PLANNING COMMISSION MEETING

July 18, 2017
Transportation Analysis and Recommendations: The tools and principles transportation planners use to analyze data and how they determine what recommendations to make.

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AGENDA

July 18, 2017
Immediately following work session

A. ROLL CALL

B. MESSAGES

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

C. APPROVAL OF AGENDA

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

D. *MINUTES

1. *Minutes from June 20, 2017 PC Meeting. Page 5
E. PUBLIC HEARING

1. HP2017-005: McGrath Road Upgrade – A request by the Department of Transportation and Public Facilities for local planning authority approval of the McGrath Road Upgrade project. This project proposes to upgrade approximately 2.9 miles of McGrath Road from Farmer’s Loop Road to the Old Steese Highway with new surface and safety improvements like widened shoulders and guard rail improvements. The project is anticipated to require right-of-way acquisition (Staff Contact: Don Galligan). Page 27

2. RZ2017-006: A request by Mark Nielsen to rezone Tax Lot 2801, T1N R2W, Section 28 from General Use 1 (GU-1) to Rural Estates 2 (RE-2) or other appropriate zone (located on the west side of McFadden Lane and south of Ester Dome Road) (Staff Contact: Stacy Wasinger). Page 131

F. LEGISLATIVE HEARING

1. ORDINANCE NO. 2017-46: An Ordinance Amending Chapter 4.32 FNSBC Regarding The Responsibilities of The Chena Riverfront Commission And FNSBC 18.104.010 Regarding Procedures For Rezonings, Conditional Uses, And Variances To Implement Chena Riverfront Commission Review For Properties Along The Chena River (Sponsors: Mayor Kassel and Assemblymember Davies). Page 169

G. NEW BUSINESS

1. Approval of Quasi-Judicial Application Forms for Pre-Hearing Determinations. Page 181

H. EXCUSE ABSENT MEMBERS

I. COMMISSIONER’S COMMENTS

1. FMATS Page 191

2. Other

J. ADJOURNMENT
MINUTES

June 20, 2017
A regular meeting of the Fairbanks North Star Borough Planning Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:01 p.m. by Wendy Presler, Chairperson.

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

MEMBERS ABSENT: Patricia Thayer

OTHERS PRESENT: Christine Nelson, Director of Community Planning Manish Singh, Planner Stacy Wasinger, Planner Wendy Doxey, Assistant Borough Attorney Nicole Nordstrand, Administrative Assistant

A. ROLL CALL

B. MESSAGES

1. Chairperson’s Comments

   Ms. Presler reminded Commissioners to provide feedback to the Planning Department on the Eielson Air Force Base Growth Management Plan Focus Area Sample Data and Stakeholders document from the Consultants.

2. Commissioner’s Comments

   There were no comments by Commissioners.

3. Communications to the Planning Commission

   Ms. Nelson advised Commissioners of the second session in the Land Use Education Series to be held tomorrow primarily geared towards the lending industry concerning Grandfather Rights and Amnesty and, determining the industry’s needs and the needs of their customers.

   Ms. Nelson mentioned potential ordinance amendments, supported by the Mayor, two of which affect the Central Business District and concern ground floor residential housing and brew pubs, and the other will be amendments to grandfather rights process to make the process work better, and happen more smoothly and quickly.
Ms. Nelson reported that the agenda and minute templates are under review and will be changing in the near future to a standardized format for all FNSB Boards and Commissions.

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

There were no comments by citizens.

5. Disclosure & Statement of Conflict of Interest

There were no disclosures or conflicts 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.

Ms. Presler advised the Commission that under Agenda Item F “Quasi-Judicial Hearing”, items numbers 2 and 3 are the same applicant and property, and barring any objection, it is her intent to have both items read into the record, have one presentation from Staff, then the Applicant will be provided their opportunity to speak, and then public testimony heard on both permits. She further advised that there will need to be two separate motions on each item before debate and then each item voted on separately.

CARRIED WITHOUT OBJECTION

D. **MINUTES**


E. **CONSENT AGENDA ITEMS**

There were no consent agenda items.

(Commissioner O’Neall joined meeting at 6:06 p.m.)

F. **QUASI-JUDICIAL HEARING**

1. **CU2017-020:** A request by Michael Emers on behalf of Rosie Creek Farm, LLC for conditional use approval of a marijuana product manufacturing facility, limited in the Rural and Agricultural 20 (RA-20) zone on Tract A, Rosie Creek Farm Subdivision (located at 2659 Livingston Loop, on the south side of Livingston Loop, south Rosie Creek Trail, and north of the Tanana River).

OATH GIVEN

Ms. Wasinger presented her report and presentation on CU2017-20.
Questions by the Commissioners

*There were no questions by Commissioners.*

Applicant’s Presentation

Mr. Michael Emers explained his desire is for value added processing of their product. He likened it to adding a commercial kitchen to process their farm crops which they hope to do in the future. He stated his preference to process the product on-site rather than sell to other processors which will effectively result in less traffic and trips in and out of the neighborhood.

Mr. Emers further reported that he has cultivation permits from the State of Alaska and the Borough, and indicated he realizes that the only access to their property is through a residential neighborhood, that his lot is unique in that it is split zoned, and part of the access is in the residential neighborhood. He stated that he has had his vegetable farm there for 20 years, with customers coming weekly, and that there might be a slight increase in employees, but there would not be much of a change in traffic.

Questions by the Commissioners

Mr. Peterson asked if there had been any complaints from neighbors since processing marijuana.

Mr. Emers explained that they have not been able to process any marijuana, but they have grown and sold, and in his discussions with his neighbors, the immediate neighbor to the west had some concerns because they oppose marijuana in general and did not want him to grow it, but they did not feel it was their place to tell him what to do with his land. He stated he is sensitive to his neighbors’ concerns and tries to be discreet with his operations; “making neighbors as happy as he can make them”.

Mr. Peterson inquired about condition number 2, in that it prohibits odor outside the facility and whether Mr. Emers could meet that standard.

Mr. Emers responded that there has been no detection of odor off the Farm and it has passed the State inspection which also requires no odor detection. He further specified that they use a really pungent fish fertilizer on the Farm and if anything, there would be a presence of that odor, but out in the residential area and in the road, there have been no complaints. He stated that they expect to be inspected for the processing facility.

Ms. Presler requested an explanation of what processing involves.

Mr. Emers answered that he is not the expert on processing, but it’s concentrating the marijuana product into hash. He further explained the two (2) physical processes involved.

Interested Person Testimony Opened

Ms. Diana Sparacino advised that she did not know about the first permit because her property was not near enough. She advised she has owned her property since 1991, and built on it four years ago, and that she picked the property for its location, RE-4 zoning designation, and while aware of the Farm, it was a much smaller operation when she purchased her property. She further expressed her surprise at how unquiet the area is. She stated her two main issues are
zoning and roads/traffic. She stated that the split zoning issue is the access through a RE-4 residential for commercial use and related an example of a semi-truck situation. She explained that the roads are not in the best conditions, especially during breakup, and feels the traffic has now become “light industrial” use.

