle and Pedestrian Facility project for construction. The State of Alaska Department of Transportation & Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to improve the safety of bicyclists and pedestrians along Birch Hill Road by providing a 9 foot wide path from the Fairhill Road intersection to the East Birch Hill Road intersection (1.9 miles).

The widths of the shoulders along Birch Hill Road vary from zero to two feet wide. Currently, pedestrians and bicyclists mix with motor vehicles. The project will provide separate facilities to reduce mixing of the user groups, and to improve access to other facilities for pedestrians and bicyclists. The path will provide users with separation from motorized traffic with a buffer of 5 to 25 feet.

The design of this project was determined to be the least impactful design to the surrounding property owners in this area. This project requires the acquisition of parcels in order to accommodate the frontage road and access improvements, including Mr. and Ms. Kulp’s property.

A permanent structure (greenhouse) on the property met the required 25’ rear yard setback prior to the necessary acquisition. DOT&PF’s acquisition had the effect of moving the lot line closer to the existing structure causing it to be out of compliance with the rear yard setback requirement by 3’ as a result of the project.

Variance Criteria

I. FNSBC 18.104.070 (B)(3)

   e. The right-of-way take from Mr. and Mrs. Kulp’s property is 3,158 square feet.

   f. The lot size prior to acquisition was 44,695 square feet, and is now 41,537 square feet.

II. FNSBC 18.070 (B)(2)

   a. This is a public highway project and the acquisition of the parcel to accommodate the project represents a special condition peculiar to this property and is not applicable to other property in the zoning district. The State maintains the right to Eminent Domain on this project, and as such the sale of the parcel to the State does not constitute an arm’s length transaction. Most other owners in this zoning district are not affected by this project and so this condition does not exist for other owners.

   b. Strict interpretation of this title would deprive the owner of rights commonly enjoyed by other properties in this zoning district because of the Birch Hill Bicycle and Pedestrian Facility project.
III. FNSBC 18.070 (D)

1. The proposed variance conforms to the intent and purpose of this title, other ordinances and Alaska Statutes.

2. The denial of the proposed variance will deprive the property owner of the use of the property in a manner similar to the use permitted to be made by the owners of property in the immediate area.

3. The proposed variance will not adversely affect the public health, safety, and welfare, traffic or parking conditions or increase the danger of fire should it be granted.
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
&
PUBLIC FACILITIES

RIGHT OF WAY REQUIRED

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

PROJECT NO. TEA-0002(247)/Z637680000
AREA 3,158 SQ. FT. PARCEL NO. 14
SCALE 1"=400' DATE 09/07/2016

INITIAL DATE 1 OF 2
APPLICATION MATERIAL
SUBMITTED ON

October 17, 2016
Stacy Wasinger

From: Pistor, Daniel S (DOT) <daniel.pistor@alaska.gov>
Sent: Monday, October 17, 2016 3:31 PM
To: Stacy Wasinger
Subject: RE: V2017-007 (344 Scenic Hills Court)

Construction began at some point prior to June 21st of this year. It appears to be complete at this time, but I have not confirmed this with Mr. and Mrs. Kulp. Glad I could help.

Dan Pistor

Daniel Pistor | Right of Way Agent II | Alaska Department of Transportation, Northern Region

From: Stacy Wasinger [mailto:SWasinger@fnsb.us]
Sent: Monday, October 17, 2016 3:15 PM
To: Pistor, Daniel S (DOT)
Subject: RE: V2017-007 (344 Scenic Hills Court)

Okay, great, thanks! So the greenhouse was completed this past summer? I appreciate all your help on this.

Thanks again,
Stacy

Stacy Wasinger
Planner III | FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 809 Pioneer Road
Fairbanks, AK 99707-1267

From: Pistor, Daniel S (DOT) [mailto:daniel.pistor@alaska.gov]
Sent: Monday, October 17, 2016 3:07 PM
To: Stacy Wasinger
Subject: RE: V2017-007 (344 Scenic Hills Court)

Hi Stacy,

I’m not sure exactly when work was begun on the greenhouse, but as of my first contact with Mr. and Mrs. Kulp regarding the bike path project the footings had already been dug and poured and the framing was under way. It has only recently been fully completed. The greenhouse would have been entirely outside of the rear yard setback if we had not needed to acquire property from them in support of the bike path project.
I’m not aware of the location of any wells or septic. I can confirm that there are no wells or septic system components within the acquisition area.

Dan Pistor

Daniel Pistor  |  Right of Way Agent II  |  Alaska Department of Transportation, Northern Region
2301 Peger Road, Fairbanks, AK 99709-5399  |  ☏: 907.451.5434  |  Fax: 907.451.5411  |  Email: daniel.pistor@alaska.gov

From: Stacy Wasinger [mailto:SWasinger@fnsb.us]
Sent: Monday, October 17, 2016 1:59 PM
To: Pistor, Daniel S (DOT)
Subject: V2017-007 (344 Scenic Hills Court)

Good afternoon Daniel,

I’m working on the staff report for this variance request and had a question regarding the development on the parcel. Do you know when the greenhouse was built? The assessor records aren’t clear about the actual construction date, so I was hoping you or the property owner might be able to answer that question. Also, do you know where the well and septic are on site? They are not within the area of acquisition, correct?

Thanks!
Stacy

Stacy Wasinger
Planner III  |  FNSB Community Planning
swasinger@fnsb.us
907-459-1262

Fairbanks North Star Borough
PO Box 71267 / 809 Pioneer Road
Fairbanks, AK 99707-1267
FMATS
TECHNICAL COMMITTEE MEETING
Wednesday, November 2, 2016
12:00 – 2:00 P.M.
City of Fairbanks, 800 Cushman Street, City Council Chambers

1. Call to Order

2. Introduction of Members and Attendees

3. Public Comment Period (3 minute limit)

4. Approval of the October 5, 2016 Agenda

5. Approval of the September 7, 2016 Minutes -Pgs. 2-8

6. Subcommittee Reports

7. Old Business
   a. Coordinator’s Office Reorganization Update
   b. Draft FMATS Freight Mobility Plan Existing Conditions Report Update
   c. Air Quality Planning Subcommittee Update
   d. Bylaws Recommendation (Action Item) -Pgs. 9-28

8. New Business
   a. FMATS Intersection and Improvement Program Discussion -Pgs. 29-54
   b. Public Participation Plan Update (Action item) -Pgs. 55-89
   c. 2017 – 2020 Transportation Improvement Program Draft (Action Item) -Pgs. 90-103
   d. Request for Funding to the Governor (Action Item) -Pgs. 104-105
   e. Green House Gas Planning and Travel Efficiency Assessment (Action Item) -Pg. 106
   f. Technical Appendix: Freight Model Documentation Discussion -Pgs. 107-121
   g. Performance Target Setting -Pgs. 122-123

9. Public Comment Period

10. Other Issues

11. Informational Items
    a. UPWP Approval Letter -Pg. 124
    b. Update on the 3rd Street Widening Project
    c. 10.19.16 PC Action Items -Pg. 125
    d. Obligations and Offsets
    e. Revitalization Award -Pg. 126

12. Technical Committee Comments

13. Adjourn

Next Scheduled Technical Committee Meeting – Wednesday, December 7, 2016, Noon, City Hall, City Council Chambers