Work Sessions  
August 15, 2017  
5:30 – 6:05 p.m.

Presentation by Arcadis/Agnew::Beck, consultants on the Eielson Air Force Base Growth Management Plan, will provide preliminary findings on their research.

6:05 – 7:00 p.m.

Presentation on FNSBC 18.18.108 Nonconforming (Grandfathered) Uses and Lots

AGENDA

August 15, 2017
Immediately following work sessions

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

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


E. QUASI-JUDICIAL HEARING (not to begin before 7:00 p.m.)

1. V2017-008: A request by Allyn L. and Ruth M. Haynes for a setback variance of 15 feet to the side-yard setback requirement of 25 feet in the Rural Residential (RR) zone on Lot 7, Block 5, Mountain View Subdivision Phase 3 (located at 505 Marshall Drive, on the south side of Marshall Drive, between Skyline Drive and Lowell Road). (Staff Contact: Manish Singh)

2. CU2017-024: A request by David Worel on behalf of Worel LLC for conditional use approval of a marijuana cultivation facility, indoor unlimited in the General Use 1 (GU-1) zone on Lots 8, 9, and 10, Block 2, Piledriver Park Subdivision (located at 2807 Landing Road on the west side of Landing Road, north of Badger Road. (Staff Contact: Stacy Wasinger)

3. CU2017-025: A request by Monique Daigle DBA AK Green Bee, Inc for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Lot 2, Block 1, Benshoof Subdivision Phase 1 (located at 2364 Badger Road, on the east side of Badger road, south of Benshoof Drive. (Staff Contact: Manish Singh)

F. EXCUSE ABSENT MEMBERS

G. COMMISSIONER’S COMMENTS

1. FMATS

2. Other

H. ADJOURNMENT
Hazards of the Trade

BY JESSE ROMAN

As with any industrial process, marijuana production comes with an assortment of hazards, some more exotic than others.

In general, the hazards break down into those associated with growing, and those associated with the THC extraction process. Growing hazards include:

**Egress**—With space at a premium, most grows are very crowded, with plants being moved often according to their grow cycles. Keeping egress paths and exit doors clear can be a problem. Also, since almost all grows are located in retrofitted buildings, “a lot of them go on and on—it’s maze-like, you’re going through doors and doors and more doors,” said Brian Lukus, a fire protection engineer who has led the Denver Fire Department’s marijuana efforts. “It meets egress requirements, but during a fire it would be easy for a firefighter to get lost.”

**Lights**—Grows have a lot of hot, dangling lights, many of which remain on 24 hours per day. If lamps are located too close to combustible materials, fires can occur. Some grows use twine to hang lights, leading to worries they could crash down on responders in a fire. Denver has started requiring that lights be hung on chains.

**Plastic dividers/combustible interior finishes**—Grows need many separate rooms to segregate plants by growing and light cycles. Some growers erect tents inside of rooms, or cordon off spaces with tarps or other flammable materials, creating fire hazards and egress issues.

**High Electrical Loads**—Hundreds of high-powered lights, air conditioning, fans, and other systems mean grow houses use a significant amount of electrical energy. If grows are not compliant with the NEC®, overloaded circuits and wiring can spark fires.

**Fumigation**—Molds, mildews, and fungus can destroy a crop and result in millions of dollars in losses. Some grows have adopted fumigation measures using sulfur dioxide, which can be toxic to employees and first responders.

**Illegal locks/barriers**—The valuable commodity inside has prompted some grow owners to tighten security by placing bars on doors and windows, using non-compliant locks, and even guard dogs, all of which can hinder egress and ingress in a fire or other emergency.
Carbon dioxide (CO2) enrichment—Many growers claim CO2-enriched environments can increase pot yields by 20 percent. While ideal growing CO2 levels remain well below what can asphyxiate a person, failures and leaks have occurred. In most jurisdictions, rooms are required to be monitored and alarmed with automatic shut-off valves in case of a leak.

The extraction process uses a solvent like butane or propane to collect and concentrate THC, the primary psychoactive ingredient in marijuana. Extraction hazards include:

Butane/Propane—The most popular extraction process involves use of these flammable and potentially explosive substances as the solvent to separate THC from the plant. Although extractors must have a closed-loop system design, off-gassing does occur when the collection cylinder is opened and hash oil is scooped out.

CO2 extraction—This type of THC extraction doesn’t require flammable substances, but the machines operate at pressures as high as 10,000 pounds per square inch. If not installed or designed correctly, extractors can explode, causing destruction and death.

Regulation/oversight—In the absence of a stand-alone code, some enforcers and regulators are unclear on, or differ in their opinions on, the code requirements for extraction facilities. Some jurisdictions have yet to adopt any local codes regarding these facilities.

Extraction Equipment—There are no listed or performance-based standards for extraction equipment. Engineers can disagree on safety requirements and will sometimes use different codes as a basis for equipment review. Insufficient training—Extraction operators are not required to be trained, nor are there any accredited certification programs for marijuana extraction operation. Consistency is lacking.

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Mission: Marijuana

An NFPA task group designs a pot-focused chapter for NFPA 1, Fire Code

BY KRISTIN BIGDA

THE TOPIC OF FIRE SAFETY at marijuana processing and extraction facilities was introduced to the full NFPA 1 Technical Committee during its First Draft meeting in October 2015. As a result of the committee’s interest, a task group was formed to develop the language further and propose a new chapter for NFPA 1, Fire Code, to the committee at the Second Draft meeting.

The task group consists of members of the NFPA 1 Technical Committee, code officials, and experts and leaders from the marijuana industry. The group has met numerous times over the past 10 months to develop the new chapter, addressing issues including extraction materials, process hazards, fire protection systems, and how existing code requirements for other facilities and processes may apply to marijuana processing and extraction facilities.

The task group will report to the full committee at the upcoming Second Draft meeting in Milwaukee, Wisconsin, on October 3–4. If accepted as a Second Revision, the new chapter will be included in the 2018 edition of NFPA 1.

The members of the NFPA 1 Task Group on Marijuana Processing and Extraction Facilities come from several different areas. Members coming from the NFPA 1 Technical Committee include John Sharry (chair), Lawrence Livermore National Lab, California; Scott Laramee, Aon Corporation, California; Cathy Stashak, Office of the Illinois State Fire Marshal; and Reinhard Hanselka, aidi, Inc., Florida.

Members from the marijuana industry include Ryan Cook, The Clinic Marijuana Center, Colorado. Chris Witherell, Pressure Safety Inspectors LLC, in Colorado, represents the design/certification of equipment and labs.

Code officials and authorities having jurisdiction include Brian Lukus, Fire Prevention Division, City of Denver; Shawn Shepherd, deputy fire marshal, Kitsap County, Washington; Scott Prose, West Metro Fire Department, Colorado; Amy Ray, fire marshal, Truckee Meadows District, Nevada; and Jay Nelson, deputy fire chief of Breckenridge, Colorado.

NFPA staff on the task group include Steve Sawyer, Kristin Bigda, Ray Bizal, and Gary Honold.
KIRSTIN BIGDA is principal engineer for Building Fire Protection at NFPA.

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MINUTES

July 18, 2017
A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:34 p.m. by Wendy Presler, Chairperson.

MEMBERS PRESENT: Mark Billingsley, Chris Guinn, Eric Muehling, Mindy O’Neall, Robert Peterson, Wendy Presler, Mike Stepovich, John Perreault, Charles Whitaker, David Brandt

MEMBERS ABSENT: Patricia Thayer

OTHERS PRESENT: Christine Nelson, Director of Community Planning, Kellen Spillman, Deputy Director of Community Planning, Stacy Wasinger, Planner, Don Galligan, Transportation Planner, Wendy Doxey, Assistant Borough Attorney, Nicole Nordstrand, Administrative Assistant

1. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments

Ms. Presler communicated that the next meeting is August 15, 2017 at 5:30 p.m., and will include a work session. She also advised that Ms. Thayer’s absence on June 20, 2017, was excused.

2. Commissioner’s Comments

There were no comments by Commissioners.

3. Communications to the Planning Commission

Ms. Nelson requested postponement of her communications until Commissioner’s Comments at the end of the meeting. Ms. Presler granted the request.

4. Citizen’s Comments – limited to three (3) minutes

There were no comments by citizens.
5. Disclosure & Statement of Conflict of Interest

Mr. Guinn indicated the public hearing item on the McGrath Road Upgrade may involve partial acquisition of real property that he intends to bid on, so conceded he may have a conflict. Ms. Presler agreed, and it was concluded Mr. Guinn would excuse himself from that matter.

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 adopt approval of the Agenda and Consent Agenda by Mr. Peterson and seconded by Mr. Guinn.

CARRIED WITHOUT OBJECTION

D. MINUTES

1. *Minutes from the June 20, 2017 Meeting.

E. PUBLIC HEARING

1. HP2017-005: McGrath Road Upgrade – A request by the Department of Transportation and Public Facilities for local planning authority approval of the McGrath Road Upgrade project. This project proposes to upgrade approximately 2.9 miles of McGrath Road from Farmer’s Loop Road to the Old Steese Highway with new surface and safety improvements like widened shoulders and guard rail improvements. The project is anticipated to require right-of-way acquisition.

OATH GIVEN

Ms. Lauren Little introduced herself as the engineering manager with the State of Alaska, Department of Transportation. She deferred to Mr. Galligan for presentation of the project.

Mr. Galligan presented his report and presentation on HP2017-005.

Questions by the Commissioners

Mr. Billingsley questioned that the plan is to reduce the road grade by 11%. Mr. Galligan responded that by closing the North access to Old Steese where the road forks, it is an 11% grade to get from McGrath Road to Old Steese, and the grade of the other one is 7% and while there are houses on the 7% grade, there are no houses on the 11%. Mr. Billingsley asked if there is consideration for keeping the speed down on all of McGrath Road by improving it, to which Mr. Galligan deferred to DOT.

Mr. Perrault asked if a traffic analysis had been completed to see if the majority usage is south on Old Steese or connecting to Hagelburger or North on Old Steese and wondered if that has a
bearing on continuation of the northern leg. Mr. Galligan stated to his knowledge an origin destination study has not been performed for this project.

Mr. Peterson asked how many properties will become non-conforming due to the right-of-way acquisition. Mr. Galligan stated that his analysis determined nine properties would involve right-of-way acquisition, and of those, four are already non-conforming. Mr. Peterson inquired how much they would become non-conforming and Mr. Galligan replied that the largest right-of-way acquisition would be approximately 305 square feet, to which Mr. Peterson inquired if there was a way to handle these non-conformities now, rather than after the fact.

Ms. Doxey interjected that there is a special code provision for variances caused by highway projects, and it is typically part of the project.

Ms. Presler asked if they are already non-conforming, are they still able to get the variance because it is further affected by the highway project.

Mr. Spillman communicated that DOT has the ability to go through the variance process for the property owner, and even though the lots are non-conforming, since the right-of-way acquisition is making them further non-conforming, DOT would have to approach the Planning Commission for the necessary variances.

Mr. Perrault asked if the primary purpose of closing the northern leg was the increased grade to the southern leg. Mr. Galligan confirmed, and added that it also does come into McGrath Road at a substandard sharp curve. Mr. Perrault further inquired if there is an associated cost with keeping that leg open and upgrading versus closing it off. Mr. Galligan explained that those details have not been finalized.

Applicant’s (DOT&PF) Testimony

Ms. Lauren Little responded to concerns expressed on speed and closing the northern portion. She explained DOT&PF’s review process for all new projects and their conformance to latest design standards, access configuration, traffic volumes, and public comments. She further explained that the amount of traffic affected by the northern closure did not warrant an origin destination study analysis. She further communicated that the road is very expensive to maintain and explained issues presented with ground settling, and indicated that speed control is addressed by using narrower lanes, a commonly accepted traffic calming measure, with a minimum amount of widening.

Questions by the Commissioners

Mr. Billingsley asked if the sidewalk ends and then there is a 3 foot shoulder. Ms. Little answered there is a separated path today that will be moved in closer towards the road to make a uniform separation with a five foot buffer that goes up to Willow Grouse Road and then there is a 24 foot uniform paved road on the northern half. Mr. Billingsley inquired if the abandoned section is going to be barricaded off or will people be able to drive through that area. Ms. Little commented that the final design is not complete and they intend to go out for public comment before final determination, but the idea is to make it not look like the main “McGrath” road.

Mr. Perrault expressed what he perceives as the difficulty created in closing the northern portion and explained that the primary east access to McGrath Road for commuters is from New Steese via Hagelburger which poses complications and increases the length of the commute,
and asked if alternative improvements could be done to avoid closure of the northern portion. Ms. Little explained that there is no way to improve that section without significant right-of-way acquisition.

**Mr. Whitaker** inquired if the repairs to damage caused by ATVs are between the surface and the bike path. Ms. Little answered his understanding is correct, and explained that with a five foot separation and a slope, it won’t be a comfortable ride thus reducing maintenance.

**Ms. Presler** asked if closure of the northern leg will result in any property getting landlocked. Ms. Little responded that it would not, and explained how it would look and how future development could still provide driveway access on the closed area. **Ms. Presler** asked for clarification on the McGrath realignment and wondered if she could speak to how any of this project would affect snow removal; its ease or will it affect snow removal in any way. Ms. Little replied that reestablishing uniformed ditches will help with snow removal from the roadway. **Ms. Presler** further inquired if DOT intends to apply for the variances for the 4 properties that are non-conforming and Ms. Little indicated that it is standard practice in matters involving right-of-way acquisition.

*(The meeting recessed at 7:15 p.m., and reconvened at 7:26 p.m.)*

**Public Testimony Opened**

**Ms. Annabelle Freese** spoke in support of the project as to resurfacing and widening improvements, but expressed concerns with drivers not following the posted speed limits, tailgating, passing unsafely, as well as concerns with moving the bike path closer to the road; forcing them onto private property.

**Mr. Wally Smith** spoke in general support of the project including the lower leg design proposed, but echoed the same concerns as Ms. Freese and added that by improving the design it may even cause people to drive faster, so suggested flashing speed signs/lights to mitigate the speed issue on McGrath Road.

**Ms. Andrea Greenberg** spoke in support of the overall improvements, but expressed her concern with the closure of the road due to it being her back driveway for access to her septic system, and the upper part of McGrath Road being a terribly winding road. **Mr. Billingsley** questioned that the upper portion of the Y is more desirable, so if the lower part of Y were improved would that satisfy her concern. Ms. Greenberg indicated that it would not because most of the traffic comes down Old Steese and explained the typical traffic pattern and her concerns, and opined that a traffic study would show where the majority of traffic in this area is using the northern access off of Old Steese.

**Ms. Mary McFarland** spoke in support of the project, but too expressed the same concerns with speed being a contributing hazard to the road, in addition to inexperienced drivers on the curvy and roller coaster riding road and planned bike paths, especially in the winter and while straightening of the curves is beneficial, without adjusting speed limit, the hazards still exist.

**Mr. Laurence Mantei** spoke in support of the project and the road closure, but also expressed concern with speed, sharp/blind corners, bike traffic using road surface not bike path, lack of familiarity with the road, and asked for consideration of extending the bike path further up McGrath Road. **Mr. Billingsley** asked if he believes more cars currently take the Hagelburger or the McGrath to Old Steese. Mr. Mantei responded that more people take the more
dangerous route that is proposed to be closed, and he sees five to six accidents per year and described the travel pattern that creates the accidents. Mr. Whitaker inquired if he spoke to DOT about moving bike path further north. Mr. Mantei indicated he may have commented early on.

Mr. Eric Hill spoke of his concerns with speed, sharp corners, embankment, and spoke of the myriad of accidents over the years, asking for consideration in designing the road more appropriately. Mr. Peterson inquired if his property currently meets the setback requirements. Mr. Hill indicated nothing was disclosed when he purchased the house, to which Mr. Peterson asked the distance from his house to the edge of the road, and Mr. Hill responded it is at least 30 to 35 feet.

Peter Van Flein spoke of his support of the improvements, but expressed concerns on speed definitely being a factor, and stated he is on the road commission for the McGrath Estates Subdivision and expressed his concerns during the construction phase of the project.

Pauline Bennett-Gannon commended DOT for listening to residence when the project was being designed, but spoke of her concern with noise if the road gets pushed closer to her property and the increased speed resulting from removal of the curves.

Public Testimony Closed

Applicant Rebuttal

Ms. Little addressed the concerns she heard from the public testimony and spoke about speed factors, utilizing most effective methods for controlling speed, guardrail utilization, neighborhood accessibility, off-road vehicles, and road widening constraints.

Questions by the Commissioners

Ms. Presler asked if the traffic control plan during construction is handled by DOT or someone else. Ms. Little replied the contractor would set forth particulars of hours of operation and would seek public input, but ultimately would be up to the contractor to work out the details.

Mr. Whitaker inquired if the detour goes through McGrath Service Area, does DOT have it in their budget to keep dust down and resurface after it gets used. Ms. Little stated she does not have a specific answer for this project, but explained considerations that are given within the limits.

Ms. Doxey interjected to clarify that a motion on this type of project allows the Commission straight approval without conditions, or if the Commission wants to add conditions, then it has to go to the Assembly with a recommendation for approval with conditions.

MOTION: To approve HP2017-005 as being consistent with the Comprehensive Plan, adopting the staff report, and (4) Findings of Fact in support by Mr. Billingsley and seconded by Mr. Whitaker.

Mr. Spillman clarified that in past practices on projects with any right-of-way acquisition; the process has been to pass a resolution from the Fairbanks North Star Borough Assembly as the official approval, and that is what Staff is recommending be done herein.
Ms. Doxey explained that the MOA between the Borough and the State sets forth the processes for these highway projects and read the pertinent part of the MOA clarifying options available to the Commission.

Ms. Presler summarized that if approved without conditions, there is no appeal period and it would be approved, but if conditions are made or no decision made, then it goes to the Assembly.

Mr. Perreault sought clarification that if the Commission took no formal action it would go to the Assembly for approval.

Ms. Doxey confirmed Mr. Perreault’s understanding.

Discussion on the Motion

Mr. Perreault asked Mr. Spillman why historically these types of projects have been sent to the Assembly and not approved directly.

Mr. Spillman responded that it is not specifically in code, but the practice has been to have the Assembly take final action on projects that involve right-of-way acquisition.

Mr. Perreault further asked if the Commission has in the past, taken no formal action or added conditions in cases where there was no general objection.

Mr. Spillman replied that to the best of his knowledge, the Commission has taken action on every project.

Ms. Doxey spoke that if the Commission desires to move this forward to the Assembly, it could attach a condition that it be heard at public hearing for the Assembly.

Mr. Peterson stated that he is fine with the Motion, and believes that DOT has done a good job on these road upgrade projects in the Borough and it is mainly to improve safety and what they are proposing certainly improves road safety.

Mr. Muehling conveyed his support of the project and all the design improvements will improve the quality of McGrath Road.

Ms. Presler stated that the proposed upgrades are going to improve McGrath Road and the overwhelming concern heard is speed and while there could be more discussion on the flashing speed signs, Ms. Little addressed the overuse of those signs and the corresponding effectiveness.

Mr. Billingsley stated his belief that the Commission should trust DOT to address the public’s concerns including the concerns during construction.

Ms. Presler drew the Commissions attention to addendums in their packet concerning this project.
ROLL CALL

Ten (10) in Favor: Mr. Stepovich, Mr. Perreault, Mr. Brandt, Mr. Muehling, Mr. Whitaker, Mr. Peterson, Ms. O’Neall, Mr. Billingsley, and Ms. Presler

Zero (0) Opposed:

MOTION PASSED

2. **RZ2017-006**: A request by Mark Nielsen to rezone Tax Lot 2801, T1N R2W, Section 28 from General Use 1 (GU-1) to Rural Estates 2 (RE-2) or other appropriate zone (located on the west side of McFadden Lane and south of Ester Dome Road).