Questions by the Commissioners

Mr. Whitaker questioned what year Ms. Sparacino built her home.

Ms. Sparacino replied she built in September 2012 and in April 2013 moved into it.

Mr. Whitaker queried if Ms. Sparacino was living there when there was a community sponsored agriculture.

Ms. Sparacino responded affirmatively.

Mr. Whitaker probed if there was a lot less traffic now.

Ms. Sparacino replied that she does not believe there is a lot less traffic now, that in general, the subdivision gets a lot of traffic, and stated it is the gateway to the “recreational area”.

Mr. Whitaker interjected that he left the question too far open, and stated he meant to say his question was related to Mr. Emers’ Farm having had 20 people coming out there for the community sponsored agriculture, but he now only has 4 or 8 employees.

Ms. Sparacino indicated that she sees his employees driving, and that she is concerned that Mr. Emers’ own driveway is not the best and a lot of times people are parked on the road. She further indicated that the delivery trucks create dust and she does not have the security of a long driveway to minimize the dust. She stated that she did not know if there is more traffic as compared to the vegetable Farm’s traffic.

Mr. Richard Deivert he has lived on his property since 1992, and showed Commissioners a sheet of paper with a list (appeared to be compiled by him) of case files from the Alaska State Troopers related to his residence and incidents over the years of theft, break-ins, and attempted break-ins. He provided a summary of a burglary incident on his property in December 2014.

Ms. O’Neall sought confirmation that his primary concerns are the thefts.

Mr. Deivert detailed that his concerns are that the drug business is a cash only business and the neighborhood is already compromised, and made various statements concerning what he conveyed as general criminal activities over the years.

Rebuttal by the Applicant

Mr. Emers stated his appreciation for his neighbors taking the time to come and express their concerns. He indicated that his house has also been broken into and that they took down the sign to the farm to mitigate theft and general safety issues. He stated his desire to work with his neighbors on security concerns and that the Farm has a security system monitored by a security firm and that he does not keep cash on the property.
Questions by the Commissioners

Mr. Muehling questioned how Mr. Emers would characterize the security and if there is security on site 24/7.

Mr. Emers responded that there is 24/7 security.

Mr. Perreault asked if the break-in to his property was before or after he began the marijuana business.

Mr. Emers replied that it was about 20 years ago.

Mr. Perreault questioned if Mr. Emers has had any security concerns since putting up the new security measures and opening as a marijuana business.

Mr. Emers responded that when they submitted their application to the State, and when their address was posted for public notice, and the sign was still up, cars were coming down the road to see what was going on and as a result they removed the sign.

Mr. Perreault stated that one of the concerns expressed was that the product can be illegally traded, and sought confirmation that every bit of their product from growth to delivery is tracked and measured and monitored by the State.

Mr. Emers replied they have to account for absolutely everything that comes off the plants.

Ms. Presler requested confirmation that the people that would actually be Mr. Emers' customers are not the general public.

Mr. Emers replied that he cannot sell to the general public that he can only sell to a retail store or another cultivator or processor.

Interested Person Testimony Closed

MOTION: To approve CU2017-020 for a marijuana product manufacturing facility, limited on with three (3) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval by Mr. Billingsley and seconded by Ms. O’Neall.

Discussion on the Motion

Mr. Billingsley stated that some of the concerns raised were a general opposition to drugs and the related crimes, but marijuana has been legalized and there is extensive security requirements under State law and regulations, and Staff determined traffic would not be impacted significantly, rather there could be potentially less than when there was a community sponsored agriculture program out there, so it seems an appropriate area for a manufacturing facility to be located.

Mr. Perreault stated he would be voting in support of this and agreed with Mr. Billingsley’s comments with the exception that he does not believe there is associated crime with this facility.
and pointed out that the paraphernalia Mr. Deivert brought was a needle which has nothing to do with the legal marijuana trade in Alaska. He further stated that Mr. Emers has shown compliance with the law in letter and spirit and there is no reason to object to proceeding with his permit.

Ms. Presler stated that Staff did a good job of documenting that there are adequate public facilities for this operation, and Mr. Emers has stated he does not anticipate an increase in number of employees that would increase traffic and felt it may actually decrease. She further stated that it does meet the intent of the land use plan and economic development goals and for these reasons she is also in support.

Mr. Billingsley wanted noted, there is an on-site well and sewage holding tank, it is served by the Goldstream Fire Service area and Livingston Loop is served by the Becker Ridge Road Service area, it has adequate on-site parking, the associated use (farm) is consistent with the designated zoning, the stormwater seems to be under control, the “no odor” is dealt with by the conditions, the noise is not going to be a major concern, and the lighting is handled.

Ms. Wendy Doxey requested discussion from the Commission on Condition No. 2 regarding odor. She stated she heard that odor actually may not be a concern for this facility, so if a condition is going to be imposed she requested a record be made addressing that issue.

Mr. Billingsley responded that it appeared odor would not be a concern because there will be a filter on the processing facility.

Ms. Doxey indicated her understanding from the Staff is that the proposed filters would mitigate the impact from the manufacturing facility itself, but that the outdoor facility is producing odors, and that the odor from the manufacturing facility are not necessarily a concern beyond the odors already being produced by the zoning permitted cultivation facility.

Ms. Presler responded that she understood Mr. Emers to say that in the insulated connex building and ATCO unit there would be some odor mitigating filtration system installed and she believed the Commission could not consider the outdoor cultivation since it is already permitted and being monitored by the State and for this particular permit, the manufacturing facility is the only issue.

Ms. Doxey stated that when a condition is imposed, the concern needs to be identified and that the condition addresses that concern. She indicated that discussion was needed on what odor concerns are being addressed from the manufacturing facility.

Mr. Billingsley stated the concern is that the manufacturing facility is going to produce odor and believes that the filter is going to mitigate that odor.

Ms. Presler elaborated that the odor produced could be from the extracting of the resin and oils.

Mr. Billingsley interjected with “production of the hash”.

Ms. Presler further stated “production of the hash” and that those are the types of odors the Commission is concerned with, but Mr. Emers has a plan in place to install an odor filtration system that can handle any odor.
Mr. Muehling stated that “the testimony was ice-water hash processing, press and dried and
rasin extraction to get oil”.

ROLL CALL

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

Zero (0) Opposed:

MOTION PASSED

The meeting recessed at 6:55 p.m., and reconvened at 7:05 p.m.

2. CU2017-021: A request by Haley Essig DBA Thirdstate on behalf of Green Diamond Properties, LLC for conditional use approval of a marijuana cultivation facility, indoor large in
the General Use 1 (GU-1) zone on Tract A, White Firehood Subdivision (located at 200
Pheasant Farm Road, on the east side of Pheasant Farm Road, south of Chena Hot Springs
Road)

3. CU2017-022: A request by Haley Essig DBA Thirdstate on behalf of Green Diamond LLC
for conditional use approval of a marijuana cultivation facility, outdoor limited in the General
Use 1 (GU-1) zone on Tract A, White Firehood Subdivision (located at 200 Pheasant Farm
Road, on the east side of Pheasant Farm Road, south of Chena Hot Springs Road).

