PLANNING COMMISSION MEETING

January 10, 2017
FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION MEETING
MONA LISA DREXLER ASSEMBLY CHAMBERS AT THE
JUANITA HELMS ADMINISTRATIVE CENTER
809 TERMINAL STREET, FAIRBANKS, ALASKA

FAIRBANKS NORTH STAR BOROUGH PLANNING COMMISSION
REGULAR MEETING

AGENDA

6:00 p.m.
January 10, 2017

A. ROLL CALL

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

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

D. *MINUTES
1. *Minutes from November 8, 2016 PC Meeting. (Page 5)

E. CONSENT AGENDA ITEMS

NONE

F. QUASI-JUDICIAL HEARING
1. CU2017-009: A request by Renee Rember for conditional use approval of a veterinary clinic in the Multiple-Family Residential/Professional Office (MFO) zone on Lot 2, Herman Subdivision (located at 1830 Second Avenue, on the north side of Second Avenue, west of Lathrop Street). (Staff Contact: Stacy Wasinger). (Page 81)

2. CU2017-006: A request by Sherry Gilbert and Laurence Bento, Arctic Greenery, LLC DBA Chena Cannabis on behalf of CGH Holdings, LLC for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on Lot 1, Midway Industrial Park Subdivision (located at 1725 Richardson Hwy, on the south side of Richardson Hwy, between El Paso St and Sinclair Ave). (Staff Contact: Manish Singh). (Page 145)
3. **CU2017-007:** A request by J. Grant, OHWWHO, LLC DBA ONE HIT WONDER on behalf of Valley Marketers, Inc. for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on TL-9, USMS (located at 3025 Parks Hwy, on the south side of Parks Hwy, between milepost 353 and milepost 354). *(Staff Contact: Manish Singh).* *(Page 145)*

**G. PUBLIC HEARING**

1. **RZ2017-002:** A request by Galen King to rezone approximately 4.82 acres from Rural Estates 2/Airport Noise Sensitive Area (RE-2/ANSA) to Rural Residential/Airport Noise Sensitive Area (RR/ANSA) or other appropriate zone. The proposed rezone boundary includes parcels described as TL-1347, TL-1300, TL-1301, and TL-1302 Section 13, T1S R2W, F.M. (Located at and near 2253 King Road, east of King Road and northeast of Airport Way and Dale Road, south of the Chena River). *(Staff Contact: Stacy Wasinger).* *(Page 223)*

**H. APPEALS**

NONE

**I. UNFINISHED BUSINESS**

**J. NEW BUSINESS**

1. Election of officers

**K. EXCUSE ABSENT MEMBERS**

**L. COMMISSIONER’S COMMENTS**

1. FMATS *(Page 291)*

2. AK APA Planning Commissioner Training

3. Other

**M. ADJOURNMENT**
MINUTES

November 8, 2016
A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:00 p.m. by Chris Guinn, Chairman.

MEMBERS PRESENT: Chris Guinn  Mark Billingsley
Wendy Presler  Mindy O’Neall
Charles Whitaker  Pat Thayer
John Perreault  Sean Reilly (arrived at 6:03)
Robert Peterson

MEMBERS ABSENT:

OTHERS PRESENT: Christine Nelson, Director of Community Planning
Kellen Spillman, Deputy Director of Community Planning
Stacy Wasinger, Planner III
Wendy Doxey, Assistant. Borough Attorney
Mary Bork, Administrative Assistant

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments

2. Commissioner’s Comments

Ms. O’Neall noted that she had to leave by 10 p.m.

3. Communications to the Planning Commission

Ms. Nelson updated the Commissioners on the following:
- Introduced Bridget Hamilton, new Permit Tech
- Cancellation of the December meeting
- 2017 Planning Commission meeting dates
- Two Upcoming Work Sessions
  o Walkability in Alaska
  o Green Infrastructure vs. Grey Infrastructure
- Alaska APA Conference – FNSB to receive 4 Planning Awards
  o Planning advocate for the Mayor
  o Community Outreach for the Smith Ranch Rezone
  o Best Practices for GPS Control study
  o Emergent Planner – Manish Singh
- Brown Bag Lunch Nov. 16 at UAF – Permafrost mapping in the Goldstream Valley
- Central Resource Management Plan
- IMLA Webinar regarding the Quasi-Judicial Process
Mr. Guinn reminded that annual officer elections would be held in January 2017. Additionally, in the upcoming quasi-judicial hearing cases Mr. Spillman would give a project overview prior to the start of each case.

4. Citizen’s Comments – limited to three (3) minutes
   a. Agenda items not scheduled for public hearing
      NONE
   b. Items other than those appearing on the agenda
      NONE

5. Disclosure & Statement of Conflict of Interest

Ms. Thayer disclosed a Conflict of Interest regarding V2017-001, V2017-002, & V2017-003. She informed that she was the project manager for the acquisition for the right-of-way for this project for State of Alaska Department of Transportation.

Mr. Guinn commented that she was actively involved in the negotiation for acquiring the right-of-way for this project.

Ms. Thayer concurred.

CHAIR GUINN RULED COI FOR MS. THAYER FOR V2017-001, V2017-002, & V2017-003

Mr. Guinn declared that he was also involved in the Richardson Highway Project in a different way. He expressed that he did not believe that he had a Conflict of Interest. Additionally, he had nothing to do with creating the parcels. He had been hired by Ms. Thayer’s company to appraise the parcels in question.

Ms. Doxey advised Mr. Guinn to pass the gavel for this discussion.

CHAIR GUINN PASSED THE GAVEL TO MS. PRESLER

Mr. Billingsley enquired if Mr. Guinn did much business with Ms. Thayer’s company and if he expected to do business with them in the future.

Mr. Guinn confirmed that he did expect to do business with them in the future. He estimated that the income from this project was around 5% of his annual income.

Mr. Billingsley questioned if the way Mr. Guinn voted today could affect whether he received business from Ms. Thayer’s company in the future.

Mr. Guinn responded that he did not see how it possibly could.
Mr. Peterson summarized for clarity; Mr. Guinn’s potential vote this evening had no relation to income generated from this project, he had been paid to perform an appraisal of the current lot size. The parcel sizes are not affected by the appraisal.

Mr. Guinn concurred.

Mr. Peterson verified that Mr. Guinn’s company had already been paid, or would be, regardless of the outcome of the cases.

Mr. Guinn stated that he had already been paid.

Mr. Reilly inquired if this project failed, was it a possibility that another appraiser besides Mr. Guinn could be given the work.

Mr. Guinn replied that he did not foresee that happening.

Mr. Billingsley queried whether Mr. Guinn received any inside information that would affect the end result of the case.

Mr. Guinn replied no.

Ms. Presler queried if Mr. Guinn had any personal relationships with the property owners.

Mr. Guinn replied no.

Ms. Presler inquired if he felt he could make a fair and impartial decision.

Mr. Guinn replied yes.

Ms. Doxey quizzed if Mr. Guinn had a financial or private interest that is a substantial part of these matters tonight.

Mr. Guinn replied no.

Ms. Doxey quizzed if Mr. Guinn had any financial or private interest that would be directly varied depending on the outcome of these cases.

Mr. Guinn replied no.

Ms. Doxey queried if Mr. Guinn’s interest was significantly monetary.

Mr. Guinn replied no.

Ms. Doxey requested clarification; was the interest Mr. Guinn disclosed, different from that of the General Public.

Mr. Guinn replied that while he was not involved in the development of the project, he was the appraiser of the properties involved.

Ms. Doxey advised the Commission to consider whether Mr. Guinn’s involvement was prejudicial or if it created the appearance if prejudice.
Mr. Billingsley asked Ms. Thayer if the effect of this vote would have any effect on the future business between her firm and Mr. Guinn.

Ms. Thayer responded none at all.

ROLL CALL ON POSSIBLE COI FOR MR. GUINN

One (1) in Favor: Mr. Reilly,
Six (6) Opposed: Mr. Perreault, Ms. Presler, Mr. Whitaker, Mr. Peterson, Ms. O’Neall, and Mr. Billingsley.

NO COI FOR MR. GUINN

MS. PRESLER RETURNED THE GAVEL TO CHAIR GUINN

Ms. Doxey advised Chair Guinn to give the applicant and all interested persons the opportunity to state an objection to his participation for the record.

C. * APPROVAL OF AGENDA AND CONSENT AGENDA

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

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

ROLL CALL

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

Zero (0) Opposed:

MOTION CARRIED

D. MINUTES


E. CONSENT AGENDA ITEMS

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

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

F. QUASI-JUDICIAL HEARING

OATH GIVEN

Mr. Spillman gave an overview of the Richardson Highway Project scope to improve access control on the Richardson Highway by:

- Upgrading and extending the existing Frontage Road system
- Construct at right intersections
- Eliminate the number of existing access approaches on to the Richardson Highway

The Richardson Highway usage has changed from being the connection between Fairbanks and Valdez to becoming a major commuting thoroughfare between North Pole and Fairbanks. This project will limit and improve access control by:

- Adding acceleration and deceleration lanes in certain areas
- Highway Lighting
- Construction of a Frontage Road system
- Improvements to the existing Frontage Road system
- Closure of 3 current access points

The Richardson Highway Project creates Right-of-Way acquisition on 27 parcels. This project was heard before and approved by the Planning Commission and Assembly in 2013 and the replat has been approved by the Platting Board.

Brian Roberts, Right-of-Way agent for DOT&PF, introduced himself.

Ms. Little, Project manager for DOT&PF, introduced herself.

Planning Commissioners had no questions at this time.

V2017-001 A request by Brian Roberts on behalf of Calvin and Cindy Stageman for a lot size highway variance of 29,183 square feet to the minimum lot size requirement of 40,000 feet in the General Use 1
Ms. Wasinger presented the staff report; staff analysis found that the proposed variance will meet the intent and purpose of Title 18 and of other ordinances and state statutes and will not adversely affect the public health, safety and welfare. Additionally, if the variance is denied, the denial would deprive the property owner the use of their property in a similar manner made by other owners in the general area. Further, The Department of Community Planning recommended approval because the acquisition of land by the Alaska Department of Transportation and Public Facilities (AKDOT & PF) as right-of-way for the Richardson Highway represents a special condition which is peculiar to the property and which was not caused by the property owner.

Mr. Roberts agreed with the staff report and reiterated that the size of the lot was only 11,250 feet. While this variance did reduce the size a small amount it would also solve potential issues in the future.

Mr. Guinn noted that there was some form to sign if this was approved.

Mr. Roberts agreed.

Mr. Peterson queried if the owner's signed a release for him to bring this request forward.

Mr. Roberts replied that since DOT&PF was creating a need they filed the application, paid the fees, and posted the signs on the owners' behalf for the variance.

Ms. Doxey clarified that in FNSBC 18.104.070 Application for Highway Variances, it states that written consent of the owner was not required as a part of the application. If the Highway Variance was granted, then written consent of the owner or authorized representative shall be required as a condition of approval.

Interestingly Person Testimony Opened

NONE

Interested Person Testimony Closed

MOTION: To approve the requested 29,183 square foot variance from the 40,000 square foot required minimum lot size requirement in the GU-1 zone with one (1) condition, adopting the staff report and nine (9) Findings of Fact in support of the decision by Ms. Presler, seconded by Mr. Billingsley.

Ms. Presler spoke in favor of the request and agreed with the proposed findings of fact. She posited that DOT was doing the homeowners a service in this instance by bring the property marketable in the future. The proposal protects public health, safety, and welfare by improving access on the Richardson Highway. The current utilities in their home will not be affected.
Mr. Billingsley agreed with Ms. Presler and spoke in favor of the request. All criteria for approval was met in this request.

Mr. Guinn agreed with both Ms. Presler and Mr. Billingsley.

ROLL CALL

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

Zero (0) Opposed:

MOTION CARRIED

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

Ms. Wasinger presented the staff report; staff analysis found that the proposed variance will meet the intent and purpose of Title 18 and of other ordinances and state statutes and will not adversely affect the public health, safety and welfare. Additionally, if the variance is denied, the denial would deprive the property owner the use of their property in a similar manner made by other owners in the general area. The Department of Community Planning recommended approval because the acquisition of land by the Alaska Department of Transportation and Public Facilities (AKDOT & PF) as right-of-way for the Richardson Highway represents a special condition which is peculiar to the property and which was not caused by the property owner. The subject parcel was legally subdivided to meet the GU-1 minimum lot size requirement at 54,057.96 square feet and is made non-conforming by the proposed 31,113 square foot right-of-way acquisition by AKDOT & PF.

Mr. Roberts added that this was a significant acquisition and was necessary because it was one of points of main access to the Richardson Highway and they had to straighten the alignment to a 90 and provide for enough traffic flow through the Frontage Road to the Richardson Highway. Approval of the variance would be important to the homeowner in the future marketability of the property.

Interested Person Testimony Opened

NONE

Interested Person Testimony Closed
MOTION: To approve the requested 12,056 square foot variance from the 40,000 square foot required minimum lot size requirement in the GU-1 zone with one (1) condition, adopting the staff report and nine (9) Findings of Fact in support of the decision by Mr. Perreault, seconded by Ms. Presler.

Mr. Perreault spoke in favor of the request. The development of the Richardson Highway into the next phase is an important addition to borough wide infrastructure. He spoke in favor of the accommodations by DOT&PF and the property owners to cooperate to accomplish this project and fit all criteria, protected private property rights, and property values.

Mr. Guinn spoke in favor

ROLL CALL

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

Zero (0) Opposed:

MOTION CARRIED

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

Ms. Wasinger presented the staff report; staff analysis found that the proposed variance will meet the intent and purpose of Title 18 and of other ordinances and state statutes and will not adversely affect the public health, safety and welfare. Additionally, if the variance is denied, the denial would deprive the property owner the use of their property in a similar manner made by other owners in the general area. The Department of Community Planning recommended approval with one (1) condition and nine (9) Findings of Fact in support of approval. Staff recommends approval because the acquisition of land by the Alaska Department of Transportation and Public Facilities (AKDOT & PF) as right-of-way for the Richardson Highway represents a special condition which is peculiar to the property and which was not caused by the property owner. The subject parcel was legally subdivided to meet the GU-1 minimum lot size requirement at 54,406.44 square feet and is made non-conforming by the proposed 19,240 square foot right-of-way acquisition by AKDOT & PF. The resulting parcel will be 35,166.44 square feet.

Mr. Peterson queried how the owner was not responsible for the non-conformance.

Ms. Wasinger deferred to the applicant; however, DOT purchased the property and the owner was not responsible for the Highway Project.

Mr. Spillman explained that in all of these cases the owner sold the property; the State does have eminent domain authority, and if it came to that the State could use that power to acquire the property.
Mr. Peterson commented that he understood the project but suggested that they should be looking at the lot sizes; there was no public water or sewer in this area, an owner could construct a large house on one of these lots. He posited that the Borough should have an idea of what a good minimum lot size would be in this area.

Mr. Spillman noted that the Borough, in the 1980’s, set the minimum lot size at 40,000 square feet. This was the recommendation by DEC at that time. It is still currently the standard in most of the Rural zones. There are advancements in septic technology that receive DEC approval on lots much smaller than 40,000 square feet; even lots smaller than 10,000 square feet. It depends on the system installed verses the lot size.

Mr. Guinn added that a 5,000 square foot parcel was unlikely to be developed as an apartment complex.

Mr. Roberts complimented Ms. Wasinger’s work on the case.

Interested Person Testimony Opened

NONE

Interested Person Testimony Closed

MOTION: To approve to approve the requested 4,833.56 square foot variance from the 40,000 square foot required minimum lot size requirement in the GU-1 zone with one (1) condition, adopting the staff report and nine (9) Findings of Fact in support of the decision by Ms. Presler, seconded by Mr. Reilly.

Ms. Presler spoke in favor of the request and noted that the situation was not created by the owner; it was created by the Highway Project. Further, the request benefits the community by promoting Public Health, Safety, and Welfare. There are no structures or current use on the property, so it will still comply with GU-1 standards. This variance will also assist the owner with future development of the property.

Mr. Perreault spoke in favor of the request and opined this was a necessary part of the development of the Richardson Highway and culminates the needs of the property owner. He expressed that measurement was capable of .06 square feet accuracy and suggested the variance be rounded up to 4,834 square feet.

Mr. Reilly spoke in favor of the request and would alleviate the future traffic volume and additional housing that would be moving into the area.

Mr. Guinn spoke in favor of the request and agreed with Ms. Presler’s points.
ROLL CALL

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

Zero (0) Opposed:

MOTION CARRIED

Ms. Thayer rejoined the dais

V2017-004 A request by Brian Roberts on behalf of the State of Alaska Department of Transportation & Public Facilities for a lot size highway variance of 4,063 square feet to the minimum lot size requirement of 40,000 square feet in the Rural Residential (RR) zone on Lot 1, Skol Subdivision. (Located on the east side of Birch Hill Road, southeast of Steese Highway) (Staff Contact: Stacy Wasinger).

Mr. Spillman gave an overview of the Birch Hill Bike and Pedestrian Facility Project. This project was heard and approved by the Planning Commission and Assembly in 2014. It creates a separate pedestrian pathway along Birch Hill Road.

• Pathway separation varies along the length
• Guardrail will be installed beside the pathway in certain areas

Mr. Perreault inquired if the responses received from the Dear Property Owner letters were inquiries or comments.

Ms. Wasinger replied that they were primarily questions regarding how the variance related to the Highway Project.

Ethan Graetz, AKDOT&PF Designer, introduced himself to the Commission.

Carl Heim, AKDOT&PF Project Manager, introduced himself to the Commission.

Ms. Wasinger presented the staff report; staff analysis found that the proposed variance will meet the intent and purpose of Title 18 and of other ordinances and state statutes, would deprive the property owner the use of their property in a similar manner made by other owners in the general area if denied, and will not adversely affect the public health, safety and welfare. Further, the acquisition of land by the Alaska Department of Transportation and Public Facilities (AKDOT & PF) as right-of-way for the Birch Hill Bicycle and Pedestrian Facility project represents a special condition which is peculiar to the property and which was not caused by the property owner. The subject parcel was legally subdivided to meet the Rural Residential (RR) minimum lot size requirement at 40,019 square feet and is being made non-conforming by the proposed 4,082 square foot right-of-way acquisition by AKDOT & PF. The resulting parcel will be 35,937 square feet. Based on the staff analysis, the Department of Community Planning recommended approval of the variance request with one (1) condition and nine (9) Findings of Fact in support of approval. She explained there was some discrepancy between the staff report and the original application materials and right-of-way maps from DOT; this is partially due to with the use of different survey monumentation in the subdivision plat. Officially, the request for the variance is based on the recorded plat.
Mr. Guinn requested clarification of the different numbers regarding the request.

Ms. Wasinger explained that the original application materials had a mathematical error in the amount of right-of-way acquisition requested, there was a transposed number, and the application was since modified to correct this. The original acquisition was stated as 4,802 square feet. The actual right-of-way acquisition is 4,082 leaving a remainder lot of 35,937 square feet and the actual variance is 4063 square feet to the minimum lot size of 40,000 square feet.

Ms. Thayer queried the impact on the Public Utility Easement.

Ms. Wasinger replied that it would reduce it to 7 feet.

Mr. Perreault inquired if the guardrail would be located between the bike path and private properties and not between motorized traffic and the bike path.

Mr. Spillman deferred the question to the designer and commented that the guardrail was only at the top of Birch Hill where there were steeper slope allowances.

Mr. Graetz clarified that it was a handrail only, not a guardrail, and was included on the steeper sloped areas but a car would pass through the railing.

Mr. Perreault noted that would leave no division between the motorized road and the path.

Mr. Graetz explained that there currently was no guardrail and pedestrians use the road. The path would be offset from the road.

Ms. Thayer noted that DOT acquiring 22 of the 30 feet of the PUE leaving 7 feet for future utility additions.

Mr. Roberts responded that typically DOT works with a utility agency located in the right-of-way; in this case none are affected.

Ms. Thayer explained that her line of questioning was leading toward future utilities; specifically natural gas. Currently there is a PUE that would not require permitting for utility companies; however, with DOT acquiring 22 of the 30 feet in the future they will have to come to DOT for a permit.

Mr. Roberts responded that was correct.

Interested Person Testimony Opened

NONE

Interested Person Testimony Closed
MOTION: To approve the requested 4,063 square foot variance from the 40,000 square foot required minimum lot size requirement in the RR zone with one (1) condition, adopting the staff report and nine (9) Findings of Fact in support of the decision by Ms. Thayer, seconded by Ms. Presler.

Ms. Thayer spoke in favor of the request, opining that it was a phenomenal contract and highly needed for safety purposes on a highly used highway. Relocating pedestrians from the roadway with narrow shoulder to a safe pathway was a benefit to the community.

Ms. Presler spoke in favor of the request and concurred with Ms. Thayer’s comments. She added that property was currently vacant land and this variance was a small portion of the lot, granting the request would also benefit the property owner by keeping the property marketable.

Mr. Guinn

ROLL CALL

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

Zero (0) Opposed:

MOTION CARRIED

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

Ms. Wasinger presented the staff report; staff analysis found that the proposed variance will meet the intent and purpose of Title 18 and of other ordinances and state statutes, would deprive the property owner the use of their property in a similar manner made by other owners in the general area if denied, and will not adversely affect the public health, safety. Further, the acquisition of land by the Alaska Department of Transportation and Public Facilities (AKDOT & PF) as right-of-way for the Birch Hill Bicycle and Pedestrian Facility project represents a special condition which is peculiar to the property and which was not caused by the property owner. The subject structure was constructed to meet the Rural Residential (RR) rear-yard setback requirement of 25 feet and is being made non-conforming by the proposed 3,158 square foot right-of-way acquisition, ranging in depth from 17 feet to 18 feet, by AKDOT & PF. The resulting rear-yard setback will be 22 feet, which will require a 3 foot variance from the RR minimum setback requirement of 25 feet. Based on the staff analysis, the Department of Community Planning recommended approval of the variance request with one (1) condition and nine (9) Findings of Fact in support of approval.
Ms. Thayer requested clarification of where the south property line was located on the property and noted there was a different variance request in 2015 that was granted.

Ms. Wasinger replied that was for the single family residence that exists, not for this greenhouse structure.

Ms. Presler inquired when the greenhouse was completed.

Ms. Wasinger answered that construction had begun earlier this year and it was completed late this summer.

Ms. Presler queried if it had been under construction at the time that DOT approached them for the acquisition.

Ms. Wasinger replied she believed so but deferred to the applicant to answer fully.

Daniel Pistor, AKDOT&PF applicant, responded that the first contact DOT made with the property owners was June 21, 2016 and at that time the concrete footings were poured and most of the framework was completed.

Mr. Peterson queried when the property was acquired.

Mr. Pistor replied that negotiations were ongoing.

Ms. Wasinger noted for the record that there was a change to the published packet to correct a technical oversight regarding the location of front yard verses rear yard.

Interested Person Testimony Opened

NONE

Interested Person Testimony Closed

MOTION: To approve the requested 3 foot variance from the 25 foot required minimum front-yard setback requirement in the RR zone with one (1) condition, adopting the staff report and nine (9) Findings of Fact in support of the decision by Ms. Thayer, seconded by Ms. Presler.

Ms. Thayer spoke in favor of the request and reiterated this was a great project and a benefit to the public for safety reasons.

Ms. Presler spoke in favor of the request and added that this was not a situation created by the property owner.

Mr. Guinn spoke in favor of the request and agreed with both Ms. Thayer’s and Ms. Presler’s points.
ROLL CALL

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

Zero (0) Opposed:

MOTION CARRIED

G. PUBLIC HEARING

NONE

H. APPEALS

NONE

I. UNFINISHED BUSINESS

NONE

J. NEW BUSINESS

NONE

K. EXCUSE ABSENT MEMBERS

Mr. Billingsley and Ms. O’Neall will both be excused from attending the January 10, 2017 meeting.

Mr. Peterson will be excused from January through April meetings.

L. COMMISSIONER’S COMMENTS

1. FMATS

   Ms. Thayer relayed information regarding ongoing projects at FMATS.

2. Other

   Ms. Nelson reminded Commissioners that the timeline for finding new applicants for the Planning Commission vacancies was short as the Assembly only met once in December.

   Mr. Peterson inquired what gray infrastructure was.

   Ms. Nelson replied that it was conventional human engineered disposal system for discharged water with pipes and utilities that clean the water before it is added back into the waterway
system where a green infrastructure that consisted of natural land and plant based ecological treatment systems and processes.

Mr. Billingsley broached the idea of the Planning Commission taking a more proactive role and proposing ordinances as the body tasked to focus on community planning. If people have ideas on how to improve the community; walkability, bikability, a vibrant downtown, and other topics he suggested working together and expressed interest in participating in that process. The Planning Commission has the authority to bring proposed ordinances.

Ms. Nelson added that they were currently putting together a working group on Lighting on which Mr. Whitaker would represent the Planning Commission on that group. Also, the Economic Development Commission was interested in working closely with Community Planning and the Planning Commission so that all ordinances that have an impact on economic development so their interests were fully addressed and the interaction between economic development and planning was strengthened.

Mr. Guinn reported that at a recent meeting the Assembly disagreed with the ordinance proposed by Mr. Whitaker to add Conditional Use Permits for Marijuana Facilities in the GU-1 Zone, which sought to use a conditional use permit as a tool for increased public involvement.

M. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:26 p.m.
STAFF REPORT

CU2017-009
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

CU2017-009
January 10, 2017 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission

FROM: Stacy Wasinger, Planner III

DATE: January 3, 2017

RE: CU2017-009: A request by Renee Rember for conditional use approval of a veterinary clinic in the Multiple-Family Residential/Professional Office (MFO) zone on Lot 2, Herman Subdivision (located at 1830 Second Avenue, on the north side of Second Avenue, west of Lathrop Street).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends APPROVAL of the conditional use request with seven (7) conditions of approval and three (3) Findings of Fact in support of approval. The applicant has requested a conditional use permit for a veterinary clinic in an existing building. With conditions as proposed, the staff analysis finds that the veterinary clinic 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 veterinary clinic in the MFO zone

B. Location

On the north side of Second Avenue, west of Lathrop Street

C. Access

Second Avenue

D. Size/PAN

<table>
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<tr>
<th>Square feet</th>
<th>PAN</th>
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<tr>
<td>23,903</td>
<td>0522317</td>
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E. Existing Zone

MFO

F. Existing Land Use

Vacant building

G. Surrounding Land Use/Zoning

| North: Zoning: GU-1  
| Land Use: Chena River, Industrial |
| South: Zoning: MF  
| Land Use: Second Ave., Residential |
| East: Zoning: GU-1  
| Land Use: Janel Thompson Park |
West: Zoning: MFO  
Land Use: Commercial

H. Community Facilities  
Water and Sewer: City of Fairbanks  
Electricity: GVEA

I. Code Violations  
None on file

J. Flood Zone  
X (96%). Floodway (4%) (March 17, 2014 dFIRM)

K. Zoning History  
General Residential (R2) to Outdoor Recreation (OR) with Ord. No. 77-41, adopted August 11, 1977  
Outdoor Recreation (OR) to Multiple-Family Residential/Professional Office (MFO) with Ord. No. 97-030, adopted August 14, 1997

L. Ownership  
Ghemm Development Inc.  
P.O. Box 70507  
Fairbanks, AK 99707

M. Applicant  
Renee Rember  
720 Chena Ridge Road  
Fairbanks, AK 99709

III. ZONING AND DEVELOPMENT HISTORY

The subject property was annexed into the City of Fairbanks through Ordinance No. 467 on February 21, 1950. The property was zoned General Residential (R2) at that time. The FNSB Assessor Records show that the original building was constructed in 1974. The adoption of Ordinance No. 77-41 on August 11, 1977 rezoned the parcel from R2 to Outdoor Recreation (OR). The property was rezoned from OR to Multiple-Family Residential/Professional Office (MFO) with the adoption of Ordinance No. 97-030 on August 14, 1997.

An addition to the existing building was completed in 1997, creating the existing footprint. The subject lot was created with the recording of the plat for the Herman Subdivision on April 4, 2002 (Exhibit 1). In 2005, the Alaska Department of Transportation and Public Facilities acquired right-of-way from the subject parcel and other parcels for the Second Avenue/Wilbur Street Widening highway project. As a result of this project, the FNSB Planning Commission granted a two (2) foot variance to the required front-yard setback of twenty (20) feet for the existing structure, which was expected to be eighteen (18) feet from the property line created by the ROW acquisition (Exhibit 2). However, the submitted conditional use application materials show that the existing building is approximately 27 feet from the front property line, meeting the MFO required front-yard setback of 20 feet. The cause of the differing setback distances shown in the variance file and the current application is not known but the variance granted in 2005 was for the current footprint of the building, which is not proposed to be changed. The structure was previously used as a
professional office and a zoning permit was issued for a Montessori elementary school on May 21, 2012 (Exhibit 3). The building is currently vacant.

This application requests a conditional use permit to utilize the existing 3363 square foot building and a 23,903 square foot lot to operate a veterinary clinic. The proposed changes to the existing building are internal to make it suitable for the proposed conditional use. No external changes are proposed except for a dumpster enclosure to be located at the north edge of the eastern parking lot (Figure 2). A veterinary clinic requires a conditional use permit in the MFO zone (FNSBC18.56.020 (B)). The applicant, representing Chena Ridge Veterinary Clinic, proposes to expand that existing business to this location if the conditional use permit is granted.