Ms. Wasinger presented her staff report and presentation on RZ2017-006.

**Questions from Commissioners**

_There were no questions by Commissioners._

**Applicant’s Presentation**

Mr. Mark Nielson advised that the eastern most ten (10) acres was once a hayfield, with only minor mining development on the southernmost edge and northwest corner, BLM firebreaks have been dozed through the black spruce areas creating pockets of birch forest enhancing the land BLM, and there are ski trails which are maintained by the owner of Goldstream Sports.

**Questions from Commissioners**

Mr. Whitaker questioned if the ski trails have been platted into the subdivision to which Mr. Nielson responded that they had not, and that new property owners are afforded the verbal opportunity to weigh in on the public use of trails and if opposed, an attempt is made to accommodate them if possible.

Mr. O’Neall queried if the intent is to provide single-family residences and Mr. Nielson indicated that is his desire.

Ms. Presler sought confirmation of the intent is to sell lots and build roads and Mr. Nielson responded affirmatively.

Mr. Muehling asked if any of the property is classified as wetlands and if so, if the Army Corp of Engineers would be involved in permitting. Mr. Nielson replied that the north(east) corner is designated wetlands and stated his understanding is that he would not be able to get a permit to do anything in that wetlands area.

**Public Testimony Opened**

_There was no one present for public testimony._

**Public Testimony Closed**
Rebuttal by Applicant

There was no rebuttal.

MOTION: To recommend approval of rezone of Tax Lot 2801, T1N R2W, Section 28 from General Use 1 (GU-1) to Rural Estates 2 (RE-2) or other appropriate zone, and adopt the staff report and six (6) Findings of Fact in support of the approval by Ms. O’Neall and seconded by Ms. Presler.

Discussion on the Motion

Ms. O’Neall noted her support of the rezone stating that the proposed plans are consistent with the feel of the current neighborhood atmosphere and fits within the definition of Rural Estates 2, and traffic impacts have been analyzed.

Ms. Presler indicated her support, and pointed out that Rural Estates 2 is more restrictive then General Use 1 (larger lot sizes and setback requirements), and opined that it is not a spot zoning, is consistent with the Borough’s Comprehensive Plan, and its trip generation is not expected to increase under the rezone.

ROLL CALL

Ten (10) in Favor: Mr. Whitaker, Mr. Peterson, Ms. O’Neall, Mr. Billingsley, Mr. Stepovich, Mr. Perreault, Mr. Brandt, Mr. Muehling, Mr. Guinn, and Ms. Presler

Zero (0) Opposed:

MOTION PASSED

F. LEGISLATIVE HEARING

1. ORDINANCE NO. 2017-46: An Ordinance Amending Chapter 4.32 FNSBC Regarding The Responsibilities of The Chena Riverfront Commission And FNSBC 18.104.010 Regarding Procedures For Rezonings, Conditional Uses, And Variances To Implement Chena Riverfront Commission Review For Properties Along The Chena River (Sponsors: Mayor Kassel and Assemblymember Davies).

Mr. Spillman presented his staff report and presentation on Ordinance No. 2017-46, including a line-by-line explanation of the proposed ordinance changes.

Questions from Commissioners

Mr. Peterson stated that all projects are already public noticed which allows them (Chena Riverfront Commissioners (CRFC)) to see the projects through that process and attend public hearings and comment. Mr. Spillman responded that they do as a member of the public, but not in their official capacity as the joint CRFC of the Borough and the City of Fairbanks.

Mr. Billingsley inquired of the magnitude of impact it creates by broadening the scope to 150 feet of the high water mark, and questioned whether the CRFC’s failure to respond within the 24-day response timeframe would cause delays in making decisions. Mr. Spillman replied that
in some areas of the Chena River the amount of properties impacted will be similar and in other areas smaller, but it was the best representation and most consistent with CRFC Rule 16. Mr. Spillman further answered that if the CRFC goes beyond its 24-days, the project will continue as usual.

Mr. Guinn questioned if there are rules and procedures for the CRFC to cooperate with the Historic Commission for those properties now included by moving the line back, and stated that maybe there is not any affected.

Ms. Presler asked what types of projects would be included versus ones they would have not been involved in before. Mr. Spillman directed them to line 63 of the ordinance, specifically line 68-70 and Section E. Ms. Presler then inquired about private property owner’s projects such as one wanting to build a gazebo. Mr. Spillman responded that those types of projects would not necessarily go unless they involved a conditional use, variance, etc., but private property owners could approach the CRFC for support or a recommendation; for instance recommendations of best practices or a letter of support if they were seeking bank restoration.

Mr. Stepovich commented that his recollection is that the CRFC has appeared before the Commission in the past and provided recommendations, and expressed concern that it would delay the process. Mr. Spillman replied that the CRFC has been doing exactly what the ordinance will give them the authority to do whereas in the past they did so without actual authority, and since the Community Planning Department already allows for other agency input, the CRFC will just be added as another “entity” to reach out to for their input.

Mr. Perrault clarified that the 24-day period is already built into to the process for Community Planning to reach out to other organizations and this just adds another group to that list, but doesn’t lengthen the process. Mr. Spillman confirmed his understanding.

Mr. Peterson sought clarification that on people’s private property regarding variances and conditional uses, CRFC automatically becomes a party-in-interest. Mr. Spillman responded that that is not correct; the CRFC can provide feedback to Community Planning, but they cannot approach the Planning Commission with a request because they do not meet the definition of “interested person”.

Co-Sponsor’s Presentation

Assemblymember John Davies introduced himself stated he is a co-sponsor of the ordinance mainly related to Section E, at line 62, and that he was on the Assembly in 1989 to 1992, and during that time he sponsored the ordinance that created the CRFC. He further explained the background related to the development of the existing ordinance and responsibilities of the CRFC involving the Chena Riverfront Plan which was adopted by the Borough and the City of Fairbanks and in its discretion the recommendations they would make with respect to any particular project having to be consistent with the already approved Plan and its considerable constraints within the Plan.

Assemblymember Davies further noted that the CRFC is an advisory body; they do not write any rules or regulations, only provide recommendation. He explained that when originally drafted, it was always the intent that the CRFC would play an integral part in implementing the Plan, unfortunately it left out the procedures in the original ordinance, and this amended ordinance fixes that oversight. He communicated that it is the purpose of this code to have a group of people to look at various development projects as they come along and help the
community see how those projects fit into enhancing the riverfront, slightly modifying it, or seeking grant funding to help, but the main focus of this thing is to have a group of people to think about how the development is progressing along the Chena River and the public economic value (bike paths, flowers) and private value.

**Assemblymember Davies** advised the Commission that the Chena River is the second largest habitat along the Yukon River that provides the second most production of King Salmon in the entire Yukon.

**Questions from Commissioners**

Mr. **Muehling** questioned the 24-day period as being a request now, but with the ordinance will be a requirement for them to comply. Mr. Spillman responded that the 24-days is specific to applications that come before them, not some of the factors that Mr. Davies elaborated on with actual implementation of the plan, but for property owners approaching the commission, that 24-days is not binding in those instances.

Mr. **Davies** also responded that if someone was developing a piece of property and were applying to the Fish and Game for funds for habitat enhancement and approached the commission, and the commission wanted to write a letter in support of that project and it was consistent with the plan, the 24-days would not apply.

**Public Testimony Opened**

*There was no one present for public testimony.*

**Public Testimony Closed**

**MOTION:** To recommend approval of Ordinance 2017-46 to the Fairbanks North Star Borough Assembly by **Ms. Presler** and seconded by **Mr. Billingsley**.

**Discussion on the Motion**

Ms. **Presler** stated her support and mentioned how the Commission has heard from the CRFC in the past and is a valuable resource in helping make tough decisions, and helpful to both the Commission and the public concerning matters potentially affecting the river (view, habitat), and believes this is simply filling in a gap that was intended to be there previously, but now would be a formal way to request their assistance.

Mr. **Guinn** echoed Ms. Presler’s comments and concurred with them and supports formalizing it into code.

Mr. **Billingsley** commented that it is great to have this group of volunteers who is committed to protecting the river, providing their expertise, and helping guide the Commission.

Ms. **Muehling** stated the method of measuring the area impacted makes a lot more sense of where the river is wide and is more inclusive of more riverbank to call it the distance from the high watermark versus from the distance from the center line of the river.

**ROLL CALL**
Ten (10) in Favor: Mr. Stepovich, Mr. Perreault, Mr. Brandt, Mr. Muehling, Mr. Guinn, Mr. Whitaker, Mr. Peterson, Ms. O’Neall, Mr. Billingsley, and Ms. Presler

Zero (0) Opposed:

G. NEW BUSINESS

1. Approval of quasi-Judicial Application Forms for Pre-Hearing Determinations.

Ms. Presler and Ms. Nelson introduce the forms. Ms. Nelson further explains the necessity for the Commission to approve the forms.

MOTION: To approval the new forms by Mr. Peterson and seconded by Mr. Perreault.

CARRIED WITHOUT OBJECTION

H. EXCUSE ABSENT MEMBERS

Ms. Presler communicated that Ms. Thayer’s absence is excused.

I. COMMISSIONER’S COMMENTS

Ms. Nelson resumed her communications to the Planning Commission by providing an update on the three (3) pending appeals (Focus School, Chena Pump Transfer Site, and Folk School).

Ms. Nelson communicated on the working group members of the Downtown Plan and provided updates on the groups’ formation.

Ms. Nelson advised the Commission of the potential transition of FMATS due to key personnel retirement and job responsibility sharing between FMATS, the Borough, and the City.

J. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:25 p.m.
TO: Fairbanks North Star Borough Planning Commission
FROM: Manish Singh, Planner II
DATE: August 4, 2017
RE: V2017-008: A request by Allyn L and Ruth M Haynes for a setback variance of 15 feet to the side-yard setback requirement of 25 feet in the Rural Residential (RR) zone on Lot 7, Block 5, Mountain View Subdivision Phase 3 (located at 505 Marshall Drive, on the south side of Marshall Drive, between Skyline Drive and Lowell Road).

I. EXECUTIVE SUMMARY
The Department of Community Planning recommends DENIAL of the variance request with six (6) Findings of Fact in support of denial. The staff analysis finds that the property has approximately 103’ X 150’ of buildable area which does not deprive the property owner from reasonable use of the property and the property owners could build the garage in a different location or of a smaller size that would be more consistent with the size of detached accessory structures on nearby properties requiring no variance to the side-yard setback.

II. GENERAL INFORMATION
A. Purpose
To allow a setback variance of 15 feet to the east side-yard setback requirement of 25 feet in the Rural Residential (RR) zone

B. Location
505 Marshall Drive, on the south side of Marshall Drive, between Skyline Drive and Lowell Road

C. Access
Marshall Drive

D. Size/PAN

<table>
<thead>
<tr>
<th>Area</th>
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<tbody>
<tr>
<td>31,927 sq.ft</td>
<td>0239771 (Lot 7)</td>
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</tbody>
</table>

E. Existing Zone
Rural Residential (RR)

F. Existing Land Use
Single-Family Residence

G. Surrounding Land Use/Zoning
North: Marshall Drive
Zoning: RR
Land Use: Residential

South: Zoning: RR
Land Use: Residential
East: Zoning: RR  
   Land Use: Residential

West: Zoning: RR  
   Land Use: Residential

H. Community Facilities
   Water: Private Well  
   Sewer: Septic System  
   Electricity: GVEA

I. Code Violations
   None on file

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

K. Zoning History
   Zoning changed from UU to RR through Ord.
   No. 71-27, adopted September 23, 1971

L. Ownership
   Allyn L and Ruth M Haynes  
   PO Box 71997  
   Fairbanks, AK 99707

M. Applicant
   Allyn Haynes  
   PO Box 71997  
   Fairbanks, AK 99707

III. PROPERTY DEVELOPMENT HISTORY

The subject property was rezoned from Unrestricted Use (UU) to Rural Residential (RR) with the adoption of Ordinance No. 71-27 on September 23, 1971 instituting a minimum side-yard setback requirement of 25 feet and a minimum lot size requirement of 30,000 sq.ft.

Lot 7, Block 5 was created with the recording of plat #72-8 for the Mountain View Subdivision, Third Phase on April 12, 1972 (Exhibit 1). The lot met the minimum required lot size of 30,000 square feet for the RR zone at that time.

The adoption of Ordinance No. 72-7 on May 18, 1972 increased the minimum lot size requirement in the RR zone from 30,000 square feet to 40,000 square feet.

The FNSB Department of Community Planning issued a zoning permit (ZP-9932) for constructing a single-family residence on this property on April 24, 1981. The FNSB Assessor’s Database reflects that the existing residence was constructed in 1982.

IV. PROPOSED USE AND PROJECT INFO

The applicant has requested a setback variance to the side-yard setback requirement for constructing a 30’ X 30’ detached garage in RR zone (Figure 1). The application requests a 10-foot east side-yard setback (i.e. 15-foot variance) in RR zone but also states that the applicant could make a 15-foot east side-yard setback (i.e. 10-foot variance) work.

Community Planning Department evaluates this request for the primary request for 10-foot
east side-yard setback (i.e. 15-foot variance) but same facts and recommendation would apply to a 15-foot east side-yard setback (i.e. 10-foot variance).

The applicant has stated that the “placement of existing structures, well, septic system, power poles and guide wires and the shape, size and slope of the property are all impediments to the proposed structure.”

The existing single-family residence has an attached two-car garage toward north side (Figure 2). The property has temporary tents and a shed apparently encroaching into the 25-foot east side-yard setback (Figure 3). The applicant has stated that the tents and the shed will be removed for constructing this 30’ X 30’ detached garage.

**Figure 1: Site Plan**
The proposed detached garage is shown in red
Figure 2: Existing Single Family Residence

Figure 3: Existing Tents and Shed on the East Side
The subject property is currently zoned RR. This property is surrounded by RR zone on all sides (Figure 4). The parcels to the east, west and south are developed residentially and the parcel to the north across Marshall Drive is also developed residentially.

Figure 4: Zoning in the Shrouding Area

V. APPLICABLE APPROVAL CRITERIA

Variances are governed by FNSBC18.104.060(C) and Alaska Statute 29.40.040 (b) (see Exhibit 2 for details).

VI. PUBLIC NOTICE

The Community Planning Department mailed 289 dear property owner notices and received five inquiries about this case.

VII. AGENCY COMMENTS

The FNSB Department of Community Planning contacted following agencies for comments:

a. State Fire Marshal
b. Steese Fire Department
c. Alaska State Troopers
d. Alaska Department of Transportation and Public Facilities (ADOT&PF)
e. FNSB E-911 Addressing
f. Alaska Department of Environmental Conservation (ADEC)
g. Alaska Department of Natural Resources (ADNR)
h. Golden Valley Electric Association (GVEA)
i. FNSB Rural Services
j. Mountain View Road Service Area

All written comments are included in the “Agency Comments” section following this report.

VIII. STAFF ANALYSIS

A. FNSBC 18.104.060 (B) Title 18 Variance Application Standards

1. Special conditions exist which are peculiar to the land involved and which are not applicable to other land in the same zoning district.

Situations where variances may be granted include, but are not limited to: exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of the ordinance codified in this title; exceptional topographic conditions; other extraordinary or exceptional situations or conditions of a specific piece of property; or because of existing situations or conditions that are generally prevalent in the immediate area that create a character similar to what would occur as a result of an approval of the request for a variance; or where the strict application of this title would result in a peculiar, exceptional and undue hardship, upon the owner of such property [FNSBC 18.104.060(A)(1)].

The applicant has stated that the "placement of existing structures, well, septic system, power poles and guide wires and the shape, size and slope of the property are all impediments to the proposed structure."

The shape and size of a property could potentially be special conditions for a property because they are peculiar to a land. The size of the subject property is 31,927 sq.ft. This lot size is less than the minimum 40,000 sq.ft. lot size required in RR zone. The RR zone requires 25-foot setbacks from all property lines. Community Planning notes that the 25-foot setbacks on a 31,927 sq.ft. lot still allow approximately 50% of the property area to be developable. Even with the 25-foot setbacks, the property has approximately 103’ X 150’ of buildable area (shown in white in Figure 5) which does not deprive the property owner from reasonable use of the property. Additionally, the subject property is almost rectangular in shape which is not an irregular shape and does not prohibit the reasonable use property. Therefore, Community Planning believes that the size and shape of the property, in this variance request, are not special conditions because they do not create a “peculiar, exceptional and undue hardship” on the property owner.

The property has approximately 10% slope across the property calculated based on the lot depth and change in ground elevation. Community Planning believes that the 10% slope is not a special condition requiring a variance because this 10% slope does not preclude building in the approximately 103’ X 150’ of buildable area.

The subject property has 15-foot public utility easements along the east and south property lines (Exhibit 1). However, these public utility easements are not a special condition in this variance request because they are within the 25-foot setback requirements along the east and south property lines of the subject property. Community
Planning does not believe that existing structures, well, septic system, power poles and guide wires constitute any special conditions because they are not peculiar to the land involved.

Figure 5: Available Buildable Area and Alternate Locations

2. **Strict interpretation of the provision of the zoning title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning title.**

The applicant has stated that “some of the lots in the subdivision have similar constraints, but a significant number appear to have built what they wanted where they wanted, with or without benefit of a variance. Some due to structure and utility placement don’t appear to have the same problems. Without a setback variance, I will be forced to abandon this project or build a smaller structure that will not accomplish my goals for size and blending in on our property. I.E. esthetically appealing and not highly visible from the street and to the neighbors.”
The plat for the subdivision shows that most properties in the subdivision have less area than the minimum required lot size of 40,000 sq.ft in RR zone (Exhibit 1). All of these undersized lots in the subdivision have a similar 25-foot setback requirement. Without as-built surveys, Community Planning cannot identify whether all the structures on these undersized lots meet the 25-foot setback requirement from all property lines.

Community Planning notes that the 25-foot setbacks on a 31,927 sq.ft. lot still allow approximately 50% of the property area to be developable. Even with these 25-foot setbacks, the property has approximately 103’ X 150’ of buildable area (shown in white in Figure 5) which does not deprive the property owner from reasonable use of the property and is comparable to the available buildable areas on other undersized lots in the subdivision.

Community Planning surveyed the sizes of detached accessory structures using 2016 FNSB Assessor’s Database on nearby properties. Figure 6 shows these nearby properties in the area bounded by Farmers Loop Road in west, Keep Drive in south, Lowell Road in east and Panorama Drive in north.

Figure 6: Nearby Properties Surveyed for Detached Accessory Structures

The neighborhood doesn’t appear to be having a clear pattern on the size of detached accessory structures; however, a 30’ X 30’ detached garage with 900 square feet area appears larger than the areas of most detached accessory structures on the nearby properties (see Exhibit 3). Only Lot 28, Block 5, Mountain View Subdivision, Phase 4 has a larger area of a total of 912 sq.ft. for detached accessory structures. However, this 912 sq.ft. is composed of a 720 sq.ft. detached garage and a 192 sq.ft. detached shed.
The applicant’s submittals evaluate an alternate location (Location B in Figure 5) for constructing the detached garage. The applicant has stated that “the only other possible location without a variance would be in the middle of the yard which would destroy the view and detract from the value of the property.” However, the applicant’s submittals do not evaluate a smaller size or a different footprint for the proposed detached garage. Community Planning believes the property has more than one alternate locations (Locations A & B in Figure 5 and potentially others) where this detached garage could be constructed without requiring a variance from the 25-foot setback requirements in RR zone.