OATH GIVEN

Mr. Singh presented his report and presentation on CU2017-21 and CU2017-022.

Questions from Commissioners

Mr. Billingsley requested Mr. Singh go back over the site plans again.

Mr. Singh stated that the two boxes show the extent of the two site plans; the house and the
indoor building with the driveway, and then on the southside of the driveway is the proposed site
of the greenhouse.

Mr. Billingsley asked for confirmation that the greenhouse is right before you get to the house.

Mr. Singh responded affirmatively. He further indicated that coming from Pheasant Farm Road,
the driveway begins and then there is the outdoor cultivation greenhouse where there is
potential parking.

Mr. Billingsley asked for the dimensions of the greenhouse.

Mr. Singh replied that the outdoor greenhouse is 100’ x 30’ and the existing indoor building is
60’ x 40’, but they are adding an additional 42’ x 40’ to the indoor building.
Mr. Muehling stated that site is not covered by a fire service area, however, the conditions proposed requires them to have adequate fire and safety capacity. He requested that Mr. Singh define adequate and is that a requirement.

Mr. Singh replied that the Borough does not have any fire code, rather the State Fire Marshal has jurisdiction to enforce the fire code outside the City of Fairbanks or City of North Pole. He related his conversations with the Fire Marshal’s Office. He further stated that Staff does not have any expertise and they have previously deferred to the State Fire Marshal for fire safety issues, and it is his belief that the Applicant is taking measures to follow DNR’s “firewise” practices and other measures to protect their property, so that was deemed adequate by Community Planning Staff.

Mr. Muehling asked if the definition for “adequate” come from DNR and the fire code.

Mr. Singh responded that the word “adequate” is not defined in code and different agencies might have opinions, but it is Community Planning’s criteria and the way it has been interpreted in the past that Community Planning has relied on the Fire Marshal’s opinion. He further stated that being in a fire service area is not an approval criteria for the Fire Marshal. He summarized that if the Fire Marshal gives a “go ahead” to the property, Community Planning has previously called that adequate.

Mr. Perreault asked what other active properties are on Pheasant Farm Road.

Mr. Singh responded that there are a lot of trees along the road, so it was difficult to tell, but from the aerial image there were dwellings and vacant parcels (pointed to them on the screen).

Mr. Perreault asked if the one to the southeast is accessed from Baseline Road.

Mr. Singh responded affirmatively.

Mr. Perreault stated that the road is not served by a road service area, but is maintained by the users.

Mr. Singh responded affirmatively.

Mr. Billingsley queried about the condition requiring that the outdoor operation be equipped with an appropriate-sized odor filtration system to minimize the marijuana odor, and asked if there is a table that is going to be relied upon to determine what is appropriate.

Mr. Singh explained there is no table, but that the Applicant would install a filtration unit at each vent in the greenhouse.

Mr. Billingsley questioned whether the Borough is concerned on how it is going to enforce that condition.

Mr. Singh replied that based on how the condition is written, as long as they have filtration systems on each vent location, it will be deemed adequate by the Borough, since is not necessarily a quantifiable measurement.
Applicant’s Presentation

Ms. Haley Essig pointed out to the Commission that they are going above and beyond what is required for fire mitigation and are following DNR’s “firewise” practices which includes landscaping, they have also called the Steese Fire Department and were informed that they would respond if someone were trapped in a burning building, and Steese Fire Department recommended the 50 gallon barrels. She stated that they would like to get approved without the odor mitigation condition and deferred to Mr. Solie to further expand on the basis for removing that condition.

Mr. Eric Solie clarified it is the odor mitigation of the greenhouse and not the indoor facility. He explained that the greenhouse is 3,000 square feet and consists of two forty-eight inch exhaust fans on the east end of the greenhouse and the intake is on the west end and consists of large louvers which are controlled by a computerized system that monitors the temperature, humidity, and carbon dioxide levels. He stated that each exhaust unit is capable of 21,000 cubic feet per minute of air flow. He further explained the common practice of mitigating odor using carbon filters and air exchange and stated it would be cost prohibitive to eliminate the odor and questioned what odor minimizations would be considered sufficient, and at this point, requested condition number 2 be removed since it does not appear there is a clear answer as to what would be adequate.

Ms. Essig added that they have spoken with all their neighbors on touching property and all understand there will be odors.

Mr. Solie stated their neighbors are here to speak in favor of their operation.

Questions from Commissioners

Mr. Whitaker asked if the State has a requirement for mitigating the odor in outdoor grow operations.

Mr. Solie replied that they do not and that an outdoor farm is considered an outdoor cannabis cultivation facility and there is not a technologically feasible way to eliminate the odor. He further mentioned that the greenhouse is located at the southern end of the property, and wind directions are north/northeast, so for the majority of the time, the odor would be disbursed over their 40 acre property, and the greenhouse would only be operational during the summer and fall, and tends to only smell during harvesting season.

Mr. Peterson questioned that the request is for an outdoor grow, but it is an indoor greenhouse, so wondered how they got that definition.

Ms. Essig responded that after discussion with Mr. Singh, and that while the material of the greenhouse is not odor permeable, the vents will be, and because of that it is considered an outdoor grow.

Mr. Billingsley requested input from Ms. Doxey.

Ms. Doxey stated that Title 18 defines marijuana cultivation facility, outdoor limited, and read the relevant portion.
**Mr. Muehling** asked what expertise were relied on to determine the filtration system for the indoor operation.

**Mr. Solie** responded that cubic feet per minute are the primary consideration, and an appropriate-sized carbon filtration system for the indoor will enable them to contain all odors.

**Mr. Muehling** asked what the purpose of the airflow is.

**Mr. Solie** responded that it ensures that temperature, humidity, and carbon dioxide levels are kept at an optimal range for growth.

**Mr. Muehling** questioned that the Applicant could not afford an adequate carbon filter system for the amount of airflow required to keep that sized greenhouse cool.

**Mr. Solie** replied that the cost would be prohibitive.

**Mr. Muehling** asked what if this were two greenhouses instead one, does that change the equation.

**Mr. Solie** stated he was not sure.

**Mr. Guinn** asked how many water gallons per minute are they going to be able to pump.

**Mr. Solie** indicated he does not have the number of gallons per minute, but for the fire mitigation, he stated they would comply.

**Mr. Guinn** expressed concern about water on hand to combat the fire, and stated relying on a well to provide that amount of water is not the smartest thing to do, and stated his curiosity if it would be pumped into tanks to have it available.

**Mr. Solie** replied that they will have reservoirs on hand that are used for feeding the plants; 100’s of gallons, and depending on what the State Fire Marshal states regarding water on hand, they will comply with those requirements.

**Mr. Guinn** stated that some of the rural fire departments have buried 10,000 gallon tanks around the Borough and their ISO has been lowered for that particular area. He further stated that 10,000 gallons has been a common number for putting out a structure fire.

**Ms. Essig** stated that they are trying to be proactive and training all their employees in incipient fire training, will have 11 fire extinguishers on site, and two 55 gallon barrels to mitigate the fire spreading; however, employees will evacuate the building.