The building proposed to be utilized as a veterinary clinic is currently vacant. The adjacent property to the west is utilized commercially as an office building, the property to the south across Second Avenue is both single-family and multiple-family residential in use, and the property to the east is part of the Janel Thompson Park. The property is bounded on the north by the Chena River. There is more park area, including a dog park, to the south and west of the subject property. Figure 1 shows the current land use of parcels in the area, based on the FNSB Assessor primary use designations. Parcels in yellow are designated as single-family, two-family, and multiple-family residential uses, gray are vacant parcels, and the red are commercial uses such as office and park buildings.

**Figure 1: Surrounding Land Uses** (Source: FNSB GIS)
IV. 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) Hearing and Decision by the Planning Commission

The planning commission shall review, hear and decide whether or not to approve a request for a conditional use. The planning commission shall also consider and adopt findings in each of the following:

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, time limits for commencing or ceasing use.

Public Notice

There were 114 dear property owner notices mailed out and staff received two inquiries about this conditional use.

V. STAFF ANALYSIS

A. Development and Use

This application requests a conditional use permit use approval for a veterinary clinic. The applicant currently operated the Chena Ridge Veterinary Clinic at another location and is proposing to modify the existing building on the subject parcel to operate a veterinary clinic.

This application proposed to utilize the existing 3363 square foot building as a veterinary clinic. Modifications internal to the building are proposed to make the building suitable for a veterinary clinic use. The exterior of the building is not proposed to be altered. An existing four to five foot high fence encloses the yard area to the rear of the property. Driveways and parking areas are existing.

Figure 2 illustrates the proposed site plan provided by the applicant. The proposed floor plan showing proposed interior modifications is available in Exhibit 4. The only exterior
modification proposed in the site plan is an alteration of the fence and surface material to create a screened dumpster enclosure adjacent to the east parking lot (Figure 2).

The applicant proposes to utilize the existing fenced yard area as a run for the animal patients of the clinic. The application materials state that there will be on average five animals utilizing the yard daily, and no more than ten animals in the yard on any given day. Animal waste will be picked up daily and disposed of through proper disposal methods off-site. Medical waste will be removed from the site and handled by a company certified in its disposal. No large animals will be treated at the site; the clinic makes house and farm calls for large animal patients.

The clinic will have six full-time employees and up to two additional part-time employees seasonally. The proposed operating hours are 8 am to 6 pm, Monday through Friday, and 10 am to 3 pm on Saturdays. The applicant estimates that the clinic will have up to fifteen appointments per day.

**Figure 2: Site Plan**
(Source: Site plan by applicant, annotations by Community Planning staff for illustrative purposes.)
B. **Zoning, Land Use and Comprehensive Plan Designation**

**Figure 3** shows that the surrounding area to the north and east is zoned General Use 1 (GU-1). The parcel to the west is zoned MFO and south across Second Avenue is zone Multiple-Family Residential (MF). There is also Outdoor Recreation (OR), Light Industrial (LI), and Two-Family Residential (TF) zoning in the area. The neighboring properties are a mix of residential, commercial, and park uses. A veterinary clinic is permitted by conditional use in the MFO zone (FNSBC18.56.020 (B)). The MFO zone also permits uses such as single-family, two-family and multiple-family residential, accessory uses, school buildings, and professional offices. Required setbacks in the MFO zone are 20 feet from the front and rear property lines and 10 feet from the side property lines.

The comprehensive plan designation for the subject parcel is “Urban Area”. It is defined as “[a]rea that is served or can be served with community water and sewer, and contains the most intensive residential, commercial, and industrial development.” The proposed conditional use conforms to the comprehensive plan designation to the parcel because the site is served with community water and sewer, and with conditions, the impacts of the veterinary clinic on the surrounding community will be mitigated. 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 veterinary clinic is intended to provide services to the community and the surrounding area contains other commercial uses. There are also residential uses in the area and parks, including a dog park. With conditions as proposed, the proposed conditional use will be compatible with the existing uses in the surrounding neighborhood. Appropriate conditions will help mitigate impacts, such as potential noise and traffic, and increase compatibility.

**Figure 3: Zoning Map**
(Source: FNSB GIS)
C. Agency and Chena Riverfront Commission Comments

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

a. City of Fairbanks  
b. State of Alaska Department of Natural Resources (ADNR)  
c. State of Alaska Department of Environmental Conservation (ADEC)  
d. State of Alaska Department of Game and Fish (ADF&G)  
e. State of Alaska Department of Transportation and Public Facilities (AKDOT&PF)  
f. FNSB Land Management  
g. State of Alaska Troopers  
h. Army Corp of Engineers  
i. Golden Valley Electric Association (GVEA)  
j. Utility Services of Alaska/Golden Heart Utilities

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.

The item was discussed at the December 14, 2016 Chena Riverfront Commission (CRFC) meeting because the property is within the 200 foot centerline buffer of the Chena River. The CRFC voted to forward a recommendation that in considering the application, the “Planning Commission consider visual buffer, biological waste, and Title 18 for the population of dogs in the dog yard.” The CRFC expressed concerns regarding dogs barking at people on the river or in the adjacent park, if they were visible through the fence. Additionally, there was concern that animal waste may be disposed of or contaminate the river through runoff and regarding the number of animals in the yard at any given time. Staff has proposed conditions that may help mitigate some of these concerns, which are elaborated on in the following conditional use criteria.

D. 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 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”. With conditions as proposed, it is staff’s opinion that the proposed conditional use will be compatible with the existing uses in the surrounding neighborhood. Appropriate conditions will help mitigate impacts and increase compatibility. The proposed conditional use is also consistent with the Urban Area designation.

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
Allowing an owner to develop their private property in a manner compatible with neighboring properties is an example of protecting private property rights with local zoning regulations. This proposal is to develop the property with a veterinary clinic, which is a conditional use in MFO zone. All conditional uses for the MFO zone are listed in Title 18 of FNSB Code; the MFO zone also allows some non-residential uses, such as schools and professional offices, by zoning permit. Public notification, public hearing procedures and approval criteria for conditional uses protect the property rights of the surrounding property owners.

With the conditions imposed, the application promotes the public health, safety and general welfare of the residents of the borough because the applicant has addressed noise, odor, and other potential impacts. There is an existing chain-link fence around the rear of the property proposed to be utilized as a run area by the veterinary clinic. Concerns regarding visual impacts, and related noise impacts such as dogs barking at users of the Chena River or the adjacent park, could be minimized with a more opaque visual barrier. Staff recommends a condition that the fence be an opaque barrier (i.e., installing slats in the existing chain-link fence or planting sight-obscuring vegetation outside the fence line) to minimize the visual impact to neighboring property owners and users of public areas. Additionally, staff recommends a condition that no animals shall be kept overnight outside or before and after the clinic’s operating hours. If animals are kept outside, the use could create additional impacts and would potentially become a kennel, which is a separate use from a veterinary clinic, as defined in Title 18.

Noise created by dogs barking or other animals is an impact that will cross property lines. However, the animals are expected to be kept in the building the majority of the time during the operating hours and a condition is proposed to prohibit maintaining them outside overnight. This will minimize the potential noise impacts. The application material and the narrative for this proposal demonstrates that it meets the intent of Title 18 because the veterinary clinic protects property rights and with the conditions imposed, it would promote the public health, safety and general welfare of the residents of the borough.

The proposed use of a veterinary clinic in CU2017-009 is expected to generate a very small number of trips and the existing transportation facilities are adequate for this number of trips. The proposed conditional use is not expected to impede vehicular and pedestrian traffic on the surrounding roads.\(^1\)

**Alaska State Statute and Other Ordinances:** The site is within the City of Fairbanks and the applicant will be required to meet any City ordinance requirements, including building permits. City departments 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.

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\(^1\) Sections of this staff report involving transportation related reviews include comments and feedback from Kellen Spillman, Acting Transportation Planner, after a review of the application materials with FNSB Planner Stacy Wasinger.
(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 will be served by the City of Fairbanks for police and fire protection. The site is also served by community water and sewer through the City of Fairbanks/Golden Heart Utilities. Dog waste and any medical waste will be removed from the site and disposed of properly; other solid waste removal will be served by the City of Fairbanks and a dumpster will be provided for the use.

The proposed use of a veterinary clinic in CU2017-009 is expected to generate a very small number of trips and the existing transportation facilities are adequate for this number of trips. The use of “animal hospital/veterinary clinic” is a listed use in the ITE Trip Generation Manual, 9th edition and based on the proposed size of CU2017-009, 13 to 16 trips could be expected during the peak hours.\(^2\) The previous land use of a school generated approximately 21 to 39 trips per peak hour.\(^3\) As a reference, the Alaska Department of Transportation requires a traffic impact analysis for any land uses generating over 100 trips per peak hour and a full traffic impact analysis is not needed for the veterinary clinic use. Additionally, there is legal constructed access on to Second Avenue, an adjacent collector type road, thus supporting that this land use proposal has adequate existing transportation facilities for this expected trip generation.

Parking, driveways, and drive areas are already existing. FNSBC requires four parking spaces for approximately 800 square feet of net floor area available to customers shown on the floor plan and six parking spaces for eight total employees, for a total of ten parking spaces. The existing parking lots provide a total of eleven parking spaces.

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

With the conditions imposed, the application protects the public health, safety and general welfare of the residents of the borough because the proposed conditional use would mitigate impacts to the surrounding neighborhood. Noise, traffic, and animal waste impacts are primary concerns for health, safety, and welfare impacts to the neighborhood.

The building and fence are existing on the site and the exterior of the building will not be altered. Parking, driveways, and drive areas are already existing, providing a total of eleven parking spaces. Access and circulation areas are adequate for safe maneuvering.

The subject property is 96% in flood zone ‘X’ (protected by levee) and 4% in the Floodway. Properties within the designated floodplains and floodway have additional

\(^2\) Institute of Transportation Engineers, Trip Generation Manual, 9th Edition, calculations based on Land Use code 640 Animal Hospital/Veterinary Clinic, and 3,363 square feet of GFA (note: Land use 640 only had calculations based on AM and PM peak hour trips generated)

\(^3\) Institute of Transportation Engineers, Trip Generation Manual, 9th Edition, calculations based on Land Use code 534 Private School (K-8), and 3,363 square feet of GFA (note: calculations were based on AM and PM peak hour trips generated to compare to the available data in Land Use code 640)
requirements established by the Title 15 of the Borough code to ensure structures are safe from potential flooding. No existing structure, including the fence, appears to be constructed in the floodway, which begins at the top of the Chena River bank. Designated floodplains and the floodway in the Borough are subject to periodic inundation of floodwaters, which could cause loss of life or property, health or safety hazards. The current proposal is primarily internal modifications and does not include any construction in the floodway, which would be prohibited. Therefore, Community Planning staff recommends the subject property complies with Title 15 regulations to protect public health, safety and welfare by obtaining floodplain permits and elevation certificate for future construction on the property as required by Title 15.4

The existing vegetation and fence on the site will help minimize the visual impact and create a buffer for neighboring property owners. A condition to modify the existing fence to be sight-obscuring is proposed to maintain this barrier. The existing outdoor lighting will not impact other properties. FNSBC 18.96.140 states that “lighting, glare and general illumination shall not be directed towards residentially zoned properties other than that property from which the lighting, glare, general illumination originates” and ensures that there are no adverse impacts to adjacent neighbors from outdoor lighting. The applicant does not propose to change existing exterior lighting and a proposed condition that no lighting be directed toward other residentially zoned properties will ensure compliance to FNSBC 18.96.140. The proposed conditional use will have a safe traffic flow because it is expected to generate a very small number of trips and the existing transportation facilities are expected to be adequate for this number of trips. The proposed conditional use is not expected to impede vehicular and pedestrian traffic on the surrounding roads.

Noise is a concern with the proposed conditional use. It is expected that some noise will ensue from the animals proposed to be on the site and utilizing the yard area. The animals proposed to be in the yard area are typically patients of the clinic being walked and will be supervised by clinic staff. The applicant estimates that on average, five animals will use the yard daily and no more than ten on any given day. Animals are not proposed to be maintained in the yard unsupervised or for extended periods of time. The applicant has stated that most animals will be leashed when outside, including in the fenced area, and that no more than five animals will be in the yard area at any given time. The application materials state that the primary activity hours will be 8 am to 6 pm, Monday through Friday and 10 am to 3 pm on Saturday. Noise will be limited from animals within the building but may be increased in the yard area or as animal patients arrive and leave the site. Due to the residential nature of some of the surrounding neighborhood, a condition is proposed to prohibit maintaining any animals outside overnight or before and after the normal operating hours of 8 am to 6 pm, and that no more than five (5) animals be in the yard area at any given time. Additionally, a condition is recommended to create a sight-obscuring barrier around the yard area, such as slats in the existing chain link fence or planting sight-obscuring vegetation outside the fence line, to create a visibility buffer and help mitigate territorial barking at adjacent users.

4 Sections of this staff report involving floodplain related reviews include comments and feedback from Nancy Durham, FNSB Floodplain Administrator, MURP, CFM after a review of the application materials with FNSB Planner Stacy Wasinger.
Odor and contamination from animal waste are potential concerns, particularly due to the proximity of the Chena River. The applicant has proposed to pick up animal waste daily from the fenced yard area to be utilized by the animals and dispose of it properly, off-site. Staff recommends a condition that animal waste be removed from the yard area daily and disposed of specifically off-site at a proper waste refuse site. Additionally, the condition would specifically prohibit disposing of animal or any other waste in the adjacent river. The applicant states that medical waste will disposed of according to OSHA regulation and industry standards.

The application materials state that no large animals will brought to the site. If the clinic were to treat large animals on site, it would potentially change impacts such as traffic, noise, and waste disposal. The small lot and yard area may not be appropriate for larger animals. Staff recommends a condition prohibiting large animals, such as horses, from being maintained on the subject parcel.

Although 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 suggests a condition that if any modifications are made to the operation of the veterinary clinic, proposed location, site plan, or other required documents, the applicant shall submit revised documents to the FNSB Community Planning Department. If substantial modifications are made to these documents, an amendment to the conditional use permit may be required pursuant to FNSBC 18.104.050 (D).

VII. RECOMMENDATION

Based on the staff analysis, the Department of Community Planning recommends APPROVAL of the conditional use permit request for a veterinary clinic in the MFO zone with seven (7) conditions.

VIII. CONDITIONS

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

2. A sight-obscuring barrier, such as slats in the existing chain-link fence or vegetation planted outside the fence line, shall be constructed around the yard area proposed to be utilized for animal patients of the clinic. If the sight-obscuring barrier is vegetation, a landscape plan shall be submitted to the Community Planning Department for approval.

3. Animal waste shall be picked up daily from the yard area and disposed of off-site in an appropriate waste disposal site. No animal or other solid waste shall be disposed of in the adjacent river area.

4. No animals shall be maintained outside on the site between the hours of 6 pm and 8 am or overnight and no more than five (5) animals shall be allowed in the fenced yard area at any given time.

5. No large animals shall be maintained on the site.
6. Outdoor lighting shall meet FNSBC 18.96.140 such that “lighting, glare and general illumination shall not be directed towards residentially zoned properties other than that property from which the lighting, glare, general illumination originates.”

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

IX. 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 of other ordinances and state statutes because it will conform to Title 18 requirements as a conditional use in the MFO zone.
   
   a. The purpose of Title 18 will be met because the Fairbanks North Star Borough Comprehensive Plan Land Use Goal 4, Strategy 10 of the FNSB Regional Comprehensive Plan, which is to “attract and support development that is compatible with and enhances existing land use”. With the conditions as proposed, the conditional use is compatible with the existing land uses. The conditional use is also consistent with the Urban Area designation.
   
   b. The intent of Title 18 will be met because with the conditions imposed, the conditional use will both protect private property rights and promote public health, safety, and welfare.
   
   c. The Applicant has provided information sufficient to show they intend to meet all local, state, and federal laws.

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

   a. The conditional use will be served by community sewer and water, and animal waste will be removed from the site to appropriate disposal transfer sites. Medical waste will be handled by a certified local agency and disposed of according to OSHA regulation and industry standards.
   
   b. The site is within the City of Fairbanks and is served with police, fire, and other services.
   
   c. The site will be connected to the GVEA grid which will provide sufficient energy supply for the veterinary clinic.
   
   d. The site is served by Second Avenue, an AK DOT & PF maintained road.
   
   e. The veterinary clinic is not expected to generate as many vehicle trips as other permitted uses and does not impede vehicular and pedestrian traffic on the surrounding roads.
3. With the conditions imposed, the conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the MFO zone (FNSBC 18.56) as well as other federal, state and local requirements for a veterinary clinic.

   a. The existing vegetation and added screening will create a buffer and minimize the visual impact of the proposed conditional use. Additional sight-obscuring elements will create a visual barrier from adjacent public uses.
   b. Noise impacts are expected with the operation of the veterinary clinic. A sight-obscuring barrier and prohibiting the maintenance of animals outside overnight will minimize noise impacts on the surrounding neighborhood.
   c. Odor impacts involving the animal use of the yard area will be minimized with the removal of animal waste daily.
   d. Outdoor lighting will not be directed toward or impact neighboring properties.
   e. The applicant will comply with all other local, state, and federal laws.
   f. The existing structure is not in the floodplain or floodway.

DRAFT PLANNING COMMISSION MOTION:

I move to approve the Conditional Use Permit for the veterinary clinic with seven (7) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval.
CERTIFICATE OF CORPORATE OWNERSHIP

I, Steven F. Boyd, hereby certify that the foregoing plat is true and correct and of executed freely and voluntarily for the use and purpose therein specified and that I signed said plat clucked with power and authority as of said corporation.

Steven F. Boyd
Manager
Alaska Chapter, National Electrical Contractors Association

STATE OF ALASKA

UNITED STATES OF AMERICA

I, Steven F. Boyd, hereby certify that the foregoing plat is true and correct and of executed freely and voluntarily for the use and purpose therein specified and that I signed said plat clucked with power and authority as of said corporation.

Steven F. Boyd
Manager
Alaska Chapter, National Electrical Contractors Association

STATE OF ALASKA

I, Paul C. Stutman, do hereby certify that the records of the Fairbanks North Star Borough are true and correct and that I am on the records of the same. The name of the corporation is: Alaska Chapter, National Electrical Contractors Association, Inc. The address of the corporation is: 211 E. 10th Ave., Suite 100, Anchorage, AK 99501-2516. The date of incorporation is: July 7, 1980. The name of the corporation is: Alaska Chapter, National Electrical Contractors Association, Inc. The address of the corporation is: 211 E. 10th Ave., Suite 100, Anchorage, AK 99501-2516. The date of incorporation is: July 7, 1980.

Paul C. Stutman
Registration No. 705-1-1

CERTIFICATE OF PAYMENT OF TAXES

I, Paul C. Stutman, the undersigned, being duly appointed and qualified Tax Collector for the Fairbanks North Star Borough, do hereby certify that the following property is owned and assessed as described in the records of the Borough: 350 River Rd. Sec. 9. The amount of tax payable is $72,940.00.

Paul C. Stutman
Tax Collector
Fairbanks North Star Borough

HERMAN SUBDIVISION

THE REPEAT OF A PORTION OF GOVT' LOT B

WITHIN SEC. 9, T. 11 S., R. 1 W., S.M., ALASKA

STUTZMANN ENGINEERING ASSOCIATES, INC.

P.O. BOX 7240, FAIRBANKS, ALASKA 99701-7240

OFFICE AT 211 E. 10TH AVE., ANCHORAGE (907) 452-4004

CERTIFICATE OF APPROVAL OF THE PLATING AUTHORITY

I, Paul C. Stutman, hereby certify that the subdivison plat is true and correct and of executed freely and voluntarily for the use and purpose therein specified and that I signed said plat clucked with power and authority.

Paul C. Stutman
Registration No. 705-1-1

LEGAL DESCRIPTION:

Lot 2, Blk. 2, Herman Subdivision, Fairbanks North Star Borough, Alaska.

GRAPHIC SCALE

(0 acres)

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, Paul C. Stutman, do hereby certify that the records of the Fairbanks North Star Borough are true and correct and that I am on the records of the same. The name of the corporation is: Alaska Chapter, National Electrical Contractors Association, Inc. The address of the corporation is: 211 E. 10th Ave., Suite 100, Anchorage, AK 99501-2516. The date of incorporation is: July 7, 1980. The name of the corporation is: Alaska Chapter, National Electrical Contractors Association, Inc. The address of the corporation is: 211 E. 10th Ave., Suite 100, Anchorage, AK 99501-2516. The date of incorporation is: July 7, 1980.

Paul C. Stutman
Registration No. 705-1-1

LEGAL DESCRIPTION:

Lot 2, Blk. 2, Herman Subdivision, Fairbanks North Star Borough, Alaska.

GRAPHIC SCALE

(0 acres)
August 7, 2002

State of Alaska DOT/PF, ROW
2301 Peger Road, MS 2553
Fairbanks, AK 99709-5399
Attn: Kathleen Dickinson

RE: V010-2003

Dear Ms. Dickinson:

At its regular meeting of August 6, 2002, the Planning Commission of the Fairbanks North Star Borough considered your request for a setback variance of two (2) feet to the front yard requirement of twenty (20) feet in the Multiple Family Office zone in order to replat TL 940, T. 1S, R. 1W, to within eighteen (18) feet as part of the 2nd Avenue/Wilbur Street Widening Project. (located north of 2nd Avenue and east of Wein Street)

The Commission voted 8 in favor, 0 opposed, to approve your request.

Please read the attached conditions carefully as they must be adhered to for this approval to be valid. Please sign and return the enclosed agreement within fifteen (15) days from the date of the decision of the administrative body.

If you have any questions regarding this matter, please feel free to contact the Department of Community Planning, Division of Planning and Zoning, 809 Pioneer Road, or call 459-1260.

Sincerely,

Doug Sims, Planner III
Department of Community Planning

Enclosures: Agreement
DS/IIa
Fairbanks North Star Borough
P.O. Box 71267
Fairbanks, Alaska 99707

Zoning Permit Number: 16743

This permit is issued based on the lot dimensions and zone applicable to the lot on the date of issuance. If prior to construction, the zone or the lot dimensions change, this permit will no longer be valid and a new permit must be obtained.

### General Information

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<td>Date</td>
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</tr>
<tr>
<td>Phone</td>
<td>(907) 452-5191</td>
</tr>
<tr>
<td>Applicant</td>
<td>Ghemm Development, Inc.</td>
</tr>
<tr>
<td>Company</td>
<td></td>
</tr>
<tr>
<td>Mailing Address</td>
<td>PO Box 70507, Fairbanks, AK 99707</td>
</tr>
<tr>
<td>Site Address</td>
<td>1830 Second Avenue</td>
</tr>
<tr>
<td>Property Description</td>
<td>SUB/TR: Herman BLK/SEC: LOT/TL: 02</td>
</tr>
<tr>
<td>Existing Use</td>
<td>Office</td>
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<tr>
<td>Proposed Use</td>
<td>Other</td>
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<tr>
<td>Description of Proposed Use</td>
<td>Montessori Elementary School</td>
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<tr>
<td>Units</td>
<td>0</td>
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<td>Building Height (stories)</td>
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<tr>
<td>Total Area of Structure</td>
<td>3200 sq.ft.</td>
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<tr>
<td>Lot Size</td>
<td>23900 SF</td>
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<tr>
<td>Est. Cost of Construction</td>
<td>$25,000.00</td>
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- I certify that I am the owner or that I am authorized to act for the owner of the property.
- I certify that this information is to the best of my knowledge true and complete.
- I acknowledge and will comply with the conditions set forth in this zoning permit.
- I understand that this permit is not valid until the permits identified below are obtained.
- I understand that this permit is appealable and that this appeal must be submitted and perfected within 15 days of the date of the decision in accordance with FNSBC 18.54.070.

Applicant Signature: [Signature]
Date: 5/25/12

### Zoning Specifications

<table>
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<td>0522317</td>
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<tr>
<td>PAN 2</td>
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### Conditions

**Floodplain Permit Required:** No
**BFE:** No
**Driveway Permit Required:** No

**Other Conditions:** 13 parking spaces on site with user agreement for 6 more spaces 8am to 6pm. See city for additional permitting requirements.

**Reasons:** 2 staff and 8-49 students. No bus service.

Permit Approved: Yes
Monday, May 21, 2012

Zoning Official: Keilner, M
Date: 21/05/12

Transportation Planner Review: ______________________
Date: ______________________

Applicant Contacted: ______________________
Date: ______________________
Existing vegetation and yard area

Existing west parking area
WRITTEN AGENCY COMMENTS

CU2017-009
No comments/concerns from Land Management.
Thank you,

Sandra Wagner | Manager, Div. Land Management | FNSB | M 907.459.1241 | D 907-459.1247 C 907.888.4924

Privileged and Confidential Communication: This electronic mail communication and any documents attached hereto may contain confidential and privileged material for the sole use of the intended recipient(s) named above. If you are not the intended recipient of this message (or if you are not authorized to receive information for the recipient) any review, use, distribution, copying or disclosure by you or others is strictly prohibited. Please notify sender by reply email or telephone and delete and/or destroy this message and all attachments.

From: Stacy Wasinger
Sent: Friday, December 09, 2016 11:23 AM
To: Stacy Wasinger
Subject: CU2017-009: Veterinary Clinic Conditional Use Permit Application

Good morning,

Attached, please find the application materials for a veterinary clinic conditional use permit that has been submitted to the FNSB Community Planning Department. Due to the Multiple-Family Residential/Professional Office zoning on this property, the veterinary clinic use in the existing building requires a conditional use permit, which is currently scheduled for a public hearing before the Planning Commission on January 10, 2017. Also attached is a zoning report that contains basic information regarding the parcel.

We are providing this information to you for review and comment, if any, because the site is within your review area. If you have any concerns or potential issues regarding this land use on the property, please send a response in writing and we will include the comment in the information that is provided to the Planning Commission.

Please return comments by Thursday, December 22nd. If there is another contact that would be appropriate to review this application, please feel free to forward this email or let me know and I will contact them. If you have any questions or need any clarification, please just let me know. I appreciate your time and help on this issue.

Thanks,
Stacy

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

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

I do not see any issues with this conditional use permit. The primary road, 2nd Ave., is already a main arterial roadway and the increase from this business should not be noticeable. The neighboring parcels on the north side of the street are already commercial building. I don’t foresee any public safety concern we would need to address.

Yumi McCulloch  
Administrative Assistant/PIO  
Fairbanks Police Department  
Fairbanks Emergency Communications Center  

Office: 907-450-6510  
Cell: 907-388-0909
Good morning,

Attached, please find the application materials for a veterinary clinic conditional use permit that has been submitted to the FNSB Community Planning Department. Due to the Multiple-Family Residential/Professional Office zoning on this property, the veterinary clinic use in the existing building requires a conditional use permit, which is currently scheduled for a public hearing before the Planning Commission on January 10, 2017. Also attached is a zoning report that contains basic information regarding the parcel.

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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
APPLICATION
MATERIAL
SUBMITTED ON

November 23, 2016
## Conditional Use Permit Application

**File No.** cu2017-009

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

### Applicant:
- **Contact Name:** Renee Rember
- **Business Name:** Chena Ridge Veterinary Clinic
- **Mailing Address:** 720 Chena Ridge Road Fairbanks, Alaska 99709
- **Phone:** 479-0001
- **E-mail:** docney@gmail.com

### Property Owner:
- **Name:** Bell Development, Inc.
- **Mailing Address:** P.O. Box 70507
- **City, State Zip:** Fairbanks, Alaska 99707
- **Phone:** 452-5191
- **Cell:** 460-1070
- **E-mail:** bert@ghemm.com

### Property Information:
- **Property Description:** Lot 2 Herman - IS 1W 09 940
- **Lot Size:** 23,903 SF
- **Street Address:** 1830 Second Avenue
- **Parcel Account Numbers (PAN):** 522317
- **Zoning District:** MFO
- **Existing Use(s):** Montessori Preschool and Elementary School

### Conditional Use Request Information:
- **Proposed Use(s):** Veterinary Clinic

#### Request Description and Reasons for the Request:
Currently zoned as MFO. Requesting change to allow for building to be used/leased by full service veterinary practice offering preventative care, diagnostic services, surgery nutrition counseling and dental care for domestic pets.

---

**APPLICANT SIGNATURE:**

**DATE:** 11-23-14

**OWNER SIGNATURE (if different):**

**DATE:** 11-23-16

If the applicant is not the sole property owner, written consent of all property owners must be provided (FNSBC 18.104.050(B)).
DEPOSIT / REFUND FORM
PUBLIC NOTICE SIGN DEPOSITS & EXPERT REVIEW DEPOSITS

DEPOSITS

SIGN DEPOSIT ☑ EXPERT REVIEW DEPOSIT ☐ (see box below)

I understand that I owe the actual cost for the expert review of my telecom application and that this is only a deposit towards the cost.