Community Planning acknowledges that the construction of a 30’ X 30’ detached garage on the south side of the house may restrict the view on the south side, which other nearby properties on the south side of Marshall Drive currently enjoy. However, these other nearby properties on the south side of Marshall Drive currently do not have detached accessory structures of a comparable size. While construction of a new 30’ X 30’ detached accessory structure in RR zone following the setback regulations may restrict some view from the house, it would be a conscious choice of the property owners which other property owners did not pursue. Therefore, it would not constitute deprivation of a property right commonly enjoyed by other nearby properties.

Community Planning researched other variances on nearby properties (Figure 6 shows these nearby properties). There was only one other variance case (V1992-016) on these nearby properties. On December 18, 1991, FNSB Planning Commission unanimously approved a setback variance of 10 feet to the front-yard setback requirement of 25 feet for an existing single-family residence in the RR zone on Lot 13, Block 4, Mountain View Subdivision Phase 3, located at 425 Panorama Drive due to an apparent error by the builder as to where the front property line was located.

Community Planning concludes that strict interpretation of the provision of the zoning title would not deprive the applicant the use of her property in a manner as permitted to the owners of properties in the immediate area because with these 25-foot setbacks, the property has approximately 103’ X 150’ of buildable area. The 10% slope does not necessitate the need for this variance and the nearby properties do not have a 30’ X 30’ detached accessory structure. The property owners could build the garage in a different location or of a smaller size that would be more consistent with the size of detached accessory structures on nearby properties requiring no variance to the side-yard setback.

B. FNSBC 18.104.060 (B) Title 18 Variance Application Standards

1. Whether or not the proposed variance conforms to the intent and purpose of this title and of other ordinances and state 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 Comprehensive Plan Land Use Map characterizes this area as ‘Perimeter Area’ and ‘Preferred Residential Land’. The subject property is located in a neighborhood that has primarily developed residentially. The development of property with a 30’ X 30’ detached garage, which is an accessory use to the primary residential use of the property, is consistent with the Comprehensive Plan Land Use Map and therefore, conforms to the purpose of Title 18.
**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).”

The proposed variance request does not affect the property rights of the property owners because the property has more than one alternate locations (Locations A & B in Figure 5 and potentially others) where this detached garage could be constructed without requiring a variance. This variance request does not protect the property rights of the immediate neighbors to the east because it proposes a structure into the setbacks where this construction would not be allowed.

The proposed garage does not negatively impact safety from fire because the nearest structure on the neighboring property to the east is at least 30 feet away. The proposed garage does not negatively impact the efficient distribution of water, sewage, schools, parks and other public requirements because this request is for a setback variance. This proposed garage does not negatively impact safe traffic flow on Marshall Drive because the variance request is not for a front-yard setback requirement. The proposed garage does not negatively impact economic development and the growth of private enterprise because this request is for a setback variance.

The RR zoning district “is intended for low density residential development and other compatible uses in areas where community sewer and water systems may or may not be available (FNSBC 18.40.010).” This setback variance request will not increase density but would allow development inconsistent with the character of the neighborhood because the size of the proposed garage appears to be inconsistent with the sizes of detached accessory structures on nearby properties (see Exhibit 3).

**Alaska State Statute and Other Ordinances:** Variances from land use regulations are governed by Alaska State Statute Section 29.40.040(b).

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;

There are no special conditions on the property that require a variance. The 10% slope does not necessitate a variance because even with the 25-foot setbacks, the property has approximately 103’ X 150’ of buildable area. The current property owners could build a garage in a different location or of a smaller size that would be more consistent with the size of detached accessory structures on nearby properties requiring no variance to the side-yard setback.

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

A detached garage is a permitted use in the RR zone.
3. **The variance is sought solely to relieve pecuniary hardship or inconvenience.**

The proposed variance appears to be sought solely to relieve pecuniary hardship or inconvenience, as it is sought to allow construction of a detached garage larger than others in the neighborhood. The applicant could build a garage in a different location or of a smaller size or with a different footprint that would be more consistent with the size of detached accessory structures on nearby properties requiring no variance to the side-yard setback.

2. **Whether or not the denial of the proposed variance will deprive the applicant the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area;**

The denial of the proposed variance would not deprive the applicant the use of his property in a manner as permitted to the owners of properties in the immediate area because even with the 25-foot setbacks, the property has approximately 103’ X 150’ of buildable area and the property owners could build the garage in a different location or of a smaller size that would be more consistent with the size of detached accessory structures on nearby properties requiring no variance to the side-yard setback.

3. **Whether or not the proposed variance will protect the public health, safety and welfare, including protection from the impact of traffic, parking conditions, and the danger of fire.**

The proposed garage does not negatively impact safety from fire because the nearest structure on the neighboring property to the east is at least 30 feet away. This proposed garage does not negatively impact safe traffic flow on Marshall Drive because the variance request is not for a front-yard setback requirement.

The proposed variance would not protect health, safety and welfare because it does not meet the intent of RR zone. The RR zoning district “is intended for low density residential development and other compatible uses in areas where community sewer and water systems may or may not be available (FNSBC 18.40.010).” This setback variance request will not increase density but would allow development inconsistent with the character of the neighborhood because the size of the proposed garage appears to be inconsistent with the sizes of detached accessory structures on nearby properties (see Exhibit 3).

4. **The history of the development of the property.**

The history of the development of the property does not support this variance request because the 25-foot side-yard setback requirement has been in effect since 1971 before the resident on the property was constructed in 1982 and before the applicant purchased this property in 1997.

IX. **RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **DENIAL** of the requested 15-foot variance to the 25-foot side-yard setback requirement from the east property line.
**X. FINDINGS OF FACT**

The Department of Community Planning further recommends the following Findings of Fact in support of denial:

1. There are no special conditions on the property that require a variance. The 10% slope does not necessitate a variance because even with the 25-foot setbacks, the property has approximately 103’ X 150’ of buildable area which does not deprive the property owner from reasonable use of the property.

2. A 30’ X 30’ detached garage appears inconsistent with the size of detached accessory structures on nearby properties.

3. Denial of the proposed variance would not deprive the applicant the use of his property in a manner as permitted to the owners of properties in the immediate area because even with the 25-foot setbacks, the property has approximately 103’ X 150’ of buildable area and the property owners could build the garage in a different location or of a smaller size that would be more consistent with the size of detached accessory structures on nearby properties requiring no variance to the side-yard setback.

4. The proposed variance does not conform to the intent and purpose of this title and of other ordinances and state statutes as the approval of the request will not promote public health, safety or welfare in Rural Residential (RR) zone. The RR zone is intended for low density residential development; however, the variance would not maintain the character of low density neighborhood because a 30’ X 30’ detached garage appears inconsistent with the size of detached accessory structures on nearby properties in the immediate area.

5. The proposed variance appears to be sought solely to relieve pecuniary hardship or inconvenience because the applicant could build a garage in a different location or of a smaller size or with a different footprint that would be more consistent with the size of detached accessory structures on nearby properties which would not require a variance to the side-yard setback requirement.

6. The history of the development of the property does not support this variance request because the 25-foot side-yard setback requirement has been in effect since 1971 before the resident on the property was constructed in 1982 and before the applicant purchased this property in 1997.

**DRAFT PLANNING COMMISSION MOTION:**

I move to deny the requested 15 foot variance from the 25 foot side-yard setback requirement from the east property line adopting the staff report and six (6) Findings of Fact in support of the denial.
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

18.04.020 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.

18.54.040 (A) Procedure for Variances, Generally. The Planning Commission may allow a departure from the numerical regulations of this Ordinance 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 pertaining to the operation and construction of permitted uses.

18.54.040 (B) Procedures for Variances, Application for a Variance. An application for a variance must meet the following standards:

a. Special conditions exist which are peculiar to the land involved and which are not applicable to other land in the same zoning district;

b. Strict interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.

18.54.040 (D) Procedures for Variances, Hearing and Decision by the Planning Commission. The planning commission shall review, hear and decide whether or not to approve a request for a variance. The planning commission shall also consider and adopt findings in each of the following:

1. Whether or not the proposed variance conforms to the intent and purpose of this title and of other ordinances and state statutes;

2. Whether or not the denial of the proposed variance will deprive the applicant the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area;

3. Whether or not the proposed variance will protect the public health, safety and welfare, including protection from the impact of traffic, parking conditions, and the danger of fire.

4. The history of the development of the property.
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.
## Detached Accessory Structure Areas on Nearby Properties
(Source: FNSB Assessor’s Database, 2016)

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<td>Lot 23A, Block 4, Mountain View, Phase 3</td>
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<td>Lot 24, Block 4, Mountain View, Phase 2</td>
<td>160</td>
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<tr>
<td>Lot 25, Block 4, Mountain View, Phase 2</td>
<td>0</td>
</tr>
<tr>
<td>Lot 26, Block 4, Mountain View, Phase 2</td>
<td>0</td>
</tr>
</tbody>
</table>
Marshall Drive looking west

View of the House from Marshall Drive
Proposed (approximate) location for the Detached Garage

Proposed (approximate) location for the Detached Garage
View of the backyard, looking south

View of the house, looking west
Agency Comments

V2017-008
Manish Singh

From: Roberts, Jillian T (DPS) <jillian.roberts@alaska.gov>
Sent: Tuesday, July 18, 2017 8:29 AM
To: Manish Singh

Manish,

This appears to be a residential property that does not fall within our jurisdiction.

Take care,

Jill Roberts
Plan Review Bureau
Division of Fire & Life Safety
Jillian.roberts@alaska.gov
Phone 269-2004 Fax 269-0098

From: Manish Singh [mailto:MSingh@fnsb.us]
Sent: Friday, July 07, 2017 9:16 AM
To: Tyler, David L (DPS); Aden, David G (DPS); Roberts, Jillian T (DPS); Nakano, Lloyd M (DPS); diana.parks@alaska.gov; Carpenter, Margaret (DOT); Horton, George C (DNR); Bear, Tonya (DEC); Buteyn, Douglas J (DEC); AST Directors Office, DPS (DPS sponsored); JLKarl@gvea.com; Bill Witte; info@steessefire.org; Michael Bredlie; Sigvald Strandberg
Subject: V2017-008: Requesting Comments for Setback Variance App. (505 Marshall Drive)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering V2017-008, a request for a setback variance of 15 feet to the side-yard setback requirement of 25 feet in the Rural Residential (RR) zone, located at 505 Marshall Drive (on the south side of Marshall Drive, between Skyline Drive and Lowell Road). This case is scheduled for the Planning Commission meeting on August 15, 2017.

I have attached the application with this email. The department requests you to send us your comments for this proposal by July 21, 2017. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish
July 12, 2017

Manish Singh
Frank Stallings Surveys
515 Craig Avenue
Fairbanks, Alaska 99701
msingh@fnsb.us

Property Owner/Developer: Allyn and Ruth Haynes

Type of Request: Setback Variance: 505 Marshall Drive

Property Location: Lot 7, Block 5, Mountain View Subdivision, Third phase development, Section 23, T1N, R1W, Fairbanks Meridian, Alaska.

ADOT&PF has reviewed the above request and we have no comments:

Driveways on state owned roads must meet current Alaska DOT&PF standards. If they do not meet these standards, ADOT&PF may request that they be modified to do so. If the owner wishes to modify an existing permitted driveway, or create a new driveway, an ADOT&PF driveway permit is required. The ADOT&PF permitting website can be found at: http://www.dot.state.ak.us/permits/index.shtml

Sincerely,

[Signature]

Randi Motisko
Fairbanks Area Transportation Planner
(907) 451-2386

cc: George Stefan, FNSB
    Angela Parker, FNSB
    Dan Welch, FNSB

Comm. Planning Dept
JUL 12 2017
RECEIVED

"Keep Alaska Moving through service and infrastructure."
Manish Singh

From: Michael Bredlie
Sent: Tuesday, July 11, 2017 2:51 PM
To: Manish Singh

Follow Up Flag: Follow up
Flag Status: Completed

Rural Services has no comments.

Michael

From: Manish Singh
Sent: Friday, July 07, 2017 9:16 AM
To: David.tyler@alaska.gov; David.aden@alaska.gov; jillian.roberts@alaska.gov; lloyd.nakano@alaska.gov; diana.parks@alaska.gov; margaret.carpenter@alaska.gov; George.horton@alaska.gov; Tonya.bear@alaska.gov; Doug.buteyn@alaska.gov; Dps.ast.directors.office@alaska.gov; JLKarl@gvea.com; Bill Witte; info@steesefire.org; Michael Bredlie; Sigvald Strandberg
Subject: V2017-008: Requesting Comments for Setback Variance App. (505 Marshall Drive)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering **V2017-008**, a request for a *setback variance* of 15 feet to the side-yard setback requirement of 25 feet in the Rural Residential (RR) zone, located at **505 Marshall Drive** (on the south side of Marshall Drive, between Skyline Drive and Lowell Road). This case is scheduled for the Planning Commission meeting on August 15, 2017.

I have attached the application with this email. The department requests you to send us your comments for this proposal by July 21, 2017. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at [www.fnsb.us/Boards/Pages/Planning-Commission.aspx](http://www.fnsb.us/Boards/Pages/Planning-Commission.aspx) at least five days before the hearing.

Thanks,
Manish

---

Manish Singh
Planner II
Department of Community Planning
907-459-1225 / msingh@fnsb.us

Fairbanks North Star Borough
907 Terminal Street
Fairbanks, AK 99701
Hello Manish,
No concerns at this time from the fire department.

Mitch Flynn, Fire Chief
Steese VFD
800 William C. Leary Lane
Fairbanks, AK 99712
907-457-1519 office
907-347-7685 cell
mitch.flynn@steesefire.org

---------- Forwarded message ----------
From: Steele, Samara <samara.steele@steesefire.org>
Date: Fri, Jul 7, 2017 at 9:25 AM
Subject: Fwd: V2017-008: Requesting Comments for Setback Variance App. (505 Marshall Drive)
To: Mitch Flynn <Mitch.Flynn@steesefire.org>
Cc: Frank Bracken <frank.bracken@steesefire.org>, "Scott A. Learned" <scott.learned@steesefire.org>
Dear Sir/Ma’am,

The Fairbanks North Star Borough Planning Commission is considering V2017-008, a request for a setback variance of 15 feet to the side-yard setback requirement of 25 feet in the Rural Residential (RR) zone, located at 505 Marshall Drive (on the south side of Marshall Drive, between Skyline Drive and Lowell Road). This case is scheduled for the Planning Commission meeting on August 15, 2017.

I have attached the application with this email. The department requests you to send us your comments for this proposal by July 21, 2017. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish

Manish Singh
Planner II
Department of Community Planning
907-459-1225 / msingh@fnsb.us

Fairbanks North Star Borough
907 Terminal Street
Fairbanks, AK 99701
Application Material Received on
June 22, 2017

V2017-008
VARIANCE APPLICATION
File No. 2017-008

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

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Property Owner:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name:</td>
<td>Allen and Ruth Haynes</td>
</tr>
<tr>
<td>Business Name:</td>
<td>Allen Haynes and Ruth Haynes</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>PO Box 9771</td>
</tr>
<tr>
<td>City, State Zip:</td>
<td>Fairbanks, AK 99707</td>
</tr>
<tr>
<td>Contact Number:</td>
<td>907-388-9621</td>
</tr>
<tr>
<td>E-mail:</td>
<td><a href="mailto:rhaynes@ak.net">rhaynes@ak.net</a></td>
</tr>
</tbody>
</table>

Property Information:
- Property Description: Lot 1 Block 5 Mountain View Phase 3
- Street Address: 505 Marshall Dr
- Parcel Account Numbers (PAN): 0239771
- Existing Use(s): Residential
- Lot Size: 31927 sq feet
- Zoning District: Residential

Variance Request Information:
- Variance Type: Setback
- Setback Request:
  - Front: 30 x 30 Garage
  - Rear: 30 x 30 Garage
  - Side: N/S/E/W
- Lot Size Request:
  - Zoning District Lot Size Minimum: 31927 sq feet
  - Current/Proposed Lot Size: 31927 sq feet
- Request Description: Set back variance to allow construction of a 30 x 30 garage

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

APPLICANT SIGNATURE: Allen Haynes DATE: June 22, 2017

OWNER SIGNATURE (if different): Ruth Haynes DATE: 

If the applicant is not the sole property owner, written consent of all property owners must be provided (FNSBC 18.104.060(B)).
B.1.a The placement of existing structures, well, septic system, power poles and guide wires and the shape, size and slope of the property are all impediments to the proposed structure (garage).

B.1.b Some of the lots in the subdivision have similar constraints, but a significant number appear to have built what they wanted where they wanted, with or without benefit of the variance. Some due to structure and utility placement don’t appear to have the same problems. Without a setback variance, I will be forced to abandon this project or build a smaller structure that will not accomplish my goals for size and blending in on our property. I.E. esthetically appealing and not highly visible from the street and to the neighbors.

C.1 I believe the proposed variance conforms to the intent of the ordinances, I do not think it was the intent that I would give up over 15,000 plus square feet (47%) of our lot to what I feel is an arbitrary setback requirement based on some unknown, to me, normal lot size. If my lot was bigger than the slightly less than 32,000 square feet it might not be an issue.

C.2 This question is difficult to answer as I have no way to know how many if any have variances for what I believe could be setback violations. In talking to people in the neighborhood most felt the setback was 10 feet or 15 feet. Without the variance, I will be denied the capability to build a structure that meets my goals of cleaning up my property and housing my vehicles safely and securely, hence making my property more appealing.

C.3 This proposed variance will have no impact on public health, safety and welfare, traffic, parking and fire danger other than to improve it.

C.4 This property was developed in 1982 by Ed Patty. We purchased it in 1997, the only addition we have done was to add on to the deck and some landscaping and the tents to house the vehicles.

Additional Comments:

A drive by survey of Marshall Drive, Panorama, McKinley View, and Mountain View counts about 82 houses and of those about 20% appear to have setback issues as viewed from the road and a preponderance of tents storage buildings etc. that appear to be on or near property lines. My goal is to build this structure so I can eliminate my tents and house my vehicles and have a place to work on them in the winter. I have discussed this with my immediate neighbors and they have all told me they approve and would be glad to see the tents gone. I would like a 10 foot setback variation but 15 feet would work but not as well as the 10 foot setback would.

Your consideration would be appreciated.

Thank You

Allyn Haynes
Additional Information:

I would prefer a 10' setback but I can make 15' work.

The only other possible location without a variance would be in the middle of the yard which would destroy the view and detract from the value of the property.

Cecilyn Haynes
505 Marshall Dr
Plot Plan

I L. Frank Stallings RLS, Certify that this Plot Plan was prepared by me or under my direct supervision and that to the best of my knowledge there are no other improvements or encroachments, if any, on the property other than those that are shown. Boundaries and easements are those of record on Plat No. 1972-008. This Plot Plan should not be construed to represent a boundary survey.

Legal Description: Lot 7, Block 5, Mountain View Subdivision, Third Phase Development in Section: 23, Township: 1 North, Range: 1 West Fairbanks Meridian
(Address: 505 Marshall Drive, Fairbanks Alaska 99712)

Originally Surveyed by Jenco Surveying
P.O. Box 75263
Fairbanks, Alaska 99707

Originally Drawn By D.C.J. Checked by L.F.S.