**Mr. Singh** asked the Applicant if he believed that putting carbon filters on each vent of certain size would reduce the odor that the greenhouse would produce without any carbon filters at all.

**Mr. Solie** responded affirmatively.

**Mr. Billingsley** asked Planning Staff how the issue of odor gets resolved.

**Mr. Singh** responded that Community Planning lacks expertise on air filtration, but would recommend consulting a filtration or HVAC expert, and that the Department’s intent is not to
completely eliminate the odor since it is “outdoor”, but to minimize it for neighbors in close proximity.

Mr. Perreault questioned Mr. Singh, and identified that the application is for a greenhouse, but if it were truly outdoor, there would be no limit put on odor.

Mr. Singh replied that that is correct, but there would be other considerations, however, there would be no condition related to odor.

Mr. Perreault asked if there are other permits similar to this one where it is listed as an outdoor, but is inside a vented greenhouse.

Mr. Singh responded affirmatively that the very first permit which came before the Commission was an indoor and outdoor, which was approved, and required an appropriately sized filtration system, but that the language used today, is that no odor shall be detectable outside the building which came into effect after the Commission had heard four or five cases.

Mr. Perreault clarified that that is for an indoor facility.

Mr. Singh replied that it was for all cultivation buildings and, in that conditional use, there were some indoor building and outdoor greenhouses, but the conditions that were written were the same; appropriately sized air filtration systems.

Mr. Perreault stated that the permit is for an outdoor grow, despite it being inside a building, the building being wide open is treated as an outdoor grow, but if the roof was off of it other conditions would apply, but odor would not.

Mr. Singh replied that was correct, and given the situation, the Department’s interest was to minimize it to protect the health, welfare, and safety of the neighbors.

Interested Person Testimony Opened

Ms. Sherry Meierotto stated she has resided at her property since 1998 which is 2,300 feet from the property (not adjacent) and in general, is not opposed to medical marijuana. She detailed her concerns/questions:

- Young children in the neighborhood and noxious fumes not being adequately taken care of with filters.
- The element of crimes in Two Rivers - burglaries, thefts, murders, etc., and security measures in place for those Two Rivers residents who cruise around looking for an easy break in and finding it an easy target.
- Increased traffic of a criminal nature.
- Fire safety – her house burned down a few years ago, no fire service response and DNR will not fight actual fire
- Lack of familiarity with road conditions – Pheasant Farm is bad and sometimes impassable which drives people to other roads.

Mr. Perreault inquired who uses Pheasant Farm Road other than the two properties in the purple square and next to the purple square.
Ms. Meierotto replied that there is a large amount of traffic and she does not know what they are accessing, some are from the Peonies Farm, but unsure who they are or where they are going.

Mr. David Russell introduced himself and provided his address, and indicated he has the 40 acres of the 80 acres track and operate it is a Peonies Farm.

Ms. Presler asked Mr. Russell if he received a Dear Property Owner letter.

Mr. Russell indicated that he was not aware of receiving one.

Ms. Presler inquired if the property is in his name or his wife’s name.

Mr. Russell stated that it is in both their names, and stated that they are the adjoining property.

Ms. Presler found Mr. Russell to be an interested party as he is the owner of the property which lies within the shaded blue area.

Mr. Russell advised that he operates one of the largest peony operations in the state on the 40 acres just south of the property in question. He stated he shares the common driveway that cuts from Pheasant Farm to Baseline and through the corner of Applicant’s property, and has been in discussions with Applicant to improve the driveway and Pheasant Farm itself, and neither have retail businesses, so neither will increase traffic. He further indicated that his property is also a grow operation in that he grows peonies, and part of the fertilizer waste the Applicant discards, may be able to be used in his operation, and stated his shock on the odor discussions. He stated their property is in the middle of nowhere, and he has no concerns about the odor since they are not in a residential area, and stated his use of fish meal and manure. He stated his belief that the 24/7 occupancy at the proposed property is encouraging for the area to combat crime.

Questions from Commissioners

Mr. Muehling stated that not all odors are created equal and people smell things differently, so asks how he would respond to someone who says fish meal smells okay; marijuana doesn’t.

Mr. Russell stated he is surprised by that, and stated “frankly, fish meal stinks”, and further stated that the odor level achieved by plants in the greenhouse is not going to come anywhere near his fertilizing with fish meal a few times a year.

Interested Person Testimony Closed

Rebuttal by Applicant

Ms. Essig stated they would have someone living on site 24/7 and hopes that will decrease the crime in the area, in addition, will meet the state requirements for lighting and recording cameras around the facility and greenhouse.

Mr. Solie stated that they dropped off business cards at neighboring properties and apologized for having missed Ms. Meierotto’s property. He stated that they have been in contact with a couple of neighbors concerning upkeep of Pheasant Farm Road and is meeting with a local contractor to have Pheasant Farm Road graded.
Questions from Commissioners

Mr. Billingsley inquired if they are Green Diamond

Ms. Essig responded that Green Diamond is the landowner.

Mr. Billingsley queried who would be sleeping on the property.

Ms. Essig responded that it would be an employee; a manager essentially.

Mr. Billingsley questioned if they would be leasing the land and running the business.

Ms. Essig responded affirmatively.

Mr. Billingsley asked if it was a fully enclosed greenhouse.

Ms. Essig stated that there are no open sides or anything.

Mr. Billingsley inquired if it was odor permeable.

Ms. Essig replied that the material is not odor permeable (the actual plastic material).

Ms. Billingsley indicated he noted that from an email to Staff, that the odor permeable part of it would be the “vents”.

Mr. Solie responded affirmatively and stated it would be the louvers that stretch the entire width of the structure on the west side and are not odor tight as they are somewhat open.

Mr. Billingsley inquired if the west end was one of the long or short ends.

Mr. Solie replied that it is one of the short ends.

Mr. Billingsley reiterated that it is on the short ends, and on the other end are the fans.

Mr. Solie interjected is “two big fans that are pulling/pushing”.

MOTION: To approve CU2017-021 for a commercial marijuana cultivation facility, indoor large with four (4) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval by Mr. Billingsley and seconded by Mr. Perreault.

Discussion on the Motion

Mr. Perreault stated he supports this permit as it is clear from the application and testimony that there is an adequate plan is in place to maintain the safety of the operation and are prepared for being outside a fire service area.

Ms. Presler indicated her concurrence with Mr. Perreault, and stressed that both testimony from Ms. Meierotto and correspondence from Steese Volunteer Fire Department; indicate that in the
event of a fire that spreads to land or trees, they would support the firefighting effort and mitigate spreading to a forest fire.

Mr. Muehling stated his belief that the odor issues are being adequately addressed for the structure.

Ms. Doxey advised she has serious concerns of the legality of the conditions imposing the fire practices, and if imposed, a record needs to be developed that demonstrates what about that particular use at that particular location is posing a land use impact to surrounding property owners that justifies the condition, and also, is the condition the least impactful condition to address whatever concerns have been identified.