(applicant initials)

File/Case # CU2017-009

Sign # R (if required)

DATE Prepared: 11/23/16

Prepared By: Q. Walsh
Fairbanks North Star Borough

RECEIPT Number: 473512

PAID By: Cash ☐ CHECK ☑ # 2555

(if paying by check we MUST refund to name & address showing on check)

Name & Address on Check: Bell Development, P.O. Box 70507, Fairbanks, AK 99707

If cash name and address for refund:

________________________________________

________________________________________

________________________________________

REFUNDS

Sign Returned: Date: ______________

Initiate Refund: YES ☐ NO ☐

Staff who took sign in: ____________________

Be sure application has been completely acted on and the reconsideration has expired prior to taking in the sign. For Rezones, be sure the Assembly decision is final prior to taking in the sign.

Additional Damage Yes ☐ No ☐ Partial Refund YES ☐ Yes $_____

Describe ___________________________ Applicant Initial _______________
Chena Veterinary Clinic narrative of proposed use for 1830 Second Avenue

*Total (maximum) number of employees expected to be working on the site, including full and part-time, temporary and seasonal: We will be moving in with 6 full time employees. Seasonally we may add another one full time to two part time employees as business growth permits.

*Type and frequency of other vehicle trips to the site such as customers, deliveries, security, visitors, etc.: Daily staff vehicles and customer (usually single family sedan or pickup trucks), we also receive UPS and FedEx deliveries and pickups about once a day during the week days. Once a month we get oxygen delivered and pallets of pet food may be delivered on average twice a month.

*Hours of operation: M-F 8-6, Sat 10-3

*Activities occurring on the site on a daily, weekly, monthly, periodic, seasonal, occasional and annual basis: Daily activities are those of a veterinary clinic (patient appointments and procedures). We may hold an annual open house that would draw a larger crowd once a year.


*Impacts of the proposed use that may cross property lines such as odor, noise, dust, light, etc.: Barking dogs during business hours would be the only possible impact I could envision and this is not a daily occurrence. Most will be indoors so not able to be heard from off the property.

*Provide a list of chemicals utilized or stored on the site; if applicable: see attached Appendix A

*Energy source serving the proposed use: GVEA

*Water source serving the proposed use: City of Fairbanks

*Method of sewage disposal and/or waste water management for the proposed use: City of Fairbanks

*Other public utilities and services to serve the proposed use such as garbage, communications, fire protection and police: Possible 5 yard dumpster, ACS phone and internet service, City of Fairbanks fire protection and police.
NARRATIVE FOR 1830 SECOND AVENUE PROPERTY

5.1 The conditional use being requested is a long standing profession and fits within the FNSBC 18.104.050(C)1-3. The parcel use for the past four years has been for a Montessori School. The proposed Veterinary Clinic will have no additional traffic or noise. It is compatible with surrounding properties as there is a park Fairbanks North Star Borough Park to the east and a dog park four properties to the west. The vet clinic is open to all property owners. The business currently exists in a different location. Dr. Rember wanted to move to a new location to be more conveniently located, thus, the business in this new location creates no competitive hardship on existing competition. The current yard is fenced and this will remain to control animal wandering.

5.2 The building is tied in to Golden Heart Utility for both water and sewer. The clinic use creates no abnormal demand for either sewer or water, thus is adequate. The past four years as a school required more need of both water and sewer usage, thus the new use requires less sewer and water need.

Golden Valley Electric Association is the provider of power to the building. The electrical panels have excess capacity as the past use had one electrical sauna that has been removed. The only real power need of the vet clinic that is not normal is for an X-Ray machine. The existing power panels have more than enough capacity for the clinic use. Exterior electrical outlets are already installed, thus creates no new demand.

There is adequate parking for the intended use. Veterinary Clinics do not have high traffic. The previous use of school drop off and pick up traffic was much higher than at any time in a clinics daily operation. This new business location for the clinic will cut down on road traffic, as it used to be on Chena Ridge and customers would have to drive further on average than to the Second Avenue location.

5.3 The Veterinary Clinic serves the purpose of healing, and guidance for a healthy animal population. Animals, fish, birds, etc. are a part of our society, and having the skills that Dr. Rember brings to Fairbanks is for the benefit of all. The building use does not impact surrounding uses and suites to fill a vital need. The medical use in close proximity to the dog park is an added benefit.
Appendix A

List of Chemicals

- Betadine Solution (Providone-iodine 5%)
- Prodelin Scrub (Titratable Iodine 0.75%)
- Chlorhexidine Solution (2% Chlorhexidine Gluconate)
- Chlorhexidine scrub (2%)
- Chlorhexidine scrub (4%)
- Hydrogen Peroxide (3%)
- Isopropyl Alcohol (70%)
- Isopropyl Alcohol (91%)
- Trifectant Powder
- Vedadine Surgical Scrub
- OvaSol (Fecal Flotation medium)
- Labsco Advantage (10% Formalin Fixative)
- CarbO2lime
- O2 tanks
- Fluriso (Isoflurane) - for surgery
- Oster Kool- lube (blade coolant, lubricant, cleaner)
- DCL 90 cleaner and lubricator All-in-One
- x-ray screen Cleaner Cronex - 15 oz
- Ajax Advanced dish soap
- Clorox bleach
- Fire extinguishers
- All Laundry Soap

*Veterinary medications oral and injectable
Chena Ridge Veterinary Services

- Wellness exams and vaccinations
- Advanced dentistry and oral surgery
- Surgery Spay and neuter
- Endoscopy
  - Bronchoscopy
  - Gastrointestinal endoscopy
  - Deep ear endoscopy
  - Urethral and vaginal endoscopy
  - Rhinoscopy
- Ear Diseases
- Senior pet care
- Diagnostic services
- Radiology (x-rays)
- In-house laboratory
- Pharmacy
- Emergency care
- Intensive care
- Electrocardiogram
- Radiology (x-rays)
- Ear cytology
- Zoonotic disease testing and prevention
- Health certificates
- Fecal analysis
- Diabetes therapy
- Microchip pet ID
- Heartworm testing
- Parasite control
- Feline Immunodeficiency Virus (FIV) testing
- Feline Leukemia Virus (FeLV) testing
- Allergy treatment and other skin disorders
- Complete blood count (blood tests)
- Pet treats
- Pet food
- Prescription food
- Nutrition counseling
- Heartworm preventative
- Tick and flea products
- And many more
Veterinarians

Renee Remer
DVM

Dr. Remer graduated from the University of Florida, College of Veterinary Medicine in 2005. She moved to Fairbanks right after graduation and has worked in the community as a small animal veterinarian since.

Dr. Remer and her husband Rob welcomed their son Aaron to their family this fall. Since the addition of her son, Dr. Remer has been working at Chena Ridge Veterinary Clinic as well as filling in at the After Hours Veterinary Clinic and volunteering as a veterinarian for mid distance dog sled races.

Dr. Remer is a musher and enjoys spending time outdoors with her husband and their 28 dogs; she also enjoys running and any activity that gets her on (or in) water. Dr. Remer is a member of the following veterinary organizations: American Veterinary Medical Association (AVMA)

Staff

Sue Ellis
Business Manager

Sue Ellis is the business manager for the clinic. She graduated with honors from Plymouth State College in 1983 with a degree in Accounting. After college, Sue pursued many different careers including being self-employed and also worked 15 years in the special education field, before coming back to the accounting world. Besides doing the bookkeeping, Sue also has experience as an emergency veterinary assistant at the local ER clinic. When needed she also will assist at Chena Ridge Vet Clinic.

In 2009 Sue and Mike moved to Alaska from New Hampshire to focus more on taking care of and racing a team of competitive Siberian Huskies. Team Tsuga is known for outstanding dog care and have won numerous Veterinary Choice Awards throughout the state and on the east coast.

"RESPECT YOUR DOGS."

www.teamsuga.com or visit us on facebook Team Tsuga Siberians.

Eric Zucker, LVT
Licensed Veterinary Technician & Clinic Comedian

Eric is has been in Veterinary science since 1997 focusing mainly on small animal practice but also working with large/farm animal practices, helping with research at UAF's Institute of Arctic Biology and U.A.R.S. Eric obtained his Veterinary Technicians License in 2004. When not at the practice Eric is most likely on a wild land fire with Alaska Fire Services or with his local Volunteer Fire Dept, conveniently located next door at Chena Goldstream Fire and Rescue where he is a Senior Fire Fighter/EMT-3. In his spare time he enjoys spending time with his wife and dogs, paragliding, cross country skiing, restoring antique BMW motorcycles and traveling

Rhiannon Keirns, LVT
Licensed Veterinary Technician

Rhiannon graduated in 202 from Bel-Rea Institute of Veterinary Technology in Denver Colorado with an Associates of Applied Science. She then returned home to Alaska where she has practiced as a licensed Veterinary Technician.

Shortly after graduation Rhiannon earned her Veterinary Dental Technician Certificate through the American Society of Veterinary Dental Technicians. Rhiannon is also certified to take Penn Hip radiographs to evaluate the quality of the Canine hip joints.
When rhannon is off the clock at the veterinary clinic she is busy raising her two boys, Tyler and Jacob and spending time with her husband. She has two Shetland Sheepdogs and three cats. Her hobbies include gardening, camping, fishing, hiking, bike riding and anything on or around the ocean or large body of water.

Sandy McKee
Veterinary Assistant & Clinic Mom

Kim Iverson
Veterinarian Assistant

Kim is married and has lived in Fairbanks her entire life. She graduated from the University of Alaska at Fairbanks in the spring of 2016 with a B.S. in Biology. She started working at Chena Ridge Veterinary Clinic in the fall as a kennel assistant, which she really enjoys.

Kim has 2 dogs: a lab named Jude and a Newfy named Layla. She also has 2 ferrets, Yuppy and Luna. Her spare time is filled riding her horse Ameile or playing computer games. Right now, she is trying to learn as much as she can about being an assistant and working towards becoming a veterinary technician.
APPLICATION MATERIAL SUBMITTED ON

December 5, 2016
Bell Development, Inc.

Response to Request for Information
December 5, 2016

Landscaping

Bell Development does not intend to make changes to the current landscape of the project. The building underwent an extensive renovation in 2013 and those landscape plans were approved by the City of Fairbanks as part of the project permitting process. Since that time there have been no changes to the landscape of the property. The property is bordered at the East with a City of Fairbanks park strip and the property is bordered to the right by the Mechanical Contractors Association. The landscaping adjacent to the river at 1830 Second Avenue is a continuation of the landscaping on both adjoining properties, thereby maintaining a continuous vegetative swath along the bank of the river. Care and maintenance of this landscaped space by all parties involved certainly achieves Goal #1 of the Chena Riverfront Plan — Recognizing and restoring the river as the crown jewel of the community.

Maintenance/Pollution Reduction

Bell Development has maintained the natural vegetation on the bank of the river in order to reduce erosion and the possibility of pollutants washing into the river. All animal and yard waste from the Chena Ridge Veterinary Clinic will be cleaned up on a daily basis and properly disposed of to avoid the possibility of runoff washing into the river. There will be an average of five (5) animals using the yard on a daily basis with no more than ten (10) dogs at the clinic on any given day.

Pedestrian Traffic

Bell Development does not plan any change to the existing pedestrian traffic patterns to 1830 Second Avenue within the riverfront corridor. Chena Ridge Veterinary Clinic does not plan to make changes to the traffic patterns in and around the clinic as a result of their tenancy in the building. There are no proposed changes to the existing paths, public sidewalks and/or roadways for this tenant. The existing paths, landscaping and building exterior will not be modified with this tenant.
APPLICATION MATERIAL
SUBMITTED ON

December 6, 2016
STAFF REPORT

CU2017-006
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

CU2017-006
January 10, 2017 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission
FROM: Manish Singh, Planner II
DATE: December 15, 2016

RE: CU2017-006: A request by Sherry Gilbert and Laurence Bento, Arctic Greenery, LLC DBA Chena Cannabis on behalf of CGH Holdings, LLC for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on Lot 1, Midway Industrial Park Subdivision (located at 1725 Richardson Hwy, on the south side of Richardson Hwy, between El Paso St and Sinclair Ave).

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 retail marijuana store, 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 use of an existing building as retail marijuana store in the GU-1 zone.

B. Location
On the south side of Richardson Hwy, between El Paso St and Sinclair Ave

C. Access
Richardson Highway, Frontage Road

D. Size/PAN
Area: 5.33 Acres
PAN (Lot): 0340065 (Lot 1)

E. Existing Zone
General Use 1 (GU-1)

F. Existing Land Use
Storage buildings, marijuana cultivation facility, indoor large (pending state marijuana license)

G. Surrounding Land Use/Zoning
North:
Richardson Highway
Zoning: GU-1
Land Use: Industrial

South:
Zoning: GU-1
Land Use: Vacant Land
III. ZONING AND DEVELOPMENT HISTORY

Lot 1 was created with the recording of a plat for Midway Industrial Park Subdivision in 1981 (Exhibit 1). The lot was rezoned from Unrestricted Use (UU) to GU-1 in 1988. The property currently has an office and eight (8) storage buildings (Figure 1). The existing office and four (4) of the eight (8) existing storage buildings on the property were constructed in 1999. Two (2) storage buildings were added on the subject property in 2001 and two (2) storage buildings were added in 2008. A self-storage business with the name ‘Hide-Away Self Storage’ operated on the subject property. The applicants intend to discontinue the business. However, the applicants are still waiting for a few out of state and deployed tenants to retrieve their belongings from the property.

On October 27, 2016, the applicants obtained a conditional use approval to use two (2) of the eight (8) existing storage buildings and the existing office structure as an 8,072.79 sq.ft. marijuana cultivation facility, indoor large. The applicants are awaiting state’s approval to operate this marijuana cultivation facility on the property. The property is in flood zone ‘A’ and a plat note indicates that the property flooded to an undetermined depth in August 1967. The applicants obtained a FNSB flood plain permit (FP2017-011) and a certificate of compliance on November 11, 2016 for bringing the existing office above base flood elevation (BFE).

IV. APPLICANT’S NARRATIVE

All of the submittals by the applicants have been included in the application section of the packet. The applicants intend to use a portion of the existing office structure at 1725 Richardson Hwy as a retail marijuana store (shown in blue in Figure 2).
Figure 1: Existing Office Structure and Storage Buildings at 1725 Richardson Hwy
(Source: Staff)

Figure 2: Site Plan
(Source: Base map provided by Applicant, annotations in color by staff for illustrative purposes.)
V. 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 lot line of the lot containing a use or zone listed in subsections (A)(3)(a) through (c) of this section to the commercial marijuana establishment.

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.

Public Notice

There were 62 dear property owner notices mailed out and staff did not receive any inquiry about this case.

VI. STAFF ANALYSIS

A. Development and Use

This application is to obtain a conditional use permit approval for a retail marijuana store, which is defined in FNSBC 18.04.010 as “a legally licensed commercial retail marijuana store as defined by state law. A retail marijuana store may sell marijuana accessories as defined by state law.” The applicants intend to use a 495 sq.ft. portion of the existing 944 sq.ft. office structure for the retail marijuana store use (shown in yellow in Figure 3).

In October 2016, the applicants proposed to use the same 495 sq.ft. portion of the office structure as employee breakroom when they obtained their conditional use permit for marijuana cultivation facility, indoor large (shown in blue in Figure 4). The applicant have proposed to use the rest of the office structure (shown in green in Figure 3) as shared area between the retail marijuana store and marijuana cultivation facility, indoor large conditional uses. These shared areas include visitor’s entry, employee break room, utility room and employee and public restrooms.
Figure 3: Proposed Floor Plan for the Office Structure with Retail Marijuana Store
(Source: Applicant)

Figure 4: Floor Plan for the Office Structure provided with Marijuana Cultivation Facility, Indoor Large conditional use application (CU2017-003)
(Source: Base map provided by Applicant, annotations in color by staff for illustrative purposes.)

B. Surrounding Land Use and Zoning

Figure 5 shows that the surrounding parcels are zoned General Use 1 (GU-1). The intent of the GU-1 zone is “to be located in rural areas where community sewer and water systems are unavailable.” A retail marijuana store is a conditional use in the GU-1 zone if adjacent to a lot upon which a principal building used as a dwelling [FNSBC 18.96.240 (A) (6)]. Figure 6 shows that the neighboring properties are a mix of vacant, residential, commercial and industrial lots.
Figure 5: Zoning Map
(Source: FNSB GIS)

Figure 6: Existing Land Use
(Source: FNSB GIS & Assessing)
C. Comprehensive Plan Designation

The Comprehensive Plan Land Use Map characterizes this area as **Urban Area (Figure 7)**. Urban Area is “Area that is served or can be served with community water and sewer, and contains the most intensive residential, commercial, and industrial development.” The proposed conditional use is consistent with the comprehensive plan land use designation, Urban Area, for the subject property because it proposes a retail marijuana store along Richardson Highway that is already commercial and industrial in nature (**Figure 6**).

**Figure 7: Comprehensive Plan Designation Map**
(Source: FNSB GIS)

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 retail marijuana store into a neighborhood that has other commercial businesses. Commercial Marijuana is a new industry and this conditional use would serve the market by selling products available from other marijuana cultivation and product manufacturing establishments in the Borough.
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 they would bring four new jobs in the area because they intend to start a new business with this conditional use. The operation would diversify the commercial activity in the Fairbanks North Star Borough enhancing community’s ability to generate revenue.

D. Transportation & Parking

The lot is accessible with a 20 foot wide paved driveway from Frontage Road and Richardson Highway. Alaska Department of Transportation and Public Facilities (ADOT & PF) has proposed Richardson Highway Access Improvements Project (MP 353-357). This project addresses seven at-grade intersections on the Richardson Highway between the Badger Road Interchange and Levee Way. The subject parcel for this conditional use application is located on Frontage Road among three of the seven at-grade intersections proposed to be improved. These intersections are on Midland Street (Figure 8), end of the South Frontage Road (east of Sinclair Ave, Figure 9), and Rozak Road (Figure 10). The proposed improvements include consolidation of at-grade intersections, acceleration/deceleration lanes, and frontage road connectivity improvements. These improvements are scheduled to construct in 2018 or 2019 and would substantially increase the safety and capacity of the Frontage Road.

Figure 8: Midland Street Intersection
(The Midland Street/Richardson Highway Intersection is proposed to function as a four-way intersection. New frontage road is also being proposed to be constructed on the north side of the Richardson Highway along with acceleration and deceleration lanes)

1 This section of this staff report includes comments from Kellen Spillman, FNSB Deputy Planning Director and Acting Transportation Planner after a review of the application materials with FNSB Planner Manish Singh.
Figure 9: End of the South Frontage Road Intersection
(The intersection, which is currently located at the end of the South Richardson Highway Frontage Road, will be closed. This frontage road will be extended to create a new four-way intersection at Rozak Road)

Figure 10: Rozak Road Intersection
(The Rozak Road Intersection, which currently follows a section line, will be shifted to the Northwest and aligned to create a perpendicular four-way intersection. Acceleration and deceleration lanes will be added in each direction)

Trip Generation

Although a retail marijuana store is a conditional use on the subject parcel in GU-1 zone because it is adjacent to a residential property, the GU-1 zone allows several uses without any zoning permit or conditional use permit that have significantly higher vehicular and freight trip generation potential. These outright allowed uses in GU-1 include gas station with convenience store, airports, railroad yard, shipping and receiving terminals, motor and rail freight terminals, etc. Compared to these uses, a retail marijuana store has a much lower trip generation potential.

It is difficult to determine the exact trip generation rate for this retail marijuana store conditional use due to the lack of case studies nationwide and no clear equivalent in the Institute of Transportation Engineers (ITE) Trip Generation Manual. The closest related
land use in the ITE Trip Generation Manual would be “Specialty Retail Center”.\(^2\) It appears that other municipalities are using this Land Use Code to estimate the trip generation for marijuana retail stores. With this aforementioned assumption, Community Planning staff estimates approximately 22 trip ends would be generated per weekday by this proposed retail marijuana store, based on the 495 sq.ft. gross leasable area (GLA) (Table 1). It should also be noted that there has been some non-peer reviewed research that suggests marijuana retail facilities could have a higher generation rate.\(^3\) Even so, this trip generation rate is still significantly below the trip generation rate of other outright allowed uses in the GU-1 zone.

Table 1: Trip Generation Summary\(^4\)

<table>
<thead>
<tr>
<th>Existing and 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>
<th>Weekday trip ends</th>
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<tbody>
<tr>
<td>Proposed retail marijuana store</td>
<td>495 sq.ft./4 employees</td>
<td>Specialty Retail Center (ITE 826)</td>
<td>44.32 trip ends/1,000 sq.ft. GLA</td>
<td>21.94 trip ends</td>
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The Average Daily Traffic (ADT) count on Richardson Highway in the immediate area was 15,625 in 2014.\(^5\) ADOT & PF does not have ADT count available for the frontage road north of the subject property; however, the ADT count on Rozak Road was 126 vehicles in 2014, which indicates that most of the trips on Richardson Highway are through traffic between Fairbanks and North Pole areas. Richardson Highway is an interstate type road\(^6\) and therefore, can easily accommodate the trip ends generated by the proposed facility.

Parking requirements are based on FNSB standard of one space per 200 square feet of sales area [FNSBC 18.96.060 (C)]. The applicants need 3 parking spaces for 495 sq.ft. retail store. The site plan shows 7 parking spaces and the existing marijuana cultivation facility, indoor large conditional use required 3 parking spaces. Therefore, the site plan provides remaining 4 parking spaces for the retail marijuana store whereas only 3 parking spaces are required to address retail marijuana store parking requirement. The site plan also shows a traffic circulation area with adequate backing, turning and maneuvering space. The applicants intend to pave the traffic circulation area in 2017. The proposed facility also provides a loading area shared with the marijuana cultivation facility, indoor large conditional use that meets the FNSB loading area requirements [FNSBC 18.96.060 (D)].

E. FNSBC 18.104.050 (B) Application for a Conditional Use

The Applicant submitted a conditional use application on November 02, 2016 requesting the retail marijuana store. They supplemented their application material with additional information on November 14, December 05, December 07, and December 08, 2016.

\(^2\) Specialty retail centers are defined as small strip shopping centers that contain a variety of retail shops and specialize in quality apparel, hard goods and services, such as real estate offices, dance studios, florists and small restaurants.


\(^4\) ITE Trip Generation Manual 9th Edition, Volume 3, Land Use: 826 Specialty Retail Center

\(^5\) Annual Average Daily Traffic (AADT) GIS Map. Transportation Data Programs, ADOT & PF. 2014.

\(^6\) Statewide Functional Classification GIS Map. Transportation Data Programs, ADOT & PF. 2016.
F. 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 property owner has provided written consent to the proposed marijuana use.

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 demonstrates that the retail marijuana store is not located within the buffer distances provided in FNSBC 18.96.240(A)(3)(a-e) (Exhibit 2). All State buffer requirements provided in 3 AAC 306 must also be met.

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 (Figure 2) 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 2).

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 with an adjacent lot with a dwelling. Therefore, the applicant has applied for a conditional use permit for a retail marijuana store.

G. 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 (AK DOT & PF)  
e. FNSB Emergency Operations  
f. FNSB Floodplain Administrator  
g. Alaska Department of Environmental Conservation (ADEC)  
h. Alaska Department of Natural Resources (ADNR)  
i. Golden Valley Electric Association (GVEA)

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

H. 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 application material and the narrative for this proposal align with Land Use Goal 3, Strategy 6, Action A and Economic Development Goal 2, Strategy 6, Action B.

Land Use Goal 3, Strategy 6, Action A provides for a variety of commercial areas that adequately serve the market area. This conditional use would serve the market by selling products available from other marijuana cultivation and product manufacturing establishments in the Borough. Economic Development Goal 2, Strategy 6, Action B welcomes new dollars into the community and promotes diversification of the Borough economy. The applicant submittals state that they would bring four new jobs in the area and would help maintain a healthy economy. The 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 an 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 retail marijuana store which requires a conditional use permit in GU-1 zone because the adjacent property has a dwelling as primary structure. Public notification, public hearing procedures and approval criteria for conditional uses protect the property rights of the surrounding property owners.

With the conditions imposed, the application promotes the public health, safety and general welfare of the residents of the borough because the applicant’s business plan addresses site security and minimizing negative impacts on neighboring properties. Moreover, the applicant has agreed to comply with state marijuana regulations.
The subject property is in flood zone ‘A’ and properties within the designated floodplains have additional requirements established by Title 15 of the Borough code to ensure structures are safe from potential flooding. Designated floodplains in the Borough are subject to periodic inundation of floodwaters which could cause loss of life or property, health or safety hazards. In October 2016, FNSB Planning Commission approved a conditional use permit on the subject property for a marijuana cultivation facility, indoor large (CU2017-003). The conditions of approval required the applicant to be compliant with FNSB Title 15 by filling the top of the bottom floor of the basement (enclosure) of the existing office from the elevation of 463.6 feet to or above the Base Flood Elevation of 464.1 feet. The conditions of approval further required submitting a new elevation certificate after this fill has been added and obtaining FNSB flood plain permit and certificate of compliance. The applicants met this condition by filling the basement and they obtained a FNSB flood plain permit (FP2017-011) and a certificate of compliance on November 11, 2016.

The proposed retail marijuana store will have a safe traffic flow because it is served by Frontage Road and Richardson Highway. Traffic generated by the proposed use will have relatively little impact on Richardson Highway which is an interstate type road. The proposed conditional use promotes economic development and the growth of private enterprise because it would bring four new jobs in the area and would diversify the existing industrial neighborhood.

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: 3 AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial marijuana facility obtain a license pursuant to all state regulations. The applicant has provided information sufficient to show they intend to meet the state regulations and to apply for a state issued license.

FNSBC 15.04.050 states that no person shall start construction on any new or substantially improved structure within the Special Flood Hazard Area without first obtaining a floodplain permit. The property is in flood zone ‘A’ and the existing office and eight (8) storage buildings were constructed between 1999 and 2008 without any floodplain permits after Title 15 Floodplain Management Regulations were already in effect. The applicants complied with Title 15 by obtaining a FNSB flood plain permit (FP2017-011) and a certificate of compliance on November 11, 2016 for bringing the existing office above base flood elevation (BFE).

(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 & Sewage: With the conditions imposed, the applicant has demonstrated that the proposed retail marijuana store has adequate water and sewage capacity for operation. The property has a commercial well for water and an existing septic system. Alaska Department of Environmental Conservation (ADEC) regulates underground nonresidential septic systems and wells in the Borough and the applicants have provided
their communication with ADEC demonstrating that the existing well and septic is adequate for the marijuana cultivation facility, indoor large conditional use approval. However, it is not clear if this arrangement is adequate for the proposed retail marijuana store. Therefore, Community Planning staff recommends 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 water supply and sewage capacity for the proposed retail marijuana store conditional use.

**Fire:** The applicant has demonstrated that the proposed conditional use has adequate fire services. The subject parcel is located within the North Star Fire Service Area.

**Energy:** The applicant has demonstrated that the proposed conditional use has adequate power supply because they are covered by GVEA grid.

**Police:** The applicant has demonstrated that their site is covered by Alaska State Troopers.

**Transportation:** The applicant has demonstrated that the proposed conditional use has adequate transportation facilities. The proposed retail marijuana store will have a safe traffic flow because it is served by Frontage Road and Richardson Highway. Traffic generated by the proposed use will have relatively little impact on Richardson Highway which is an interstate type road. The site plan has 4 parking spaces for the retail marijuana store and a shared loading area with sufficient backing and maneuvering space. FNSB Code requires only 3 parking spaces for 495 sq.ft. leasable area in this conditional use.

**(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 plan and by meeting Title 15 floodplain management regulations. The proposed retail marijuana store meets the standards required by FNSBC 18.96.240. The operating plan is intended to minimize and mitigate adverse impacts on surrounding properties to help address public health, safety, and welfare concerns.

The state licensing and operational standards for marijuana facilities are governed by 3 AAC 306. The application material acknowledges that a retail marijuana store cannot legally operate without obtaining a state issued license [FNSBC 18.04.010] and compliance with 3 AAC 306 is required to obtain a state license.

The subject property is in flood zone ‘A’ and properties within the designated floodplains have additional requirements established by the Title 15 of the Borough code to ensure structures are safe from potential flooding. Designated floodplains in the Borough are subject to periodic inundation of floodwaters which could cause loss of life or property, health or safety hazards. In October 2016, FNSB Planning Commission approved a conditional use permit on the subject property for a marijuana cultivation facility, indoor large (CU2017-003). The conditions of approval required the applicant to be compliant with FNSB Title 15 by filling the basement (enclosure) of the existing office to be above from the Base Flood Elevation. The applicants met this condition by filling the basement
and they obtained a FNSB flood plain permit (FP2017-011) and a certificate of compliance on November 11, 2016.

Applicant’s business plan comprehensively details their proposed site security measures including controlled access doors, video surveillance and alarms. Compliance with state regulations related to security, health and safety will mitigate any security breach and help ensure employee and visitor’s health and safety. Therefore, Community Planning staff suggests compliance with 3 AAC 306 as a condition to ensure public health, safety and welfare.

FNSBC 18.96.240 (A) (4) requires that all marijuana, marijuana products, and hazardous substances be stored indoors. The applicant intends to secure all marijuana products and hazardous substances inside structures to ensure the general public does not have access to them. This requirement affects public health, safety, and welfare by ensuring that controlled and marijuana products are accessible only to authorized employees.