Originally Ordered 04/04/97 Delivered 04/10/97

Update Ordered by: Allyn Haynes, Owner; Cell 907-388-9621

Update Ordered: June 12, 2017  Delivered: June 20, 2017

Surveyed by: L. Frank Stallings Surveys
515 Craig Avenue
Fairbanks, Alaska 99701
Ph: 907 456-1408 Cell 907-986-4052

Drawn by: Planning Commission Members  Scale: 1 Inch = 40' 62
Proposed garage would be where the tent, trailer, and spruce tree are.

All tents would be gone.
Driveway looking North

Area For proposed Garage
DEAR PROPERTY OWNER
“INTERESTED PERSONS”

V2017-008
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<tr>
<th>MOUNTAIN VIEW 5, BLOCK: 07, LOT: 06</th>
<th>MOBILE HOME, LOT: D2827</th>
<th>MOBILE HOME, LOT: D5136</th>
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<td>Breaux Duane C</td>
<td>Breese Michael J</td>
<td>Brown Dan S</td>
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<td>3875 Geist Rd Ste 294</td>
<td>Breese Heather R R</td>
<td>Brown Judith A</td>
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<td>1730 Latoya Ct Apt C</td>
<td>2 Chetfield Ct</td>
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<td>Simpsonville, SC 29680</td>
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<th>MOBILE HOME, LOT: D2832</th>
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<td>Brown David W</td>
<td>Brown Gerald K W</td>
<td>Brown Susan L</td>
</tr>
<tr>
<td>Brown Mi Cha</td>
<td>Brown Nancy</td>
<td>PO BOX 70196</td>
</tr>
<tr>
<td>815 Mcgrath Rd Spc 2-F</td>
<td></td>
<td>Fairbanks, AK 99707</td>
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<td>Buckwaler Vincent D</td>
<td>Burr Stephen J</td>
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<td>374 Howland Rd</td>
<td>Buckwaler Leanna P</td>
<td>Burr Meredith C</td>
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<td>Fairbanks, AK 99712</td>
<td>374 Howland Rd</td>
<td>425 Mckinley View Dr</td>
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<tr>
<td>Cadzow Terri D</td>
<td>Carie Andrew A</td>
<td>Carlson Thompson Family Trst</td>
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<td>PO BOX 84096</td>
<td>PO BOX 72320</td>
<td>469 Panorama Dr</td>
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<td>Chase Dillon G</td>
<td>Christoph Robert E</td>
<td>Chumbley James B</td>
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<td>8113 Duben Ave</td>
<td>468 Valley View Dr</td>
<td>223 Charles St</td>
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<td>Anchorage, AK 99504</td>
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<th>TURNEY PROPERTY, LOT: 01</th>
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<tr>
<td>Chythlook Franklin A</td>
<td>Chythlook Clemens M</td>
<td>Cummings Richard L</td>
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<tr>
<td>Chythlook Grete L</td>
<td>Chythlook Connie J</td>
<td>Cummings Sharon K</td>
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<tr>
<td>3744 Richmond Ave Apt A</td>
<td>1163 Linda Lou Ln</td>
<td>545 Fideler Rd</td>
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<tr>
<td>Courtney Robert W</td>
<td>Crail Elizabeth F</td>
<td>Cummings Richard L</td>
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<tr>
<td>Courtney Doreen</td>
<td>PO BOX 72562</td>
<td>Cummings Sharon K</td>
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<tr>
<td>822 Skyline Dr</td>
<td></td>
<td>545 Fideler Rd</td>
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<td>Darling Family Trust</td>
<td>Daro Edward Henry Lvng Trst</td>
<td>Daro Edward Henry Lvng Trst</td>
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<tr>
<td>PO BOX 70229</td>
<td>499 Mckinley View Dr</td>
<td>499 Mckinley View Dr</td>
</tr>
<tr>
<td>Fairbanks, AK 99707</td>
<td>Fairbanks, AK 99712</td>
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<tr>
<td>Darshay Bobbie J</td>
<td>Dayton Debra</td>
<td>Dixon Charles</td>
</tr>
<tr>
<td>Rameier Tonya L</td>
<td>PO BOX 61315</td>
<td>Dixon Christina</td>
</tr>
<tr>
<td>1323 Overhill Dr</td>
<td>Fairbanks, AK 99706</td>
<td>PO BOX 80413</td>
</tr>
<tr>
<td>Fairbanks, AK 99709</td>
<td>Fairbanks, AK 99706</td>
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<tbody>
<tr>
<td>Decker Steven</td>
<td>Dexter Frank</td>
<td>Dixon Charles</td>
</tr>
<tr>
<td>PO BOX 35105</td>
<td>PO BOX 73892</td>
<td>Dixon Christina</td>
</tr>
<tr>
<td>Ft Wainwright, AK 99703</td>
<td>Fairbanks, AK 99707</td>
<td>PO BOX 80413</td>
</tr>
<tr>
<td></td>
<td>Fairbanks, AK 99708</td>
<td>Fairbanks, AK 99708</td>
</tr>
</tbody>
</table>
SCHERTZ, LOT: 01
Dogwood Rentals Llc
491 Farmers Loop Rd
Fairbanks, AK 99712

MOUNTAIN VIEW 2, BLOCK: 04, LOT: 03
Doppler L Mike
Doppler Mary E
521 Panorama Dr
Fairbanks, AK 99712

TURNER PROPERTY, LOT: 02
Dosch Gerald M
1263 McGrath Rd
Fairbanks, AK 99712

MOBILE HOME, LOT: D3283
Dosser Lance
300 Howland Rd Spc 37
Fairbanks, AK 99712

MOUNTAIN VIEW 3, BLOCK: 05, LOT: 11
Downs Thomas G
Downs Elizabeth I
120 Carlyle Way
Fairbanks, AK 99709

MOBILE HOME, LOT: D4474
Duyck Albert T
PO BOX 72936
Fairbanks, AK 99707

MOBILE HOME, LOT: D4266
Eickholt Joseph
815 McGrath Rd Spc 8J
Fairbanks, AK 99712

MOBILE HOME, LOT: D4216
Elieff Barbara A
815 McGrath Rd Spc 8H
Fairbanks, AK 99712

MOBILE HOME, LOT: D4080
Epstein Vicki Allen
815 McGrath Rd Spc 9F
Fairbanks, AK 99712

MOBILE HOME, LOT: D4828
Evans John Ensign
300 Howland Rd Spc 41
Fairbanks, AK 99712

HUSAK ACRES, BLOCK: 02, LOT: 07
Evans Shawn C
Evans Bok Ki
159 Sacia St
Fairbanks, AK 99712

MOUNTAIN VIEW 2, BLOCK: 04, LOT: 25
Eyre Kyle
PO BOX 435
Delta Jct, AK 99737

MOUNTAIN VIEW 4, BLOCK: 05, LOT: 29
Fairbanks North Star Borough
Land Management
PO BOX 71267
Fairbanks, AK 99707

MOUNTAIN VIEW 6, LOT: B
Fairbanks North Star Borough
PO BOX 71267
Fairbanks, AK 99707

MOBILE HOME, LOT: D3699
Feeley John
PO BOX 72542
Fairbanks, AK 99707

MOBILE HOME, LOT: D3709
Foster Angela
PO BOX 74201
Fairbanks, AK 99707

MOBILE HOME, LOT: D3942
Fisher Anthony Mychal
300 Howland Rd Spc 35
Fairbanks, AK 99712

MOBILE HOME, LOT: D3438
Fletcher Randy
815 McGrath Rd Spc 1-H
Fairbanks, AK 99712

MOBILE HOME, LOT: D4815
Gonzalez Joel
815 McGrath Rd Spc 12G
Fairbanks, AK 99712

MOBILE HOME, LOT: D4828
Evans John Ensign
300 Howland Rd Spc 41
Fairbanks, AK 99712

MOBILE HOME, LOT: D4266
Eickholt Joseph
815 McGrath Rd Spc 8J
Fairbanks, AK 99712

MOBILE HOME, LOT: D4216
Elieff Barbara A
815 McGrath Rd Spc 8H
Fairbanks, AK 99712

MOBILE HOME, LOT: D4080
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815 McGrath Rd Spc 9F
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HUSAK ACRES, BLOCK: 02, LOT: 07
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Evans Bok Ki
159 Sacia St
Fairbanks, AK 99712

MOUNTAIN VIEW 2, BLOCK: 04, LOT: 25
Eyre Kyle
PO BOX 435
Delta Jct, AK 99737

MOUNTAIN VIEW 4, BLOCK: 05, LOT: 29
Fairbanks North Star Borough
Land Management
PO BOX 71267
Fairbanks, AK 99707

MOUNTAIN VIEW 6, LOT: B
Fairbanks North Star Borough
PO BOX 71267
Fairbanks, AK 99707

MOBILE HOME, LOT: D3699
Feeley John
PO BOX 72542
Fairbanks, AK 99707

MOBILE HOME, LOT: D3709
Foster Angela
PO BOX 74201
Fairbanks, AK 99707

MOBILE HOME, LOT: D3942
Fisher Anthony Mychal
300 Howland Rd Spc 35
Fairbanks, AK 99712

MOBILE HOME, LOT: D3438
Fletcher Randy
815 McGrath Rd Spc 1-H
Fairbanks, AK 99712

MOBILE HOME, LOT: D4815
Gonzalez Joel
815 McGrath Rd Spc 12G
Fairbanks, AK 99712

MOUNTAIN VIEW 1, BLOCK: 02, LOT: 26
Forte Keith P
Forte Andrea I
PO BOX 72187
Fairbanks, AK 99707

MOBILE HOME, LOT: D3709
Foster Angela
PO BOX 74201
Fairbanks, AK 99707

MOUNTAIN VIEW 4, BLOCK: 07, LOT: 05
Gainer Gene R Jr
3445 Chetana Dr
Fairbanks, AK 99709

MOBILE HOME, LOT: D3381
Gaston Tamra J
Gaston Patrick
300 Howland Rd Spc 52
Fairbanks, AK 99712

MOBILE HOME, LOT: D4199
Gerlinger Andreas W
815 McGrath Rd Spc 9A
Fairbanks, AK 99712

MOUNTAIN VIEW 4, BLOCK: 05, LOT: 26
Gesin Darin P
Woodard Danielle R
468 Keep Dr
Fairbanks, AK 99712

MOBILE HOME, LOT: D1038
Gonzalez Anthony
Gonzalez Michelle
815 McGrath Rd Spc 7H
Fairbanks, AK 99712

MOBILE HOME, LOT: D4815
Gonzalez Joel
815 McGrath Rd Spc 12G
Fairbanks, AK 99712

Planning Commission Meeting
71
August 15, 2017
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Planning Commission Meeting 75 August 15, 2017
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DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

CU2017-024
August 15, 2017 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission
FROM: Stacy Wasinger, Planner III
DATE: August 4, 2017
RE: CU2017-024: A request by David Worel on behalf of Worel LLC for conditional use approval of a marijuana cultivation facility, indoor unlimited in the General Use 1 (GU-1) zone on Lots 8, 9, and 10, Block 2, Piledriver Park Subdivision (located at 2807 Landing Road (on the west side of Landing Road, north of Badger Road).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the conditional use request with three (3) conditions of approval and three (3) Findings of Fact in support of approval. The applicant has requested a conditional use permit to utilize two existing buildings on the site for a marijuana cultivation facility, indoor unlimited in the General Use 1 (GU-1) zone. With conditions as proposed, the staff analysis finds that the proposed marijuana cultivation facility, indoor unlimited 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.

II. GENERAL INFORMATION

A. Purpose
   To request a marijuana cultivation facility, indoor unlimited, in the GU-1 zone

B. Location
   On the west side of Landing Road, north of Badger Road

C. Access
   Landing Road and Loose Moose Loop

D. Size/PAN

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<th>PAN</th>
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<td>Total</td>
<td>42,487(Lots 8, 9, 10)</td>
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E. Existing Zone
   GU-1

F. Existing Land Use
   Contractor's Office

G. Surrounding Land Use/Zoning
   North: Zoning: GU-1
III. ZONING AND DEVELOPMENT HISTORY

The subject parcel was zoned Unrestricted Use (UU) with the adoption of Ordinance No. 67-34 on March 28, 1968. It was rezoned from UU to General Use 1 (GU-1) with the adoption of Ordinance No. 88-010, effective April 25, 1988.

FNSB Assessor records indicate that the existing two buildings on the site were constructed in 1982 to 1986. At the time, the property was zoned UU and zoning permits were not required. The structures are noted as a warehouse and a garage with commercial uses. The current property owner acquired the site in 2005 and it is currently used as the office for North Pole Heating and Cooling, Inc., a state licensed mechanical contractor.

IV. PROPOSED USE AND PROJECT INFO

The applicant proposes to utilize both buildings for a marijuana cultivation facility, indoor unlimited which requires a conditional use permit in the GU-1 zone when the proposed use is “adjacent to a lot upon which a principal building used as a dwelling is located” (FNSBC18.96.240 (A)(6)). An unlimited indoor marijuana cultivation facility is defined in
Title 18 as “a legally licensed, fully enclosed commercial marijuana cultivation facility as defined by state law, in which all growing, preparation and packaging activities are conducted completely indoors and for which the net floor area of all cultivation facility structures exceeds 10,000 square feet.”

Figure 1: Surrounding Land Uses
(Source: FNSB GIS, Parcels in yellow are residential uses, gray are vacant parcels, and the red is commercial.)

Figure 1 shows the current land use of parcels in the surrounding area, based on the FNSB Assessor primary use designations. The properties directly adjacent to the subject property are either residential or vacant. The subject property is currently commercial in use. The existing contractor’s office would be moved and the existing buildings would be repurposed for the proposed marijuana cultivation facility.

There is residential zoning to the north across Chena Slough, but it is well outside the 100 foot sensitive use buffer required by FNSBC 18.96.240(A)(3). Commercial marijuana establishments must be at least 100 feet from residential zones and the subject parcel is more than 700 feet from the residually zoned parcels. Pursuant to FNSBC 18.96.240(A)(3)(e) required buffer distances do not “extend beyond the nearest ordinary high water (OHW) mark of a river or lake.” The 500 foot buffer map included with the application shows that there are no sensitive uses pursuant to FNSBC.96.240(A)(3) (Exhibit 1).

Hours of operation for the cultivation facility are proposed to be 10 am to 6 pm, Monday through Saturday. A total of eight employees, four full-time and four part-time, are
proposed. An on-site well will serve the proposed conditional use, with a water delivery service utilized to supplement water supply as needed.

A septic system serves the buildings, but will not have any water from grow waste disposed of in it. Waste water from the grow operation is intended to be recycled. A holding tank in compliance with DEC regulations will be utilized as needed. The applicant states that there will be a contract with Waste Management for solid waste. The disposal of plant waste will follow DEC regulations to mix with an equal amount of non-compostable materials to render the plant waste non-viable.

Figure 2: Site Plan
(Source: Site plan by applicant, annotations by Community Planning staff for illustrative purposes.)

Figure 2 illustrates the proposed site plan provided by the applicant. Both buildings are existing. The larger existing structure on the site is 13,300 square feet and would be developed with indoor marijuana cultivation uses. Because the structure is greater than 10,000 square feet, this building constitutes an “indoor, unlimited” marijuana cultivation facility. The second building, with a 4,800 square foot footprint and 2,640 square feet in a mezzanine area, currently contains office space, restroom facilities, and storage space. This building is proposed to be utilized as part of the indoor cultivation facility, including storage and grow operations, as well as office space.

A maximum of 8 employees, 4 seasonal and 4 full-time, are expected to be on-site on a daily basis. Sufficient parking is already available on-site for these employees from the
previous uses and all parking area are surfaced with 6” of compact gravel, meeting Title 18 requirements.

The existing driveways and circulation areas are not proposed to be altered (Figure 3). A loading area is provided on the site plan and the applicant expects approximately 2 supply or other deliveries per week, excluding employee commuting. Daily activities will include tending the plants, making plant food, etc. Weekly and monthly activities include the harvest of plants, inventory, and other cultivation-related activities. Marijuana plant waste material is rendered unusable, then disposed of pursuant to state requirements and through a contract with Waste Management. Waste material other than plant material will be disposed of in an on-site dumpster and removed by Waste Management to the FNSB landfill.

**Figure 3: Aerial Photograph of Existing Site**
(Source: FNSB GIS)

Waste water is proposed to be recycled on site in the grow operation. If it must be removed from the cultivation operation, waste water will be held and removed from the site in compliance with any DEC requirements. Additionally, any waste water will be treated to ensure DEC requirements regarding any marijuana waste are met. The applicant states that disposal will follow Golden Heart Utility standards at their treatment facility.

An indoor cultivation facility is presumed to be in a building constructed with odor impermeable materials and to have limited odor impacts outside of the property limits if adequate air filtration is used. Odor from the indoor cultivation operation is expected to be minimal because the applicant proposes to use charcoal filters on all vents. A condition is
recommended to ensure that appropriately-sized air filters are installed and maintained to minimize potential odor impacts on the neighboring properties.

Outside LED lighting is proposed and the application materials state that “outside lights will shine down over the doors.” The application materials show that outdoor lighting complies with FNSBC 18.96.140, which states that “Lighting, glare and general illumination shall not be directed towards residentially zoned properties other than that property from which the lighting, glare and general illumination originates.” The adjacent properties are all zoned GU-1 and the nearest residential zone is approximate 700 feet to the north across Chena Slough.

V. APPLICABLE APPROVAL CRITERIA

Conditional Uses for marijuana establishments are governed by FNSBC18.104.050(C) and FNSBC18.96.240 (see Exhibit 2 for details).

VI. Public Notice

There were 156 dear property owner notices mailed out and staff received two inquiries about this conditional use.

VII. Agency Comments

The FNSB Department of Community Planning contacted following agencies for comments:

a. State Fire Marshal
b. North Star Fire Service Area
c. Alaska State Troopers
d. Alaska Department of Transportation and Public Facilities (ADOT&PF)
e. FNSB Rural Services
f. Loose Moose Road Service Area
g. Alaska Department of Environmental Conservation (ADEC) (Water/Wastewater Division)
h. Alaska Department of Environmental Conservation (ADEC) (Solid Waste Division)
i. Golden Valley Electric Association (GVEA)

As of the date of this report, no agency comments returned have indicated concern or conflict with the proposed conditional use. All written comments are included in the “Agency Comments” section following this report.

VIII. STAFF ANALYSIS

A. Zoning and Comprehensive Plan Designation

A marijuana cultivation facility, indoor unlimited is permitted by conditional use in the GU-1 zone when the proposed use is “adjacent to a lot upon which a principal building used as a dwelling is located” (FNSBC18.96.240 (A)(6)). The GU-1 zone is “intended to be located in
rural areas where community sewer and water systems are unavailable.” The GU-1 zone also permits “Shooting range, outdoor permitted; and any use except for correctional facilities” as well as 12 specified conditional uses. The GU-1 zone had no required setbacks.

The comprehensive plan area designation for the subject parcel is “Perimeter Area” and the land category is “Preferred Residential Land”. Perimeter Area is defined as “[a]rea 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 area is also designated as “Preferred Residential Land”, which is defined as “[l]and determined to be more suitable than 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.”

The proposed conditional use will utilize an existing on-site well and an existing septic system. An additional holding tank that meets DEC requirements will be implemented as needed for marijuana grow waste water. A bathroom facility in the existing 4,800 square foot building is provided for employees. Adequate water and sewer facilities exist for this use. The factors, such as slopes, that make the land suitable for development as residential also apply to the existing commercial business and proposed marijuana cultivation facility.