Ms. Presler clarified it is condition number 3, and read the condition. She stated her belief that the condition may have come about by the Applicant volunteering to address concerns Staff may have had and stated her understanding that Ms. Doxey's concern with imposing it as a condition because this condition may not have been imposed for a similar facility.

Ms. Doxey indicated she is not concerned that it may not have been imposed for a similar facility, rather what is it about this facility that justifies imposing this condition from a land use impact perspective.

Mr. Perreault stated that from the concerns he has seen and heard is that structure fires are not going to be put out, and in order to protect wildfires or brush fires from developing and potentially spreading to other properties, that this is a reasonable condition to impose on a facility that is outside a fire protection area in order to keep other property owners from bearing the burden of mistakes or accidents made on that property.

Ms. Doxey inquired as to how the risk for this use at this property is different than say the Peony Farm to the south.

Mr. Perreault stated he doesn't believe the Peony Farm uses electric lights or greenhouses; its an outdoor operation.

Ms. Doxey stated she doesn't need discussion on the Peony Farm operations, rather discussion on this use, at this location, identifying the danger/risk being addressed specific to this property.

Mr. Perreault observed that any building that uses electricity runs the risk of having a fire at some point whether it is a residence; grow facility or any other commercial operation.

Ms. Doxey indicated that if that is true, then the way we address things like that is through legislative changes, but when we are in a conditional use format, we need to be looking at the risk posed by this use, at this location; a narrower focus.

Mr. Perreault stated he isn't trying to change legislation and that typically they have coverage from a fire service area, but since this lies outside it; it cannot be required, so alternatively, it is being required that they take steps to ensure their neighbors are protected in case there is a fire.

Ms. Doxey stated that if the Commission believes every marijuana facility outside a fire service area needs to have fire protection because every marijuana facility poses some risk, then that
needs to be done through a legislative change, versus addressing herein what is different about this use that causes some risk that is trying to be addressed.

Mr. Billingsley interjected that he would be okay with giving up the condition.

Ms. Presler stated that she is also leaning towards Mr. Billingsley’s idea because she is not sure that the risk poses any (interrupted).

Mr. Perreault interjected that he felt it is a completely reasonable thing to ask, not just of this, but of every other one, and since he cannot change legislation right now, remove it in order to proceed.

Mr. Peterson stated he would be more in favor of imposing something upward of 10,000 gallons in a holding tank and believes having this facility there is a fire risk with employees working outside of fire protection, 20+ miles from town, presents a risk to employees, and to surrounding areas.

Ms. Presler questioned the risk, and gave an analogy that if it were a gift shop, would we be imposing the same conditions.

Mr. Peterson stated Chena Hot Springs as an example, and believes a requirement exits for a sprinkler systems and all kinds of things in place, so questioned the difference.

Ms. Presler stated that that is a high occupancy building.

Ms. Doxey & Ms. Presler both indicated that that would be a Fire Marshal issue and not a Borough regulation.

Ms. Presler detailed the need to establish that this particular type of use creates an increase fire risk, and asked what part of it does.

Mr. Muehling stated that there are times when access to this property is difficult with two roads available to the property and affects the fire risk.

Ms. Presler responded that that impacts the neighbor too; and if the neighbor doesn’t have to do it why do they.

Mr. Peterson indicated it is because they are a commercial business.

Ms. Doxey stated that in the Staff Report there might be some concerns with humid conditions with electricity, so if the Commission is concerned then that needs to be discussed if that is the risk.

Mr. Perreault stated that he would much rather strike the requirement then imposing conditions that have not been imposed even for higher risk uses. He further stated that the Applicant is aware of the risk and they can make their choices accordingly.

Mr. Guinn stated that their insurance agent would be out to inspect and if there are problems they will either get insurance or not.
Ms. Presler stated it might be a self-regulating situation that the Commission does not need to be involved in.

MOTION: To strike condition number 3 from the Conditional Use Permit by Mr. Perreault and seconded by Mr. Billingsley.

ROLL CALL (Motion to Strike)

Nine (9) in Favor: Ms. O’Neall, Mr. Billingsley, Mr. Stepovich, Mr. Perreault, Mr. Brandt, Mr. Muehling, Mr. Guinn, Mr. Whitaker, and Ms. Presler

One (1) Opposed: Mr. Peterson

MOTION PASSED

ROLL CALL (Main Motion CU2017-021)

Nine (9) in Favor: Mr. Stepovich Mr. Perreault, Mr. Brandt, Mr. Muehling, Mr. Guinn, Mr. Whitaker, Ms. O’Neall, Mr. Billingsley, and Ms. Presler

One (1) Opposed: Mr. Peterson

MOTION: To approve CU2017-022 for a commercial marijuana cultivation facility, indoor large with four (4) conditions, and adopting the staff report and three (3) Findings of Fact in support of the approval by Mr. Muehling and seconded by Mr. Whitaker.

MOTION: To strike conditions 2, odor filtration, and 3, firewise landscaping practices, by Mr. Perreault and seconded by Ms. Presler.

Discussion on Motion to Strike

Mr. Perreault stated it does not make sense to impose a condition to remove odor, particular in a rural area, because if the greenhouse did not have a top, odor mitigation would not be an issue. He further stated that the “firewise” landscaping practice in condition 3 is best summed up in the previous motion discussions.

Mr. Billingsley indicated that there might be in issue with the definition of marijuana cultivation facility, outdoor limited, because this is limited to buildings that do utilize odor permeable materials and this structure does not have odor permeable materials, but has louvers at one end, and when closed, it is not an outdoor facility at all. He further stated that Mr. Perreault’s justification for getting rid of the odor condition that they are in the middle of nowhere could apply to the indoor facility too.

Mr. Perreault interjected that it’s primarily because it is listed as an outdoor facility.

Mr. Billingsley questioned why we are concerned about the odor escaping the indoor facility.

Mr. Perreault replied that the indoor facilities are commonly in more populated areas.
Mr. Billingsley questioned why worry about that.

Mr. Perreault responded that it falls within one definition. He further stated that the outdoor one is loosely defined, and stated his belief that odor control should be a condition.

Mr. Billingsley questioned that one of the conditions passed in the previous permit was that they had to control the odor coming out of the indoor facility, so trying to determine what the guiding principle is.

Mr. Perreault stated that an outdoor one should not have that condition.

Mr. Peterson stated that the difference is that if it was outdoors it would just be outdoors and would not have high-powered fans which may move the air a lot further than if it was a grow in a field. He stated his agreeance to removing the fire plan, but feels the odor filtration should remain.

Mr. Muehling stated he would be fine with removing the “firewise” landscaping practices, and while a filter will never completely remove the odor, in past practices the Commission has affirmed that an effort is necessary to remove odor from these facilities.

Mr. Billingsley inquired if legal has advised if this qualifies as a marijuana cultivation facility, outdoor limited, especially the odor permeable portion.

Ms. Doxey responded that this issue has not been discussed as a group in the legal department, and stated her interpretation.

Mr. Brandt stated that the definition says odor permeable materials; the materials of the louvers are not completely permeable because they do not seal.

Ms. Doxey indicated that that might be a highly technical distinction.