Lighting, noise, odor, water quality and runoff can be potential concerns for surrounding properties with any commercial operation. The proposed retail marijuana store will have motion sensor lights pointing down on the exterior of the building for security purposes. The application states that the retail store is approximately 110 feet from the property line on the east side, 200 feet from the property line on the west side and more than 500 feet from the property line on the south side. Additionally, there is heavy wooded tree buffer between the proposed retail marijuana store and neighboring residences. Therefore, the applicant’s proposal for meeting security requirements would not impact neighbors with unnecessary lighting. Moreover, the subject property is not adjacent to any residential zone.

The applicant has mentioned that the retail marijuana store will not produce any noise or odor and will not affect the water quality because they do not plan to conduct any packaging in the retail store. All marijuana product purchased from outside vendors would be prepackaged for sale and any product from the proposed marijuana cultivation facility on the same property (CU2017-003) will be packaged and labeled inside the two designated storage building that have odor control through carbon filters.

The applicant has mentioned that the hours of operation of the retail marijuana store will be noon to 9 pm. These hours of operation do not impact the neighborhood’s public health, safety and welfare because the conditional use is proposed to be located next to Richardson Highway which is interstate type roadway and experiences 24-hour traffic. Additionally, other commercial businesses in the vicinity have similar operating hours.

Fire and rescue services for this operation are available through the North Star Fire Service Area. The Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) Fairbanks office has commented that they are in the process of reviewing plans submitted by the applicants. However, any lack in ensuring necessary fire safety provisions for a retail marijuana store could result in a fire or employee and visitor safety issues. Therefore, Community Planning staff recommends compliance with all recommendations and/or requirements resulting from the plan review by Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) as a condition to minimize fire and other safety risks, thereby ensuring public health, safety and welfare.
The proposed retail marijuana store will have a safe traffic flow because it is served by Frontage Road and Richardson Highway. Traffic generated by the proposed use will have relatively little impact on Richardson Highway which is an interstate type road. The site plan has 4 off-street parking spaces for the retail marijuana store and a shared loading area with sufficient backing and maneuvering space. FNSB Code requires only 3 off-street parking spaces for 495 sq.ft. leasable area in this conditional use.

The applicant’s submittals indicate that the applicant is likely to go to other agencies such as State Fire Marshal, Alaska Department of Environmental Conservation and Marijuana Control Board (MCB) for plan reviews and approvals. Although this conditional use approval is for a particular use of the said property, a change in the site plan or operation method or expansion into other existing buildings may result in increased impacts or trigger a public health, safety and welfare concern which have not been analyzed as part of this application or in the public hearing for the Conditional Use permit. Therefore, Community Planning staff suggests a condition that if any modifications are made to the site plan, floor plan, or other FNSB required documents, the applicant shall submit revised documents to the FNSB Community Planning Department. If substantial modifications are made to these documents, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050 (D).

VII. RECOMMENDATION

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

VIII. CONDITIONS

1. The applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a retail marijuana store.

   b. The applicant or holder of this conditional use permit shall comply with all recommendations and/or requirements resulting from the plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau).

   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 (DEC) and shall comply with all recommendations and/or requirements resulting from the plan review. Alternatively, applicant or holder of this conditional use permit shall provide documentation from DEC supporting that a formal plan review is not required.

2. No outdoor storage of marijuana, marijuana products and hazardous substances shall be allowed pursuant to FNSBC 18.96.240 (A) (4). All marijuana or marijuana products shall be stored inside secure facilities.
3. If any modifications are made to the site plan, floor plan, or other FNSB required documents, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If substantial modifications are made to these documents or to the operation of the retail marijuana store, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050 (D).

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

2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.
   a. The site has an onsite commercial well and a septic system
   b. The site is served by North Star Fire Service Area for fire protection and rescue services and by Alaska State Troopers for law enforcement.
   c. The site is currently connected to the GVEA grid and will provide sufficient energy supply for the conditional use.
   d. Four (4) off-street parking spaces and a shared loading area have been provided on-site, which are adequate for the proposed retail marijuana store.
   e. Richardson Highway is an interstate type roadway maintained by the Alaska Department of Transportation and Public facilities. Traffic generated by the retail conditional use is expected to be limited and Richardson Highway has sufficient capacity to accommodate the additional trips generated by this conditional use.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the GU-1 zone, Title 15 Floodplain Management Regulations and Standards for Commercial Marijuana Establishments (FNSBC 18.84, FNSB 15.04 and 18.96.240, respectively) as well as state requirements for a retail marijuana store.
a. Security systems, alarms, locks, cameras and lighting will meet state regulations required to obtain a retail marijuana store license.
b. The outdoor lighting would not negatively impact neighboring properties because of the store’s distance from the property lines and the wooded tree buffers.
c. The retail marijuana store will not produce any noise or odor and will not affect the water quality because they do not plan to conduct any packaging in the retail store.

**DRAFT PLANNING COMMISSION MOTION:**

I move to approve the Conditional Use Permit for a retail marijuana store with three (3) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval.
Agency Comments

CU2017-006
They are in contact (have submitted plans) with us and no further action by the NSB needs to occur to facilitate our review process with this customer. David Aden

Dear Sir/Ma’am,

The Fairbanks North Star Borough Planning Commission is considering CU2017-006, a request for conditional use approval of a Retail Marijuana Store in the General Use 1 (GU-1) zone, located at 1725 Richardson Hwy (on the south side of Richardson Hwy, between El Paso St and Sinclair Ave). This application (CU2017-006) is scheduled for a Planning Commission public hearing on January 10, 2017.

I have attached the application material with this email. The department requests you to send us your comments on this application by December 23, 2016. If you have any questions regarding this application, please contact me at (907) 459-1225 or mSingh@fnsb.us

Thanks,
Manish

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

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
Application Material Received on November 02, 2016

CU2017-006
MARIJUANA FACILITY
CONDITIONAL USE PERMIT APPLICATION

File No. CU2017-000

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

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<th>Property Owner:</th>
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<tr>
<td>S. W. Silke</td>
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<td>Marijuana Establishment</td>
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<td>Request Description and Reasons for the Request:</td>
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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: 11/2/16

OWNER SIGNATURE (if different): [Signature]
DATE: 11/2/16

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).
ASSIGNMENT AND CONVEYANCE OF MEMBERSHIP INTERESTS

For good and valuable consideration, the receipt and sufficiency of which is acknowledged, Richard L. Gingras, Martha Gingras, Robert Gingras, Richard A. Gingras and Russell Gingras hereby assign, transfer and convey all of their membership interests in CGH Holdings LLC, an Alaska limited liability company, to James Chumbley.

IN WITNESS WHEREOF the parties have executed this agreement to be valid and effective on September 7, 2016.

Richard L. Gingras
Martha Gingras
Robert Gingras
Richard A. Gingras
Russell Gingras
Prepurchase Agreement 31 May 2016

This is an addendum to the purchase agreement dated 18 May 2016 between CGH Holdings LLC, sellers, and Sherry Gilbert and Brandon Gilbert, buyers, for the property located at 1725 Richardson Highway, legal description Lot 1 Midway Industrial Park TL 2732 out of Section 27 T1S-R1E. A monthly payment of $3600 beginning on June 1, 2016 shall be due and collected on the first of the month thereafter until closing. Of this, $2400 shall be applied to principal and shall reduce the original loan amount of $360,000 accordingly at closing. The $3600 shall come out of the $20,000 earnest money already deposited by the Gilbert family, but shall not be part of the $90,000 down payment. If the sellers default on the purchase agreement for any reason, the Gilbert family shall be refunded all monies paid to date in full. Since these monies shall be reducing the amount of the loan paid solely to James Chumbley, member CGH Holdings LLC, only his signature shall be required on this document.

James Chumbley

[Signature] 31 May 2016

Sherry Gilbert

[Signature] 8-18-16

Brandon Gilbert

[Signature] 8-18-16
Chena Cannabis
1725 Richardson Highway
North Pole, Alaska 99705

- We will have 4 employees.
- Vehicle trips to the site: Product delivery will be once per week, with occasional vendor visits.
- The hours of operation will be 12:00pm to 9:00pm.
- Activities occurring on the site: Except for daily operations, we have no activities planned.
- The planned retail store is the only phase of development.
- The retail store will not produce odor, noise, dust or light that will cross the property lines. The retail store will have motion sensor lights on the exterior of the building pointing down. In 2017 we will be paving the parking area. The retail store will produce no odor and will not make noise, that is not consistent with the area.
- There will be no chemicals utilized or stored on the site.
- The marijuana waste will be stored in a designated locked storage area, for waste material only. The state board will be given 3 days notice before the marijuana is made unusable. The plant waste will be ground and mixed with an equal amount of compostable material, such as food waste, yard waste or vegetable based grease or oils. We may also mix paper and/or cardboard waste to the ground marijuana. The waste will be delivered to an approved landfill or waste facility.
- Water source: Private well.
- Sewage disposal: Septic system.
- The retail store will not produce wastewater.
- Public services: North Pole Volunteer Fire Department, Alaska State Troopers. We will contract with a private company for garbage removal.
- We will be a retail store, not manufacturing.
- We will be fully compliant with all state statutes and administrative codes for security.

Conditional Use Criteria. FNSB 18.104.050 (c).

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

Chena Cannabis will operate in strict compliance with 3 AAC 306 and all local ordinances. The state application has been initiated. This conditional use permit will provide jobs and revenue for the Fairbanks North Star Borough, while protecting the safety, health and welfare of the community.
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 proposed property has a private well and septic system. The septic system was installed by Bud Howell Construction, a DEC approved septic installer, approximately 10 years ago. The system installed was overbuilt for a 1 bedroom, 2-bathroom apartment with an office and 28,000 square feet of storage space. The system has not malfunctioned since installation. The well was installed as a commercial, and not residential well to support the business needs, as stated above.

The electricity is provided by Golden Valley Electric Association. The electricity provided by GVEA is adequate for the current and proposed use.

Fire service is provided by North Star Volunteer Fire Department located at 2358 Bradway Road, North Pole, Alaska, 99705. The property is located 1.7 miles from the fire department.

Police service is provided by the Alaska State Troopers, D Detachment located at 1979 Peger Road, Fairbanks, Alaska 99709.

Transportation facilities. The Richardson Highway and the Frontage Road are maintained by the State of Alaska Department of Transportation. The Frontage Road provides adequate access to this and other commercial properties in the area.

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

Chena Cannabis, will not adversely affect the public health, safety or welfare of the community.

On the East side, the retail store is approximately 110 feet from the property line. On the West side, it is over 200 feet to the property line. On the South side, it is over 500 feet from the property line. Except for the Frontage Road, there is a heavily wooded tree buffer. The lighting we use, will not penetrate the tree buffer and will not affect any of the neighboring properties. The retail store will not produce and odor.

The access road to the property is paved. Our parking area is gravel. We plan on paving the parking area in 2017. We will have 4 employees. Loitering will not be allowed. We will not create dust issues for neighboring properties.

Employees only will be allowed in secure areas. We have a installed a security system with cameras. No one under the age of 21 will be allowed on the property. Personal use of marijuana will not be allowed on the property.

We will not create noise for the neighboring properties.
The tree buffers on three sides of the property will not be thinned or removed, in the future we plan on landscaping, paving and improving the appearance of the property from the frontage road.

All buildings are compliant with Title 15. Building #9 (the house/Retail) has an additional 8 inches of concrete fill in the crawl space. A new Elevation Certificate will be provided from L. Frank Stellings.
Building 1: \(35.2 \times 100.2 = 3527.04\) Not Used
Building 2: \(35.2 \times 100.2 = 3527.04\) Not Used
Building 3: \(35.2 \times 100.2 = 3527.04\) Cannabis Cultivation – Phase 1
Building 4: \(35.2 \times 100.2 = 3527.04\) Cannabis Cultivation – Phase 2
Building 5: \(25.4 \times 100.2 = 2545.08\) Not Used
Building 6: \(20.4 \times 100.2 = 2044.08\) Not Used
Building 7: \(38.2 \times 100.2 = 3827.64\) Not Used
Building 8: \(38.2 \times 100.2 = 3827.64\) Not Used
Building 9: One story frame house: \(23.1 \times 44.1 = 1018.71\) Proposed retail store.

Total square footage of all buildings is: 27,371.31
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 Plats No....

Legal Description: Lot 1, Midway Industrial Park Subdivision, in Section: 34, Township: 1 South, Range: 1 East Fairbanks Meridian. (Address: 1725 Richardson Highway, North Pole, Alaska 99705)

Ordered by: Sherry Gilbert, Owner Cell (907) 567-0763
Hide-Away Self Storage, Phone: (907) 468-5530

Ordered: July 12, 2016
Delivered: July 22, 2016

Surveyed by: L. Frank Stallings Surveys
515 Craig Ave.
Fairbanks, Alaska 99701
Ph: 907-458-1408 Cell 907-986-4052

Drawn by: RCX
Checked by: LFS
Scale: 1 Inch = 100'
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. 2.

This Plot Plan should not be construed to represent a boundary survey.

Legal Description: Lot 1, Midway Industrial Park Subdivision, in Section 34, Township 1 South, Ranger 1 East Fairbanks Meridian. (Address: 1725 Richardson Highway, North Pole, Alaska 99705)

Ordered by: Sherry Gilbert, Owner Cell (907) 687-0763
Hide-Away Self Storage, Phone: (907) 480-5530
Ordered: July 13, 2016
Delivered: July 22, 2016

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

Drawn by: RCK Checked by: LFS Scale: 1 Inch = 100'

STATE OF ALASKA
40TH
Shared use between Cultivation and Retail
Exclusive to Retail

Retail Shop

Total sq. ft. 944

Visitor Exit

Public Restroom
35 sq. ft.

Surveillance Room
60 sq. ft.

Visitor Entry/Office
210 sq. ft.

Retail Floor Area
495 sq. ft.

Utility Room
84 sq. ft.
7' 10"
8' 2"
7' 4"

Utility Room
80 sq. ft.
9' 21/4"

1" = 10'
Retail Shop

Total sq. ft. 944

Surveillance Room
60 sq. ft.

Visitor Entry/Office
210 sq. ft.

Visitor Exit

Public Restroom
35 sq. ft.

1" = 10'

15' 6"
Utility Room
64 sq. ft.

8' 3"
Utility Room
80 sq. ft.

7' 10"
8' 2"

7' 4"
7' 7"

11'

8'

11' 4"

22' 6"

Retail Floor Area
495 sq. ft.

10' 3"

4' 6"
3' 2"

21' 10"
DEPOSIT / REFUND FORM
PUBLIC NOTICE SIGN DEPOSITS &
EXPERT REVIEW DEPOSITS

DEPOSITS

SIGN DEPOSIT □   EXPERT REVIEW DEPOSIT □ (see box below)

Sign # __________________ (if required)

DATE Prepared: ______________________________

Prepared By: __________________________________
Fairbanks North Star Borough

RECEIPT Number: ______________________________

PAID By: Cash □  CHECK □ #____________________

(if paying by check we MUST refund to name & address showing on check)
Name & Address on Check ________________________
If cash name and address for refund: ________________________

____________________________________________

REFUNDS

Sign Returned: __________________ Date: ______________

Staff who took sign in: ________________________

Initiate Refund: □ YES □ NO

Be sure application has been completely acted on and the
reconsideration has expired prior to taking in the sign.
For Rezones, be sure the Assembly decision is final prior
to taking in the sign.

Additional Damage Yes □ No □ Partial Refund □ Yes $_________

Describe __________________________________________ 

Applicant Initial ________________________________

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law. Revised 7/26/2016
Application Material Received on
November 14, 2016

CU2017-006
ELEVATION CERTIFICATE

FOR INSURANCE COMPANY USE

OMB No. 1680-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. Same as on Page one

City
State
ZIP Code

Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.


Benchmark Utilized: TBM Plit 2003-53 462.58 NGVD Vertical Datum: Cnv to NAVD 1988 467.68 MSL

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source:
Datum used for building elevations must be the same as that used for the BFE. 11/1/2016

Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor) ☒ 464.3 feet ☒ meters
b) Top of the next higher floor ☒ 468.0 feet ☒ meters
c) Bottom of the lowest horizontal structural member (V Zones only) ☒ NA feet ☒ meters
d) Attached garage (top of slab) ☒ NA feet ☒ meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) ☒ 468.0 feet ☒ meters
f) Lowest adjacent (finished) grade next to building (LAG) ☒ 466.4 feet ☒ meters
g) Highest adjacent (finished) grade next to building (HAG) ☒ 466.7 feet ☒ meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support ☒ 466.0 feet ☒ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S.C. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No . Check here if attachments.

Certifier’s Name L. Frank Stallings
License Number 8182 S
Title Surveyor
Company Name L. Frank Stallings LLC
Address 515 Craig Avenue
City Fairbanks
State Alaska
ZIP Code 99701

Signature L. Frank Stallings Date 10/1/2016
Telephone (907) 465-1408

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

Conversion from NGVD 1929 to NAVD 1988 Datum at this Latitude and Longitude consists of Adding 5.1 feet

Machinery consists of an Oil Fired Zoned Boiler for heat to this House and some of the Metal buildings and Electric Water Heater.
Application Material Received on December 05, 2016

CU2017-006
November 22, 2016

Lawrence Bento
Arctic Greenery LLC dba Chena Cannabis
1725 Richardson Highway
North Pole, AK 99705

Subject: DEC Food Establishment Permit Not Required

Dear Mr. Bento,

Thank you for your recent application for a permit from the Department of Environmental Conservation's Food Safety and Sanitation program. You stated in your application that you will only be selling concentrates and edibles that are prepackaged and do not need refrigeration. This letter is to inform you that the marijuana establishment you have described in your application does not require a permit under the Alaska Food Code (18 AAC 31) since your plan is to sell only prepackaged, non-potentially hazard food (18 AAC 31.012(c)(1)).

Non-potentially hazardous foods are foods that do not support the growth of dangerous bacteria because of their water activity, pH, or a combination of the two. A good method to determine whether a food is non-potentially hazardous is whether it requires refrigeration to keep it safe or preserve it. If it does not require refrigeration, it is most likely non-potentially hazardous. If you are unsure about the safety of a product and whether it requires temperature control be sure to contact the Food Safety and Sanitation program for more information.

Please be aware that if you change the type of food that you sell at your establishment to include foods that are potentially hazardous, you will be required to submit a plan of your operations and apply for a food establishment permit.

Sincerely,

Jessica Davison
Environmental Health Officer
Stacy Wasinger

From: Lawrence Bento [mailto:vivagtv@gmail.com]
Sent: Wednesday, November 30, 2016 1:05 PM
To: Stacy Wasinger
Subject: Fwd: 1725 Richardson Hwy Cultivation Facility

Stacey,

This is to inform you that we have complied with all of DEC's requirements for our facility as stated for our conditional use permit.

Cheers,
Lawrence Bento
907-301-2166

-------- Forwarded message --------
From: Bear, Tonya (DEC) <tonya.bear@alaska.gov>
Date: Mon, Nov 21, 2016 at 11:51 AM
Subject: RE: 1725 Richardson Hwy Cultivation Facility
To: Lawrence Bento <vivagtv@gmail.com>
Cc: Sherry Gilbert <sgilbert@get.net>

Thanks Lawrence. We have the Documentation of Construction (DOC) form on file. At this time, we are not requiring that a new DOC or other documentation be provided that the septic system is adequate for the changed use from a single-family home to a small commercial facility provided that the system receives not more than 450 gpd of domestic wastewater only. The 450 gpd is based on the original design flow for the system.

Please note that the potable water well is considered to be a Class C public water system (PWS) since it now serves a small commercial facility. It is unlikely that the septic system meets the separation distance requirements for a Class C PWS. Currently, the regulations are under review to repeal the Class C category of water systems. Assuming this change goes through, the well classification would revert back to a private water system as long as the system serves less than 25 people per day. We anticipate that the revised regulations will be signed into law early next year. If this does not happen as anticipated, you will need to hire a licensed engineer to apply for any separation distance waivers that are needed or the septic system or well may need to be relocated to meet separation distance requirements. Please check back with us around April, 2017 to confirm if there will need to be further action due to the status of the regulation changes.
Please provide the name of your facility so that I can add this information to the file.

Thanks,

Tonya Bear, P.E.
Engineer I
Department of Environmental Conservation
Division of Water, Wastewater Discharge
Engineering Support & Plan Review Section
610 University Avenue, Fairbanks, AK 99709

Email: tonya.bear@alaska.gov
Office: 907-451-2177

From: Lawrence Bento [mailto:vivagty@gmail.com]
Sent: Wednesday, November 16, 2016 7:46 PM
To: Bear, Tonya (DEC) <tonya.bear@alaska.gov>
Cc: Sherry Gilbert <sgilbert@gci.net>
Subject: 1725 Richardson Hwy Cultivation Facility

Hello Tonya,

We spoke on the phone recently about the requirements for a waste water plan at our marijuana cultivation facility located off of Richardson Highway. Our Septic system will be for domestic use only and we will use a holding tank located inside of our facility to store waste water until it can be delivered to a local waste water treatment facility. I have attached the document of construction for the septic system. Please let me know if any other information is required.

Thank You,
Lawrence Bento
907-301-2166
Application Material Received on

December 07, 2016

CU2017-006
Dear Mr. Singh,

This email is to summarize our previous phone conversation.

One of the topics discussed was whether or not packaging cannabis produced waste water. Unlike fruits and vegetables, the flower of the cannabis plant does not have a rinsing process. The process of packaging Cannabis does not produce waste water. All those handling cannabis for packaging would be wearing sterile gloves that would be removed and discarded after parceling the cannabis into the correct sized storage containers/bags. As of now we do not plan to have packaging done at our retail location. All product purchased from outside vendors at this time will be prepackaged ready for sale and any product from our own cultivation facility will be packaged and labeled inside of our cultivation facility where there is proper odor control.

I have attached a copy of our new floor plan for the retail location. The changes that were made include moving the employee break room into our office area, changing one employee restroom to a public restroom, and the previous employee break room has been changed to retail floor space only. Some parts of the retail store will have shared access with the cultivation area, such as the employee restroom and break room. I have highlighted the areas on the attached diagram. We do not believe these changes impact our previous conditional use for the cultivation facility.

Once our retail store is operational we do not expect to waste anywhere near our 450 gpd septic capacity. The waste water we expect will be from restroom wash basins and regular domestic use. Because we have chosen not to apply for an on-site consumption endorsement we expect in store customer time to be minimal and domestic water use to be less frequent.

I will have the property owner's authorization letter provided to you by Friday, Dec. 09, 2016.

Please let me know if I need to provide more information.

Cheers,
Lawrence Bento
907-301-2166
Retail Shop

Total sq. ft. 944
(Existing)

- Counter: 21' 10"
- Retail Floor Area: 495 sq. ft.
- Utility Room
  - Restricted Access Area: 64 sq. ft.
  - Restricted Access Area: 7' 7"
- Employee Restroom
  - Restricted Access Area: 60 sq. ft.
- Visitor Entry/Office: 210 sq. ft.
- Employee Break Room: 11'
- Surveillance Room:
  - Restricted Access Area: 60 sq. ft.
- Public Restroom: 35 sq. ft.

Legend:
- Shared Access Between Cultivation and Retail
- Retail Only
James Chumbley  
223 Charles St.  
Fairbanks, AK 99701  
907-322-3373  

8 December 2016  

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

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

Dear Mr. Singh,  

This is a letter authorizing Sherry Gilbert, Lawrence Bento, and their associates to operate a retail cannabis business at 1725 Richardson Highway, known as Lot 1 Midway Industrial Park out of TL-2732 Sec. 27 T1S-R1E. I also authorize any activities associated with all aspects of a cannabis business.  

Please contact me with further questions or concerns.  

Thanks for all your help.  

Sincerely,  

James Chumbley  

8 Dec. 16
STAFF REPORT

CU2017-007
TO: Fairbanks North Star Borough Planning Commission
FROM: Manish Singh, Planner II
DATE: December 19, 2016
RE: CU2017-007: A request by J. Grant, OHWWHO, LLC DBA ONE HIT WONDER on behalf of Valley Marketers, Inc for conditional use approval of a retail marijuana store in the General Use 1 (GU-1) zone on TL-9, USMS (located at 3025 Parks Hwy, on the south side of Parks Hwy, between milepost 353 and milepost 354).

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 retail marijuana store, 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 use of a portion of an existing building as retail marijuana store in the GU-1 zone.

B. Location
On the south side of Parks Hwy, between milepost 353 and milepost 354

C. Access
Parks Highway

D. Size/PAN

<table>
<thead>
<tr>
<th>Area</th>
<th>PAN (Lot)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.5 Acres</td>
<td>0275760 (TL-9)</td>
</tr>
</tbody>
</table>

E. Existing Zone
General Use 1 (GU-1)

F. Existing Land Use
Gas station with convenience store, communications tower, two dwelling units, two service garages

G. Surrounding Land Use/Zoning
North: Parks Highway
Zoning: GU-1
Land Use: Commercial

South: Zoning: GU-1
Land Use: Residential
East: Zoning: GU-1
   Land Use: Commercial

West: Zoning: GU-1
   Land Use: Unheated Storage

H. Community Facilities
   Water & Sewer: Private
   Electricity: GVEA

I. Code Violations
   None on file

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

K. Zoning History
   Unrestricted Use (UU) to GU-1 in 1988

L. Ownership
   Valley Marketers, Inc
   3025 Parks Hwy
   Fairbanks, AK 99709

M. Applicant
   J. Grant
   OHWWHO, LLC DBA ONE HIT WONDER
   PO Box 321
   Ester, AK 99725

III. ZONING AND DEVELOPMENT HISTORY

The lot was rezoned from Unrestricted Use (UU) to GU-1 in 1988. The property currently has a gas station, a communications tower, and a mixed use building containing a convenience store, two dwelling units, two service garages and the proposed retail marijuana store (Figure 1). FNSB Assessor’s records show that this mixed use building was constructed in 1985. The gas station on the property has been operational since 1995 and the communications tower was erected in 2012.

Zoning permits for the mixed use building, the gas station and the communications tower were not required by FNSB Zoning Code in GU-1 zone. Nevertheless, the communications tower was erected in 2012 with a zoning permit (ZP-16668) and since then the tower has had three Section 6409(a) Modifications (ZP-17174 in 2014, ZP-17536 and ZP-17657 in 2016). Section 6409(a) modifications are not considered substantial changes.

IV. APPLICANT’S NARRATIVE

All of the submittals by the applicant have been included in the application section of the packet. The applicant intends to use a portion of the existing mixed use building at 3025 Parks Hwy as a retail marijuana store (shown in red in Figure 2).
Figure 1: Existing Mixed Use Building and Gas Station at 3025 Parks Hwy  
(Source: Staff)

Figure 2: Site Plan  
(Source: Base map provided by Applicant, annotations in color by staff for illustrative purposes.)
V. 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 lot line of the lot containing a use or zone listed in subsections (A)(3)(a) through (c) of this section to the commercial marijuana establishment.

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 Notice

There were 51 dear property owner notices mailed out and staff did not receive any inquiry about this case.

VI. STAFF ANALYSIS

A. Development and Use

This application is to obtain a conditional use permit approval for a retail marijuana store, which is defined in FNSBC 18.04.010 as “a legally licensed commercial retail marijuana store as defined by state law. A retail marijuana store may sell marijuana accessories as defined by state law.” The applicant intends to use a 356.5 sq.ft. portion of the existing mixed use building for the retail marijuana store use (Figure 3).
B. Surrounding Land Use and Zoning

Figure 4 shows that the surrounding parcels are zoned General Use 1 (GU-1). The intent of the GU-1 zone is “to be located in rural areas where community sewer and water systems are unavailable.” A retail marijuana store is a conditional use in the GU-1 zone if adjacent to a lot upon which a principal building used as a dwelling [FNSBC 18.96.240 (A) (6)]. Figure 5 shows that the neighboring properties are a mix of vacant, residential, commercial and industrial lots.
Figure 4: Zoning Map  
(Source: FNSB GIS)

Figure 5: Existing Land Use  
(Source: FNSB GIS & Assessing)
C. Comprehensive Plan Designation

The Comprehensive Plan Land Use Map characterizes this area as High Mineral Potential (Figure 6). High Mineral Potential is “Area in the rural and outskirt areas that have been identified as a high potential for mineral deposits. The priority land use in these areas is mining. Land uses incompatible with mining are discouraged.” The proposed retail marijuana store is not inconsistent with the comprehensive plan land use designation, High Mineral Potential, for the subject property because it doesn’t remove the potential of the surrounding land to be used for mining purposes. Additionally, this retail store is proposed in an existing building with a gas station and convenience store which doesn’t make this conditional use incompatible with any upcoming mining operations in the neighborhood (Figure 5).

Figure 6: Comprehensive Plan Designation Map
(Source: FNSB GIS)

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 retail marijuana store into a neighborhood that has other commercial businesses. Commercial Marijuana is a new industry and this conditional use would serve the market by selling products available from other marijuana cultivation and product manufacturing establishments in the Borough.
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 they would bring five new full-time and three new part time jobs in the area because they intend to start a new business with this conditional use. The operation would diversify the commercial activity in the Fairbanks North Star Borough enhancing community’s ability to generate revenue.