The application materials align with 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”. The proposed marijuana cultivation facility is on a corner lot that is already developed commercially. The subject parcel is already in operation as a contractor’s office and staff transportation analysis shows that there will be only a minimal increase in the number of vehicle trips generated per day. Much of the surrounding properties are either residential in use or vacant. The GU-1 zone allows a wide variety of residential, commercial, and industrial uses. Additionally, the application aligns with Economic Development Goal 1 to “strengthen and expand the existing economy.” This indoor cultivation use would support the new marijuana industry, and support the existing economy.
**Figure 4: Zoning Map**  
(Source: FNSB GIS)

*Figure 4* shows the zoning of the surrounding area. There is GU-1 zoning on all four sides of the subject property. RA-5, RR, and RE-2 zoning are all also in the area to the north of the Chena Slough.

**B. Transportation Facilities**

*Circulation and Transportation*

The proposed site will have a maximum of 8 employees for the marijuana cultivation facility, indoor unlimited. The applicant states there will be one to two additional vehicles on-site per week, including supply and water deliveries. Other occasional deliveries may include product and waste leaving the site. Seven parking spaces have been provided on-site, exceeding the required six spaces for the proposed eight employees. Landing Road and Loose Moose Loop provide access to the site and are in the Loose Moose Road Service Area.

The current use of the site is a contractor's office. This use generates approximately 16 trips per day based on trip generation rates for a “single tenant office building”, with 4 employees working out of this location. This marijuana cultivation facility land use is not expected to generate many additional vehicle trips beyond the existing use on the site, with an increase of approximately 20 vehicle trip ends per day from the existing contractor office use.
The existing transportation facilities are sufficient to accommodate the traffic generated by this change of use. Landing Road is a local road and is maintained by the Loose Moose Road Service Area. Badger Road is an arterial road and is maintained by ADOT & PF and currently serves approximately 4800 vehicles per day. Both roads are adequately sized to handle the increase of approximately 20 vehicle trip ends per day.

Table 1: Trip Generation Summary for Proposed Use

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<th>Trip generation standard in ITE</th>
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<td>Nursery (Wholesale)</td>
<td>23.40 trip ends/5 employees</td>
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C. 18.104.050 (C) Hearing and Decision by the Planning Commission

(1) **Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state 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 comprehensive plan designation for the subject parcel is “Perimeter Area” and “Preferred Residential Land”. Perimeter Area is defined as “[a]rea 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 area is also designated as “Preferred Residential Land”, which is defined as “[l]and determined to be more suitable than 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.” The factors, such as slopes, that make the land suitable for development as residential also apply to the existing commercial use and proposed indoor marijuana cultivation facility.

The application materials align with 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”. The proposed marijuana cultivation facility is on a corner lot that is already developed commercially. The subject parcel is already in operation as a contractor’s office and the applicant states that the commercial marijuana use will be less intensive and traveled than the existing use. Much of the surrounding properties are either residential in use or vacant. The GU-1 zone allows a wide variety of residential, commercial, and industrial uses. Additionally, the application aligns with Economic Development Goal 1 to “strengthen and expand the existing economy.” This indoor cultivation use would support the new marijuana industry, and support the existing economy.

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1 Sections of this staff report involving transportation related reviews include comments and feedback from Donald Galligan, Transportation Planner, after a review of the application materials with FNSB Planner Stacy Wasinger.
With conditions as proposed, the proposed conditional use will be compatible with the existing uses in the surrounding area such as adjacent residential uses and the property would remain commercial in use. Appropriate conditions will help mitigate impacts and increase compatibility.

**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).”

This conditional use proposal is to utilize the existing buildings for a commercial marijuana cultivation facility, indoor unlimited on the subject site. The GU-1 zone allows a variety of residential, commercial, and industrial uses, as well as 12 specific conditional uses. A marijuana cultivation facility, indoor unlimited is a conditional use because the adjacent properties are residential in use. The public notification, public hearing procedures and approval criteria for conditional uses protect the property rights of the surrounding property owners.

Noise and odor created by cultivation activities are potential impacts that could possibly cross property lines. However, the cultivation activities would occur in an enclosed and ventilated structure. Hours of operation are proposed to be 10 am to 6 pm, Monday through Saturday. These hours of operation would limit the potential noise impacts on neighboring properties by ensuring most activity occurs during daytime hours. Additionally, odor, if any, would be mitigated by proposed carbon filters on air ducts. Staff recommends a condition to require appropriately-sized odor filtration systems in the cultivation facility to minimize the odor impact of the conditional use.

The proposed marijuana cultivation facility is expected to generate approximately 20 additional vehicle trip ends from the existing use and the existing transportation facilities are sufficient to serve the use. Landing Road is a local road and is maintained by the Loose Moose Road Service Area. Badger Road is an arterial road and is maintained by ADOT & PF and currently serves approximately 4800 vehicles per day. Both roads are adequately sized to handle the increase of approximately 20 vehicle trip ends per day.

No runoff is expected from the cultivation use beyond that from the roof of the already existing buildings and any other impervious surface. This runoff is existing with the developed site and the proposed conditional use does not increase it.

The application material and the narrative for this proposal demonstrate that it meets the intent of Title 18 because the public process for a conditional use helps protect property rights. With the conditions imposed, the application promotes the public health, safety and general welfare of the residents of the borough because the proposed use will be compatible with the existing surrounding land uses and zoning.

**Alaska State Statute and Other Ordinances:** The site is required to meet local, state, or federal requirements, including State Fire Marshal requirements. These agencies had an opportunity to review the application materials and no comments were received expressing
concern about the conditional use. The proposed conditional use complies with the FNSB Comprehensive Plan and other ordinances.

(2) **Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use;**

The applicant has demonstrated that the proposed conditional use has adequate power supply from GVEA. The proposed conditional use has an on-site well and a septic system for the bathrooms and other non-marijuana waste water. Any additional water needs will be met with water delivery services. An ADEC approved holding tank will be provided as needed for any excess marijuana waste water, which will be disposed of in accordance with ADEC and other state regulations. Staff recommends a condition that all appropriate ADEC reviews and approvals be obtained.

This use is expected to generate approximately 20 additional vehicle trip ends per day, which have minimal impact on existing transportation facilities. The driveway provides adequate access, parking meets Title 18 requirements, and the on-site circulation is adequate. The applicant states that the drive and parking areas are surfaced in 6” of compact gravel, meeting Title 18 requirements. Existing off-site transportation facilities are sufficient to accommodate the trips generated. Landing Road is a local road and is maintained by the Loose Moose Road Service Area. Badger Road is an arterial road and is maintained by ADOT & PF and currently serves approximately 4800 vehicles per day. Both roads are adequately sized to handle the increase of approximately 20 vehicle trip ends per day.

The proposed conditional use is in the North Star fire service area and the Loose Moose road service area. Waste materials will be collected on site and disposed of properly through the applicant’s contract with Waste Management for waste removal services.

(3) **Whether or not the proposed conditional use will protect the public health, safety and welfare.**

With the conditions imposed, the application promotes the public health, safety and general welfare of the residents of the borough because the proposed use does not create traffic or fire hazards.

Noise and odor created by cultivation activities are potential impacts that could possibly cross property lines. However, the cultivation activities would occur in an enclosed and ventilated structure. Hours of operation are proposed to be 10 am to 6 pm, Monday through Saturday, limiting potential noise impacts to daytime hours with lesser impact on residential uses. Additionally, odor, if any, would be mitigated with proposed carbon filters. Staff recommends a condition to require appropriately-sized odor filtration systems in the cultivation facility to minimize the odor impact of the conditional use. Refuse will be properly disposed of through a contract with Waste Management. Dust impacts from the conditional use are not expected because the parking areas are surfaced in 6” compact gravel.

The proposed use of a marijuana cultivation facility is expected to generate a minimal amount of approximately 20 additional vehicle trip ends and existing facilities are sufficient for the use. Landing Road is a local road and is maintained by the Loose Moose Road Service Area. Badger Road is an arterial road and is maintained by ADOT & PF and
currently serves approximately 4800 vehicles per day. Both roads are adequately sized to handle the increase of approximately 20 vehicle trip ends per day.

The proposed conditional use will have a safe traffic flow because the existing transportation facilities are adequate for any additional trips generated. The proposed conditional use is not expected to impede vehicular and pedestrian traffic on the surrounding roads. The existing driveway will be utilized and sufficient parking, loading, and maneuvering space is available on site.

No runoff is expected from the cultivation use beyond that from the roof of the already existing buildings and any other impervious surface. This runoff is existing with the developed site and the proposed conditional use does not increase it. Runoff is expected to be mostly absorbed on-site, through the graveled parking areas and the non-graveled areas of the site.

The site is within the North Star Fire Service Area. There are not setback requirements for buildings in the GU-1 zone, but as shown on the applicant provided site plan the existing buildings are currently at least 5 feet from all property lines and more than 10 feet from each other, which provides some fire separation distance. Staff received no comment from the Fire Service Area Chief or the State Fire Marshal regarding this conditional use.

Because this conditional use approval is for a particular use of the said property, a change in the site plan or operation method or expansion may result in increased impacts or trigger a public health, safety and welfare concern which have not been analyzed as part of this conditional use permit. Therefore, Community Planning staff recommends a condition to file final site design plans with Community Planning to ensure compliance with Planning Commission approved site plan and conditions. If modifications are made in the final site design plans or operational characteristics, an amendment to the conditional use permit may be required.

**IX. RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **APPROVAL** of the conditional use permit request for a marijuana cultivation facility, indoor unlimited on Lots 8, 9, and 10, Block 2, Piledriver Park Subdivision in the GU-1 zone with three (3) conditions.

**X. CONDITIONS**

1. Prior to the commencement of operations, 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 that the site meets all licensing requirements for a commercial marijuana cultivation facility.

   b. The applicant or holder of this conditional use permit shall obtain any required formal plan review by the State of Alaska Department of Environmental Conservation (ADEC), Division of Water, Wastewater
Discharge for their non-domestic wastewater discharge proposal 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 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.

2. Indoor cultivation and processing rooms or portions of the building shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the cultivation facility.

3. If any modifications are made to the site plan, floor plan, operations, 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 modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSB 18.104.050(D).

XI. FINDINGS OF FACT

The Department of Community Planning further recommends the following Findings of Fact in support of approval:

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

   a. The conditional use is consistent with the Perimeter Area designation. With appropriate conditions, the conditional use is compatible with the existing land uses. The purpose of Title 18 will be met because the proposed use supports 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”. The use also aligns with Economic Development Goal 1 to “strengthen and expand the existing economy.”

   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 by allowing a land use compatible with the existing surrounding uses. Additionally, no traffic hazards, fire hazards, or other safety hazards will be created by the conditional use.

   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 conditional use has an existing on-site well and septic system. Any unmet water needs will be met with water delivery service.

   b. The site is served by the North Star Fire Service Area and the Loose Moose Road Service Area.

   c. The use is expected to generate approximately 20 additional vehicle trips from the existing use on the site but existing facilities are adequate for any additional
trips. Landing Road is a local road and is maintained by the Loose Moose Road Service Area. Badger Road is an arterial road and is maintained by ADOT & PF. The use will not impede vehicular and pedestrian traffic on the surrounding roads because they have adequate capacity for current and future vehicular trips.

d. Adequate on-site parking is provided that meets Title 18 requirements.

3. With the conditions imposed, the conditional use will protect public health, safety, and welfare as the marijuana cultivation facility, indoor unlimited will comply with Title 18 standards for the GU-1 zone.

a. It is compatible with the existing adjacent land uses with the conditions proposed and the existing use of the site is already commercial.

b. The hours of operation minimize noise impacts associated with the operation of the cultivation activities and deliveries.

c. An appropriately sized odor filtration system will minimize any odor impacts.

d. Lighting is not directed at any residentially zoned parcel and outdoor LED lighting is stated to shine downward.

e. The conditional use does not create any fire, traffic, or public safety hazards.

f. No off-site stormwater runoff is expected from the cultivation facility as a result of the conditional use. No marijuana waste water will be runoff. Any runoff is associated with existing buildings and impervious surface.

DRAFT PLANNING COMMISSION MOTION:

I move to approve the Conditional Use Permit for a marijuana cultivation facility, indoor unlimited on Lots 8, 9, and 10, Block 2 with three (3) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval.
APPLICABLE APPROVAL CRITERIA

Conditional Uses are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances:

18.104.050 (C)

1. Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes.

2. Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.

3. Whether or not the proposed conditional use will protect the public health, safety and welfare.

The Planning Commission may approve or deny a conditional use request or may approve a conditional use request with conditions to ensure the protection of the public health, safety and welfare. Such conditions may relate to any, or more, of the following: traffic flow and access requirements, lighting, pedestrian movements.

Marijuana Facilities are also governed by the provisions of Title 18, Standards for Commercial Marijuana Establishments:

18.96.240

A. General Standards.

1. Applicability. Standards of this section shall apply to commercial marijuana establishments regardless of whether they are a permitted or conditional use.

2. A commercial marijuana establishment may only be allowed with the written consent of the owner of the property.

3. No marijuana establishment, except a marijuana testing facility, shall be located within the following buffer distances:

   a. Five hundred feet of primary and secondary school buildings (K-12) including vocational programs, playgrounds, adult and juvenile correctional facilities and housing facilities owned by a public housing authority with children as residents; and

   b. Two hundred feet of any post-secondary school buildings including but not limited to trade/technical/vocational schools, colleges and universities; and

   c. One hundred feet of youth centers, group homes serving persons ages 18 and under, public swimming pools, state licensed day care facilities, arcades, state licensed substance use treatment provider or facility providing substance abuse use treatment, church buildings and residential zones (RE, RR, SF, TF, MF, MFO).
d. Buffer distances shall be measured from the nearest public entrance of a commercial marijuana establishment to:

i. Outer boundaries of school buildings, including outdoor school facilities where students are regularly found;

ii. Outer boundaries of playgrounds;

iii. The lot line of a lot in a residential zone; or

iv. The principal building containing other uses listed in subsections (A)(3)(a) through (c) of this section.

e. Buffer distance measurements shall not extend beyond the nearest ordinary high water (OHW) mark of a river or lake or beyond the nearest edge of a right-of-way (ROW) of a controlled access facility.

4. Outdoor Storage. No outdoor storage of marijuana, marijuana products or hazardous substances shall be allowed.

5. In all zones in which marijuana establishments, with the exception of a marijuana testing facility, are a permitted or conditional use, the applicant shall include an area map drawn to scale indicating all land uses on complete parcels within a 500-foot proximity of the lot upon which the applicant is seeking a zoning permit or conditional use permit.

6. Marijuana establishments other than marijuana cultivation facilities, indoor small and marijuana testing facilities located in GU-1 or GU-5 zoning and adjacent to a lot upon which a principal building used as a dwelling is located are a conditional use subject to the requirements of this title.

B. Cultivation Facility Standards.

1. Yard Setbacks. Outdoor marijuana cultivation facilities, including all land planted with marijuana, shall be located at least 50 feet from a lot line.

2. Height Limitations.

   a. The maximum height for a marijuana cultivation facility, indoor small shall be 35 feet.

   b. The maximum height for a marijuana cultivation facility, indoor large shall be 75 feet.
Public Hearing sign posted July 17, 2017

Existing parking area and vegetation

Planning Commission Meeting

August 15, 2017
APPLICATION MATERIAL
SUBMITTED ON

June 30, 2017
MARIJUANA FACILITY
CONDITIONAL USE PERMIT APPLICATION
File No. CU2017-024

FEES:
- $800 conditional use permit application
- $250 verification of sensitive use buffers
- $200 sign deposit (check or cash only)

Applicant:
Contact Name: DAVID WOREL
Business Name: Daliwoda Investment #1
Mailing Address: 807 Landing Rd.

Property Owner:
Name: DAVID WOREL DBA WOREL, LLC
Mailing Address: 807 Landing Rd.
City, State Zip: North Pole, AK 99705
Phone: 907 488 2500
Cell: 907 378 4640
E-mail: daliwoda@gmail.com

Property Information:
Property Description: Parcel Block 2 Piledriver Park Assembled Lots 8,9,10 Block 2 Piledriver Park
Street Address: 807 Landing Rd.
Lot Size: 42,487 sq. ft.
Parcel Account Numbers (PAN): 03072451 3071262, 3071261, 571521
Zoning District: Commercial RU
Existing Use(s):
Structure 1 = HVAC Company, Structure 2 = Storage

Conditional Use Request Information:
Requested Use(s):
Structure 2 (Storage) proposes to be a Marijuana Cultivation Facility, Indoor Unlimited
Request Description and Reasons for the Request:
We are requesting C.U. D as required by borough

I have attached a detailed site plan drawn to scale and to the standards of the Commercial/Industrial Site Plan guidelines.
I certify that the information included in this application is to the best of my knowledge true and complete.

APPLICANT SIGNATURE: DWR DATE: 6/19/17
OWNER SIGNATURE (if different): DWR DBA WOREL, LLC DATE: 6/19/17
If the applicant is not the sole property owner, written consent of all property owners must be provided pursuant to FNSBC 18.104.050(B).
• Employees  
  ○ 8 Max  
    ■ 4 Full Time  
    ■ 4 Part Time  

• Deliveries (Incoming)  
  ○ Chemical  
  ○ Water  
  ○ Dirt  
  ○ Planters and Pots  
  ○ Supplies  

• Deliveries (Outgoing)  
  ○ Water  
  ○ Marijuana  
  ○ Dirt  
  ○ Waste  

• Security  
  ○ Cameras 24 Hours a Day, 7 Days a week.  
  ○ All doors on Security  
  ○ Guard, if needed  
  ○ Fingerprint doors on alarm.  

• Hours of Operation  
  ○ Monday thru Saturday 10am till 6pm  

• Daily Activities  
  ○ Plants- Feeding, Trimming, Drying, Bagging  
  ○ Making Plant Food  
  ○ Cleaning work space  
  ○ Filling Water Tanks  
  ○ Testing Dirt Ph levels  
  ○ Testing Water System  
  ○ Ordering Supplies  
  ○ Cycling Lights  

• Weekly Activities  
  ○ Harvest of Plants  
  ○ Change out of dirt (old/new)  
  ○ Cloning Plants  
  ○ Disposing of bad water  
  ○ Inspecting Lights and Power  
  ○ Ordering Equipment  
  ○ Ordering Supplies  
  ○ Receiving Plant Food Ingredients
• Monthly Activities
  o HVAC Equipment filter changes and cleaning
  o Water System Tested
  o Transfer Of Cash
  o Light Systems Tested
  o Bulbs Changed
  o Marijuana Sales and Exports
  o Basic Inventory

• Periodic Activities
  o Pest Treatments
  o Drain Cleaning

• Seasonal Activities
  o Seed Planting for New Strands
  o Heating Oil Deliveries
  o Inventory

• Occasional Activities
  o Checking and repairing all systems (water pump, water recycle, lights, HVAC, Boiler, Truck, Tank)

• Annual Activities
  o Inventory
  o Compost Harvest

• Phases of Development
  o (Building 1)
    Room 1A Nursery Room (see drawing), will be the first place built. Area will be sealed off and growing started.

  o Room 1B Main Room will begin in the front of the shop.
    ■ Loading Area
    ■ Security Office
    ■ Locker Rooms
    ■ Flowering Room

Building 2
(Future)
• Impacts Across Property Lines
  ○ HVAC system will be above boiler room on the roof. Noise is low.
  ○ No windows that allow light to escape.
  ○ Outside lights will shine down over the doors
  ○ Traffic is no change
  ○ Charcoal Filters on all vents as a precautionary measure to prevent odor from escaping building.