Mr. Perreault stated everyone’s agreeance that the greenhouse is a structure and if you are inside the greenhouse you are indoors.

Mr. Billingsley stated that if it really is a marijuana cultivation facility, outdoor limited, it could be rejected because the Applicant applied for the wrong permit, and ask Community Planning to re-evaluate it.

Ms. Doxey interjected the Commission could ask for an amended application be brought before them.

Mr. Billingsley stated he is not opposed to this operation, rather questions the regulation.

Mr. Muehling sought to have Mr. Perreault take the two conditions one at a time.

MOTION: To withdraw the Motion to Strike by Mr. Perreault and seconded by Mr. Billingsley.

CARRIED WITHOUT OBJECTION
MOTION: To strike condition 3, firewise landscaping practices, by Mr. Perreault and seconded by Mr. Muehling.

ROLL CALL (Motion to Strike Condition No. 3)

Nine (9) in Favor: Mr. Billingsley, Mr. Stepovich, Mr. Perreault, Mr. Brandt, Mr. Muehling, Mr. Guinn, Mr. Whitaker, Ms. O'Neall, and Ms. Presler.

One (1) Opposed: Mr. Peterson

Ms. Doxey indicated that the odor condition, as written, may not be enforceable.

Mr. Perreault opined if it cannot be enforced, it should not be passed.

Mr. Muehling inquired if this is the language that has been passed in the past.

Ms. Doxey stated she did not have an example in front of her, but she has no recollection of past conditions recently with conditions such as “appropriately sized to minimum odor”.

Mr. Billingsley stated that in the past, they have most often dealt with indoor operations where they have to completely eliminate odor, but in this case it is to “minimize” it.

Ms. Doxey clarified that Staff had indicated they would interpret this condition to have been met as long as there were odor filtration systems at each venting location.

MOTION: To strike condition 2, odor filtration, by Mr. Perreault and seconded by Mr. Stepovich.

Discussion on Motion to Strike

Mr. Perreault stated his position that the application is for an outdoor grow operation and imposing odor restriction is not practical in the broadest terms and there is no ability to quantify what it would take to minimize odor.

Ms. Presler and Mr. Whitaker stated their support of Mr. Perreault’s Motion and reasoning.

Mr. Muehling discussed that he understands there is no way to eliminate the odor completely, but believes some effort is necessary regardless of the location, and worried that a precedent might be set. He further stated he would like to see filtration on all facilities.

ROLL CALL (Motion to Strike Condition No. 2)

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

One (1) Opposed: Mr. Muehling

MOTION PASSED
ROLL CALL (Main Motion)

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

Zero (0) Opposed:

MOTION PASSED

H. APPEALS

There were no appeals.

I. UNFINISHED BUSINESS

There was no unfinished business.

J. NEW BUSINESS

There was no new business.

K. EXCUSE ABSENT MEMBERS

L. COMMISSIONER’S COMMENTS

Mr. Whitaker asked if there was any way to schedule a tour of marijuana facilities.

Ms. Doxey responded that the Commission could arrange a tour and it would need to be publicly noticed, but cautioned Commissioners that they would not be able to consider that evidence for any particular quasi-judicial matter before it because potentially every facility is different.

Ms. O’Neall attended the FMATS meeting held on 7th and provided a summary of topics covered at the meeting.

M. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:49 p.m.
Public Hearing Notice for:
HP2017-005

McGrath Road Upgrade

HP2017-005 RSA Overview

Legend
- McGrath Road
- Permanently Closed Roadway
- Project Limits

0 1,000 2,000 4,000 Feet

FAIRBANKS
Dept. of Community Planning
Fairbanks North Star Borough
PO Box 71267
Fairbanks, AK 99707
STAFF REPORT

TO: Fairbanks North Star Borough Planning Commission

FROM: Donald C. Galligan, AICP
Planner IV – Transportation
Department of Community Planning

DATE: July 18, 2017

SUBJECT: HP2017-005 McGrath Road Updates: A request by the Department of Transportation and Public Facilities for local planning authority approval of the McGrath Road Upgrade project. This project proposes to upgrade approximately 2.9 miles of McGrath Road from Farmers Loop Road to the Old Steese Highway with a new surface and safety improvements like widened shoulders and guardrail improvements. This project is anticipated to require right-of-way acquisition.

I. GENERAL INFORMATION

A. Applicant: State of Alaska
Department of Transportation & Public Facilities
2301 Peger Road
Fairbanks, AK 99701

B. Location: McGrath Road from the Intersection with Farmers Loop Road, extending approximately 2.9 miles to the Old Steese Highway.

C. Right-of-Way Right-of-way acquisition required. These are partial lot acquisitions from approximately nine parcels.

D. Current Zoning: The roadway is primarily surrounded by Rural Agriculture-5, Rural Estate -2, Multi-Family and Rural Residential.

E. Comprehensive Plan: Perimeter Area

F. FEMA Flood Hazard: Flood Zone X: Not in a special flood hazard area

II. ANALYSIS

Current Conditions

McGrath Road is classified as a Major Collector. It is within the FMATS metropolitan planning area (MPA) and provides access to residential roads and the arterial network. The improvement extends from Farmer’s Loop Road approximately 2.9 miles to the north east to an intersection with the Old Steese Highway. The roadway forks prior its intersection with the Old Steese and currently has two 2-way intersections within 150 feet of each other on
Old Steese Highway. The improvement calls for the northernmost of these accesses to be closed. (See Figure 1). Currently the roadway is approximately 22 feet wide two-lane paved surface and has several substandard curves that will be straightened to a degree to improve safety on the road. (see Figure 2) On the western side of the road from Farmer’s Loop Road to Willow Grouse Road is a separated Bicycle/Pedestrian facility. (See Figure 3).

Figure 1—Project vicinity map.
Figure 2—Sharp curves will be slightly realigned to improve upon visibility and safety.

Figure 3—Existing separated Bicycle/Pedestrian facility on west side of road.
The average annual daily traffic count on McGrath Road is currently 2,000 vehicles per day, which is forecast to increase to 2,530 vehicles per day in 2025, and to 3,240 vehicles per day in 2045. Farmers Loop which is the western terminus of McGrath currently experiences approximately 5,280 AADT. (see Figure 4)

**Zoning**

There are four primary zoning districts that abut McGrath Road; they are Multi-Family (MF), Rural Residential (RR), Residential Estate-2 (RE-2), and Rural Agriculture-5 (RA-5). (see Figure 5) RR is the most prevalent, followed by RA-5, and finally there are a few pockets of RE-2, and one area of MF that also abuts the corridor. Of the 4 zones, MF is the most intensive allowing residential development on lots as small as 5,000 square feet. The area on McGrath Road designated MF has a conditional use Mobile Home Park on it. RR is a less dense residential zone with the minimum lot size being 40,000 square feet. RE-2 is less dense still, requiring a minimum lot size of 80,000 square feet. Finally RA-5 is least intensive with a minimum lot size of 160,000 square feet.