D. Transportation & Parking

The lot is accessible with a 50 foot wide gravel driveway from Parks Highway. Although a retail marijuana store is a conditional use on the subject parcel in GU-1 zone because it is adjacent to a residential property, the GU-1 zone allows several uses without any zoning permit or conditional use permit that have significantly higher vehicular and freight trip generation potential. These outright allowed uses in GU-1 include airports, railroad yard, shipping and receiving terminals, motor and rail freight terminals, etc. The property already has a gas station with a convenience store which has a much higher trip generation potential. Compared to these uses, a retail marijuana store has a much lower trip generation potential.

It is difficult to determine the exact trip generation rate for this retail marijuana store conditional use due to the lack of observed case studies nationwide and no clear equivalent in the Institute of Transportation Engineers (ITE) Trip Generation Manual. The closest related land use in the ITE Trip Generation Manual would be “Specialty Retail Center”. It appears that other municipalities are using this Land Use Code to estimate the trip generation for marijuana retail stores. With this aforementioned assumption, Community Planning staff estimates approximately 16 trip ends would be generated per weekday by this proposed retail marijuana store, based on the 356.5 sq.ft. gross leasable area (GLA) (Table 1). It should also be noted that there has been some non-peer reviewed research that suggests marijuana retail facilities could have a higher generation rate. Even so, this trip generation rate is still significantly below the trip generation rate of other outright allowed uses in the GU-1 zone.

The Average Daily Traffic (ADT) count on Parks Highway in the immediate area was 6,006 in 2014. Parks Highway is an interstate type road and therefore, can accommodate the trip ends generated by the proposed facility.

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1 This section of this staff report includes comments from Kellen Spillman, FNSB Deputy Planning Director and Acting Transportation Planner after a review of the application materials with FNSB Planner Manish Singh.
2 Specialty retail centers are defined as small strip shopping centers that contain a variety of retail shops and specialize in quality apparel, hard goods and services, such as real estate offices, dance studios, florists and small restaurants.
4 Annual Average Daily Traffic (AADT) GIS Map. Transportation Data Programs, ADOT & PF. 2014.
Table 1: Trip Generation Summary

<table>
<thead>
<tr>
<th>Existing and 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>
<th>Weekday trip ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed retail marijuana store</td>
<td>356.5 sq.ft./8 employees</td>
<td>Specialty Retail Center (ITE 826)</td>
<td>44.32 trip ends/1,000 sq.ft. GLA</td>
<td>15.8 trip ends</td>
</tr>
</tbody>
</table>

Parking requirements are based on FNSB standard of one space per 200 square feet of sales area [FNSBC 18.96.060 (C)]. The applicant needs 2 parking spaces for 356.5 sq.ft. retail store. The site plan shows 12 parking spaces whereas only 2 parking spaces are required to address retail marijuana store parking requirement. The site plan also shows loading area and traffic circulation area with adequate backing, turning and maneuvering space.

E. FNSBC 18.104.050 (B) Application for a Conditional Use

The Applicant submitted a conditional use application on November 11, 2016 requesting . They supplemented their application material with additional information on November 28, December 08, December 13, and December 15, 2016.

F. 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 property owner has provided written consent to the proposed marijuana use.

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 demonstrates that the retail marijuana store is not located within the buffer distances provided in FNSBC 18.96.240(A)(3)(a-e) (Exhibit 1). The application material shows that the property line of North Star Halfway House (TL-7 & TL-8, USMS 2053) is at least 500 feet from the entry door of the retail marijuana store (Exhibit 2). All State buffer requirements provided in 3 AAC 306 must also be met.

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 (Figure 2) and explained in the narrative.

---

5 Statewide Functional Classification GIS Map. Transportation Data Programs, ADOT & PF. 2016.
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 1).

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 with an adjacent lot with a dwelling. Therefore, the applicant has applied for a conditional use permit for a retail marijuana store.

G. **Agency Comments**

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

a. State Fire Marshal  
b. Ester Fire Service Area  
c. Alaska State Troopers  
d. Alaska Department of Transportation and Public Facilities (AK DOT & PF)  
e. FNSB Emergency Operations  
f. FNSB Floodplain Administrator  
g. Alaska Department of Environmental Conservation (ADEC)  
h. Alaska Department of Natural Resources (ADNR)  
i. Golden Valley Electric Association (GVEA)

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

H. **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 application material and the narrative for this proposal align with Land Use Goal 3, Strategy 6, Action A and Economic Development Goal 2, Strategy 6, Action B.

Land Use Goal 3, Strategy 6, Action A provides for a variety of commercial areas that adequately serve the market area. This conditional use would serve the market by selling products available from other marijuana cultivation and product manufacturing establishments in the Borough. Economic Development Goal 2, Strategy 6, Action B welcomes new dollars into the community and promotes diversification of the Borough.
The applicant submittals state that they would bring five new full-time and three new part-time jobs in the area and would help maintain a healthy economy. The 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 an 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 retail marijuana store which requires a conditional use permit in GU-1 zone because the adjacent property has a dwelling as primary structure. Public notification, public hearing procedures and approval criteria for conditional uses protect the property rights of the surrounding property owners.

With the conditions imposed, the application promotes the public health, safety and general welfare of the residents of the borough because the applicant’s business plan addresses site security and minimizing negative impacts on neighboring properties. Moreover, the applicant has agreed to comply with state marijuana regulations.

The proposed retail marijuana store will have a safe traffic flow because it is served by Parks Highway. Traffic generated by the proposed use will have relatively little impact on Parks Highway which is an interstate type road. The proposed conditional use promotes economic development and the growth of private enterprise because it would bring five new full-time and three new part-time jobs in the area and would diversify the existing neighborhood.

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:** 3 AAC 306 governs the state licensing and operational standards for marijuana facilities. Title 18 requires that a borough permitted commercial marijuana facility obtain a license pursuant to all state regulations. The applicant has provided information sufficient to show they intend to meet the state regulations and to apply for a state issued license.

(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 & Sewage:** With the conditions imposed, the applicant has demonstrated that the proposed retail marijuana store has adequate water and sewage capacity for operation. The property has a well for water and an existing septic system. The applicant doesn’t intend to produce any wastewater with the retail marijuana store. The applicant has provided a Sani-Can on the property as employee and public restroom. Adequate toilet
and convenient handwashing facilities are critical to safe and hygienic operation of a retail marijuana store. Any lack in these amenities could negatively impact health, safety and welfare of the employees and visitors. The state licensing and operational standards for marijuana facilities are governed by 3 AAC 306, which includes health and safety standards and requires adequate toilet and convenient handwashing facilities within licensed premise. The application material acknowledges that a retail marijuana store cannot legally operate without obtaining a state issued license [FNSBC 18.04.010] and compliance with 3 AAC 306 is required to obtain a state license.

Figure 7: Sani-Can on property
(Source: FNSB GIS)

Fire: The applicant has demonstrated that the proposed conditional use has adequate fire services. The subject parcel is located within the Ester Fire Service Area.

Energy: The applicant has demonstrated that the proposed conditional use has adequate power supply because they are covered by GVEA grid.

Police: The applicant has demonstrated that their site is covered by Alaska State Troopers.

Transportation: The applicant has demonstrated that the proposed conditional use has adequate transportation facilities. The proposed retail marijuana store will have a safe traffic flow because it is served by Parks Highway. Traffic generated by the proposed use will have relatively little impact on Parks Highway which is an interstate type road. The site plan shows 12 parking spaces whereas only 2 parking spaces are required to address retail marijuana store parking requirement. The site plan also shows loading area and traffic circulation area with adequate backing, turning 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 plan. The proposed retail marijuana store meets the standards required by FNSBC 18.96.240. The operating plan is intended to minimize and mitigate adverse impacts on surrounding properties to help address public health, safety, and welfare concerns.
The state licensing and operational standards for marijuana facilities are governed by 3 AAC 306. The application material acknowledges that a retail marijuana store cannot legally operate without obtaining a state issued license [FNSBC 18.04.010] and compliance with 3 AAC 306 is required to obtain a state license.

Applicant's business plan comprehensively details their proposed site security measures including controlled access doors, video surveillance and alarms. Compliance with state regulations related to security, health and safety will mitigate any security breach and help ensure employee and visitor’s health and safety. Therefore, Community Planning staff suggests compliance with 3 AAC 306 as a condition to ensure public health, safety and welfare.

FNSBC 18.96.240 (A) (4) requires that all marijuana, marijuana products, and hazardous substances be stored indoors. The applicant intends to secure all marijuana products and hazardous substances inside structures to ensure the general public does not have access to them. This requirement affects public health, safety, and welfare by ensuring that controlled and marijuana products are accessible only to authorized employees.

Lighting, noise, odor, water quality and runoff can be potential concerns for surrounding properties with any commercial operation. The proposed retail marijuana store will have lights pointing down on the exterior of the building for security purposes. Therefore, the applicant's proposal for meeting security requirements would not impact neighbors with unnecessary lighting. Moreover, the subject property is not adjacent to any residential zone and the surrounding area is used to the similar amount of lighting because of the gas stations located on both sides of the Parks Highway. The applicant has mentioned that the retail marijuana store will not produce any noise or odor and will not affect the water quality because they do not plan to conduct any packaging in the retail store. All marijuana product purchased from outside vendors would be prepackaged for sale.

The applicant has mentioned that the hours of operation of the retail marijuana store will mostly be 1 pm to 7 pm. These hours of operation do not impact the neighborhood’s public health, safety and welfare because the conditional use is proposed to be located with a gas station next to Parks Highway which is interstate type roadway and experiences 24-hour traffic.

Fire and rescue services for this operation are available through the Ester Fire Service Area. Any lack in ensuring necessary fire safety provisions for a retail marijuana store could result in a fire and/or employee and visitor safety issues especially because the conditional use would operate with a gas station on the property. Therefore, Community Planning staff recommends compliance with all recommendations and/or requirements resulting from the plan review by Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau) as a condition to minimize fire and other safety risks, thereby ensuring public health, safety and welfare.

The proposed retail marijuana store will have a safe traffic flow because it is served by Parks Highway. Traffic generated by the proposed use will have relatively little impact on Parks Highway which is an interstate type road. The site plan shows 12 parking spaces whereas only 2 parking spaces are required to address retail marijuana store parking requirement. The site plan also shows loading area and traffic circulation area with adequate backing, turning and maneuvering space.
The applicant’s submittals indicate that the applicant is likely to go to other agencies such as State Fire Marshal and Marijuana Control Board (MCB) for plan reviews and approvals. Although this conditional use approval is for a particular use of the said property, a change in the site plan or operation method or expansion into other portions of the existing building may result in increased impacts or trigger a public health, safety and welfare concern which have not been analyzed as part of this application or in the public hearing for the Conditional Use permit. Therefore, Community Planning Staff suggests a condition that if any modifications are made to the site plan, floor plan, or other FNSB required documents, the applicant shall submit revised documents to the FNSB Community Planning Department. If substantial modifications are made to these documents, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050 (D).

VII. RECOMMENDATION

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

VIII. CONDITIONS

1. The applicant or holder of this conditional use permit shall comply with all applicable land use related laws. Applicable permits and approvals may include but are not limited to:

   a. As required by the FNSB and the Department of Commerce, Community, and Economic Development (Alcohol and Marijuana Control Office), the applicant or holder of this conditional use permit shall ensure the site meets all licensing requirements for a retail marijuana store including but not limited to health and safety standards which require licensed premise to have adequate toilet facilities and convenient handwashing facilities.

   b. The applicant or holder of this conditional use permit shall comply with all recommendations and/or requirements resulting from the plan review by the State of Alaska Department of Public Safety (Division of Fire and Life Safety, Plan Review Bureau).

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

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

IX. 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 of other ordinances and state statutes:

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

2. With the conditions imposed, there are adequate existing energy and transportation facilities serving the site and other public services are available to serve the proposed conditional use.

   a. The site has an onsite well and a septic system
   
b. The site is served by Ester Fire Service Area for fire protection and rescue services and by Alaska State Troopers for law enforcement.
   
c. The site is currently connected to the GVEA grid and will provide sufficient energy supply for the conditional use.
   
d. Twelve (12) off-street parking spaces have been provided on-site, which are adequate for the proposed retail marijuana store.
   
e. Parks Highway is an interstate type roadway maintained by the Alaska Department of Transportation and Public facilities. Traffic generated by the retail conditional use is expected to be limited and Parks Highway has sufficient capacity to accommodate the additional trips generated by this conditional use.

3. With the conditions imposed, the proposed conditional use will protect public health, safety, and welfare as the facility will comply with Title 18 standards for the GU-1 zone and Standards for Commercial Marijuana Establishments (FNSBC 18.84 and 18.96.240, respectively) as well as state requirements for a retail marijuana store.

   a. Security systems, alarms, locks, cameras and lighting will meet state regulations required to obtain a retail marijuana store license.
   
b. The outdoor lighting would not negatively impact neighboring properties because of the presence of gas stations on both sides of the Parks Highway.
   
c. The retail marijuana store will not produce any noise or odor and will not affect the water quality because they do not plan to conduct any packaging in the retail store.

**DRAFT PLANNING COMMISSION MOTION:**

I move to approve the Conditional Use Permit for a retail marijuana store with three (3) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval.
PARCEL MAP


ADJACENT PARCELS:

A) TL-5/USMS 2053
   ➢ COMMERCIAL (LUMBER YARD)
B) TL-10/USMS 2053
   ➢ COMMERCIAL (OTHER)
C) TL-12/USMS 2053
   ➢ DWELLING

PARCELS within 500 Feet of SUBJECT PROPERTY:

D) TL-4 - USMS 2053
   ➢ DWELLING
E) TL-6 - USMS 2053
   ➢ COMMERCIAL (GOLD HILL LIQUOR)
F) TL-7 - USMS 2053
   ➢ ASSEMBLED (NORTHSTAR CENTER)
   ➢ 500 Feet Distance Requirement Met
   ➢ (TL-7 Property Corner to 3025 Parks Hwy, Suite 1)
G) TL-8 - USMS 2053
   ➢ ASSEMBLED (NO STRUCTURES)
H) TL-11 - USMS 2053
   ➢ COMMERCIAL PROPERTY (BLUE LOON)

* The following properties are across Ester/Cripple Creek and practically inaccessible from TL-9.
I) TL-1/USMS 1680
   ➢ Assembled, No Structures: 64.038 Acres
J) TL-1/USMS 1679
   ➢ Assembled, No Structures: 19.814 Acres
K) TL-6/USMS 353
   ➢ Mining Claim, No Structures

FLOOR PLAN

See Attached Floor Plan & Site Plan(s).
OHWWHO, LLC does not have access to the main building; door between Suite 1 and Main Building is locked and not operational during ANY business hours. The public may access facilities at 3025 Parks Hwy via the Chevron Gas Station entrance; which is not the same door as OHWWHO, LLC dba ONE HIT WONDER.
Agency Comments

CU2017-007
Manish,

This site is in Flood Zone X (100%). No comments.

Sincerely,

Nancy Durham, MURP, CFM
Flood Plain Administrator
FNSB Community Planning
ndurham@fnsb.us
(907) 459-1263

**Any property can flood even if it is not in a Special Flood Hazard Area. Flood insurance is recommended.**

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From: Manish Singh  
Sent: Tuesday, December 13, 2016 2:10 PM  
To: David.tyler@alaska.gov; David.aden@alaska.gov; Linda.mahlen@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; Nancy Durham; Chief@esterfire.org  
Subject: CU2017-007: Requesting Comments for Retail Marijuana Store Conditional Use

Dear Sir/Ma’am,

The Fairbanks North Star Borough Planning Commission is considering CU2017-007, a request for conditional use approval of a Retail Marijuana Store in the General Use 1 (GU-1) zone, located at 3025 Parks Hwy (on the south side of Parks Hwy, between milepost 353 and milepost 354). This application (CU2017-007) is scheduled for a Planning Commission public hearing on January 10, 2017.

I have attached the application material with this email. The department requests you to send us your comments on this application by December 27, 2016. If you have any questions regarding this application, please contact me at (907) 459-1225 or msingh@fnsb.us

Thanks,
Manish
The application packet is inconsistent in its reference to the address.

The CU app refers to 3025 PARKS HWY, the Commercial Lease Agreement refers to SUITE 1, 3025 PARKS HWY
Is there a Suite 2?

Recommendation: Apply for sub-addresses for 3025 PARKS. Perhaps Suite 1, 2, ... for each separate business space in the building.

Dear Sir/Ma’am,

The Fairbanks North Star Borough Planning Commission is considering CU2017-007, a request for conditional use approval of a Retail Marijuana Store in the General Use 1 (GU-1) zone, located at 3025 Parks Hwy (on the south side of Parks Hwy, between milepost 353 and milepost 354). This application (CU2017-007) is scheduled for a Planning Commission public hearing on January 10, 2017.

I have attached the application material with this email. The department requests you to send us your comments on this application by December 27, 2016. If you have any questions regarding this application, please contact me at (907) 459-1225 or msingh@fnsb.us

Thanks,
Manish
Application Material Received on
November 14, 2016

CU2017-007
MARIJUANA FACILITY
CONDITIONAL USE PERMIT APPLICATION
File No. QU2017-007

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

Applicant:
Contact Name: J. GRANT
Business Name: OHWAHNO, LLC dba ALEHTI WONDER
Mailing Address: P.O. BOX 321
City, State Zip: ELKTON, AK 99725
Phone: 907/760-3222
E-mail: wonderofoxtheNorth@gmail.com

Property Owner:
Name: VALLEY MARKETERS, INC
Mailing Address: 3026 PARKS HWY
City, State Zip: FAIRBANKS, AK 99709
Phone: 907/378-1317
E-mail: NHS1@ALASKA.NET

Property Information:
Property Description: TL9 USMS 2053
Street Address: 3026 PARKS HWY
Lot Size: 3.5 ACRES
Parcel Account Numbers (PAN): 0275760
Zoning District: GU
Existing Use(s): COMMERCIAL

Conditional Use Request Information:
Proposed Use(s): RETAIL MARIJUANA STORE
Request Description and Reasons for the Request:
AS REQUIRED BY ENSB/IUA

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.


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).
ONE HIT WONDER,
a limited liability company.

Conditional Use Permit
- Application -
NARRATIVE

Staffing Plan

Planned Staff:

- RETAIL STAFF/BUDTENDERS (3-5)
  - 2 Full-time / 1-3 Part-time
- SECURITY PERSONNEL (1-2)
- OFFICE ASSISTANT (1)

*Applicants will be required to have a State of Alaska Marijuana Handling Card, as outlined in 3AAC 306.320 and 306.700 – 306.755.

Type/Frequency of Trips

Deliveries:

- OFFICE SUPPLIES (1-2/month)

Security:

- PERSONNEL (Frequently/As Needed)

Product Transport:

- CULTIVATION GOODS (5-8/month)
- PRODUCTION GOODS (2-4/month)

Other Visitors:

- State of Alaska (As Required/Unknown)

HOURS OF OPERATION

- Monday - Thursday 1PM-7PM
- Friday 1PM-9PM
- Saturday 12PM-6PM
- Sunday CLOSED

* Subject to State of Alaska/ FNSB regulation change(s)/update(s).
SITE ACTIVITIES

DAILY:

- RETAIL SALES, INVENTORY, ACCOUNTING, SECURITY

WEEKLY:

- PRODUCT DELIVERIES, INVENTORY, ACCOUNTING
- EDUCATIONAL EVENTS

MONTHLY:

- PREPARATION FOR MONTH END ACTIVITIES, ACCOUNTING

ANNUALLY:

- ANY NECESSARY SITE/BLDG MAINTENANCE REQ’D

PHASES OF DEVELOPMENT

<table>
<thead>
<tr>
<th></th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location Secured</td>
<td>April 2016</td>
</tr>
<tr>
<td>Remodel location</td>
<td>May - November 2016</td>
</tr>
<tr>
<td>Hire staff</td>
<td>January -February 2017</td>
</tr>
<tr>
<td>Begin staff training</td>
<td>January 2017</td>
</tr>
<tr>
<td>Complete staff training</td>
<td>February 2017</td>
</tr>
<tr>
<td>Opening for business*</td>
<td>January - February 2017</td>
</tr>
</tbody>
</table>

*Per receipt of State of Alaska MCB Retail License.
*Per receipt of FNSB Conditional Use Permit

IMPACTS

No factors are known that would cross property lines as a result of planned operations given the size and location of TL-9 between Fairbanks, AK and Ester, AK;

CHEMICALS

No chemicals will be utilized or stored on the site as a result of planned operations.
WASTE MATERIALS

No known waste materials as a result of planned operations.

ENERGY SOURCE

GVEA provides electrical services to property.

WATER SOURCE

The property has private water well servicing the property.

SEWAGE/WASTEWATER DISPOSAL

The property has private septic system servicing the property.

PUBLIC SERVICES

<table>
<thead>
<tr>
<th>Garbage</th>
<th>ESTER TRANSFER SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire</td>
<td>ESTER VOL. FIRE DEPT.</td>
</tr>
<tr>
<td>Police</td>
<td>STATE OF ALASKA TROopers</td>
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</table>

SECURITY COMPLIANCE

OHWWHO, LLC will implement an alarm and security system that is fully compliant with state laws and regulation. We will continuously monitor state, city and borough regulations to ensure we remain compliant with all security and alarm requirements.

Required guidelines will be followed as outlined in 3 AAC 306.715 and 306.720.

- Alarm Vendors will be contacted in Q4, 2016.
- Security Vendors will be contacted in Q4, 2016.

OHWWHO, LLC will develop an identification card and policy/procedure before staff/employees/interns are hired in January-February 2017. Visitors will be required to have a temporary ID card when accessing restricted areas.
To meet Part B requirements of 306.715, OHWWHO, LLC will:

1. Maintain exterior lighting to facilitate surveillance
2. Install security alarm system on all exterior doors & windows
3. Install commercial grade, non-residential door locks on all exterior entry points to the licensed premises
4. Maintain continuous video monitoring as provided in 3 AAC 306.720
5. Create policy/procedure designed to prevent diversion of marijuana or marijuana product
6. Prevent loitering
7. Identify and describe the actions to be taken when/if any automatic/electronic notification system alerts local law enforcement agency of an unauthorized breach of security
8. Optional: Install additional security device such as a motion detector, pressure switch, and duress, panic, or hold-up alarm to enhance security of its licensed premises

To meet Part A requirements of 306.720, OHWWHO, LLC will:

1. Install and maintain a video surveillance and camera recording system as provided in this section that records:
   a. Each restricted access area and each entrance to a restricted access area within the licensed premises.
   b. Each entrance to the exterior of the licensed premises.
   c. Each point-of-sale area.
   d. Placed in a way that produces a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises. Both the interior and exterior of each entrance to the facility must be recorded by a video camera.
   e. Video surveillance records must be housed in a locked and secured area or in a lock box, cabinet, closet or other secure area that is accessible only to a marijuana establishment licensee or authorized employee, and to law enforcement personnel including agent of the board.
   f. Video surveillance records must be preserved for a minimum of 40 days, in an easily accessible format. They must display time/date, and be archived in a format that does not permit alteration of the recorded image. 306.720e.
   g. Optional: use an offsite monitoring service and offsite storage of video surveillance records, as long as security requirements at the offsite facility are a least as strict as onsite security requirements as described in 3 AAC306.720d.
CONDITIONAL USE CONFORMANCE

OHWWHO, LLC dba ONE HIT WONDER will conform with conditional use approval criteria (FNSBC 18.54.030(C) 1-3) including Title 18, the FNSB Regional Comprehensive Plan, other FNSB ordinances and applicable state statuses.

PARCEL MAP

See Attached Parcel Map.

ADJACENT PARCELS:

1. TL-5/USMS 2053
   ↓ COMMERCIAL (LUMBER YARD)
2. TL-10/USMS 2053
   ↓ COMMERCIAL (OTHER)
3. TL-12/USMS 2053
   ↓ DWELLING

PARCELS within 500 Feet of SUBJECT PROPERTY:

1. TL-4/USMS 2053
   ↓ DWELLING
2. TL-6/USMS 2053
   ↓ COMMERCIAL (GOLD HILL LIQUOR)
3. TL-7/USMS 2053
   ↓ ASSEMBLED (NORTHSTAR CENTER)
4. TL-11/USMS 2053
   ↓ COMMERCIAL (BLUE LOON)
5. TL-8(USMS 2053)
6. TL-1 (USMS 1680)
7. TL-1 (USMS 1679)
8. TL-6 (USMS 353)

FLOOR PLAN

See Attached Floor Plan & Site Plan(s).

SQUARE FOOTAGE

OHWWHO, LLC will have approximately 396 square ft. (15’ 6” x 23’) for total operations. Approx. 24 sq. ft. for entry/ID review; 250 sq. ft. for retail activities and 122 square ft. for office and storage requirements.
Additional Information, Conditional Use Permit Application: ONE HIT WONDER, #11198

➤ Part 2, Access Roads:
  o George Parks Highway

➤ Part 2, Location and Dimensions, Labels/Stories:
  o Parks Highway Chevron is a 2-story building.
  o Only Suite 1, on first-floor, will be used. ~396 sq. ft.

➤ Part 2, Uses of Existing Structures:
  o Parks Highway Chevron operates as a Gas Station/Convenience Store.
  o Garage/Storage for Equipment

➤ Part 2, Setback Distances:
  o Main Building 15'-25' from Property Line(s)
  o Gas Pump Canopy 75' from Property Line(s)
  o Diesel Storage Tank 65' from Property Line(s)
  o Diesel Pump 65' from Property Line(s)

➤ Part 2, Distances Between Structures:
  o Main Building 102' from Gas Pump Canopy
  o Main Building 200' from Diesel Storage Tank
  o Main Building 200' from Diesel Pump
  o Diesel Pump 63' from Gas Pump Canopy
  o Diesel Storage Tank 116' from Gas Pump Canopy

➤ Part 2, Location and Dimension of existing/proposed signage:
  o Off George Parks Highway, near entrance to 3025 Parks Hwy.
  o 25' Height, 5' Length, 1' Width

➤ Part 2, Outdoor Lights:
  o 2 lights on Gas Pump Canopy
  o 1 light above ONE HIT WONDER entry door.
  o 2 lights above Chevron Gas Station/Convenience Store.
  ➤ ALL DIRECTED TO PARKS HWY.

➤ Part 2, Loading Areas:
  o Loading Area = Store Entry Door.
  o No Other Loading Area(s)
SITE PLAN OVERVIEW
NEARBY PARCEL(S)

Comm. Planning Dept
NOV 14 2016
RECEIVED

TL-4
USMS 2053

TL-6
USMS 2053

TL-8
USMS 2053
OLD CHANNEL ASSOC.

TL-10
USMS 2053
OLD CHANNEL ASSOC.

TL-11
USMS 2053
OLD CHANNEL ASSOC.

TL-12
CAL
FRAC

(C) 2015 FNSB

* TL-9

0---216ft
EXHIBIT A
LEGAL DESCRIPTION

The land referred to in this Guarantee is situated in the Fourth Judicial District, State of Alaska, and is described as follows:

A tract of land situate in OLD CHANNEL ASSOCIATION CLAIM of U.S. MINERAL SURVEY 2053 in Section 9, Township 1 South, Range 2 West, Fairbanks Meridian, more particularly described as follows:

BEGINNING at Corner No. 3 of OLD CHANNEL ASSOCIATION CLAIM of U.S. MINERAL SURVEY 2053, THENCE North 15°40' West a distance of 670.51 feet to the centerline of the NENANA ROAD (Alaska Project F-037-1[14]); THENCE Easterly along said centerline along 00°30' curve to the left (radius = 7,639.42 feet) through an arc of 02°26'19" a distance of 325.10 feet; THENCE South 15°40' East a distance of 673.3 feet to the Southerly line of said claim; THENCE South 71°37' West along said Southerly claim line a distance of 325.00 feet to the POINT OF BEGINNING;

EXCEPTING THEREFROM that portion conveyed to the State of Alaska, Department of Transportation and Public Facilities by that certain Warranty Deed recorded March 12, 1979 in Book 139, Page 470, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska.
Application Material Received on
November 28, 2016

CU2017-007
RE: FNSB LETTER, 11/22/2016

ITEM 1: PROPERTY OWNER’S AUTHORIZATION

ATTACHED: VALLEY MARKETERS INC. LEASE ISSUED TO OHWWHO, LLC dba ONE HIT WONDER (#11198)

(Phone & e-mail contact information provided for Valley Marketers, INC in the FNSB “CUP” application.)
COMMERCIAL LEASE AGREEMENT
SUITE 1, 3025 PARKS HIGHWAY, FAIRBANKS, AK 99709

This agreement, dated September 20, 2016, is between:

OHWWHO, LLC and Valley Marketers, INC.

1. LANDLORD:

The Landlord(s) and/or agent(s) is/are:

Dave Shaw, Nancy Shaw, and/or Amanda Bent; and will be referred to in this Lease Agreement as "Owner(s), Landlord(s)" and with all rights and authorities granted by Valley Marketers, INC. to enact such lease.

2. TENANT:

The Tenant(s) is/are:

Name: OHWWHO, LLC dba ONE HIT WONDER
Address: PO Box 321, Ester, AK 99725
Contact: J. Grant (750-3222)

3. PROPERTY:

The Landlord agrees to rent the Tenant(s) the property located at:

3025 Parks Hwy, Suite 1, Fairbanks, AK 99709

The office space in the Northeast corner of the building, referred to in the Lease as the "Leased Premises."