• Chemicals Utilized and stored On Site (All Eco Friendly)
  ○ Plant Fertilizer
  ○ Bleach
  ○ Windex
  ○ Isopropyl Alcohol

• Plant Waste
  ○ Contract with Waste Management
  ○ Some compostable and non compostable material we will be mixing with is Rockwool, Peat moss, Perlite

  ○ We will be also composting the waste on site. We will mix with Peat moss 75% Peat and 25% plant. This will be used for future compost and dirt.

• Handling Waste
  ○ Harvest
  ○ Trimmings
  ○ Before Harvest Trimmings will be deposed to Waste management dumpster.

• Energy Source
  ○ Golden Valley Power

• Water Source
  ○ On site well
  ○ Water Delivery Service (Water Wagon) to supplement water.

• Method of Sewage
  ○ Septic System (will be pumped twice a year)
  ○ Floor Drains

Water is recycled.
  • Waste Water
    ○ Septic
    ○ Recycled
• Other Public Utilities
  ○ Dumpster (Waste Management)
  ○ Fire Department (FBNSB)
  ○ Police Department (State Police)
  ○ Security Monitoring Service (off site)
  ○ Water Delivery (Water Wagon)
  ○ Phone Company (alarm, internet, phone) (GCI, ATT,)
  ○ Dirt Company
  ○ Fertilizer Company
  ○ Power Company (GVEA)
  ○ Local Greenhouses
  ○ Hardware Stores

Growing Process
  ■ Seed, cloning

  ■ Flowering

  ■ Selling product to other Business. NOT to public

Current Property

807 Landing Road is currently the Head Quarters for a State License Mechanical Contractor (North Pole Heating and Cooling Inc). Traffic was very high use for 12 years. Since I'm moving my business and move to another location. This property will be less traveled.
Site Overview

Phase 1
Phase 2

1. L = OUTSIDE LED Lighting

2. All Parking and Loading Area Has 6" of Compact Gravel

Com. Planning Dept
JUN 30 2017
RECEIVED

Planning Commission Meeting
August 15, 2017
A. Small Plants - New rooted Plants
Cloning tray System

B. Mother Plants - New Flowering

C. Small Plants and New rooted plants
Cloning tray System

D. Mother Plants - New Flowering

E. Sick Plants

F. Sick Plants

G. Bath Room

Comm. Planning Dept
JUN 30 2017
RECEIVED
August 15, 2017
Flowering
Boiler Room

Diagram of Boiler Room with labels for various equipment and dimensions.
Planning Commission Meeting

August 15, 2017

A - Office
B - Mechanical
C - Women's Dressing
D - Men's Dressing
E - Drying Room
F - Trim Room
G - Hallway
H - Loading Dock

Diagram:

Legend:
- Plastic
- Main Entry Door
- Rollup Door
APPLICATION MATERIAL SUBMITTED ON

July 5, 2017
• Employees
  ○ 8 Max
    ■ 4 Full Time
    ■ 4 Part Time

• Deliveries (Incoming)
  ○ Chemical
  ○ Water
  ○ Dirt
  ○ Planters and Pots
  ○ Supplies

• Deliveries (Outgoing)
  ○ Water
  ○ Marijuana
  ○ Dirt
  ○ Waste

• Security
  ○ Cameras 24 Hours a Day, 7 Days a week.
  ○ All doors on Security
  ○ Guard, if needed
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  ○ Testing Water System
  ○ Ordering Supplies
  ○ Cycling Lights

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  ○ Change out of dirt (old/new)
  ○ Cloning Plants
  ○ Disposing of bad water
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  o Inventory

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  o Checking and repairing all systems (water pump, water recycle, lights, HVAC, Boiler, Truck, Tank)

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  o (Building 1)
    Room 1A Nursery Room (see drawing), will be the first place built. Area will be sealed off and growing started.
    Room 1B Main Room will begin in the front of the shop.
      ■ Loading Area
      ■ Security Office
      ■ Locker Rooms
      ■ Flowering Room

Building 2
(Future)
• Impacts Across Property Lines
  ◦ HVAC system will be above boiler room on the roof. Noise is low.
  ◦ No windows that allow light to escape.
  ◦ Outside lights will shine down over the doors
  ◦ Traffic is no change
  ◦ Charcoal Filters on all vents as a precautionary measure to prevent odor from escaping building.

• Chemicals Utilized and stored On Site (All Eco Friendly)
  ◦ Plant Fertilizer
  ◦ Bleach
  ◦ Windex
  ◦ Isopropyl Alcohol

• Plant Waste
  ◦ Contract with Waste Management
  ◦ We will be following the DEC guidelines for plant waste management by mixing with an equal amount of non-compostable materials such as paper, cardboard or plastic.

• Handling Waste
  ◦ Harvest
  ◦ Trimmings
  ◦ Before Harvest Trimmings will be deposed of in same manner as final plant waste. We will put in containers with an equal amount of non-compostable materials such as paper, cardboard or plastic and it will be picked up by Waste Management.

• Energy Source
  ◦ Golden Valley Power

• Water Source
  ◦ On site well
  ◦ Water Delivery Service (Water Wagon) to supplement water.

• Method of Sewage
  ◦ Septic System (will be pumped twice a year, this will not have any grow waste water in it.)
■ Water Waste
  o We will be recycling our waste water from the grow operation.
  o Should the need arise to have any waste water removed from the grow operation it will be put in a holding tank and in compliance with the DEC regulations.
  o We have also contacted Golden Heart Utilities who will decide at the time we request removal if testing of the waste water will need to be done after we provide them with information such as chemicals we used and how much water is to be removed.
  o Once we have completed the process the DEC and Golden Heart Utilities requires for treatment, we will then have Big Foot Pumping pump the waste water holding tank and instruct them to take the water where Golden Heart Utilities informs us to.

■ Other Public Utilities
  o Dumpster (Waste Management)
  o Fire Department (FBNSB)
  o Police Department (State Police)
  o Security Monitoring Service (off site)
  o Water Delivery (Water Wagon)
  o Phone Company (alarm, internet, phone) (GCI, ATT,)
  o Dirt Company
  o Fertilizer Company
  o Power Company (GVEA)
  o Local Greenhouses
  o Hardware Stores

Growing Process
■ Seed, cloning

■ Flowering

■ Selling product to other Business. NOT to public

Current Property

807 Landing Road is currently the Head Quarters for a State License Mechanical Contractor (North Pole Heating and Cooling Inc).
Traffic was very high use for 12 years. Since I'm moving my business and move to another location.
This property will be less traveled.
Hi Manish,

Attached is a revised grow narrative.

The changes we revised are on our plan to dispose of our plant waste.

It also includes our plan should we ever have the need for plant waste water removal. At this time we are recycling our water, so we are in compliance with DEC and Golden Heart Utilities. However, should the need ever arise that we need to have waste water removed, we included in the narrative our plan to have it removed.

Please review and let me know if you feel I have met all the questions that the public or commission will have for our proposed grow operation.

Thank you Manish for all your assistance during this project. I greatly appreciate it.

Lisa
907-888-2464
Daliwoda@gmail.com
APPLICATION MATERIAL SUBMITTED ON

July 25, 2017
Planning Commission Meeting

Building Overview

A-7
A-8
A-9
A-10
A-11
A-4
A-5
A-1
A-2
A-3

A-1 - Vault
A-2 - Drying
A-3 - Storage
A-4 - Loading
A-5 - Trim
A-6 - Main Entry
A-7 - Phone Computer Security Area
A-8 - Main Office
A-9 - Office and Locked Area
A-10 - Bath
A-11 - Boiler and Water Storage
upstairs
A-12 - Drying
A-13 - Hydroponic Grow Area

Comm. Planning Dept
JUL 25 2017
RECEIVED
$\frac{3}{32}$ Arch

A-2

Comm. Planning Dept
JUL 25 2017
RECEIVED
½ Arch

Main Entry Way

Comm. Planning Dept
JUL 25 2017
RECEIVED
1/2 Arch

15'

12'

Comm. Planning Dept
JUL 25 2017
RECEIVED

A-9
WRITTEN AGENCY
COMMENTS

CU2017-024
Rural Services has no comments or concerns.

Michael

From: Stacy Wasinger
Sent: Friday, July 07, 2017 10:15 AM
To: Stacy Wasinger
Subject: CU2017-024 (807 Landing Road)

Good morning,

The FNSB Department of Community Planning has received an application request for a conditional use permit for a marijuana cultivation facility, indoor unlimited located at 807 Landing Road in the General Use 1 (GU-1) zone. The conditional use application proposes to use two existing structures for the proposed cultivation facility. Attached are the application and narrative, as well as a report containing basic information for the property. This application is currently scheduled for a public hearing before the Planning Commission on August 15, 2017.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. If there is someone else that would be more appropriate to review this application, please feel free to forward it or let me know. If possible, please return any written comments by Friday, July 21, 2017. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

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

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
Good morning,

Please find the attachment above with DOT&PF final comments for the Landing Road conditional permit application.

Thanks,

Randi

Randi Motsko
Transportation Planner
AK Dept. of Transportation & Public Facilities, Fairbanks Field Office
2301 Peger Rd
Fairbanks, Alaska 99709
(907) 451-2386
July 17, 2017

Stacy Wasinger
swasinger@fnsb.us

Property Owner/Developer: David Worel, LLC

Type of Request: Conditional Use Permit: 807 Landing Road

Property Location: UMB01, Block 2, Piledriver Park, Assembled Lots 8, 9 & 10, Block 2, Piledriver Park

ADOT&PF has reviewed the above request and has no comments.

Driveways on state owned roads must meet current Alaska DOT&PF standards. If they do not meet these standards, ADOT&PF may request that they be modified to do so. If the owner wishes to modify an existing permitted driveway, or create a new driveway, an ADOT&PF driveway permit is required. The ADOT&PF permitting website can be found at: http://www.dot.state.ak.us/permits/index.shtml

Thank you.

Sincerely,

Randi Motsko
Fairbanks Area Transportation Planner
(907) 451-2386

cc: George Stefan, FNSB
    Angela Parker, FNSB
    Dan Welch, FNSB
DEAR PROPERTY OWNER

“INTERESTED PERSONS”

CU2017-024
1S 1E, SEC: 12, TAXLOT: 1207
Millam Nicole G
Millam Jason L
PO BOX 84623
Fairbanks, AK 99708

LINDALE, BLOCK: A, LOT: 02
Miller Robert C
857 Mattie St
North Pole, AK 99705

BROWNS HILL, BLOCK: 04, LOT: 03
Morris Nicholas R
2090 Loose Moose Loop
North Pole, AK 99705

PILEDIVER PARK, BLOCK: 02, LOT: 04
Newell Russell
Newell Jacqueline
1832 Loose Moose Lp
North Pole, AK 99705

KENDALL, BLOCK: 04, LOT: 03
Noble Jamie
Noble Samantha
1774 Kendall Ave
North Pole, AK 99705

1S 1E, SEC: 13, TAXLOT: 1314
Norris Aida M
Klingbeil John W Iv
1708 Badger Rd
North Pole, AK 99705

1S 1E, SEC: 13, TAXLOT: 1313
Norris Family Trust
2093 Loose Moose Loop
North Pole, AK 99705

PILEDIVER PARK, BLOCK: 02, LOT: 11
North Slope Catering Llc
322 Culver Blvd Unit 357
Playa Del Rey, CA 90293

1S 1E, SEC: 12, TAXLOT: 1208
Norum Jerome W
Norum Nancy
945 Mcgown St Apt 3C
Fairbanks, AK 99701

LINDALE, BLOCK: A, LOT: 05
Orr Jon H
Orr Darla M
893 Mattie St
North Pole, AK 99705

PILEDIVER PARK, BLOCK: 04, LOT: 02
Osborne Harold L
Osborne Susan M
PO BOX 84953
Fairbanks, AK 99708

MENDONE, BLOCK: 06, LOT: 05
Parker Robert F
Parker Shelley A
1822 Dew Drop Ct
North Pole, AK 99705

BROWNS HILL, BLOCK: 04, LOT: 04
Potts Alice
Brown Susan
14199 Racine Cir
Magalia, CA 95954

ENDECOTT, BLOCK: J, LOT: 02
Peterson David L Jr
1881 Bobanna Ln
North Pole, AK 99705

KENDALL, BLOCK: 04, LOT: 04
Read Tobyn A
Read Barbara A
PO BOX 35326
Ft Wainwright, AK 99703

KENDALL, BLOCK: 02, LOT: 01
Reh Jesse
1805 Kendall Ave
North Pole, AK 99705

BROWNS HILL, BLOCK: 02, LOT: 05
Reisinger John Wayne
Kowalski Martha Gray Karen
2085 Loose Moose Lp
North Pole, AK 99705

Rhines Frank
Rhines Ida
1909 Loose Moose Loop
North Pole, AK 99705

Rhines Gregory V
289 Ester Dr
Fairbanks, AK 99709

Rhines Frank O Iii
729 Keeling Rd
North Pole, AK 99705

BROWNS HILL, BLOCK: 04, LOT: 06
Ritchard Larry R
16415 15th Ave SW
Burien, WA 98166

KENDALL, BLOCK: 05, LOT: 01
Roberts Deanna M
1787 Kendall Ave
North Pole, AK 99705

BROWNS HILL, BLOCK: 02, LOT: 08
Robinson Charles Jr
Robinson Mary Ann
PO BOX 80154
Fairbanks, AK 99708

BROWNS HILL, BLOCK: 02, LOT: 07
Robinson Charles V
Robinson Mary Ann
PO BOX 80154
Fairbanks, AK 99708

1S 1E, SEC: 12, TAXLOT: 1236
Rutherford Rodney B
721 Keeling Rd
North Pole, AK 99705

LINDALE, BLOCK: A, LOT: 01A
Richardson Barry H
PO BOX 58204
Fairbanks, AK 99711

LINDALE, BLOCK: B, LOT: 06
Rydberg Kenneth W
PO BOX 58032
Fairbanks, AK 99711

Planning Commission Meeting 152 August 15, 2017
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KENDALL, BLOCK: 04, LOT: 01
Wilson Jaqueline M
1787 Bobanna Ln
North Pole, AK 99705

PILEDRIVER PARK, BLOCK: 02, LOT: 22
Wood Brian Michael
PO BOX 58497
Fairbanks, AK 99711

BROWNS HILL, BLOCK: 02, LOT: 02
Wood Philip N
Wood Rachel A
PO BOX 58595
Fairbanks, AK 99711

PILEDRIVER PARK, BLOCK: 06, LOT: 04
Woods Sandra Marie
Bull Tracy
607 Old Steese Hwy Ste B161
Fairbanks, AK 99701

BROWNS HILL, BLOCK: 04, LOT: 06
Woody Gary D
Woody Aldena L
PO BOX 10178
Fairbanks, AK 99710

PILEDRIVER PARK, BLOCK: 02, LOT: UMB01
Worel Llc
4042 Teal Ave
Fairbanks, AK 99709
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

CU2017-025
August 15, 2017 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission
FROM: Manish Singh, Planner II
DATE: July 28, 2017
RE: CU2017-025: A request by Monique Daigle DBA AK Green Bee, Inc for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone on Lot 2, Block 1, Benshoof Subdivision Phase 1 (located at 2364 Badger Road, on the east side of Badger Road, south of Benshoof Drive).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the conditional use request with three (3) conditions and three (3) Findings of Fact in support of approval. The staff analysis finds that the marijuana cultivation facility, indoor large, 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.

II. GENERAL INFORMATION

A. Purpose To allow a marijuana cultivation facility, indoor large in the GU-1 zone.

B. Location 2364 Badger Road, on the east side of Badger Road, south of Benshoof Drive

C. Access Frontage Road

D. Size/PAN

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<th>PAN (Lot)</th>
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<td>55,475 sq.ft</td>
<td>0432431 (Lot 2)</td>
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E. Existing Zone General Use 1 (GU-1)

F. Existing Land Use Vacant Land

G. Surrounding Land Use/Zoning

North: Zoning: GU-1
       Land Use: Commercial

South: Zoning: GU-1
       Land Use: Residential

East: Zoning: GU-1
       Land Use: Residential
III. PROPERTY DEVELOPMENT HISTORY

FNSB Community Planning Department issued a zoning permit (ZP-17072) for a single-family residence in 2014. This single-family residence was not constructed and the subject property is currently vacant. On July 5, 2017, the applicant obtained a zoning permit (ZP-17824) for using a 1,380 sq.ft. portion of a proposed 40’ X 60’ (2,400 sq.ft.) building for a marijuana cultivation facility, indoor small (see floor plan in Exhibit 1). A marijuana cultivation facility, indoor small is a permitted use in GU-1 zone with a zoning permit.

IV. PROPOSED USE AND PROJECT INFO

The applicant has proposed a 40’ X 60’ (2,400 sq.ft.) building and has requested a conditional use permit to use this entire building as a marijuana cultivation facility, indoor large (see site plan in Figure 1). A marijuana cultivation facility, indoor large is defined as “a legally licensed, fully enclosed commercial marijuana cultivation facility as defined by state law, in which all growing, preparation and packaging activities are conducted completely indoors. Net floor area of all cultivation facility structures does not exceed 10,000 square feet [FNSBC 18.04.010].” A marijuana cultivation facility, indoor large requires a conditional use permit in GU-1 zone because the adjacent property contains a dwelling as a primary structure [FNSBC 18.96.240(A)(6)].

This indoor cultivation building is proposed to have three veg/flowering rooms, mother/cloning room, a drying room, a packaging area, an office and a bathroom (see floor plan in Exhibit 2). The applicant estimates having maximum of 10 employees. The applicant has stated that the facility will operate from 8 am to 8 pm, seven days a week.
Figure 1: Site Plan
The indoor cultivation building is shown in red

Figure 2: Zoning in the Surrounding Area
The subject property is currently zoned GU-1. This property is surrounded by GU-1 zoning on all sides (Figure 2). The surrounding property to the north is used commercially by Total Toyo, a heating equipment sale and repair business. The parcel to the south has applicant’s residence. The parcel to the east is used residentially and the parcel to the west across Badger Road is currently vacant. The Comprehensive Plan Land Use Map characterizes this area as ‘Perimeter Area’ and ‘Preferred Residential Land’.

V. APPLICABLE APPROVAL CRITERIA

Conditional Uses for marijuana establishments are governed by FNSBC18.104.050(C) and FNSBC18.96.240 (see Exhibit 3 for details).

VI. PUBLIC NOTICE

The Community Planning Department mailed 186 dear property owner notices and received four inquiries about this case.

VII. AGENCY COMMENTS

The FNSB Department of Community Planning contacted following agencies for comments:

a. State Fire Marshal
b. North Star Volunteer Fire Department
c. Alaska State Troopers
d. Alaska Department of Transportation and Public Facilities (ADOT&PF)
e. FNSB E-911 Addressing
f. Alaska Department of Environmental Conservation (ADEC)
g. Alaska Department of Natural Resources (ADNR)
h. Golden Valley Electric Association (GVEA)

All written comments are included in the “Agency Comments” section following this report.

VIII. STAFF ANALYSIS

A. Transportation & Parking

The subject property is accessible from Badger Road by the Frontage Road. Badger Road is a minor arterial type road, maintained by ADOT&PF. The Average Daily Traffic (ADT) count on Badger Road in the immediate area was 5,481 vehicles per day in 2015. The proposed use would generate approximately 47 trip ends per weekday. This calculation is based on the estimated maximum 10 employees and relying on the closest related land use “Nursery (Wholesale)” in the Institute of Transportation Engineers (ITE) Trip Generation Manual (Table 1). Badger Road can accommodate the small number of trip ends generated by the proposed facility.