McGrath Road is surrounded by residential properties. RR is prevalent in the northern portion of the corridor and RA-5 is prevalent to the south. There is one area about the middle of the corridor that is classified as MF that has a number of mobile home lots. Finally there are two
areas of RE-2 that abut the corridor. One is in the central portion of the corridor around Rambling Road, and one is just south of the Multi-Family zone around Lanni Avenue.

**Figure 5**—Current zoning map

### Proposed Improvements

The primary goals are to enhance the structural integrity of the road, improve safety and extend useful service life. The existing facility has eleven feet or narrower lanes and little to no shoulders from beginning to the end of the project area. There is a mostly separated bicycle/pedestrian pathway from the beginning of the project at Farmers Loop to Willow Grouse Road.

The project will add 3 foot shoulders from Farmer's Loop Road to Willow Grouse Road and widen the road from Willow Grouse Road to the project’s end to provide a consistent 24 foot paved total top width to enhance safety.

Proposed improvements include:
• Reconstruct existing bicycle/pedestrian path, including realignment as needed
• Establish 3 foot shoulder for lower portion of corridor (Farmer's Loop to Willow Grouse Road).
• Replace, repair or clean existing culverts.
• Install new culverts.
• Construct mailbox turnouts where feasible.
• Reduce the number and severity of sharp curves in the alignment.
• Rebuild and pave driveways and aprons.
• Clear areas of obstructions beyond shoulders.
• Establish 24 foot paved total top width with a 1 foot shoulder for upper portion of corridor (Willow Grouse Road to Old Steese).

Figure 6—RSA service areas.
Typical Section(S)

The proposed typical section is a paved two-lane two-way roadway:

- 11 foot driving lanes
- 3 foot shoulders from the beginning of the project to Willow Grouse Road
- 1 foot shoulder from Willow Grouse Road to the end of the project and McGrath Wye
- 2% crowned cross slope
- Separated 11 foot bicycle/pedestrian path from the beginning of the project to Willow Grouse Road
- Variable foreslopes throughout project.

The proposed typical sections are shown in Figure 7.
Right-Of-Way Requirements

The acquisition of minor additional right of way will be required from several parcels. A total of 9 properties are affected due to utility relocation, and thin slivers of right-of-way are needed on the edges of lots to relocate utility poles. A right-of-way report is available in the appendix to see where the parcels are located and how much land is being purchased.

Temporary Construction Permits will be obtained for driveway reconstruction as needed.

If any right-of-way is needed from substandard sized lots as determined by zoning classification, a lot size variance will be required by FNSB. As presented, 4 of the 9 properties will need lot size variances.

Maintenance Considerations

McGrath Road is currently maintained by DOT&PF, and that is not expected to change with this project. Overall this project is anticipated to reduce maintenance costs. Maintenance will be affected by the following:

- Road reconstruction will reduce the patching/leveling efforts required to keep the surface drivable.
- Drainage improvement and slope flattening will help protect the embankment from water damage reducing maintenance effort.
- Construction of shoulders will reduce pavement spalling in the driving lanes reducing maintenance effort.
- Increased width will result in increased lane miles for snow plowing, however this added cost is anticipated to be balanced out by the improvements to the structural section and drainage, resulting in a net decrease in maintenance costs.
- Moving the primary entrance on Old Steese Hwy and removing the duplicate access point will result in fewer lane miles needing maintenance.

Utility Relocation & Coordination

Multiple utilities cross and run longitudinally along much of the project. Utility conflicts requiring relocation or adjustment include relocation of multiple utility poles, relocation of buried communication cable, and relocation or adjustment of telephone pedestals.

New locations and elevations of utilities will be coordinated with the proposed roadway improvements. Utility relocations may require the creation of a public utility easement and temporary constructions easements.

No betterment of utilities is anticipated.


A separated pedestrian/bicycle facility is present from McGrath Road’s intersection with Farmers Loop Road to the intersection of Willow Grouse Road. The existing bicycle/pedestrian facility is being reconfigured to provide a consistent offset to improve maintainability and provide a more consistent user experience.

The shoulders of McGrath Road are being widened to varying degrees throughout the complete corridor. In accordance with the Public Rights-of-Way Accessibility Guidelines (as directed by Section 5.1.1 of the AASHTO Guide for the Development of Bicycle Facilities, 4th Edition, 2012)
the grade of the separated multi-use path will not exceed the general grade of the adjacent McGrath Road. The path is contained within the highway right-of-way.

Safety Improvements

Safety improvements include:

- Rehabilitation of the road will remove heave and frost damage which will improve the driving surface.
- A continuous wider shoulder will provide more area for pedestrians and bicyclists to safely utilize the road.
- Guardrail will be replaced with compliant barrier and end terminals.
- Removal of existing sharp curves.
- Creating a consistent 5 foot separation between the path and roadway.
- Damage from ATVs will be fixed in the area between the roadway surface and the multi-use pathway.
- Removal of the duplicate access point will remove a section of 11% grade leading into a sharp curve.

Cost

The estimated cost for this project is as follows:

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<th>Category</th>
<th>Cost</th>
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<tr>
<td>Design</td>
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<tr>
<td>Utilities</td>
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<tr>
<td>Right of Way Acquisition</td>
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<tr>
<td>Construction</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>Total Cost of Project</td>
<td>$7,059,541</td>
</tr>
</tbody>
</table>

Staff Analysis

McGrath Road is a Major Collector and the improvements proposed are in line with a roadway of this classification.

The proposed improvements to McGrath Road will greatly benefit the residents along the roadway as well as the travelling public. As planned, the improvements are expected to make McGrath Road safer by increasing the width of the roadway surface by adding a 3 foot shoulder on each side of the roadway, upgrading guardrail where it is needed to improve safety, and improving the bicycle and pedestrian pathway making it safer and more uniform in its function. Adding shoulders to the roadway improves safety in several ways. First, it gives drivers an area to recover if they drift off the main portion of the roadway, second it provides greater clearance and sight distance to see animals that may be on or beside the road. This project will also improve the drainage of the road by reestablishing borrow pits and ditches and fixing or replacing culverts under intersecting roads and driveways. This project also improves safety for cyclists and pedestrians by realigning the separated pathway to be a uniform distance from the roadway surface, and improving the surface and drainage of the existing pathway.

This project is consistent with the FNSB Comprehensive Road Plan, which establishes McGrath Road as a major collector within the urban area. This project is consistent with the overall FNSB Comprehensive plan as well. The most pertinent portion of the plan that applies is Transportation and Infrastructure Goal 1, Strategy 1, Action C): “Ensure that road designs improve safety and minimize adverse impacts…Reduce wildlife
interactions...Integrate Pedestrian Friendly sidewalks and bike trails." Also, Action D) states: “Retain the Integrity of neighborhoods as the road network expands”. Strategy 3 states: “Make the Borough more pedestrian-friendly in urban and suburban areas and safer in rural and remote areas. Strategy 4 states: “Integrate safe Multi-use trail circulation into road networks and maintain multi-use trails for commuter and recreational purposes”. Action B) Encourage use of non-motorized transportation systems.

The upgrades and standardization of the separated pathway will improve safety, promote a pedestrian and bicycle friendly environment and further serve to integrate bicycle and pedestrian improvements into the roadway network.