4. TERM OF LEASE AGREEMENT:

The Lease commences on October 1st, 2016 and tentatively end on December 31st, 2017* with the conditional validity of Lease based on OHWWHO, LLC receiving necessary permits from the FNSB and State of Alaska; failure to receive necessary permits nullifies all future months.

The Lease agreement is voided if Lessees/Tenants are denied necessary permits for their planned business; there is no consequence in month of notice. The FNSB & State of Alaska will take 45+ days from application. Application of said permits cannot begin until Lease Agreement is official. Once required application(s) are submitted by OHWWHO, LLC; if denied, and Lessees/Tenants choose to exercise their right to terminate they are entitled to full refund of lease deposit(s) if Lessor/Landlord is notified within 5 business days of permit/application denial notice.

Tenants must provide landlord written notice of Tenants' intent to vacate and terminate this lease. VERBAL NOTICE IS NOT SUFFICIENT UNDER ANY CIRCUMSTANCES. Landlord or Tenants can give notice to the other party of intentions to terminate the lease, and thus vacate the property when the lease ends. Or the landlord and Tenant can agree to renegotiate the Lease for another term.
COMMERCIAL LEASE AGREEMENT
SUITE 1, 3025 PARKS HIGHWAY, FAIRBANKS, AK 99709

5. USE & OCCUPANCY OF PROPERTY:

The only person(s) using the Leased premises is/are:

A. OHWWHO, LLC owner, retail employees, and consultant(s).

B. OHWWHO, LLC dba ONE HIT WONDER.

C. All employees at said business shall be introduced to the building manager, so the manager knows who is allowed on premises.

D. The Tenant(s) will use the Leased Premises only as a Retail Marijuana Outlet, and for any use associated therewith including agricultural products.

6. RENT DUE:

A. Monthly Rent: Tenants will pay all-inclusive monthly rent of $[REDACTED] for each month during this lease.

B. Due Date: The rent is due in advance of or on the 5th day of each month. Rental Payments are made payable to: Valley Marketers, INC.

C. Place of Payment: Landlord will collect rent via Building Manager. Alternatively, payments can be sent US MAIL to: PO BOX 349, Nenana, AK 99760; or as determined as appropriate between Landlord & Tenants(s).

D. Method of Payment: Tenant must pay all rent timely and without demand, deduction, or offset, except as permitted by this Lease. Tenant(s) may pay all rent by cash, check, money order, cashier's check or EFT/WIRE.

E. Rent Increases: There will be no rent increases through the Termination Date/Term of lease agreement.

F. Utilities: All utilities (water, sewer, electric, gas, internet/wifi) are included in the monthly rent.

7. SECURITY/CLEANING DEPOSIT:

A. Upon execution of this Lease, the Tenant(s) agree to pay to the Landlord a Security/Cleaning Deposit in the amount of $[REDACTED] Tenant(s) agrees that Landlord may retain the deposit to the extent of unpaid accrued rent (including Late Charges) or damages resulting from Tenant's non-compliance with AS 34.03.120.
COMMERCIAL LEASE AGREEMENT
SUITE 1, 3025 PARKS HIGHWAY, FAIRBANKS, AK 99709

ENTIRE AGREEMENT NOTICE: This is an important LEGAL document.

This is intended to be a legal agreement binding upon final acceptance. READ IT CAREFULLY. If you do not understand the effect of this Lease, consult a legal representative BEFORE signing it.

If the Landlord fails to enforce any provision of this Lease Agreement, it is not a waiver of any future default or default of the remaining provisions.

By signing this Lease Agreement, the Tenant(s) certifies that he/she has read, understood and agrees to comply with all of the terms, conditions, rules and regulations of this Lease.

TENANT'S SIGNATURE: ___________________________
DATE October 3, 2016

LANDLORD/AGENTS SIGNATURE: ___________________________
DATE October 3, 2016
RE: FNSB LETTER, 11/22/2016

ITEM 2: CONDITIONAL USE CRITERIA
SITE PLAN(S)

ATTACHED:

1. Site Plan Overview corrected to show full extent of parcel boundary.
2. Scale has been revised from 1” = 58’ to 1” = 60’
3. Setback Distances: the revised site plans are drawn to scale.
4. Drive aisles & vehicular circulation areas clearly shown on site plan(s).
5. Dimensions of parking area updated.
7. Parking spaces (#) and dimensions added.
8. Driveway/Parking Areas updated to reflect depth of gravel surface material.
9. North arrow added to Retail Space Floor Plan

*NOTE: portions of the main building are not planned to serve the retail marijuana store. No public bathrooms are provided and Valley Marketers INC. has provided an exterior SAPI-CAN for OHHWHO, LLC*
RE: FNSB LETTER, 11/22/2016

ITEM 3: SENSITIVE USE BUFFER MAP

ATTACHED:

1. UPDATED COLOR CODED KEY/LEGEND

2. Land Use Indicated for:
   i. TL-6 (usms 353)
   ii. TL-1 (usms 1679)
   iii. TL-1 (usms 1680)
PARCEL MAP


ADJACENT PARCELS:

A) TL-5/USMS 2053
   ➢ COMMERCIAL (LUMBER YARD)
B) TL-10/USMS 2053
   ➢ COMMERCIAL (OTHER)
C) TL-12/USMS 2053
   ➢ DWELLING

PARCELS within 500 Feet of SUBJECT PROPERTY:

D) TL-4 - USMS 2053
   ➢ DWELLING
E) TL-6 - USMS 2053
   ➢ COMMERCIAL (GOLD HILL LIQUOR)
F) TL-7 - USMS 2053
   ➢ ASSEMBLED (NORTHSTAR CENTER)
   ➢ 500 Feet Distance Requirement Met
   ➢ (TL-7 Property Corner to 3025 Parks Hwy, Suite 1)
G) TL-8 - USMS 2053
   ➢ ASSEMBLED (NO STRUCTURES)
H) TL-11 - USMS 2053
   ➢ COMMERCIAL PROPERTY (BLUE LOON)

* The following properties are across Ester/Crippie Creek and practically inaccessible from TL-9.

I) TL-1/USMS 1680
   ➢ Assembled, No Structures: 64.038 Acres
J) TL-1/USMS 1679
   ➢ Assembled, No Structures: 19.814 Acres
K) TL-6/USMS 353
   ➢ Mining Claim, No Structures

FLOOR PLAN

See Attached Floor Plan & Site Plan(s).
OHWWHO, LLC does not have access to the main building; door between Suite 1 and Main Building is locked and not operational during ANY business hours. The public may access facilities at 3025 Parks Hwy via the Chevron Gas Station entrance; which is not the same door as OHWWHO, LLC dba ONE HIT WONDER.
RE: FNSB LETTER, 11/22/2016

ITEM 4: NARRATIVE

ATTACHED:

1. FNSBC 18.104.050 (C) *clarified* answers.
   
i. Conforms to intent/purpose
   
   ii. Adequate facilities
   
   iii. Protect public health, safety, and welfare
ONE HIT WONDER,
a limited liability company.

Conditional Use Permit
- NARRATIVE-

RE: 18.104.050 (C)
I understand that the Community Planning Staff must write a report making a recommendation to the Planning Commission. I have provided the following detailed narrative to meet these requirements, showing how each criterion is met by this project.

-J. Grant

CONFORMS TO INTENT/PURPOSE

This Conditional Use Permit Application conforms with the intent and purpose of this title and other ordinances and state statutes because OHWWHO, LLC dba ONE HIT WONDER plans to own and operate a legal retail marijuana store at 3025 Parks Hwy, Suite 1, Fairbanks AK 99709, as allowed under State of Alaska Law and FNSB regulations.

Policies and Procedures have been implemented for OHWWHO, LLC dba ONE HIT WONDER to comply and follow ALL State of Alaska law(s) and FNSB ordinance(s). OHWWHO, LLC dba ONE HIT WONDER will additionally bring competition to a current duopoly in the FNSB, significantly improve economic market conditions and continue industry growth.

ADEQUATE FACILITIES

The existing sewage capacitates, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use are all of adequate capacity and capable to handle the full needs and requirements of the planned use.

PROTECT PUBLIC HEALTH, SAFETY, and WELFARE

OHWWHO, LLC dba ONE HIT WONDER will protect the Public’s health, safety, and welfare by providing access to legal, regulated, and tested Marijuana at its planned Retail Marijuana Store (#11198). It will follow and comply with all State of Alaska laws and FSNB ordinances; create policy and procedures that create a safe, warm and friendly environment serving the needs of the West Fairbanks/Chena/Ester area(s).

OHWWHO, LLC dba ONE HIT WONDER will contribute to the FNSB Tax Base and provide additional revenues for FNSB community improvements; in addition to its planned philanthropic endeavors.
Application Material Received on
December 08, 2016

CU2017-007
December 7, 2016

To whom it may concern:

In our bylaws it says any officer may conduct business on behalf of the corporation and sign papers. David and I have been doing the overseeing of the Parks Highway Food and Fuel and have been signing legal contracts etc. for that location. We have been in contact with the other members and have their consent to do what needs to be done to create income and preserve the property.

Attached is a copy of a page from our by-laws and a copy of our corporate status from the State of Alaska website.

I can be contacted by phone at 907 832-5445, cell phone 907 378-1317, or e-mail nhsi@alaska.net.

Sincerely,

Nancy Shaw
Secretary
Section 8. Joint Office Holding

Any combination of offices may be held by the same person, including that of President and Secretary. The Secretary shall perform the functions of Treasurer until such time as that office is held by a different individual.

ARTICLE V. CONTRACTS, LOANS, CHECKS AND DEPOSITS

Section 1. Contract

The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of, and on behalf of the corporation and such authority may be general, or confined to specific instances.

Section 2. Loans

No loans shall be contracted on behalf of the corporation and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

Section 3. Checks, Drafts or other Orders

All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation, and in such manner as shall from time to time be determined by resolution of the Board of Directors.

Section 4. Deposits

All funds of the corporation not otherwise employed shall be deposited form time to time to the credit of the corporation in such banks, trust companies or other depositories as the Board of Directors may elect.

ARTICLE VI. CERTIFICATE FOR SHARES AND THEIR TRANSFER

Section 1. Certificates for Shares

Certificates representing shares of the corporation shall be in such form
Alaska Division of Corporations, Business and Professional Licensing

Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing

NAME(S)

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<tr>
<td>Legal Name</td>
<td>VALLEY MARKETERS, INC.</td>
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ENTITY DETAILS

Entity Type: Business Corporation  
Entity #: 59454D  
Status: Good Standing  
AK Formed Date: 11/7/1996  
Duration/Expiration: Perpetual  
Home State: ALASKA  
Next Biennial Report Due: 1/22/2018  
Entity Mailing Address: PO BOX 349, NENANA, AK 99760-0349  
Entity Physical Address: MILE 300 PARKS HIGHWAY, NENANA, AK 99780

REGISTERED AGENT

Agent Name: NANCY SHAW  
Registered Mailing Address: PO BOX 349, NENANA, AK 99760  
Registered Physical Address: MILE 300 PARKS HWY, NENANA, AK 99760

OFFICIALS

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<td>Alan W Shaw</td>
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<td>David Glover</td>
<td>Director, President, Shareholder</td>
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<td>David H Shaw</td>
<td>Director, Treasurer, Shareholder</td>
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<td>Kathie Shaw</td>
<td>Shareholder</td>
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<tr>
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<td>Nancy J Shaw</td>
<td>Director, Secretary, Shareholder</td>
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FILED DOCUMENTS

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https://www.commerce.alaska.gov/cbp/Main/CorporationDetail.aspx?id=59454D  
12/7/2016
Application Material Received on
December 13, 2016

CU2017-007
MANISH:

RE: "Are you planning to conduct any packaging of marijuana products on site? If yes, please explain what produce you expect from marijuana cultivators and product manufacturers and how would you package that produce in your retail store."

Statement:

OHWWHO, LLC dba ONE HIT WONDER, located at 3025 Parks Hwy, Suite One, Fairbanks, AK 99709, does not intent to package any marijuana products on-site. It is planned to receive deliveries from approved, licensed marijuana cultivation and manufacturing/production facilities whom have more room and space to conduct such activities. Employees, Agents, Owners of OHWWHO, LLC dba ONE HIT WONDER are not planned to engage in packaging and/or handling of raw marijuana product.

OHWWHO, LLC dba ONE HIT WONDER plans to procure and sell marijuana that has been pre-packaged prior to reaching retail store for sale; OHWWHO, LLC plans to store products in our OFFICE/STORAGE room and on our Sales Floor in merchandising counters/displays, as allowed, during business hours.

---

J. Grant
Valley Marketers, Inc.
PO Box 349
Nenana, AK 99760

December 9, 2016

To whom it may concern:

David and I have been overseeing the operation of the Parks Highway Food and Fuel location at 3025 Parks Highway in Fairbanks, Alaska. It has also been known as Parks Highway Chevron. We reside in Nenana and Amanda Bent is our employee at the location. We have authorized her to seek renters and other businesses and to sign contracts having to do with this location. She is more readily available to the person or persons who are wanting to do business there so we have given her this right.

For more information you may contact me at 907 378-1317, David at 907 378-7806 or e-mail at nhsi@alaska.net.

Sincerely,

Nancy Shaw

Board Member, Valley Marketers, Inc.

David Shaw

Board Member, Valley Marketers, Inc.
December 9, 2016

To whom it may concern:

Valley Marketers, Inc. has been working with OHWWHO, LLC to open a marijuana retail store in our property at 3025 Parks Highway. We have all been in agreement for this to happen. Nancy Shaw and David Shaw, two of our board members have been overseeing this property and this transaction. They have authority to negotiate the contracts and business details to make this happen.

Alan Shaw
Board Member, Valley Marketers

Kathie Shaw
Shareholder, Valley Marketers

David Glover
Board Member, Valley Marketers
Application Material Received on
December 15, 2016

CU2017-007
Valley Marketers, Inc.
PO Box 349
Nenana, AK 99760

December 9, 2016

To whom it may concern:

Valley Marketers, Inc. has been working with OHWHO, LLC to open a marijuana retail store in our property at 3025 Parks Highway. We have all been in agreement for this to happen. Nancy Shaw and David Shaw, two of our board members have been overseeing this property and this transaction. They have authority to negotiate the contracts and business details to make this happen.

Alan Shaw
Board Member, Valley Marketers

Kathie Shaw
Shareholder, Valley Marketers

David Glover
Board Member, Valley Marketers
STAFF REPORT

RZ2017-002
DEPARTMENT OF COMMUNITY PLANNING  
STAFF REPORT  

RZ2017-002  
January 10, 2017 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission
FROM: Stacy Wasinger, Planner III
DATE: January 3, 2017
RE: RZ2017-002: A request by Galen King to rezone approximately 4.82 acres from Rural Estates 2/Airport Noise Sensitive Area (RE-2/ANSA) to Rural Residential/Airport Noise Sensitive Area (RR/ANSA) or other appropriate zone. The proposed rezone boundary includes parcels described as TL-1347, TL-1300, TL-1301, and TL-1302 Section 13, T1S R2W, F.M. (Located at and near 2253 King Road and 4620 Elliott Land, east of King Road and northeast of Airport Way and Dale Road, south of the Chena River.)

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends approval of the rezone request with eight (8) Findings of Fact in support of approval. Staff recommends approval because the rezone would better reflect the existing and proposed land uses in the neighborhood and, in conjunction with a proposed platting action, resolve several existing non-conformities to Title 18 lot size and setback requirements.

II. GENERAL INFORMATION

A. Purpose

To rezone approximately 4.82 acres from Rural Estates 2/Airport Noise Sensitive Area (RE-2/ANSA) to Rural Residential/Airport Noise Sensitive Area (RR/ANSA)

B. Location

East of King Road and northeast of Airport Way and Dale Road, south of the Chena River

C. PAN/Size

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<th>Size (acres)</th>
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<td>1.6624 (72,414.14 sf)</td>
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<td>0.2954 (12,867.62 sf)</td>
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<td>0.2475 (10,781.10 sf)</td>
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<td>0391247 (TL-1347)</td>
<td>2.6118 (113,770.01 sf)</td>
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Total Area 4.8171 ac. (209,832.88 sf)

D. Existing Zone

Rural Estates 2/Airport Noise Sensitive Area (RE-2/ANSA)

E. Proposed Zone

Rural Residential/Airport Noise Sensitive Area (RR/ANSA)
F. Existing Land Use

Residential

H. Surrounding Land Use/Zoning

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<th>North:</th>
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<th>Chena River/Residential</th>
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I. Zoning History

Unrestricted Use (UU) through Ordinance No. 67-34 on March 28, 1968

UU to Rural Estates (RE) through Ordinance No. 69-24 on November 13, 1969

RE to Rural Estates 2 (RE-2) through Ordinance No. 88-010 effective April 25, 1988

Airport Noise Sensitive Area (ANSA) overly through Ordinance No. 98-56 on January 14, 1999

J. Non-conforming Structures, Uses

Four dwelling units (a triplex and a single-family residence) on TL-1300, legal non-conforming use status affirmed (GR2017-065)

K. Comprehensive Plan Designation

Urban Area

L. Community Facilities

Water/sewer: College Utilities

Electricity: GVEA

M. Code Violations

None listed

N. Soils

Eielson fine sandy loam

O. Flood Zone

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<td>0173029 (TL-1302)</td>
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P. Ownership

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<th>PAN (Tax Lot)</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>0173002 (TL-1300)</td>
<td>Galen L. King Revocable Trust</td>
</tr>
<tr>
<td>0173011 (TL-1301)</td>
<td>Galen L. King Revocable Trust</td>
</tr>
</tbody>
</table>
III. Zoning and Development History

The proposed rezone area includes a total of four parcels: TL-1300, TL-1301, TL-1302, and TL-1347 of Section 13, T1S R2W, F.M. (Figure 1), all in the same ownership. The subject properties were zoned Unrestricted Use (UU) with the adoption of Ordinance No. 67-34 on March 28, 1968. They were rezoned to Rural Estates (RE) with the adoption of Ordinance No. 69-24 on November 13, 1969 and from RE to Rural Estates 2 (RE-2) when Ord. 88-010 came in effect on April 25, 1988. The RE-2 zone has a minimum required lot size of 80,000 square feet and minimum required setbacks of 35 feet from the front property line and 25 feet from side and rear property lines.

When this area was originally zoned, there were no public utilities available in the area, including sewer and water. The option to be served by sewer and water utilities was made available to these lots when College Utilities extended service into the area in 2006. All existing structures on the lots are currently served by community water and sewer. The Airport Noise Sensitive Area overlay zone was placed on the parcel with the adoption of Ordinance No. 98-056, adopted on January 14, 1999. The ANSA overlay did not change the requirements of the underlying RE-2 zone.

The current owner inherited ownership of the property in October 2016 from his parent’s estate. The parent government lot that encompassed all four existing parcels was created by US Patent to Lloyd Pike in 1949. Portions of the original patent lot were created by deeds and sold by Mr. Pike to various purchasers over time. The current owner was not the original owner of any of the parcels. TL-1300 was acquired by the King family in 1960, TL-1301 and TL-1302 were acquired in 1969, and TL-1347 was acquired in 1990.

All four properties are under common ownership and have been developed residentially over time. TL-1300 contains a triplex and a single-family residence that have obtained affirmative recognition of grandfather rights because they existed prior to the RE zoning put in to place in 1969. TL-1301 and TL-1347 are each developed with a single-family residence. TL-1302 is currently vacant.

Several of the existing lots and structures are non-conforming to the RE-2 zoning in terms of required lot size and setbacks. None of the non-conformities were created by the current owner. TL-1347 is 2.6118 acres (113,770.01 square feet) and meets the minimum required lot size of the RE-2 zone. TL-1300, TL-1301, and TL-1302 are 1.6624 acres (72,414.14 square feet), 0.2954 acres (12,867.62 square feet), and 0.2475 acres (10,781.10 square feet), respectively, and do not conform to the minimum required lot size. The single-family residence on TL-1301 appears to encroach on TL-1300 and several other structures appear to have non-conforming setbacks for the RE-2 zone (Exhibit 1).
In order to bring all of these lot size and setback nonconformities into compliance with Title 18, the applicant is proposing to subdivide the four existing lots into three new lots. However, the total area of all four lots is only 4.8171 acres (209,832.88 square feet), which is not enough area to create three lots conforming to the RE-2 minimum lot size of 80,000 square feet. The applicant is proposing a rezone to Rural Residential/Airport Noise Sensitive Area (RR/ANSA) in order to accommodate the creation of three lots from the existing four lots and resolve the existing lot area and setback non-conformities (Exhibit 2). The RR zone has a minimum required lot size of 40,000 square feet and required setbacks of 25 feet from all property lines. All three new lots, as proposed, would meet the RR requirements.

The intent of the RR zone is for “low density residential development and other compatible uses in areas where community sewer and water systems may or may not be available.” The proposed rezone meets this intent, in conjunction with the proposed subdivision of the existing four lots into three. On each of the proposed three lots, one of the three existing single-family residences will be located. Additionally, the existing triplex with affirmative recognition of grandfather rights will remain on a lot with one single-family residence, which will not increase the non-conformity of the use. The lot lines are proposed to be located to resolve any non-conforming setback issues and all three lots will meet the RR minimum required lot size.
**Applicant’s Request**

All four parcels are under common ownership. The applicant is proposing the rezone and a concurrent platting action in order to resolve several lot area and setback non-conformities on the existing parcels (Exhibit 1). Because of the residential uses already existing, the applicant proposes to subdivide the existing four parcels into three parcels. However, there is not enough land area to legally divide the area into three lots and meet the RE-2 minimum lot size requirement of 80,000 square feet. The proposed rezone to RR would allow the new lots to be a minimum of 40,000 square feet. The ANSA overlay zone would be maintained on the parcel.
IV. Applicable Approval Criteria

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

18.104.030 (C) Hearing and Recommendation by the Planning Commission

The planning commission shall review, hear and recommend whether or not a request for rezoning should be approved. The planning commission shall also consider and adopt findings of fact demonstrating whether or not the proposed rezoning conforms to the comprehensive plan and to the public health, safety and welfare.

The planning commission shall recommend to the assembly one of the following actions:

1. Approve the rezoning request as submitted;
2. Approve the rezoning with special limitations;
3. Recommend an amendment to the request to a more appropriate zoning district; or
4. Disapprove the rezoning request.

Public Notice

There were 211 dear property owner notices mailed out and staff received no inquiries about this rezone request.

V. STAFF ANALYSIS

Surrounding Land Use and Zoning

All four parcels within the proposed rezone boundary are zoned Rural Estates 2 (RE-2). Figure 2 shows the zoning in the surrounding area. The proposed rezone area is immediately adjacent to Rural Residential (RR) to the west and to the north and is therefore not a spot zone. It is also bounded by Light Industrial (LI) to the south and RE-2 to the east. There is also Multiple-Family Residential (MF), Multiple-Family Residential/Professional Office (MFO), and General Commercial (GC) zoning in the vicinity.

The subject property has an Airport Noise Sensitive Area (ANSA) overlay, which is proposed to be maintained. This overlay is on adjacent parcels to the east and parcels to the north as well.
The RR zone 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). Because community water and sewer is now available in the area, the RR zone is more appropriate for the parcels than the RE-2 zone, which is intended “for low-density residential development and other compatible uses in areas where community water and sewer systems are unavailable.”

The RR zone allows for single-family residential, two-family residential and accessory uses. The existing triplex on TL-1300 received an affirmative recognition of legal non-conforming use (grandfather rights) status after a public Administrative Hearing on November 23, 2016 (Exhibit 3). This use would remain non-conforming in the proposed RR zone and the non-conformity would not be increased by the proposed rezone. None of the other existing uses within the rezone area would become nonconforming with this rezone.

The RR zone permits many of the same uses as the RE-2 zone, but with a few differences. For instance, guesthouses and domestic livestock are permitted uses in the RE-2 zone with a zoning permit. In the RR zone, guesthouses and domestic livestock on lots smaller than 80,000 square feet require conditional use permits. The proposed RR zone will be compatible with the existing residential uses on the subject properties, as well as the surrounding zones and land uses. Additionally, the RR zone has slightly different setback and lot size requirements than the RE-2 zone. The front-yard setback requirement for RR is 25 feet but is 35 feet for the RE-2 zone. The side-yard and rear-yard setback requirements...
are 25 feet in both the RR and RE-2 zones. The minimum lot size requirements are 40,000 and 80,000 square feet for the RR and RE-2 zones, respectively. The rezone will enable the applicant to subdivide the subject area into three lots that meet the minimum lot size requirement and minimum required setbacks of the RR zone.

The proposed rezone area is bounded on the north by the Chena River, on the south by vacant land and Elliott Lane, and residential uses to the east and west. Figure 3 shows the FNSB Assessor land use designations for the surrounding area. The yellow represents residential uses, the red represents commercial uses, and the gray is vacant land.

**Figure 3: Existing Land Use**
(Source: FNSB GIS)

Comprehensive Plan

The FNSB Regional Comprehensive plan designation for the proposed rezone area is Urban Area. The Urban Area designation is intended for “an area that is served or can be served with community water and sewer, and contains the most intensive residential, commercial, and industrial development.” The subject area is already developed residentially and is served by community water and sewer. No additional development is proposed at this time.
Three lots included in this rezone, TL-1300, TL-1301, and TL-1302, are located directly adjacent to the Chena River. These lots are currently zoned RE-2, which required a 25 foot rear yard setback. A portion of each lot is in the floodway and the setback currently provides some level of buffer to the Chena riverbank because no structures can be built in the setback. The proposed RR zone also requires a 25 foot rear yard setback. Because the setback is not changing with the proposed rezone and no structures can be built within the setback, staff is not proposing a recommendation to include any Waterways overlay zone designation on the parcels.

The proposed zoning is consistent with the residential use of the parcels and maintains the residential use along the river. No additional development is currently proposed with the rezone and the applicant indicates he will look to the Chena Riverfront Plan’s policies regarding landscaping, erosion control, and the health of the river. Parcels along the west and north sides of the rezone boundary are already zoned RR. This rezone request will be an expansion of this existing RR zone.

The item was discussed at the December 14, 2016 Chena Riverfront Commission (CRFC) meeting because three of the lots are within the 200 foot centerline buffer of the Chena River. The CRFC found no conflict between the rezone and the goals of the Chena Riverfront Plan. Additionally, they agreed that the required 25 foot setback in both the RE-2 zone and the RR zone helps meet the goals of the CRFC and the riverfront plan.
Trip Generation

RZ2017-002 is not expected to have any impact on the trip generation potential for the lots involved. The uses associated with RE-2 are very similar to the uses allowed in RR, with one main trip generating difference being that guesthouses are permitted as of right in RE-2 and are a conditional use in RR.

The existing conditions under the current zone include a total of 6 dwelling units (one grandfathered triplex and three single family dwelling units), generating roughly 46 trips per weekday.¹ There would still be six dwelling units after the re-zone, which would essentially be the maximum density allowed (unless there are additional conditional use permits approved for guesthouses), keeping the generation rate at roughly 46 trips per day.¹ It is always possible that a higher intensity trip generating use could be approved, like a church building or a school building, but these uses are regulated exactly the same between RE-2 and RR. Because of the similarities between the current zone and the proposed zone and the existing lot sizes already non-conforming it is the opinion of staff that this re-zone would not have any impact on trip generating potential.²

Agency and Chena Riverfront Commission Comments

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

a. State of Alaska Fire Marshal
b. State of Alaska Department of Natural Resources (ADNR)
c. State of Alaska Department of Environmental Conservation (ADEC)
d. State of Alaska Department of Game and Fish (ADF&G)
e. FNSB Rural Services
f. University Fire Service Area
g. State of Alaska Troopers
h. Army Corp of Engineers
i. Golden Valley Electric Association (GVEA)
j. Utility Services of Alaska/Golden Heart Utilities

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.

FNSBC Section 18.104.020 (C)

The proposed rezone conforms to the comprehensive plan.

The FNSB Regional Comprehensive plan attributes the Urban Area designation to the subject parcels. The Urban Area designation is intended for “[a]rea that is served or can be served with community water and sewer, and contains the most intensive residential, commercial,

¹ Institute of Transportation Engineers, Trip Generation Manual, 9th Edition, calculations based on Land Use code 210 single family detached housing, three units and land use code 230 residential condominium/townhouse, three units.
² Sections of this staff report involving transportation related reviews include comments and feedback from Kellen Spillman, Acting Transportation Planner, after a review of the application materials with FNSB Planner Stacy Wasinger.
and industrial development.” The request is consistent with the following goals and policies of the Comprehensive Plan:

**Land Use Goal 3 – To have a variety of land uses that fit the diverse needs of the community**

**Strategy 7 – Provide a variety of residential land use opportunities**

The subject parcels and surrounding neighborhood are residential in use and character. Both the existing zone and the proposed zone allow the parcels to provide residential land use opportunities. The RR zone is more appropriate and compatible with the area because it is now served by community sewer and water systems, so the larger lot sizes required in the RE-2 zone are not necessary for health and safety purposes.