1 This section of this staff report includes comments from Donald Galligan, FNSB Transportation Planner
2 2015 Annual Average Daily Traffic (AADT) GIS Map, Alaska DOT&PF Transportation Data Programs
Table 1: Trip Generation Summary

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<th>Proposed land use</th>
<th>Size/employees</th>
<th>Closest related land use in ITE Trip Generation Manual</th>
<th>Trip generation standard in ITE</th>
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<td>Marijuana cultivation facility, indoor large</td>
<td>10 employees</td>
<td>Nursery (Wholesale)</td>
<td>23.40 trip ends/5 employees</td>
<td>46.8 trip ends</td>
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The proposed facility is located in GU-1 zoning where FNSB parking standards do not apply. However, Community Planning has analyzed the off-street parking provided on site using FNSB parking standard requirement of 3 parking spaces for every 4 employees [FNSBC 18.96.060(C)]. The applicant expects maximum 10 employees for the marijuana cultivation facility, indoor large. The site plan provided by the applicant shows 9 parking spaces when only 8 parking spaces are required. The site plan shows the gravel traffic circulation and loading area with adequate backing, turning and maneuvering space.

B. FNSBC 18.96.240 Standards for Commercial Marijuana Establishments

A. General Standards

2. A commercial marijuana establishment may only be allowed with the written consent of the owner of the property.

The current property owner has provided written consent to the proposed marijuana cultivation facility.

3. No marijuana establishment, except a marijuana testing facility, shall be located within the following buffer distances (see FNSBC 18.96.240(A)(3)(a-e)).

The buffer map and property detail provided by the applicant (Exhibit 4) demonstrates that the commercial marijuana cultivation facility is not located within the buffer distances provided in FNSBC 18.96.240(A)(3)(a-e). The proposed cultivation facility has one sensitive use within 500 feet; however, the cultivation facility is not located within its buffer distance.

Lot 2, Block 1, Benshoof Subdivision Phase 1 (2376 Badger Road) has a church. FNSBC 18.96.240(A)(3)(c) requires a 100-foot buffer from a church building. FNSBC 18.96.240(A)(3)(d) requires this 100-foot buffer distance to be measured from the nearest public entrance of a commercial marijuana establishment to the principal building containing the church use. The nearest public entrance of the proposed cultivation building is at least 250 feet from the church building.

All state buffer requirements provided in 3AAC 306 must also be met.

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4. **Outdoor Storage.** No outdoor storage of marijuana, marijuana products or hazardous substances shall be allowed.

The applicant is not proposing outdoor storage of marijuana, marijuana products, or hazardous substances, as shown in the site plan and explained in the narrative.

5. **In all zones in which marijuana establishments, with the exception of a marijuana testing facility, are a permitted or conditional use, the applicant shall include an area map drawn to scale indicating all land uses on complete parcels within a 500-foot proximity of the lot upon which the applicant is seeking a zoning permit or conditional use permit.**

The applicant’s submittals include an area map drawn to scale indicating all land uses within a 500-foot proximity of the subject lot (Exhibit 4).

6. **Marijuana establishments other than marijuana cultivation facilities, indoor small and marijuana testing facilities located in GU-1 or GU-5 zoning and adjacent to a lot upon which a principal building used as a dwelling is located are a conditional use subject to the requirements of this title.**

The subject property is in GU-1 zone adjacent to a lot containing a dwelling as a principal use. Therefore, the applicant has applied for a conditional use permit.

**G. FNSBC 18.104.050(C) Hearing and Decision by the Planning Commission**

1) **Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state 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 Comprehensive Plan Land Use Map characterizes this area as ‘Perimeter Area’ and ‘Preferred Residential Land’. Perimeter Area is “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.” Preferred Residential Land is “determined to be more suitable than 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.”

The Perimeter Area designations are within 10 to 20 minutes’ drive from the urban densities and contain primarily residential uses. The development in Perimeter Area is recommended to be compatible with the surrounding community, natural systems and is recommended to have water and sewer facilities. The subject property is located in a neighborhood that has primarily developed residentially with the exception of the heating equipment sale and repair business on Lot 1 and the church on Lot 4.

The Preferred Residential Land designation recommends development of the available land because of the natural suitability, however, the development does not necessarily only have to be residential. The natural suitability in Preferred Residential Land designation includes less than 20% slope, not being designated wetlands and having lower probability of containing detrimental permafrost conditions. The subject property
meets these natural suitability criteria and therefore, could be developed as a marijuana cultivation facility. The proposed conditional use is not inconsistent with Perimeter Area and Preferred Residential Land comprehensive plan land use designations.

The request is consistent with the following goals of the Comprehensive Plan:

**Land Use Goal 3** – To have a variety of land uses that fit the diverse needs of the community
**Strategy 6** – Provide for commercial land uses in both urban and non-urban areas
**Action A** – Provide for a variety of commercial areas that adequately serve the market area

This conditional use proposal adds a commercial marijuana cultivation establishment in the Borough. Commercial marijuana is a new industry and this conditional use would serve the market by making products available for commercial marijuana product manufacturing and retail establishments.

**Economic Development Goal 2** – To diversify the economy
**Strategy 6** – Emphasize development that brings new dollars into the community, including efforts to add value to the region’s natural, manufactured, service and intellectual resources.
**Action B** – Create a variety of types and sizes of commercial and industrial areas that support diversification of economic activity.

The applicant submittals state that this marijuana cultivation establishment would support 10 jobs with this conditional use. This operation would diversify the commercial activity in the Fairbanks North Star Borough enhancing community’s ability to generate revenue.

**Intent of FNSBC Title 18:** The intent of Title 18 which 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 property owner to develop their private property is an example of protecting private property rights via clearly defined local zoning regulations. This proposal is to use the property as a marijuana cultivation facility, indoor large which requires a conditional use permit in GU-1 zone because the adjacent property has a dwelling as a primary structure. The public notification, public hearing procedures and approval criteria for conditional uses help protect the property rights of the surrounding property owners.

The subject property is accessible from Badger Road by the Frontage Road. Badger Road is a minor arterial type road, maintained by ADOT&PF. Badger Road could accommodate the small number of trip ends generated by the proposed facility.

The proposed conditional use promotes economic development and the growth of private enterprise because it would support 10 jobs in the area and would help diversify the commercial activity in the Fairbanks North Star Borough.
The applicant has addressed site security elements and has developed strategies for plant and liquid waste disposal. Moreover, the applicant has agreed to comply with state marijuana regulations. The application material and the narrative for this proposal illustrates that it meets the intent of Title 18 because this application is to protect property rights and with the conditions imposed, it would promote the public health, safety and general welfare of the residents of the borough.

**Alaska State Statute and Other Ordinances:** 3AAC 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.

**(2) Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.**

**Water & Wastewater/Sewage:** The applicant has proposed a new private well to meet the water supply needs for marijuana cultivation. The applicant has proposed a new “commercial and industrial” septic system for sewage disposal and liquid waste disposal. The applicant intends to obtain ADEC approval for the proposed septic system. ADEC Division of Water, Wastewater Discharge treats wastewater produced from the marijuana cultivation operation as non-domestic wastewater and does not allow any non-domestic wastewater discharge into a septic system without express written approval from ADEC (18 AAC 72, Wastewater Disposal Regulations). Therefore, Community Planning staff recommends a condition requiring a formal plan review by ADEC and compliance with all recommendations and/or requirements resulting from the plan review as a condition to ensure that there is adequate wastewater/sewage capacity for this conditional use. In order to obtain an ADEC approval for non-domestic wastewater discharge, the applicant will likely need to hire a professional engineer to design the septic system and characterize the wastewater.

**Emergency Fire Response:** The proposed conditional use has adequate fire services because the property is within the North Star Fire Service Area.

**Energy:** The proposed conditional use has adequate power supply because they are served by GVEA grid.

**Police:** The proposed conditional use is served by Alaska State Troopers.

**Transportation:** The subject property is accessible from Badger Road by the Frontage Road. Badger Road is a minor arterial type road, maintained by ADOT&PF. Badger Road could accommodate the small number of trip ends generated by the proposed facility. The applicant has provided nine off-street parking spaces and a loading area with sufficient backing and maneuvering space.

**(3) Whether or not the proposed conditional use will protect the public health, safety and welfare.**

With the conditions imposed, this use will protect the public health, safety, and welfare through responsible operation of the facility as demonstrated in applicant’s business
The proposed marijuana cultivation facility, indoor large meets the standards required by FNSBC 18.96.240 and the operating plan is intended to minimize and mitigate adverse impacts to surrounding properties. The applicant has a detailed plan for site security, fire safety, and employee health to help address public health, safety, and welfare concerns.

Site security, marijuana liquid and plant waste, outdoor lighting, noise, odor and hours of operation could be potential concerns for surrounding properties with a commercial marijuana cultivation operation but the applicant has addressed these issues in a way that mitigates the public health, safety and welfare concerns.

**Site Security and Marijuana Waste Disposal:** The applicant intends to secure all marijuana and marijuana products inside the building to ensure the general public does not have access to them. The applicant has stated that the cultivation facility will not be open to public. The applicant has stated that their security provisions include ID badges for employees and visitors, commercial grade door locks, exterior security lighting, an alarmed security system and 24-hour video surveillance. The applicant has stated that the marijuana plant waste would be rendered unusable via mixing with acceptable medium and will be disposed of at the Borough landfill according to state regulations.

The state licensing and operational standards including restricted access areas, security alarm systems, video surveillance, waste disposal methods for marijuana facilities are governed by 3AAC 306. The application material acknowledges that a marijuana cultivation facility, indoor large cannot legally operate without obtaining a state issued license [FNSBC18.04.010] and compliance with 3AAC 306 is required to obtain a state license. Compliance with state regulations related to security, waste disposal, health and safety would help ensure employees' health and safety. Therefore, Community Planning recommends compliance with 3AAC 306 as a condition to ensure public health, safety and welfare.

**Odor:** The applicant plans to address odor by carbon filters. However, if these filters are not of sufficient capacity, the odor could potentially become a public health, safety and welfare issue for the neighbors. Therefore, Community Planning recommends a condition requiring installation of appropriately sized odor filtration systems in the indoor cultivation space to help ensure the public health, safety and welfare.

**Outdoor Lighting:** The site plan provided by the applicant shows three exterior lights which would point downward. The property is not adjacent to a residential zone. Additionally, the neighboring property to the north already has a heating equipment sale and repair business. Therefore, Community Planning believes that the outdoor lighting does not negatively impact the public health, safety and welfare of the surrounding properties.

**Noise:** The applicant has stated that the noise generated from this cultivation operation would be minimum because the cultivation operation is completely indoors. Therefore, Community Planning believes that the noise produced from the indoor cultivation building will not negatively impact the public health, safety and welfare of the surrounding properties.
**Hours of Operation:** The applicant has stated the hours of operation would be 8 am to 8 pm, seven days a week. These hours of operation do not appear to be negatively impacting the neighborhood’s public health, safety and welfare because the property is adjacent to a heating equipment sale and repair business to the north which operates 8 am - 6 pm, Monday to Friday and 10 am - 4 pm, Saturday during winter months and 8 am - 6 pm, Monday to Friday and by appointment on Saturday during summer months. The subject property is located on Badger Road which is a minor arterial type road and receives more traffic compared to local type roads in the Borough. The subject property is located in GU-1 zoning where there are no restrictions on hours of operation.

**Fire Safety:** Fire and rescue services for this operation are available through the North Star Fire Service Area. Any lack in ensuring necessary fire safety provisions for a marijuana cultivation operation could result in a fire or an employee/visitor safety issue because marijuana cultivation operations have high usage of electricity in a moist environment. Therefore, Community Planning recommends a formal plan review by the Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) and compliance with all recommendations and/or requirements resulting from the plan review as a condition to minimize fire and other safety risks, thereby ensuring public health, safety and welfare.

The applicant’s submittals indicate that the applicant plans to go to other agencies such as the Marijuana Control Board (MCB), ADEC and Fire Marshall for plan reviews and approvals. Because this conditional use approval is for a specific use, a change in the site plan or operation method may result in increased impacts or trigger a public health, safety and welfare concern which has not been analyzed. Therefore, Community Planning recommends a condition that the applicant file final site and floor plans with Community Planning to ensure compliance with Planning Commission approved site plan, floor plan and conditions. If any modifications are made to the approved documents or operations characteristics, an amendment to the conditional use permit may be required.

**IX. RECOMMENDATION**

Based on the staff analysis, the Department of Community Planning recommends **APPROVAL** of the conditional use permit request for marijuana cultivation facility, indoor large in the GU-1 zone with three (3) conditions.

**X. CONDITIONS**

1. Prior to the commencement of marijuana cultivation operation, 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 for the proposed onsite septic system and shall comply with all recommendations and/or requirements resulting from the plan review.

2. Indoor cultivation, drying, and processing rooms or portions of the building where marijuana will be grown, processed or stored, shall be equipped with appropriately sized odor filtration systems such that the marijuana odor shall not be detectable by the public from outside the indoor cultivation facility.

3. If any modifications are made to the site plan, floor plans, or other FNSB required documents or operational characteristics, the applicant or holder of this conditional use permits shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

XI. FINDINGS OF FACT

The Department of Community Planning further recommends the following Findings of Fact in support of approval:

1. With the conditions imposed, the proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes:

   a. The purpose of Title 18 will be met because the proposed conditional use is not inconsistent with ‘Perimeter Area’ and ‘Preferred Residential Land’ comprehensive plan land use designation. The 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. 3AAC 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.

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 is proposed to have an onsite septic system. With the conditions imposed, the property will have adequate capacity to receive the non-domestic wastewater generated from the cultivation facility.
   
   b. The site is served by North Star Volunteer Fire Department for emergency fire response.
   
   c. The site is served by Alaska State Troopers for law enforcement.
   
   d. The site is currently connected to the GVEA grid which will provide sufficient energy supply for indoor cultivation activities.
e. Nine (9) off-street parking spaces and a loading area have been provided on-site, which are adequate for the proposed cultivation conditional use.

f. The subject property is accessible from Badger Road by the Frontage Road. Badger Road is a minor arterial type road, maintained by ADOT&PF. Badger Road could accommodate the small number of trip ends generated by the proposed facility.

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 (FNSBC 18.84) and Standards for Commercial Marijuana Establishments (FNSBC 18.96.240) as well as state requirements for a commercial marijuana cultivation facility.

   a. With the conditions imposed, security systems, alarms, cameras and lighting will meet state regulations required to obtain a commercial marijuana cultivation license.

   b. With the conditions imposed, any solid or liquid waste including marijuana plant waste will be disposed of in accordance with state and local regulations.

   c. With the conditions imposed, odor will be mitigated with appropriately sized odor filtration systems in cultivation, drying, and processing facilities.

   d. All marijuana and marijuana products will be secured inside the building to ensure the general public does not have access to them.

   e. The noise generated from this cultivation operation would be minimal and it would not negatively impact the neighboring residential property owners because the operation is completely indoors.

   f. The outdoor lighting would point downwards and will not negatively impact the neighborhood or residential uses.

   g. The cultivation hours of operation will not negatively impact the neighboring residential property owners because there is a heating equipment sale and repair business to the north which has comparable hours of operation.

**DRAFT PLANNING COMMISSION MOTION:**

I move to approve the Conditional Use Permit for a commercial marijuana cultivation facility, indoor large with three (3) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval.
APPLICABLE APPROVAL CRITERIA

Conditional Uses are governed by the following provisions of Title 18, Fairbanks North Star Borough Code of Ordinances:

18.104.050 (C)

1. Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes.

2. Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use.

3. Whether or not the proposed conditional use will protect the public health, safety and welfare.

The Planning Commission may approve or deny a conditional use request or may approve a conditional use request with conditions to ensure the protection of the public health, safety and welfare. Such conditions may relate to any, or more, of the following: traffic flow and access requirements, lighting, pedestrian movements.

Marijuana Facilities are also governed by the provisions of Title 18, Standards for Commercial Marijuana Establishments:

18.96.240

A. General Standards.

1. Applicability. Standards of this section shall apply to commercial marijuana establishments regardless of whether they are a permitted or conditional use.

2. A commercial marijuana establishment may only be allowed with the written consent of the owner of the property.

3. No marijuana establishment, except a marijuana testing facility, shall be located within the following buffer distances:

   a. Five hundred feet of primary and secondary school buildings (K-12) including vocational programs, playgrounds, adult and juvenile correctional facilities and housing facilities owned by a public housing authority with children as residents; and

   b. Two hundred feet of any post-secondary school buildings including but not limited to trade/technical/vocational schools, colleges and universities; and

   c. One hundred feet of youth centers, group homes serving persons ages 18 and under, public swimming pools, state licensed day care facilities, arcades, state licensed substance use treatment provider or facility providing substance abuse use treatment, church buildings and residential zones (RE, RR, SF, TF, MF, MFO).
d. Buffer distances shall be measured from the nearest public entrance of a commercial marijuana establishment to:

i. Outer boundaries of school buildings, including outdoor school facilities where students are regularly found;

ii. Outer boundaries of playgrounds;

iii. The lot line of a lot in a residential zone; or

iv. The principal building containing other uses listed in subsections (A)(3)(a) through (c) of this section.

e. Buffer distance measurements shall not extend beyond the nearest ordinary high water (OHW) mark of a river or lake or beyond the nearest edge of a right-of-way (ROW) of a controlled access facility.

4. Outdoor Storage. No outdoor storage of marijuana, marijuana products or hazardous substances shall be allowed.

5. In all zones in which marijuana establishments, with the exception of a marijuana testing facility, are a permitted or conditional use, the applicant shall include an area map drawn to scale indicating all land uses on complete parcels within a 500-foot proximity of the lot upon which the applicant is seeking a zoning permit or conditional use permit.

6. Marijuana establishments other than marijuana cultivation facilities, indoor small and marijuana testing facilities located in GU-1 or GU-5 zoning and adjacent to a lot upon which a principal building used as a dwelling is located are a conditional use subject to the requirements of this title.

B. Cultivation Facility Standards.

1. Yard Setbacks. Outdoor marijuana cultivation facilities, including all land planted with marijuana, shall be located at least 50 feet from a lot line.

2. Height Limitations.

   a. The maximum height for a marijuana cultivation facility, indoor small shall be 35 feet.

   b. The maximum height for a marijuana cultivation facility, indoor large shall be 75 feet.
Access to Frontage Road from Badger Road

Frontage Road, looking north
Frontage Road access onto Lot 2 & 3

Subject Property, and Proposed Building Location
Church on Lot 4, 2376 Badger Road

Total Toyo Business on Lot 1, 1281 Benshoof Dr
Agency Comments

CU2017-025
July 19, 2017 11:25 AM

Phone call conversation with

**Douglas Buteyn**
Northern/Southeastern Regional Program Manager, ADEC Solid Waste Program
610 University Avenue, Fairbanks, AK 99709
Phone: 907-451-2135, Email: doug.buteyn@alaska.gov

Manish Singh, FNSB Planner, asked if marijuana cultivation facilities need a permit to compost the marijuana plant waste onsite after mixing it with equal amount of compostable material. Mr. Buteyn clarified that DEC does not require a permit if the grower is composting less than 5 tons of waste per day or less than 10 tons of waste per batch. Mr. Buteyn further clarified that DEC requires a permit if the composted waste is being sold offsite or being made available for public to pick up.