**Land Use Goal 4 – To enhance development opportunities while minimizing land use conflicts**

**Strategy 11 – Encourage effective and harmonious resolution of community land use conflicts**

The rezone, if approved, would alleviate several existing non-conformities of RE-2 zone standards associated with the development on the parcels. Three of the four existing lots do not meet the minimum required lot size. The rezone to RR, in conjunction with the proposed platting action, would enable the three proposed lots to meet the RR minimum required lot size. Currently, TL-1347 is the only lot currently compliant with the RE-2 lot size requirement at 113,770 square feet. It is also compliant with RE-2 setback requirements, as shown on the as-built plan provided in the application materials. TL1300, TL-1301, and TL-1302 are all less than 80,000 square feet each and are therefore undersized for the RE-2 zone. TL-1300 is 72,414 square feet and therefore does not meet the RE-2 minimum lot size. Additionally, the single-family residence and the shop on TL-1300, do not meet the RE-2 required 25 foot setbacks from interior property lines. TL-1301 is 12,868 square feet and does not meet the required minimum lot size. It also contains a single-family residence that does not meet the RE-2 required minimum setbacks. TL-1302 is 10,781 square feet and is currently vacant.

Without the platting action, a rezone from RE-2 to RR would result in TL-1347 remaining compliant, TL-1300 becoming compliant, and TL-1301 and TL-1302 remaining non-conforming to the minimum required lot sizes of 80,000 square feet and 40,000 square feet, respectively. The rezone without the proposed platting action would not increase or resolve the setback non-conformities. In conjunction with the rezone, the proposed platting action would resolve the lot size and setback non-conformities. The rezone, without any platting action, would not increase any non-conformity of use, lot, or structure. In combination, the rezone and the platting action proposed would resolve the existing non-conformities of lot size and structure on the subject parcels.

**The proposed rezone conforms to the public health, safety and welfare.**

The proposed RR/ANSA zone protects public health, safety and welfare because it would allow for the subdivision of the parcels to resolve existing non-conformities and does not create any fire or traffic hazards. The plat would also include the dedication of a portion of King Road, connecting existing rights-of-way from King Road to Norlin Avenue and improving access to the three proposed lots. The proposed lots will be required to meet all Title 17 requirements, including access. The rezone from RE-2 to RR maintains the 25 foot required setback that helps provide a buffer to the adjacent Chena River, and will allow the lots to be reconfigured to meet RR setbacks to maintain fire separation of structures from adjacent lots.
The rezone and subsequent plat will maintain the land use compatibility in the neighborhood, because it will remain residential and allow the lots to be reconfigured to meet RR setback requirements and maintain fire safety by increasing minimum distance between structures and property lines.

The three parcels adjacent to the Chena River are 71 to 81% in flood zone ‘X’ (protected by levee) and 19-29% in the Floodway. Designated floodplains and the floodway in the Borough are subject to periodic inundation of floodwaters, which could cause loss of life or property, health or safety hazards. Properties within the designated floodplains and floodway have additional requirements established by Title 15 of the Borough code to ensure structures are safe from potential flooding. None of the existing structures on the site appear to be constructed within the floodway, which begins at the top of the bank. According to FNSB Assessor records, the existing structures on the subject parcels were all constructed prior to 1996. The current rezone proposal does not include any construction on the property. Therefore, Community Planning staff recommends the subject property complies with Title 15 regulations to protect public health, safety and welfare by obtaining floodplain permits and elevation certificate for any future construction activity on the property as required by Title 15.3

The FNSB GIS soils survey information indicates that the area is composed of Eielson fine sandy loam. This soil type is considered to be limited for structure development due to potential effects such as flooding and ponding4.

Spot Zoning

The Alaska Supreme Court has stated that the classic definition of spot zoning is, “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners.” Determining whether a rezone constitutes spot zoning depends on the facts and circumstances of each case. In Griswold v. City of Homer, 925 P.2d 1015, Alaska, 1996 the court stated it would consider the following three factors in determining the constitutionality of spot zoning:

1. The consistency of the amendment with the comprehensive plan;
2. The benefits and detriments of the amendment to the owners, adjacent landowners, and community; and
3. The size of the area rezoned.

This rezone request extends the RR zone boundary existing immediately adjacent to the west and north of the proposed rezone area.

(1) Consistency of the amendment with the comprehensive plan;

3 Sections of this staff report involving floodplain related reviews include comments and feedback from Nancy Durham, FNSB Floodplain Administrator, MURP, CFM after a review of the application materials with FNSB Planner Stacy Wasinger.
The request is consistent with the goals and policies of the Comprehensive Plan, specifically with Land Use Goal 3, Strategy 7 and Land Use Goal 4, Strategy 11.

The FNSB Regional Comprehensive plan attributes the Urban Area designation to the subject parcels. The Urban Area designation is intended for “[a]rea that is served or can be served with community water and sewer, and contains the most intensive residential, commercial, and industrial development.” The RR zone is more compatible with this designation than the RE-2 zone because the intent of the RR zone is “for low-density residential development and other compatible uses in areas where community sewer and water systems may or may not be available” while the intent of the RE-2 zone is “for low-density residential development and other compatible uses in areas where community water and sewer systems are unavailable.” The subject area is already developed residentially and is served by community water and sewer. No additional development is proposed at this time. Additionally, the request meets the FNSB Regional Comprehensive Plan Land Use Goal 3, Strategy 7 to “[p]rovide a variety of residential land use opportunities” and Land Use Goal 4, Strategy 11 to “[e]ncourage effective and harmonious resolution of community land use conflicts”.

(2) The benefits and detriments of the amendment to the owners, adjacent landowners, and community;

The rezone request would benefit the owners, adjacent landowners, and the general community. The existing land use and residential nature of development on the parcels will not change. Many of the existing lot sizes and structures on the subject parcels are non-conforming to the RE-2 zone numerical standards. Because of the required minimum lot size in the RE-2 zone, the subject parcels cannot be subdivided to meet the minimum required lot size and meet all Title 17 and Title 18 standards. The rezone request would enable the reconfiguring of the four existing lots into three lots that comply with the RR zone and Title 17 standards. Additionally, the land uses envisioned in the comprehensive plan are compatible with the RR zone because the lots are served by community water and sewer and are residential in use. The proposed rezone would extend the RR zone immediately adjacent to the west and north and maintain the ANSA overlay on the subject properties.

The rezone request does not appear to have any detriments to the current property owners, adjacent landowners, and the community because the parcels will remain residential in use. The permitted land uses in the proposed RR zone are compatible with the surrounding zoning and existing land uses. Existing traffic is not expected to significantly increase because the parcels are already developed with residential uses. The proposed rezone would not allow any increase in density from the existing zoning. Rural residential development is suitable in this area, both due to the surrounding land uses and zoning.

(3) The size of the area rezoned.

The total area of the four parcels within the proposed rezone boundary is approximately 4.82 acres. This rezone request extends the existing RR zone boundary immediately adjacent on the west and north sides of the proposed rezone area. It expands the contiguous area zoned RR on the south side of the Chena River to approximately 14.68 acres. The area directly north across the Chena River is also zoned RR. The proposed rezone also maintains the ANSA overlay designation, which is adjacent to the south and east of the subject parcels. This rezone is intended to establish a more compatible zone with the existing land uses and surrounding areas and enable the property owner to pursue platting actions that will resolve the existing lot size and setback non-conformities.
VI. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends APPROVAL of the requested rezone from RE-2/ANSA to RR/ANSA.

VII. FINDINGS OF FACT

The Department of Community Planning further recommends adoption of the staff report and following findings of fact in support of APPROVAL:

1. The FNSB Regional Comprehensive plan assigns the Urban Area land use designation to this area. The proposed RR zone would be more compatible with this designation because the subject parcels are served by community water and sewer and the residential land use will not be changed.

2. The current RE-2 zone is no longer appropriate for this area because community water and sewer systems are now available.

3. The proposed rezone will allow the property owner to pursue a platting action that will resolve several lot size and setback non-conformities to Title 18 numerical standards.

4. The request is consistent with the goals and policies of the Comprehensive Plan, specifically Land Use Goal 3, Strategy 7, which is to provide for a variety of residential land use opportunities; and Land Use Goal 4, Strategy 11, which is to encourage effective and harmonious resolution of community land use conflicts.

5. The proposed rezone conforms to the public health, safety, and welfare because it improves access for the subject lots by enabling a replat that includes dedication of King Road, does not create any detrimental traffic impacts, maintains a 25 foot required setback that helps provide a buffer to the adjacent Chena River, and will allow the lots to be reconfigured to meet RR setbacks to maintain fire separation of structures from adjacent lots.

6. The Rural Residential zone will not make any of the existing uses further nonconforming. The triplex and single-family residence on TL-1300 received an affirmative recognition of legal non-conforming use status pursuant to FNSBC 18.108.030.

7. The proposed rezone is not a spot zone because:
   a. It is consistent with the Comprehensive Plan Land Use Goal 3, Strategy 7 and Land Use Goal 4, Strategy 11, as well as the Urban Area designation on the subject parcels;
   b. It benefits the existing and surrounding properties owners to allow the subject area to be rezoned so that it can be subdivided to resolve existing non-conformities to Title 18.
   c. The total area of the four parcels within the proposed rezone boundary is 4.82 acres but is directly adjacent to RR zoned land.
8. This rezone request extends the existing RR zone boundary on the west and north sides of the proposed rezone area.

DRAFT PLANNING COMMISSION MOTION:

I move to recommend approval of the rezone of TL-1300, TL-1301, TL-1302 and TL-1347, Section 13, T1S R2W, F.M. (approximately 4.82 acres) from Rural Estates 2/Airport Noise Sensitive Area (RE-2/ANSA) to Rural Residential/Airport Noise Sensitive Area (RR/ANSA), and adopt the staff report and eight (8) Findings of Fact in support of the recommendation of approval.
NOTICE OF DECISION RE: GR2017-065

December 6, 2016

Galen L. King
PO Box 60244
Fairbanks, AK 99706

Property Description: Tax Lot 1300, T1S, R2W, Section 13
Property Address: 2257 King Road
PANs: 0173002
Issue: A request for affirmative recognition of legal nonconforming use status (grandfather rights) for four dwelling units on Tax Lot 1300, T1S, R2W, Section 13 in the Rural Estates 2 (RE-2) zone.

Determination: AFFIRMED (approved) 4 dwelling units (the single-family residence constructed in 1942 and the triplex constructed prior to 1964)

Dear Mr. King:

After a public administrative hearing on November 23, 2016, the Fairbanks North Star Borough Administrative Hearing Officer AFFIRMED (approved) your request for affirmative recognition of grandfather rights for one single family residence and one triplex, totaling four dwelling units. The Administrative Hearing Officer adopted the staff report and the following Findings of Fact in support of this decision:

1. FNSBC 18.36.020(A) currently lists single-family detached dwellings, two-family attached dwellings, and guesthouse as permitted uses in the RE-2 zone. Multi-family attached dwellings containing three or more units are not a permitted use in the RE-2 zone. A lot in the RE-2 zone is therefore permitted a maximum of two dwelling units; either a single-family detached dwelling and a guesthouse or one (1) two-family attached dwelling.

2. Tax Lot 1300, T1S, R2W, Section 13 (TL 1300) contains one (1) existing single-family detached dwelling and one (1) triplex, for a total of four (4) dwellings in the Rural Estates 2 (RE-2) zone. Four (4) dwelling units on one lot are not compliant with the current RE-2 zoning use regulations.

3. An additional single-family residence on Tax Lot 1301 appears to encroach on the east property line of the subject parcel. This dwelling unit is not included in the request for affirmative recognition of legal non-conforming use status.

4. The single-family dwelling was constructed in 1942. There were no adopted zoning regulations in unincorporated areas at this time and therefore no restrictions on the number of dwellings permitted on the parcel.
5. The subject parcel is described in a Warranty Deed dated March 18, 1960. At that time, a single family residence existed on the property.

6. The triplex building was placed on the subject parcel prior to 1964 as demonstrated by Assessor records. At that time, there was a detached single-family dwelling and a triplex on the parcel, for a total of four (4) dwelling units. There were no adopted zoning regulations in unincorporated areas at this time and therefore no restrictions on the number of dwellings permitted on the parcel.

7. An FNSB GIS aerial image from 1967 shows both the triplex building and the single-family residence present on the subject parcel.

8. FNSB adopted a comprehensive Zoning Ordinance on March 28, 1968. The subject property was zoned Unrestricted Use (UU) with the adoption of Ordinance No. 67-34. There were no restrictions on the number of dwelling units in the UU zone.

9. The subject property was rezoned to Rural Estates (RE) with the adoption of Ordinance No. 69-24 on November 13, 1969. The RE zone permitted a "residential structure containing one dwelling" or a "residential structure containing two dwelling units." The RE zone did not allow for multi-family dwellings, defined as "residential structure containing more than two dwelling units". Both the triplex and the total four (4) dwelling units on the subject parcel became non-conforming with the adoption of Ordinance No. 69-24.

10. The subject property was rezoned from RE to Rural Estates 2 (RE-2) when Ord. 88-010 went into effect on April 25, 1988. In 1988, the RE-2 zone allowed one single-family dwelling unit and a guesthouse or a duplex on a single parcel. The triplex and four (4) dwelling units on one parcel were still non-conforming.

11. FNSB Assessor records show that the triplex building has been assessed as a triplex since 1964. There is no indication that the use was discontinued for any period and the application materials support that the building was always used as a triplex.

12. No change has occurred subsequent the adoption of Ordinance 69-24 to increase the nonconformity on the subject parcel.

CONCLUSION

The parcel contained a single-family residence and a triplex, for a total of four dwelling units, prior to zoning regulations being implemented. The zoning on the property changed with the adoption of Ordinance No. 69-24 on November 13, 1969. At that time, the four dwelling units on one parcel became non-conforming.

Because four dwellings constructed on one parcel became nonconforming upon adoption of Ordinance 69-24, the FNSB affirmatively recognizes this property's legal non-conforming use status (grandfather rights) as it pertains to four dwelling units in the Rural Estates 2 (RE-2) zone under Chapter 18.108, Nonconforming (Grandfathered) Uses and Lots.

This decision does not grant or provide any variances or exceptions to any other Fairbanks North Star Borough or state regulations, building codes, ordinances or statutes.
The issuance of this notice is an administrative decision and is appealable within fifteen (15) days from the date of this notice to the Fairbanks North Star Borough Board of Adjustment. An appeal application may be filed with the Borough Clerk's office.

Sincerely,

\[signature\]

D. Christine Nelson, AICP
Community Planning Director
FNSB Administrative Hearing Officer
Public Hearing sign posted November 24, 2016

King Road, north from western boundary of TL-1347
King Road, south from western boundary of TL-1347

Elliot Lane and single-family residence on proposed lot 3
Single-family residence on proposed lot 2

Triplex and single-family residence on proposed lot 1
WRITTEN AGENCY COMMENTS

RZ2017-002
Good Morning Stacy,

After reviewing the proposed rezone from Rural Estates 2/Airport Noise Sensitive Area to Rural Residential/Airport Noise Sensitive Area there are no objections or concerns from the University Fire Department.

If you have any questions, please don't hesitate to contact me.

Regards,
Brooke

---------- Forwarded message ----------
From: Stacy Wasinger <SWasinger@fnsb.us>
Date: Fri, Dec 9, 2016 at 11:12 AM
Subject: RZ2017-002: Application to Rezone Approximately 4.82 acres from RE-2/ANSA to RR/ANSA
To: Stacy Wasinger <SWasinger@fnsb.us>

Good morning,

Attached, please find the application materials for a proposed rezone from Rural Estates 2/Airport Noise Sensitive Area to Rural Residential/Airport Noise Sensitive Area that has been submitted to the FNSB Community Planning Department. This item is currently scheduled for a public hearing before the Planning Commission on January 10, 2017. Also attached is a zoning report that contains basic information regarding the subject parcels.

We are providing this information to you for your review and comment, if any, because the site is within your review area. If you have any concerns or potential issues regarding this rezone, please send a response in writing and we will include the comment in the information that is provided to the Planning Commission.

Please return any comments by Thursday, December 22nd. If there is another contact that would be appropriate to review this application, please feel free to forward this email or let me know and I will contact
them. If you have any questions or need any clarification, please just let me know. I appreciate your time and help on this issue.

Thanks,

Stacy

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

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

--
Brooke C. Zellweger
Assistant Fire Marshal
University Fire Department
611 North Chandalar Drive
P.O. Box 755540
Fairbanks, Alaska 99775 - 5540
(907) 474-5757 (office)
(904) 474-5999 (fax)
bzellweger@alaska.edu
REZONE APPLICATION  ☑ REZONE  ☑ REZONE WITH SPECIAL LIMITATIONS

Fee:  ☑ $1,000 rezone application**  ☑ $200 sign deposit (check or cash only)

**Fee waived if rezoning a split zone parcel or rezoning a GU property to an appropriate residential zone if the rezone encompasses at least 13 acres or 5 more contiguous lots

**Applicant:**
Contact Name: GALEN L. KING
Business Name: 
Mailing Address: P.O. Box 60244
City, State Zip: FAIRBANKS, AK 99706
Phone: 907-378-8636
E-mail: gking872@yahoo.com

**Property Owner:**
Name: GALEN L. KING
Revolving Trust
Mailing Address: P.O. Box 60244
City, State Zip: FAIRBANKS, AK 99706
Phone: 907-378-8636
E-mail: gking872@yahoo.com

**Property Information:**
Property Description:
TL-1347, TL-1300, TL-1301, TL-1302, S13 T15 R2W FM
Street Address:
4620 ELLIOT LN, 2257, 2249, 2253 KING RD
Parcel Account Numbers (PAN):
39, 1247, 173002, 173011, 173029
Existing Zone: RE-2 / ANSA
Proposed Zone: RR / ANSA

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

APPLICANT SIGNATURE: ___________________________ DATE: 11/23/14

OWNER SIGNATURE (if different): ___________________________ DATE: __________

If the applicant is not the sole property owner, written consent of all property owners must be provided pursuant to FNSBC 18.104.040(B).

---

*Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.*
REZONE PETITION FORM
WE THE UNDERSIGNED JOIN IN REQUESTING AND AUTHORIZE
REZONING OF TL1347, TL1300, TL1301, TL1302, 513 T1S R2W FM
FROM ___ ZONE
TO ___ ZONE.
ALL BLANKS MUST BE COMPLETED AND LEGIBLE.

Signature

Printed Name

Property Description (Subdivision, Lot & Block)

Mailing Address

Signature

Printed Name

Property Description (Subdivision, Lot & Block)

Mailing Address

Signature

Printed Name

Property Description (Subdivision, Lot & Block)

Mailing Address

Signature

Printed Name

Property Description (Subdivision, Lot & Block)

Mailing Address
AGREEMENT TO SPECIAL LIMITATIONS

REZONE: RZ____________

PROPERTY OWNER:
Name: __________________________
Address: _________________________
Address: _________________________

APPLICANT:
Name: __________________________

DESCRIPTION OF PROPERTY: ____________________________________________

SPECIAL LIMITATIONS:

1. __________________________________________________________
   __________________________________________________________
   __________________________________________________________

2. __________________________________________________________
   __________________________________________________________
   __________________________________________________________

3. __________________________________________________________
   __________________________________________________________
   __________________________________________________________

4. __________________________________________________________
   __________________________________________________________
   __________________________________________________________

Signature of Property Owner ___________________________ Date ______________

Notice of Special Limitations

I have been notified that I have the right to have the Borough Assembly consider my rezone application without the requested special limitations and that my rezone application will go to the Borough Assembly for consideration regardless of whether I accept or reject the suggested special limitations.

Please indicate your choice:

☐ I accept and agree to abide by the special limitations listed above.

☐ I reject the special limitations listed above.

Signature of Property Owner ___________________________ Date ______________
November 23, 2016

Stacy Wasinger, Planner III
FNSB Dept. of Community Planning
P.O. Box 71267
Fairbanks, Alaska 99707-1267

RE: Rezone Application to Rural Residential

Dear Ms. Wasinger:

**Narrative:**

My name is Galen L. King, and I am the applicant for rezone for **TL-1347** (PAN 391247), **TL-1300** (PAN 173002), **TL-1301** (PAN 173011), and **TL-1302** (PAN 173029) located within Gov't Lot 8, Section 13, T1S, R2W, FM in the Rural Estates 2 / Airport Noise Sensitive Area (RE-2/ANSA) zone.

Additionally the FNSB GIS maps indicate a platted right of way located west of TL-1347. This is an error on the GIS Mapping as the area was conveyed in the Statutory Quitclaim Deed recorded November 13, 1998 as Document 401-1998-031402-0 to my parents. It has only recently come to my attention that said Statutory Quitclaim Deed was from the Pike Family Trusts and in fact the parcel had been previously conveyed to Lloyd Pikes granddaughter and her husband through Statutory Quitclaim Deed recorded July 25, 1994 as Document 401-1994-018397-0. I am currently pursuing a Quiet Title Action to resolve this outstanding deed but **this rezone request is intended to include those lands depicted as road right of way located west of TL-1347.**

Lot sizes for the existing lots are:

- TL-1347: 2.6118 Ac.
- TL-1300: 1.6624 Ac
- TL-1301: 0.2954 Ac.
- TL-1302: 0.2475 Ac.

- Three of the existing lots do not conform to the RE-2 minimum lot size.
- TL-1301 and TL-1302 do not have legal access.
- The residence located at 2253 King Road straddles the lot line between TL-1300 and TL-1301.

**Explanation:**

Existing zoning is unsatisfactory as the area is served by sewer and water. RE-2 zoning districts are intended for low density residential development and other compatible uses in areas where community sewer and water systems are unavailable. (Ord. 88-010 § 2, 1988. 2004 Code § 18.18.010.)

The existing lots are too small to replat/combine and meet both platting and zoning requirements. A replat action is being applied for at this time and the advantages of rezing to Rural Residential / Airport Noise Sensitive Area (RR/ANSA) resolves non-conforming zoning and setback issues through rezing and replating simultaneously, and concurrently.

Rural Residential is the adjoining zoning and does not create spot zoning.

The proposed rezone conforms to the FNSB Regional Comprehensive Plan through the following:
Land Use, Goal 4: to enhance development opportunities while minimizing land use conflicts. Strategy 11: to encourage effective and harmonious resolution of community land-use conflicts by resolving specific zoning problems adjacent to existing residential areas.

Transportation and Infrastructure, Goal 1: to have a safe, efficient, multi-model transportation system that anticipates community growth, Strategy 2: to support transportation linkages. The replat and dedication of road right of way will link King Road and Norlin Avenue, creating legal access and completing dedication of right of way.

The proposed rezone will protect the public health, safety and welfare through the following:

Clearing the non-conformity while not changing anything, or making it worse.

Setbacks will be conformed to for safety and fire protection.

With the explanation, and justification, as stated above I request approval of the proposed rezone from Rural Estates 2 / Airport Noise Sensitive Area (RE-2/ANSA) to Rural Residential / Airport Noise Sensitive Area (RR/ANSA).

Please let me know if you have any questions.

Sincerely

Galen L. King
gtking872@yahoo.com
907-378-8636

Enclosed:
Certificate of Trust – Galen L. King Revocable Trust
King Apartments, LLC Alaska Business License
Operating Agreement of King Apartments, LLC
Quitclaim Deed, Document No. 2016-017217-0 F.R.D.
Corrective Quitclaim Deed, Document No. 2016-016881-0 F.R.D.
FNSB Property Summary PAN TL-1347, TL-1300, TL-1301, TL-1302
24”x36” As-Built Plan TL-1347, TL-1300, TL-1301, TL-1302
11”x17” Proposed Replat, Kingsville
CERTIFICATE OF TRUST

The undersigned declares that he created a revocable trust on October 23, 2015. In accordance with AS 13.36.079 Galen L. King furnishes the following information concerning the trust:

Name of Trust: Galen L. King Revocable Trust, dated October 23, 2015
Settlor: Galen L. King
Trustee: Galen L. King
P.O. Box 60244
Fairbanks, Alaska 99706
Powers of Trustee: The Trustee may buy, sell, trade, convey, pledge, mortgage, lease or transfer title to any interests in real or personal property (including stocks, bonds, notes, warrants and other securities) with no limitations.
Revocability of Trust: Galen L. King may amend or revoke the Galen L. King Revocable Trust (the “Trust”) at any time before his death.
Taxpayer Identification No.: While Galen L. King serves as Trustee, his Social Security number is the correct taxpayer identification number to be reported to the Internal Revenue Service for interest, dividends and other earnings.
Manner of Taking Title: The following variations are permissible:
1. Galen L. King, Trustee
2. Galen L. King, Trustee of the Galen L. King Revocable Trust

The undersigned holds any person relying upon this Certificate of Trust (until notified in writing of any amendment to the Trust or other event which could alter the certifications made above) harmless from all liability based upon that reliance. No person acting in reliance upon this Certificate of Trust need inquire into the terms of the Trust or keep a copy of the Trust.

The undersigned states that the trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this Certificate of Trust to be incorrect.

Dated: October 18, 2016

Galen L. King
STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

On this 18th day of October 2016, before me, appeared Galen L. King, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that the person executed it.

Notary Public for Alaska
My Commission Expires: 12-29-19
Alaska Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

KING APARTMENTS, LLC

P.O. BOX 60244 FAIRBANKS AK 99706
owned by
KING APARTMENTS, LLC

is licensed by the department to conduct business for the period

September 12, 2016 through December 31, 2017
for the following line of business:

53 - Real Estate, Rental and Leasing

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Chris Hladick
OPERATING AGREEMENT
OF
KING APARTMENTS, LLC
OPERATING AGREEMENT
OF
KING APARTMENTS, LLC

THIS OPERATING AGREEMENT of King Apartments, LLC, an Alaska limited liability company (the "Agreement"), is entered into on October 18, 2016, by Galen L. King, Trustee of the Galen L. King Revocable Trust, dated October 23, 2015 of Fairbanks, Alaska, as Member.

WHEREAS, the Member desires to form a limited liability company under the Alaska Revised Limited Liability Company Act (the "Act").

WHEREAS, the Member enters into this Agreement in order to form and provide for the governance of the Company and the conduct of its business.

NOW THEREFORE, the person executing this Agreement as Member, agrees as follows:

SECTION 1. PRELIMINARY MATTERS

1.1 Formation. The company was formed as a limited liability company under the Alaska Revised Limited Liability Act by filing the Articles of Organization with the Department of Commerce and Economic Development of Alaska on August 22, 2016.

1.2 Name. The name of the company is "King Apartments, LLC" (the "Company") and its business shall be conducted under that name or any other names as determined by the Member.

1.3 Term. The term of the Company shall be perpetual unless the Company is dissolved and terminated.

1.4 Principal Office. The Company's principal place of business will be located at Fairbanks, Alaska or any other location designated by the Member.

1.5 Purpose and Powers.

(a) The purpose of the Company is to engage in any lawful activity.

(b) The Company has the power to execute, deliver and perform all contracts and undertakings and engage in any and all activities and transactions as the Member may determine to be necessary or advisable to carry out the Company's purpose.
SECTION 2. CAPITAL CONTRIBUTIONS AND CAPITAL ACCOUNTS

2.1 Capital Contributions. The Member has made his initial capital contribution. The Member may make additional capital contributions.

2.2 Capital Account. A capital account shall be maintained for the Member.

2.3 No Interest on Capital. No interest shall be paid on funds or property contributed to the capital of the Company or on the balance of the Member’s capital account.

2.4 No Liability. The Member shall not be bound by, or be personally liable for, the expenses, liabilities, or obligations of the Company, except as otherwise provided in the Act or in this Agreement.

SECTION 3. PROFITS AND LOSSES AND DISTRIBUTIONS

3.1 Allocation. The profits and losses of the Company and all items of the Company’s income, gain, loss, deduction, or credit shall be allocated, for the Company book purposes and for tax purposes, to the Member.

3.2 Distributions. Periodically, the Member shall balance accounts, determine the amount of the Available Net Cash Receipts of the Company, and distribute such amount in cash to the Member. The term “Available Net Cash Receipts” as used in this paragraph shall mean the excess of cash receipts of the Company over the sum of (a) expenditures for operations, discharge of obligations, improvements, acquisitions, investments and other cash disbursements made in pursuit of Company purposes, plus (b) the amounts reserved from such receipts for such disbursements in the future and for any loss contingencies as the Member determine to be prudent.

SECTION 4. MANAGEMENT

4.1. Member Managed. The business of the Company shall be managed by the Member and the Member shall have exclusive and complete authority and discretion to manage the operations and affairs of the Company and to make all decisions regarding the business of the Company and to do any and all other acts and things necessary, proper, convenient or advisable to effectuate the purposes of this Operating Agreement.

4.2. Meetings. The Member is not required to hold meetings, and decisions may be reached through one or more informal processes.

4.3. Title to Assets. Title to Company assets, whether real, personal or mixed and whether tangible or intangible, shall be deemed to be owned by the Company as an entity, and no Member, individually or collectively, shall have any ownership interest in such Company assets or any portion thereof. Title to any or all of the Company assets shall be held in the name of the Company.
4.4. **Deposit of Funds.** All funds of the Company shall be deposited in one or more accounts with one or more recognized financial institutions in the name of the Company, at such locations as shall be determined by the Member.

**SECTION 5. TRANSFER RESTRICTIONS**

5.1 **Additional Member.** An individual may be admitted as an additional member only upon the written consent of the Member. Such individual shall make such capital contribution as the Member shall determine. All new members must sign a copy of this Operating Agreement and agree to be bound by its terms.