Manish Singh, FNSB Community Planner
Manish Singh

From: Roberts, Jillian T (DPS) <jillian.roberts@alaska.gov>
Sent: Tuesday, July 18, 2017 8:23 AM
To: Manish Singh
Subject: RE: CU2017-025: Requesting Comments for Marijuana Cultivation App. (2364 Badger Road)

Manish,

We have not yet received an application for this building. Please send the applicant to our website to submit for a plan review: http://www.dps.state.ak.us/Fire/PRB/

Thanks,

Jill Roberts
Plan Review Bureau
Division of Fire & Life Safety
Jillian.roberts@alaska.gov
Phone 269-2004 Fax 269-0098

From: Manish Singh [mailto:MSingh@fnsb.us]
Sent: Friday, July 07, 2017 9:48 AM
To: Tyler, David L (DPS); Aden, David G (DPS); Roberts, Jillian T (DPS); Nakano, Lloyd M (DPS); diana.parks@alaska.gov; Carpenter, Margaret (DOT); Horton, George C (DNR); Bear, Tonya (DEC); Buteyn, Douglas J (DEC); AST Directors Office, DPS (DPS sponsored); JLKarl@gvea.com; Bill Witte
Subject: CU2017-025: Requesting Comments for Marijuana Cultivation App. (2364 Badger Road)

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering CU2017-025, a request for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone, located at 2364 Badger Road (on the east side of Badger Road, south of Benshoof Drive). This case is scheduled for the Planning Commission meeting on August 15, 2017.

I have attached the application with this email. The department requests you to send us your comments for this proposal by July 21, 2017. For more information about this case, please email msingh@fnsb.us or contact Manish Singh at (907) 459-1225. The staff report to the commission will be available online at www.fnsb.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Thanks,
Manish
July 17, 2017

Manish Singh
msingh@fnsb.us

Property Owner/Developer: Monique Daigle

Type of Request: Conditional Use Permit: Benshoof Subdivision

Property Location: Benshoof Subdivision- Phase 1, A portion of the SW1/4, SW1/4 within Section 20, T.1S, R.2E, Fairbanks Meridian, Alaska.

ADOT&PF has reviewed the above request and has the following comments:

Note: Direct access to Badger Road is prohibited.

Comment: Any access road construction is prohibited within the Badger Road ROW and within the platted 40' wide frontage road easement.

Driveways on state owned roads must meet current Alaska DOT&PF standards. If they do not meet these standards, ADOT&PF may request that they be modified to do so. If the owner wishes to modify an existing permitted driveway, or create a new driveway, an ADOT&PF driveway permit is required. The ADOT&PF permitting website can be found at: http://www.dot.state.ak.us/permits/index.shtml

Thank you.

Sincerely,

Randi Motsko
Fairbanks Area Transportation Planner
(907) 451-2386

cc: George Stefan, FNSB
    Angela Parker, FNSB
    Dan Welch, FNSB

"Keep Alaska Moving through service and infrastructure."
Manish Singh

From: Manish Singh
Sent: Friday, July 07, 2017 9:48 AM
To: 'David.tyler@alaska.gov'; 'David.aden@alaska.gov'; 'jillian.roberts@alaska.gov'; 'lloyd.nakano@alaska.gov'; 'diana.parks@alaska.gov'; 'margaret.carpenter@alaska.gov'; 'George.horton@alaska.gov'; 'Tonya.bear@alaska.gov'; 'Doug.buteyn@alaska.gov'; 'Dps.ast.directors.office@alaska.gov'; 'JLKar1@gvea.ccm'; Bill Witte
Subject: CU2017-025: Requesting Comments for Marijuana Cultivation App. (2364 Badger Road)
Attachments: CU2017-025_Daigle_AppPkt_2017_0630.pdf

Dear Sir/Ma’am

The Fairbanks North Star Borough Planning Commission is considering CU2017-025, a request for conditional use approval of a marijuana cultivation facility, indoor large in the General Use 1 (GU-1) zone, located at 2364 Badger Road (on the east side of Badger Road, south of Benshoof Drive). This case is scheduled for the Planning Commission meeting on August 15, 2017.

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Thanks,
Manish

Manish Singh
Planner II
Department of Community Planning
907-459-1225 / msingh@fnsb.us

Fairbanks North Star Borough
907 Terminal Street
Fairbanks, AK 99701
Application Material Received on
June 30, 2017

CU2017-025
### MARIJUANA FACILITY
### CONDITIONAL USE PERMIT APPLICATION

**File No. CU2017-025**

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Property Owner:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name:</strong> Monique Daigle</td>
<td><strong>Name:</strong> Monique Daigle</td>
</tr>
<tr>
<td><strong>Business Name:</strong> Ak Green Bee, Inc</td>
<td><strong>Mailing Address:</strong> 2364 Badger Rd</td>
</tr>
<tr>
<td><strong>Mailing Address:</strong> 2364 Badger Rd</td>
<td><strong>City, State Zip:</strong> North Pole, Ak 99705</td>
</tr>
<tr>
<td><strong>City, State Zip:</strong> North Pole, Ak 99705</td>
<td><strong>Phone:</strong> 907/978-0443</td>
</tr>
<tr>
<td><strong>Phone:</strong> 907/978-0443</td>
<td><strong>Cell:</strong> 907/978-0443</td>
</tr>
<tr>
<td><strong>E-mail:</strong> <a href="mailto:Admin@AkGreenBee.com">Admin@AkGreenBee.com</a></td>
<td><strong>E-mail:</strong> <a href="mailto:MoniqueDaigle.907@gmail.com">MoniqueDaigle.907@gmail.com</a></td>
</tr>
</tbody>
</table>

### Property Information:
- **Property Description:** LOT 2 BLOCK 1 BENSHOF PHASE 1
- **Street Address:** 2364 Badger Rd
- **Lot Size:** 55475 sf
- **Parcel Account Numbers (PAN):** 0432431
- **Zoning District:** 2003 Badger East (GU-1)
- **Existing Use(s):** Vacant Land

### Conditional Use Request Information:
- **Proposed Use(s):** Standard Marijuana Cultivation Facility - INDOOR LARGE

I have attached a detailed site plan drawn to scale and to the standards of the Commercial/Industrial Site Plan guidelines.

I certify that the information included in this application is to the best of my knowledge true and complete.

**APPLICANT SIGNATURE:** [Signature] **DATE:** 29 June 2017

**OWNER SIGNATURE (if different):** [Signature] **DATE:** [Signature]

If the applicant is not the sole property owner, written consent of all property owners must be provided pursuant to FNSBC 18.104.050(B).
LOT 2

PROPOSED BUILDING

60' x 40' x 16'

DRIVEWAY 2" Compact Gravel

1 inch = 50 feet
Narrative for AK Green Bee, Inc., 2364 Badger Rd, North Pole, AK 99705

- Total (maximum) number of employees expected to be working on the site, including full and part-time, temporary and seasonal:

  The total number of employees expected to be working at this site is 5-10.

- Type and frequency of other vehicle trips to the site such as deliveries, security, product transport, or other visitors:

  Expected traffic at this location will be minimal - Daily employee traffic; deliveries are anticipated to be received 3-4 times a month; product transport is anticipated at 3-4 times a month, visitors will be minimal. Traffic at this site will be more significant during set up and prep for initial operations to accommodate initial equipment delivery and required inspections.

- Hours of operation:

  Regular hours of operation will be 7 days a week, 8a – 8p.

- Activities occurring on the site on a daily, weekly, monthly, periodic, seasonal, occasional and annual basis:

  On-site activity will include daily monitoring and preening of plants; weekly change out of reservoirs, harvesting, packing, transporting, disposal of waste and deliveries; monthly cloning and planting; occasional required inspections.

- Phases of development, if applicable:

  Planned phases of development are - construction phase, July – September; prep and inspection stage, September – October; begin cultivating, October/November. (Timeline subject to change based on timing of permits and licenses)

- Impacts of the proposed use that may cross property lines such as odor, noise, dust, light, etc.:

  This is an indoor cultivation facility with no windows; noise is not expected to be a factor and lighting impacts will be limited to outdoor security lights. Exterior lights will be pointed down to accommodate maximum lighting for security cameras and ensure minimal light intrusion for neighboring properties. Odor will be controlled via an HRV system with air scrubbers/carbon filter air cleaners.

- Provide a list of the chemicals utilized or stored on the site:

  The chemicals to be stored and used at this site are - General Hydroponics Nutrients used in Deep Water Culture/Ebb and flow delivery system and Clonex Rooting Hormone.
• Describe how plant waste and/or product waste materials will be handled and disposed of:

  Disposal of plant waste - Excessive trim material and unsalable product will be disposed of according to state regulations. Plant material will be ground up and mixed with an acceptable medium for disposal and will be either composted or taken to the Borough Landfill. Liquid waste - will be used in on-site gardens with DEC approval and/or disposed of onsite via a DEC approved commercial and industrial waste water leach field system.

• Energy source serving the proposed use:

  GVEA will provide energy to the site with generator back up.

• Water source serving the proposed use:

  There will be a new well dug for this site.

• Method of sewage disposal for the proposed use:

  There will be a new DEC approved commercial and industrial septic system placed at this site in compliance with all State regulations.

• Method of wastewater management for the proposed use:

  There will be a new DEC approved commercial and industrial waste water leach field system placed at this site in compliance with all State regulations.

• Other public utilities and services to serve the proposed use such as garbage, communications, fire protection, police, etc.:

  Other public utilities include: GCI for internet service; North Star Volunteer Fire Dept; AST.

• For a marijuana manufacturing facility, provide information on the type of manufacturing process(es) to be utilized:

  N/A

• Compliance with state requirements for facility security:

  This facility will comply with all requirements of 3 AAC 306.715 to include - ID badges for all persons on premises, appropriately placed exterior lighting and motion detectors, a security alarm system on all exterior doors, commercial grade door locks on all exterior doors, continuous video monitoring as required in 3 AAC 306.720 and documented policies and procedures designed to prevent diversion of marijuana or marijuana product. This facility will remained locked at all times and will have no public access. All visitors will be required to log their name, address, business affiliation and present valid ID showing that they are 21 or older prior to receiving access into the secured area. All visitors must have an approved escort at all times while in the secure area.
Quitclaim Deed

RECORDING REQUESTED BY: Monique Teresa Daigle
AND WHEN RECORDED MAIL TO: Monique Teresa Daigle, Grantee(s)
2374 Badger Rd.
North Pole, Ak 99705
Consideration: $1
Property Transfer Tax: $0
Assessor's Parcel No.: 0432431
PREPARED BY: Monique Teresa Daigle certifies herein that he or she has prepared this Deed.

Signature of Preparer

Monique T. Daigle

Printed Name of Preparer

30 June 2017
Date of Preparation

THIS QUITCLAIM DEED, executed on 30 June 2017 in the County of FNSB, State of Alaska
by Grantor(s), Janet Marie Daigle,
whose post office address is 2374 Badger Rd.,
to Grantee(s), Monique Teresa Daigle,
whose post office address is 2374 Badger Rd.,

WITNESSETH, that the said Grantor(s), Janet Marie Daigle
for good consideration and for the sum of one Dollar ($1.00) paid by the said Grantee(s), the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said Grantee(s) forever, all the right, title
interest and claim which the said Grantor(s) have in and to the following described parcel of land, and improvements and appurtenances thereto in the County of **FNSB**, State of **Alaska** and more specifically described as set forth in EXHIBIT “A” to this Quitclaim Deed, which is attached hereto and incorporated herein by reference.

**IN WITNESS WHEREOF**, the said Grantor(s) has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

**GRANTOR(S):**

Signature of Grantor

[Signature]

Print Name of Grantor

[Print Name]

Signature of First Witness to Grantor(s)

[Signature]

Print Name of First Witness to Grantor(s)

[Print Name]

**GRANTEE(S):**

Signature of Grantee

[Signature]

Print Name of Grantee

[Print Name]

Signature of Second Witness to Grantee(s)

[Signature]

Print Name of Second Witness to Grantee(s)

[Print Name]
NOTARY ACKNOWLEDGMENT

State of __________
County of __________
On __________, before me, __________, a notary public in and for said state, personally appeared, __________ and __________, who are known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

Affiant Known __________ Produced ID __________
Type of ID __________

(Seal)

Notary Public
CYNTHIA GILBERT
State of Alaska
My Commission Expires March 10, 2021

© SmartLegalForms
Application Material Received on
July 19, 2017

CU2017-025
Good afternoon, Manish -

I would like to clarify the disposal of solid waste regarding our Conditional Use Permit request. We expect to have well under 5 tons composted solid waste per day that we will be disposing via the FNSB landfill. This waste will not be sold or given away to any persons or entities.

Please let me know if you need further clarifications or have any additional questions.

Thank you,

Monique Daigle
AK Green Bee, Inc.
2364 Badger Rd.
North Pole, AK 99705
907-978-0443
DEAR PROPERTY OWNER

“INTERESTED PERSONS”

CU2017-025
<table>
<thead>
<tr>
<th>Address</th>
<th>Name</th>
<th>Address</th>
<th>Name</th>
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</thead>
<tbody>
<tr>
<td>GREER, LOT: 34</td>
<td>Cunningham Tyler</td>
<td>PO BOX 58544</td>
<td>Fairbanks, AK 99711</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BADGER PARK, BLOCK: 01, LOT: 04</td>
<td>Day Blake Irwin</td>
<td>PO BOX 83378</td>
<td>Fairbanks, AK 99708</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BENSCHOOF PROPERT, LOT: 01</td>
<td>Denham Fredrick C</td>
<td>Denham Jannah R</td>
<td>North Pole, AK 99705</td>
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<tr>
<td>BADGER PARK, BLOCK: 01, LOT: UMB02</td>
<td>Dhoondt Andrew T</td>
<td>Johnson Charlotte E</td>
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<td>RAINBOW GRAYLIN1, BLOCK: 02, LOT: 17</td>
<td>Dunn Jared H</td>
<td>Dunn Kayla N</td>
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<tr>
<td>ARCTIC ESTATES, LOT: 12</td>
<td>Egland Clifford E</td>
<td>Egland Patricia</td>
<td>Delta Jct, AK 99737</td>
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<tr>
<td>ARCTIC ACRES, LOT: 03</td>
<td>Fairbanks North Star Borough</td>
<td>Land Management</td>
<td>PO BOX 71267</td>
<td>Fairbanks, AK 99707</td>
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<td>MILTON ESTATES 3, LOT: 23</td>
<td>Fields Aaron</td>
<td>Fields Kara</td>
<td>North Pole, AK 99705</td>
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<tr>
<td>MOBILE HOME, LOT: D2820</td>
<td>Ford Terrance</td>
<td>36 College Rd Ste 7W</td>
<td>Fairbanks, AK 99701</td>
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**Planning Commission Meeting**

August 15, 2017
<table>
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<tr>
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<tr>
<td>BENSHOOF PROPERT, LOT: 04</td>
<td></td>
<td></td>
<td>Secretary of Housing &amp; Urban Development</td>
<td>C/o Novad Management Consult</td>
<td>2401 NW 23rd St Ste 1A1 Oklahoma City, OK 73107</td>
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<tr>
<td>BADGER PARK, BLOCK: 03, LOT: 02E&amp;</td>
<td></td>
<td></td>
<td>Shubair Mohammed S Eliaham Abeer Yahya</td>
<td>402 Iddiarod Ave Fairbanks, AK 99701</td>
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<tr>
<td>ARCTIC ESTATES, LOT: 36</td>
<td></td>
<td></td>
<td>Shydler Michael F Shydler Sherry M</td>
<td>2294 Walrus Ct North Pole, AK 99705</td>
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<tr>
<td>ARCTIC ESTATES, LOT: 32</td>
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<td>Skylark Vaughan E</td>
<td>2294 E Polar Bear Ct North Pole, AK 99705</td>
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<td>Longwhite Monique Td Daigle Janet Marie</td>
<td>2374 Badger Rd North Pole, AK 99705</td>
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<tr>
<td>NORDALE, LOT: 02A1</td>
<td></td>
<td></td>
<td>Spence Jim</td>
<td>PO BOX 58301 Fairbanks, AK 99711</td>
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<td>GREER, LOT: 31</td>
<td></td>
<td></td>
<td>St Rose Stanislaus</td>
<td>1246 Florice Dr North Pole, AK 99705</td>
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<tbody>
<tr>
<td>ARCTIC ESTATES, LOT: 09</td>
<td></td>
<td></td>
<td>Sterner Timothy J Sterner Anna M</td>
<td>331 Ohana Nui Cir Honolulu, HI 96818</td>
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<td>MILTON ESTATES 1, BLOCK: 04, LOT: 01</td>
<td></td>
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<td>Thrasher Kevin James Thrasher Amy M</td>
<td>1267 Jacqueyn Ln North Pole, AK 99705</td>
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<tr>
<td>BENSHPHOE PROPERT, LOT: 03</td>
<td></td>
<td></td>
<td>T S Construction</td>
<td>3230 Cool Cacy Dr Fairbanks, AK 99708</td>
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<tr>
<td>BENSHPHOE PROPER1, BLOCK: 01, LOT: 06</td>
<td></td>
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<td>Two Hands Enterprises Llc</td>
<td>PO BOX 56954 North Pole, AK 99705</td>
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<td>BENSHPHOE PHASE 3, BLOCK: 02, LOT: 12</td>
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<td>Uzueta Lona</td>
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<td>Vest Blanche</td>
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<td>BENSHPHOE PHASE 2, BLOCK: 01, LOT: 02</td>
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<tr>
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<tr>
<td>STALEY ESTATES, BLOCK: B, LOT: 09</td>
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<td>Vincent Xavier W Odom Amanda M</td>
<td>2350 Staley Ave North Pole, AK 99705</td>
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<td>Ward Reed T Ward Amanda D</td>
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<td>ARCTIC ESTATES, LOT: 23</td>
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<td>Warner Ronald Lee li</td>
<td>1503 Eielson St Fairbanks, AK 99701</td>
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<tbody>
<tr>
<td>BADGER PARK, BLOCK: 02, LOT: 02</td>
<td></td>
<td></td>
<td>Waters Jennifer Waters Leamon J</td>
<td>2354 Badger Rd North Pole, AK 99705</td>
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<td>ARCTIC ESTATES, LOT: 09</td>
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<td>Whittingham Thomas D Whittingham Cassandra D</td>
<td>1294 Hartzog Lp North Pole, AK 99705</td>
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<td>GREER, LOT: 28</td>
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<td>Williams Alon Keith Williams Georgia E</td>
<td>1420 Ric Dr North Pole, AK 99705</td>
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The Fairbanks Metropolitan Area Transportation System (FMATS) Technical Committee will meet on Wednesday, August 2, 2017 at 12PM in the City of Fairbanks Council Chambers, 2nd Floor City Hall, 800 Cushman Street, Fairbanks, AK. The public is welcome to attend.

Main Agenda Items Include:

- FMATS Bicycle and Pedestrian Advisory Committee Roles
- FMATS Transition Plan Update and Executive Director Search
- 2045 Metropolitan Transportation Plan Draft Goals and Objectives Update and Existing Conditions Report
- Draft Landscape Policy
- Letter to the Interior Delegation Regarding Maintenance
- Banking Request Update
- Update on Paused Projects
- Project Updates: Noble Street Upgrades, FMATS Improvements, and Steese/Front Street
- Banking Request Update

For more information, please contact:
Ms. Donna Gardino
FMATS Executive Director
800 Cushman Street
Fairbanks, AK 99701-4615
Telephone: (907) 459-6786
Fax: (907) 459-6783
Email: donna.gardino@fmats.us
Website: www.fmats.us