5.2 **Rights of Assignees.** A transferee who is not admitted as a Member shall have only the rights of an assignee. An assignee of an ownership interest in the Company who is not a Member shall not be entitled to interfere in the management of the Company’s affairs, vote, receive any information of Company transactions or inspect the Company books. The assignee shall merely be entitled to receive, in accordance with the terms of the assignment, the distributions to which the assignor otherwise would be entitled.

5.3 **Legend.** The Member acknowledges that his membership interest is a "security" by definition under Alaska law and that this security has not been registered under Alaska’s Security Registration laws and cannot be resold, nor can new membership interests be issued, without registration under Alaska law or exemption from registration. The Member’s ownership interests in the Company shall be evidenced by certificate(s) of membership issued by the Company. The certificates shall set forth the Member’s name, the Member’s ownership interests, and shall bear the following legend:

This security is not registered under the Alaska Securities Act of 1959 or the Securities Act of 1933 and cannot be resold without registration or an exemption from registration. In addition, this security may be subject to certain restrictions on ownership and transfers appearing in the Operating Agreement and/or Membership Agreements.

**SECTION 6. DISSOLUTION AND WINDING UP**

6.1 **Events Causing Dissolution.** The Company shall be dissolved on the first to occur of the following events:

(a) The written agreement of the Member to dissolve the Company;

(b) The sale or other disposition of substantially all of the Company assets; or

(c) Entry of a decree of judicial dissolution upon the finding that it is not reasonably practicable to continue operation of the Company.
6.2 Effect of Dissolution. On the dissolution of the Company, the Company shall engage in no further business other than that necessary to wind up the business and affairs of the Company. The persons winding up the affairs of the Company shall give written notice of the commencement of winding up by mail to all known creditors and claimants against the Company whose addresses appear in the records of the Company. After paying or adequately providing for the payment of all known debts of the Company (except debts owing to Member) the remaining assets of the Company shall be distributed or applied in the following order of priority:

(a) To pay the expenses of liquidation.

(b) To repay outstanding loans to the Member. Such repayment shall first be credited to unpaid principal and the remainder shall be credited to accrued and unpaid interest.

(c) To the Member.

SECTION 7. GENERAL PROVISIONS

7.1 Amendments; Revocation. This Operating Agreement may be amended or revoked by the Member.

7.2 Entire Agreement. This Operating Agreement constitutes the entire agreement of the Member and may be amended or modified only in writing signed by the Member.

7.3 Partial Enforceability. Invalidity or unenforceability of any provision of this Operating Agreement shall not affect the other provisions, and the Agreement shall be construed in all respects as if such invalid or unenforceable provision were omitted.

7.4 Binding Effect. This Operating Agreement shall be binding on the Member, his respective legal representatives, successors, heirs, and assigns.

7.5 Governing Law. This Operating Agreement shall be governed by the laws of the State of Alaska.

IN WITNESS WHEREOF, this Agreement is entered into on the date set forth on the first page of this Agreement.

GALEN L. KING REVOCABLE TRUST

Galen L. King, Trustee
Member Manager

Operating Agreement - King Apartments, LLC
Page 4
QUITCLAIM DEED

Grantor, Galen L. King, of P.O. Box 60244, Alaska 99706, for good and valuable consideration received, conveys and quitclaims to Grantee, King Apartments, LLC, an Alaska limited liability company, of P.O. Box 60244, Fairbanks, Alaska 99706, all of his interest, if any, in the following described real property located in the Fairbanks Recording District, Fourth Judicial District, State of Alaska:

That portion of Government Lot 8, Section 13, Township 1 South, Range 2 West, described as follows:

Commencing at the quarter section marker U.S. Government Survey, segregating Section 13, Township 1 South, Range 2 West and Section 18, Township 1 South, Range 1 West, Fairbanks Meridian, thence due West a distance of approximately 2640 feet to an iron stake on the property line separating the Thomas Smith and Lloyd H. Pike properties, thence due North a distance of 262 feet to an iron stake; thence due East a distance of 20 feet to an iron stake which marks the South east corner of tract conveyed by Deed on even date herewith by Lloyd H. Pike and Marjorie Pike to Maynard Stutzman and Ethel Stutzman, which stake is the point of beginning; thence due East a distance of 300 feet to a point; thence due North a distance of 189 feet, more or less, to a point high water mark on the South bank of the Chena River; thence downstream parallel with said South bank to a point which is the Northeast corner of said Stutzman tract on the South bank of the said Chena River; thence due South along the East line of said Stutzman tract a distance of 312 feet, more or less to point of beginning; Fairbanks Recording District, Fourth Judicial District, State of Alaska.

DATED this 15th day of November, 2016.

Galen L. King
STATE OF ALASKA

) ss.
FOURTH JUDICIAL DISTRICT

THIS IS TO CERTIFY that on this 15th day of November, 2016, before me, the undersigned Notary Public in and for Alaska, duly commissioned and sworn, personally appeared Grantor, Galen L. King, known to me and to me known to be the individual who signed the foregoing, and acknowledge to me that the same was signed freely and voluntarily, for the uses and purposes therein specified.

WITNESS my hand and notarial seal the day and year first hereinabove written.

[Signature]
Notary Public in and for Alaska
My Commission Expires: 12-29-2019

Return to:
King Apartments, LLC
P.O. Box 60244
Fairbanks, Alaska 99706
CORRECTIVE DEED*

QUITCLAIM DEED

Grantor, Galen L. King, of P.O. Box 60244, Alaska 99706, for good and valuable consideration received, conveys and quitclaims to Grantee, Galen L. King, Trustee of the Galen L. King Revocable Trust, dated October 23, 2015, of P.O. Box 60244, Fairbanks, Alaska 99706, all interest that Grantor now has, together with all interest that Grantor may hereafter acquire, in the following described real property located in the Fairbanks Recording District, Fourth Judicial District, State of Alaska:

Parcel 1 (TL 1301)

A portion of Lot 8 in Section 13, Township 1 South, Range 2, West, more particularly described as follows:

COMMENCING at the quarter section marker, U.S. Government survey, segregating Section 13, Township 1 South, Range 2 West, and Section 18, Township 1 South, Range 1 West, Fairbanks Meridian; thence due West a distance of approximately 2,640 feet to an iron stake on the property line separating the Thomas Smith and Lloyd H. Pike properties; thence due North a distance of 262.0 feet to an iron stake; thence due East a distance of 320.0 feet to the point of beginning; thence due East a distance of 75.0 feet to a point; thence due North a distance of 165.0 feet to the meander line of the South bank of the Chena River; thence approximately 81.0 feet down stream parallel with the South bank and meander line of the Chena River to the intersection of a line due North of the point of beginning; thence South 189.0 feet to the point of beginning; Fairbanks Recording District, Fourth Judicial District, State of Alaska.

Parcel 2 (TL 1302)

That portion of Section 13, Township 1 South, Range 2 West, Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows: Commencing at the center quarter section marker, U.S. Government Survey, segregating Section 13, Township 1 South, Range 2 West, and Section 18, Township 1 South, Range 1 West, thence go due West a distance of 2,640 feet more or less, to an iron stake, U.S. Land Office survey, quarter corner, on Section line separating the Thomas...
Smith and Lloyd H. Pike properties; thence go due North on quarter section line a
distance of 258.5 feet more or less to an iron stake; thence at right angles go due East a
distance of 395 feet more or less to an iron stake or Stake No. 1 and point of beginning;
thence go due East along same line, a distance of 75 feet more or less to an iron stake or
Stake No. 2, thence at right angles go due North a distance of 135.5 feet more or less to
an iron stake or Stake No. 3, situated on the southern bank of the Chena River at low
water mark; thence go down stream meandering in a Westerly direction 81 feet more or
less to an iron stake or Stake No. 4, situated on the southern bank of the Chena River at
low water mark; thence go due South a distance of 165 feet more or less to Stake No. 1 or
point of beginning.

Parcel 3 (TL 1347)
That portion of Government Lot 8 in Section 13, Township 1 South, Range 2 West,
Fairbanks Meridian, more particularly described as follows:
Beginning at the center quarter corner of said Section 13; Thence North 00°13’30” West
along the West boundary of said Government Lot 8, a distance of 262 feet, more or less,
to the Southerly line of Norlin Avenue (as shown on Plat No. 96-47 filed April 5, 1996);
thence North 89°54’00” East along the Southerly line of said Norlin Avenue a distance of
20.00 feet to the Southeast corner of said Norlin Avenue; thence continuing North
89°54’00” East along the Southerly line of that land conveyed to Galen and Alice King by
deeds recorded in Book 111, at Page 162, Book 109 at Page 347, and Book 226, at Page
144, a distance of 450.32 feet, more or less, to the Westerly line of that land conveyed to
Emery W. and Lydia A. Chapple and recorded in Book 274 at Page 807; thence South
00°05’50” East along the Westerly line a distance of 232 feet, more or less, to a point on
the Northerly right-of-way line of Elliott Lane (formerly known and referred to as the
Byers Access Road); thence South 89°54’00” West along said Northerly right-of-way line
a distance of 305.90 feet more or less, to the Northwest corner of said Elliott Lane as
shown on the plat filed November 2, 1990 at Plat No. 90-82; thence South 00°05’28”
West along the Westerly right of way line of said Elliott Lane, a distance of 30.00 feet to
a point on the East-West midsection line of said Section 13; thence South 89°54’00”
West along said midsection line a distance of 164.42 feet, more or less, to the point of
beginning; Records of the Fairbanks Recording District, Fourth Judicial District, State of
Alaska.

*This Quitclaim Deed is to correct the title of the Grantee on that certain Quitclaim
Deed instrument number 2016-015902 -0, recorded on October 21, 2016.

DATED this 27th day of November, 2016.

Galen L. King
STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

THIS IS TO CERTIFY that on this ___ day of November, 2016, before me, the undersigned Notary Public in and for Alaska, duly commissioned and sworn, personally appeared Grantor, Galen L. King, known to me and to me known to be the individual who signed the foregoing, and acknowledge to me that the same was signed freely and voluntarily, for the uses and purposes therein specified.

WITNESS my hand and notarial seal the day and year first hereinabove written.

Notary Public in and for Alaska
My Commission Expires: 12-29-2019

Record in Fairbanks Recording District

and Return to:
Galen L. King
P.O. Box 60244
Fairbanks, Alaska 99706
Property Summary

**PAN**
0391247

**NEIGHBORHOOD**
1040 Smith & Broadmoor

**MILLAGE GROUP**
0940 University Fire Service Area

**FIRE SERVICE AREA**
UNIVERSITY FIRE S & A

**LAND AREA**
Parcel
1 96384.72 Square Feet

**OWNER**
KING ALICE E REVOCABLE TRUST.
KING GALEN F CREDIT SHELTER TRUST, OWNERSHIP

**PROPERTY PHYSICAL DESCRIPTION**
TL-1347 SEC 13 T1S-R2W OUT OF TL-1311 SEC 13 T1S-R2W

**BUSINESS**

**MOST RECENT MILLAGE RATE**
16.0630

**PROPERTY CLASS**
Residential

**STATUS**
TAXABLE

**ADDRESS**
4620 ELLIOTT LN

**OWNER**
CO-OWNER

**INTEREST**
KING ALICE E REVOCABLE TRUST,
KING GALEN F CREDIT SHELTER TRUST, OWNERSHIP

**ADDITIONAL INFORMATION**
Building Details
View Property Location

---

**Documents**
The FNSB provides a link to view the recorded document at the State of Alaska Recorders Office through the instrument #. The FNSB has no control over the contents posted on any external web sites and these sites may have separate terms of use and privacy policies. The inclusion of this web link does not imply endorsement by the FNSB of the site, its content, advertisers or sponsors.

**DESCRIPTION**
Utility Easement
Release of Easement
Utility Easement
Utility Easement
Warranty Deed
Warranty Deed
Warranty Deed
Warranty Deed

**RECORD DATE**
12/9/2015
11/17/2015
11/17/2015
3/3/2015
12/30/2002
12/12/2002
10/4/1999
5/29/1990

**BOOK**
1164
664

**PAGE**
708
439

**INSTRUMENT #**
2015-02025-0
2015-018968-0
2015-018969-0
2015-003112-0
2002-027584-0
2002-026235-0

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**Assessment History**
For questions regarding assessments, contact the FNSB Department of Assessing at 907-459-1428.

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**Pay Property Taxes by credit card**

**Tax History** (Updated: 11/23/16 04:30 AM  AST)
If taxes are delinquent the interest calculation date is: 11/1/2016. All prior year delinquent payments must be made with guaranteed funds.

For payments made after the due dates, please call the FNSB Division of Treasury and Budget at 907-459-1441 for the correct amount.

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<td>2015</td>
<td>$3,392.02</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$3,392.02</td>
<td>$3,382.02</td>
<td>$0.00</td>
</tr>
<tr>
<td>2014</td>
<td>$3,304.52</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$3,304.52</td>
<td>$3,294.52</td>
<td>$0.00</td>
</tr>
<tr>
<td>2013</td>
<td>$3,262.54</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$3,262.54</td>
<td>$3,262.54</td>
<td>$0.00</td>
</tr>
<tr>
<td>2012</td>
<td>$3,373.74</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$3,373.74</td>
<td>$3,373.74</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

http://old.co.fairbanks.ak.us/assessing/propacctsum.aspx?idx=391247
11/23/2016
Property Summary

PAN
0173002

NEIGHBORHOOD
1040 Smith & Broadmoor

MILLAGE GROUP
0940 University Fire Service Area

FIRE SERVICE AREA
UNIVERSITY FIRE S A

LAND AREA
Parcel
TL 1300  76230 Square Feet

OWNER
NAME
KING GALLEN F CREDIT SHELTER TRUST, OWNERSHIP
KING ALICE E REVOCABLE TRUST,  CO-OWNER

INTEREST

ADDRESS
No data returned

PROPERTY PHYSICAL DESCRIPTION
2015 T/R Assembled Now known as UMB03 SECTION 13  1S 2W TL-1300 SECTION 13 T1S-R2W

BUSINESS

MOST RECENT MILLAGE RATE
16.0630

IS SUBORDINATE OF:
665421

PROPERTY CLASS
Assembled

STATUS
Valus Transferred.

ADDITIONAL INFORMATION
View Property Location

DOCUMENTS
The FNSB provides a link to view the recorded document at the State of Alaska Recorders Office through the instrument #. The FNSB has no control over the contents posted on any external web sites and these sites may have separate terms of use and privacy policies. The inclusion of this web link does not imply endorsement by the FNSB of the site, its content, advertisers or sponsors.

DESCRIPTION
Utility Easement
Release of Easement
Utility Easement
Utility Easement
Warranty Deed
Warranty Deed

RECORD DATE
12/9/2015
11/17/2015
11/17/2015
3/3/2015
12/30/2002
12/12/2002
10/4/1999

INSTRUMENT #
2015-020785-0
2015-018968-0
2015-018970-0
2015-003112-0
2002-027581-0
2002-052237-0

BOOK
PAGE
1164
707

ASSESSMENT HISTORY
For questions regarding assessments, contact the FNSB Department of Assessing at 907-459-1428.

YEAR
2014
2013
2012

LAND
$128,066
$128,066
$128,066

STRUCTURES ETC.
$61,087
$71,269
$78,813

FULL VALUE TOTAL
$189,153
$199,335
$206,879

EXEMPTIONS TOTAL
$0
$0
$0

TAXABLE
$189,153
$199,335
$206,879

PAY PROPERTY TAXES BY CREDIT CARD

TAX HISTORY (Updated: 11/23/16 04:30 AM AST)
If taxes are delinquent the interest calculation date is: 11/3/2014. All prior year delinquent payments must be made with guaranteed funds.

For payments made after the due dates, please call the FNSB Division of Treasury and Budget at 907-459-1441 for the correct amount.

YEAR
2014
2013
2012
2011
2010

TAX LEVIED
$2,995.80
$3,112.42
$3,202.48
$3,198.96
$2,645.48

STATE EXEMPTED
$0.00
$0.00
$0.00
$0.00
$0.00

FEES
$0.00
$0.00
$0.00
$0.00
$0.00

TOTAL DUE
$2,995.80
$3,112.42
$3,202.48
$3,198.96
$2,645.48

TOTAL PAID
$2,995.80
$3,112.42
$3,202.48
$3,198.96
$2,645.48

NET DUE
$0.00
$0.00
$0.00
$0.00
$0.00

http://old.co.fairbanks.ak.us/assessing/propactsum.aspx?id=173002

11/23/2016
Property Summary

PROPERTY PHYSICAL DESCRIPTION
2015 T/R Assembled Now known as UMB03 SECTION 13 1S 2W TL-1301 SECTION 13 T1S-R2W

BUSINESS

MOST RECENT MILLAGE RATE
16.0030

PROPERTY CLASS
Assembled

IS SUBORDINATE OF:
665431

STATUS
Value Transferred.

ADDITIONAL INFORMATION
Building Details:
View Property Location

LAND AREA
 Parcel
TL 1301 12632 Square Feet

OWNER

NAME
KING ALICE E REVOCABLE TRUST,
KING GALEN F CREDIT SHELTER TRUST, OWNERSHIP

INTEREST
CO-OWNER

ADDRESS
No data returned

Documents
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DESCRIPTION
Release of Easement
Warranty Deed

RECORD DATE
11/17/2015
12/30/2002

BOOK

PAGE

INSTRUMENT #
2015-018958-0
2002-017582-0

Assessment History
For questions regarding assessments, contact the FNSB Department of Assessing at 907-459-1428.

YEAR LAND STRUCTURES ETC. FULL VALUE TOTAL EXEMPTIONS TOTAL TAXABLE
2014 $39,791 $141,800 $181,591 $170,000 $11,591
2013 $39,791 $142,448 $182,239 $170,000 $12,239
2012 $39,791 $149,356 $189,147 $170,000 $19,147

Pay Property Taxes by credit card

Tax History (Updated: 11/23/16 04:30 AM AST)
If taxes are delinquent the interest calculation date is: 11/3/2014. All prior year delinquent payments must be made with guaranteed funds.

For payments made after the due dates, please call the FNSB Division of Treasury and Budget at 907-459-1441 for the correct amount.

YEAR TAX LEVIED STATE EXEMPTED FEES TOTAL DUE TOTAL PAID NET DUE
2014 $2,586.18 $2,375.70 $0.00 $210.48 $210.48 $0.00
2013 $2,559.64 $2,342.10 $0.00 $217.54 $217.54 $0.00
2012 $2,643.48 $2,322.00 $0.00 $321.48 $321.48 $0.00
2011 $2,618.94 $2,319.46 $0.00 $299.48 $299.48 $0.00
2010 $2,012.48 $2,012.48 $0.00 $0.00 $0.00 $0.00

Property Summary

PAN
0173029

NEIGHBORHOOD
1040 Smith & Broadmoor

MILLAGE GROUP
0940 University Fire Service Area

FIRE SERVICE AREA
UNIVERSITY FIRE S A

LAND AREA
Parcel
TL 1502 10890 Square Feet

OWNER
KING GALEN F CREDIT SHELTER TRUST, OWNERSHIP
KING ALICE E REVOCABLE TRUST, CO-OWNER.

PROPERTY PHYSICAL DESCRIPTION
TL-1302 SECTION 13 T1S-R2W

BUSINESS

MOST RECENT MILLAGE RATE
16.0630

PROPERTY CLASS
Vacant Land

STATUS
TAXABLE

ADDITIONAL INFORMATION
Building Details:
View Property Location

The FNSB provides a link to view the recorded document at the State of Alaska Recorders Office through the instrument #. The FNSB has no control over the contents posted on any external websites and these sites may have separate terms of use and privacy policies. The inclusion of this web link does not imply endorsement by the FNSB of the site, its content, advertisers or sponsors.

DESCRIPTION
RECORD DATE
BOOK
PAGE
INSTRUMENT #
Release of Easement
11/17/2015

Warranty Deed
12/30/2002

Warranty Deed
12/12/2002

Warranty Deed
10/11/1999

1155

733

Assessment History

For questions regarding assessments, contact the FNSB Department of Assessing at 907-459-1428.

YEAR
2016
2015
2014
2013
2012

LAND
$34,303
$34,303
$34,303
$34,303
$34,303

STRUCTURES ETC.
$0
$0
$0
$0
$0

FULL VALUE TOTAL
$34,303
$34,303
$34,303
$34,303
$34,303

EXEMPTIONS TOTAL
$0
$0
$0
$0
$0

TAXABLE
$34,303
$34,303
$34,303
$34,303
$34,303

Pay Property Taxes by credit card

Tax History (Updated: 11/23/16 04:30 AM AST)

If taxes are delinquent the interest calculation date is: 11/1/2016. All prior year delinquent payments must be made with guaranteed funds.

For payments made after the due dates, please call the FNSB Division of Treasury and Budget at 907-459-1441 for the correct amount.

YEAR
2016
2015
2014
2013
2012

TAX LEVIED
$551.00
$556.12
$543.28
$535.60
$531.02

STATE EXEMPTED
$0.00
$0.00
$0.00
$0.00
$0.00

FEES
$0.00
$0.00
$0.00
$0.00
$0.00

TOTAL DUE
$551.00
$556.12
$543.28
$535.60
$531.02

TOTAL PAID
$551.00
$556.12
$543.28
$535.60
$531.02

NET DUE
$0.00
$0.00
$0.00
$0.00
$0.00

http://old.co.fairbanks.ak.us/assessing/propacctsum.aspx?idx=173029

11/23/2016
APPLICATION MATERIAL
SUBMITTED ON

December 6, 2016
December 6, 2016

Chena Riverfront Commission
FNSB / City of Fairbanks
907 Terminal St.
Fairbanks, Alaska 99701

RE: RZ2017-002

Dear Commission Members:

My name is Galen L. King, and I am the applicant for rezone for TL-1347, TL-1300, TL-1301, and TL-1302 located within Gov’t Lot 8, Section 13, T1S, R2W, FM in the Rural Estates 2 / Airport Noise Sensitive Area (RE-2/ANSA) zone.

TL-1300, TL-1301, and TL-1302 are small adjoining properties with riverfront boundaries. They were each created by metes and bounds deeds from the original homesteader, Lloyd Pike, in the 1940’s, 1950’s, and 1960’s. These parcels do not meet current zoning minimum lot size for RE-2.

It is my desire to rezone, and replat, and combine these lots to address encroachments, and to protect the residential property use through consistent zoning. The lots are simultaneously and concurrently under application for replat and would be consolidated into 2 riverfront lots in that action. The rezoning action to Rural Residential is desirable to maintain the residential land use for parcels served by community sewer and water and does not create spot zoning as it borders existing RR zoning parcels.

I recognize the Chena Riverfront Plan policies as a value to all area residents to create and maintain areas of natural and man-made beauty, along the river, by assisting property owners with erosion control and landscaping concerns. The Plan’s policies are also a way to conserve the integrity of the river’s natural system through its objectives of creating and maintaining greenbelts in the river corridor, and to reduce pollution by encouraging riverfront property owners to use healthy shoreline practices.

It is my intention, as the new owner of the lots under the rezone application, to look to the Plan and to promote the health and sustainability of the Chena River.

I request the Commission look to me as a steward of the river, in my new ownership position, and to look favorably upon my rezone and replat applications.

Thank you.

Sincerely

Galen L. King

[Signature]

gking872@yahoo.com

907-378-8636
APPLICATION
MATERIAL
SUBMITTED ON

December 12, 2016
RETURN TO:
Barry Donnellan
Attorney at Law
937 8th Avenue, Fairbanks, Alaska 99701
907-456-2309

QUITCLAIM DEED

Scott Allen Barkdull, whose address is 3716 Swenson Avenue, Fairbanks, Alaska 99709, and Marleyne Marsha Davis, who acquired title as Marleyne Marsha Barkdull, whose address is 2575 N 13th Street, Apt 12, Coeur d’Alene, Idaho 83814, grantees, for valuable consideration in hand paid, convey and quitclaim to Galen L. King, grantee, whose address is 4620 Elliott Lane, Fairbanks, Alaska 99709, the real property described in the Statutory Quitclaim Deed recorded July 25, 1984 in Book 377 at Page 908, Fairbanks Recording District, Fourth Judicial District, State of Alaska, a copy of which is attached hereto and incorporated herein by reference.

Dated 11/21/16

Scott Allen Barkdull - Grantor

Subscribed and acknowledged before me this date by Scott Allen-Barkdull in Fairbanks, Fourth Judicial District, State of Alaska.

Dated 11/21/2016

Notary public, State of Alaska
My commission expires 04/16/2020

Dated

Marleyne Marsha Davis, f/k/a Marleyne Marsha Barkdull - Grantor

Subscribed and acknowledged before me this date by Marleyne Marsha Davis, f/k/a Marleyne Marsha Barkdull, in Coeur d’Alene, County of Kootenai, State of Idaho.

Dated

Notary public, State of Idaho
My commission expires
QUITCLAIM DEED

Scott Allen Barkdull, whose address is 3716 Swenson Avenue, Fairbanks, Alaska 99709, and Marleyne Marsha Davis, who acquired title as Marleyne Marsha Barkdull, whose address is 2575 N 13th Street, Apt 12, Coeur d’Alene, Idaho 83814, grantors, for valuable consideration in hand paid, convey and quitclaim to Galen L. King, grantee, whose address is 4620 Elliott Lane, Fairbanks, Alaska 99709, the real property described in the Statutory Quitclaim Deed recorded July 25, 1984 in Book 377 at Page 908, Fairbanks Recording District, Fourth Judicial District, State of Alaska, a copy of which is attached hereto and incorporated herein by reference.

Dated ____________________________

Scott Allen Barkdull - Grantor

Subscribed and acknowledged before me this date by Scott Allen Barkdull in Fairbanks, Fourth Judicial District, State of Alaska.

Dated ____________________________

Notary public, State of Alaska
My commission expires ____________________________

Dated 12/5/14

Marleyne Marsha Davis, f/k/a Marleyne Marsha Barkdull - Grantor

Subscribed and acknowledged before me this date by Marleyne Marsha Davis, f/k/a Marleyne Marsha Barkdull, in Coeur d’Alene, County of Kootenai, State of Idaho.

Dated 12/5/14

Notary public, State of Idaho
My commission expires 12/17/20
STATUTORY QUITCLAIM DEED

The grantors, LLOYD H. PIKE and MARJORIE E. PIKE, of Fairbanks, Alaska, for and in consideration of Ten Dollars ($10.00) and other good and sufficient consideration, in hand paid, convey and quitclaim to MARLEYNE MARSHA BARKDULL and SCOTT ALLEN BARKDULL, husband and wife as tenants by the entirety with right of survivorship, whose address is 5934 Fairbanks, Alaska, all interest which they have, if any, to the following described real estate situated in the State of Alaska:

That portion of Government Lot Eight (8), Section 13, T.15.S., R.2W., P.M., Alaska, more particularly described as follows:

Beginning at the center quarter corner (C1/4) of said Section 13;

Thence N89°54'00"E along the southerly boundary of said Government Lot 8, a distance of 50.00 feet to a point;

Thence N00°13'30"W parallel to and offset 50.00 feet east of the west boundary of said Government Lot 8, a distance of 259.22 feet, more or less, to the southerly line of that land conveyed to Galee and Alice King and recorded in Volume 111, Page 162, Fairbanks Recording District;

Thence S89°54'00"W, along said southerly line a distance of 50.00 feet to a point on the westerly boundary of said Government Lot 8;

Thence S00°13'30"E along the westerly boundary of said Government Lot 8 a distance of 259.22 feet, more or less, to the point of beginning.

Containing 0.298 acres, more or less.

DATED this 29th day of July, 1984.

Lloyd H. Pike

Marjorie E. Pike

STATE OF ALASKA ) ss.

The foregoing document was acknowledged before me this 29th day of July, 1984, by Lloyd H. Pike and Marjorie E. Pike.

Notary Public in and for District
My Commission Expires: 2016-016759-0
FMATS
TECHNICAL COMMITTEE MEETING
Wednesday, January 4, 2017
12:00 – 2:00 P.M.
City of Fairbanks, 800 Cushman Street, City Council Chambers

1. Call to Order
2. Introduction of Members and Attendees
3. Public Comment Period (3 minute limit)
4. Approval of the January 4, 2017 Agenda
5. Approval of the December 7, 2016 Minutes
6. Subcommittee Reports
7. Old Business
   a. Coordinator’s Office Reorganization Update
   b. 2017 – 2020 Transportation Improvement Program Recommendation (Action Item)  Pg 17-28
   c. Bylaws Review and Recommendation (Action Item)  Pg 29-40
   d. FMATS TIP Program Tables Policy Update (Action Item)  Pg 41-50
   e. FMATS Improvement Program FFY14 PH2 Increase (Action Item)  Pg 51-52
   f. Public Participation Plan Recommendation (Action Item)  Pg 53-88
   g. Title VI Implementation Plan Discussion  Pg 89-119
   h. Transportation Alternatives Program FHWA Determination
   i. Existing Conditions Report Update  Pg 120-157
8. New Business
   a. Cushman Street Bridge Recommendation (Action Item)  Pg 158-166
9. Public Comment Period
10. Other Issues
11. Informational Items
    a. 12.21.16 PC Action Items  Pg 167
    b. Obligations and Offsets  Pg 168-170
12. Technical Committee Comments
13. Adjourn

Next Scheduled Technical Committee Meeting – Wednesday, February 1, 2017, Noon, City Hall, City Council Chambers