This project is expected to improve safety by replacing areas of guardrail that have become functionally obsolete, as well as all the improvements cited above. It will eliminate several sharp curves and construct shoulders for the entire length of the project.

This area is designated as a Perimeter Area in the Comprehensive Plan. It has been developing as a perimeter area as expected. The improvements to McGrath Road will allow this area to continue its development as a designated perimeter area.

The FNSB Assembly has final local planning authority approval authority over this project because the project proposes right-of-way acquisition and closure of a road segment. This project has been scheduled as a “non-significant public hearing” agenda item before the FNSB Planning Commission in accordance with the Memorandum of Understanding (MOU) between the FNSB and DOT&PF. It is considered “Non-Significant” as there is expected to be little controversy in this action by DOT, and the vast majority of local property owners appear to consider this project as an improvement, overdue, and necessary.

Public involvement

The DOT held a public open house on March 31, 2015. In addition the FNSB Community Planning department sent out 690 DPO letters that also solicited comment. We received 6 letters back with written comments. Every letter received is in support of the project moving forward, and soon. We received one e-mail comment that was in support of the project as well, however they requested that the portion of McGrath Road proposed to be closed, remain open for bicycles and pedestrians.

III. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends that the Planning Commission recommend APPROVAL of HP2017-005 to the FNSB Assembly as being consistent with the Comprehensive Plan, adopting the staff report, and a resolution in support of HP2017-005.

IV. FINDINGS

The Department of Community Planning recommends adoption of the following Findings of Fact in support of conditional approval, as stated in the Fairbanks North Star Borough Regional Comprehensive Plan:

1. This project supports Goal 1, Strategy 1, Action C (“Ensure that road designs improve safety and minimize adverse impacts”) of the Transportation Section of the Fairbanks North Star Borough Comprehensive Plan.
This project is expected to improve safety by replacing areas of guardrail that have become functionally obsolete, as well as all the improvements cited above. It will eliminate several sharp curves and construct shoulders for the entire length of the project.

2. Goal 1, Strategy 1, Action D) states: “Retain the Integrity of neighborhoods as the road network expands”.

The expansion of McGrath Road will enhance safety in the neighborhoods it serves, as well as make better community connections possible by improving the Bicycle and Pedestrian separated pathway.

3. Strategy 3 states: “Make the Borough more pedestrian-friendly in urban and suburban areas and safer in rural and remote areas”.

Standardizing the Bicycle and Pedestrian pathway increases safety for the user and improves pedestrian connections within the area.


The improvement to the multi-use pathway enhances safe circulation into road networks and encourages use of non-motorized transportation.

V. ATTACHMENTS

Attachment A—ADOT&PF Design Study Report
Attachment B—ADOT&PF Preliminary Right-Of-Way Map
Attachment C – Received DPOs
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
& PUBLIC FACILITIES

RIGHT OF WAY MAP
Z628380000
McGRATH ROAD UPDATES

WITHIN SECTIONS 13, 24, AND 25 T. 01 N., R. 01 W., F.M., ALASKA
AND SECTIONS 18 AND 19, T. 01 N., R. 01 E., F.M., ALASKA
FAIRBANKS RECORDING DISTRICT
STATE BUSINESS, NO CHARGE
ATTACHMENT B

MCGRATH ROAD UPGRADE

Z628380000/0002300

STATE OF ALASKA
Department of Transportation and Public Facilities
NORTHERN REGION
March 2017
DESIGN APPROVAL

MCGRATH ROAD UPGRADE

PROJECT NO. Z62838000/0002300

Requested by: Lauren M. Little, P.E.
Engineering Manager
Northern Region

[Signature]
3/7/2017

Design Approval Granted: Sarah Schacher, P.E.
Preconstruction Engineer
Northern Region

[Signature]
3/8/2017

Distribution: NR Design Directive 16-02 Distribution
DESIGN STUDY REPORT
FOR

MCGRATH ROAD

PROJECT NO. Z628380000/0002300

PREPARED BY: Erik Brunner

UNDER THE SUPERVISION OF: Lauren M. Little, P.E.
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- **PAVEMENT DESIGN** .......................................................... Appendix C
INTRODUCTION/HISTORY

The Alaska Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration is proposing the McGrath Road Upgrades project.

McGrath Road services an area of subdivisions and trailer courts and connects the Old Steese Highway and Farmers Loop Road. McGrath Road was surfaced in 1968 and in 1980 saw a minor realignment and resurfacing project. In 2000 a detached bicycle/pedestrian facility was constructed from Farmers Loop Road to Willow Grouse road on the west side of the road.

Historically the two lane roadway has exhibited moderate to severe structural issues. These problems result in continual efforts from the Maintenance and Operations Section (M&O) to maintain the facility. Inconsistent to non-existent shoulders provide little refuge area for drivers to use in an emergency.

The project vicinity is shown in Figure 1.
Figure 1. Project Location and Vicinity Map
PROJECT DESCRIPTION
McGrath Road is situated within the Fairbanks North Star Borough north of Fairbanks, Alaska. The Beginning of Project (BOP) is at Coordinated Data System mile point (CDS MP) 2.8796 at Farmers Loop Road. The End of Project (EOP) is at CDS MP 0 at the Old Steese Highway. Mile points run opposite of as-built stationing.

The primary goals are to enhance the structural integrity of the highway, enhance safety and extend useful service life. The existing facility has nominal 11 foot or less lanes and little to no shoulders from BOP to EOP. There is a mostly detached pedestrian facility from the BOP to Willow Grouse Road. Culverts, driveways, and clusters of mailboxes are present throughout the corridor. Sideslopes vary throughout the project depending primarily on embankment height.

The project will add 3 foot shoulders from Farmer’s Loop Road to Willow Grouse Road and widen the road from Willow Grouse Road to EOP to provide a consistent 24 foot paved total top width to enhance safety.

Proposed improvements include:
- Reconstruct existing pedestrian path, including realignment as needed
- Establish 3 foot shoulder for lower portion of corridor (Farmer’s Loop to Willow Grouse Road).
- Replace, repair or clean existing culverts.
- Install new culverts.
- Construct mailbox turnouts where feasible.
- Reduce the number and severity of compound curves in the alignment.
- Rebuild and pave driveways and approaches.
- Clear embankment foreslopes and backslopes.
- Establish 24 foot paved total top width with a 1 foot shouldering detail for upper portion of corridor (Willow Grouse Road to EOP).

DESIGN STANDARDS

The design of this project is based on:
- State of Alaska, DOT&PF’s Highway Preconstruction Manual (PCM)
- AASHTO’s A Policy on Geometric Design of Highways and Streets, 2011 (Green Book)

DESIGN EXCEPTIONS AND DESIGN WAIVERS

A radius of curvature design exception will be prepared for the upper portion.

DESIGN ALTERNATIVES
Three initial design alternatives for the lower section of the road were brought forward.

These alternatives were constructing a 24 foot top and maintaining the existing detached path, constructing a 40 foot top and removing existing detached path and constructing a 30 foot top and maintaining the existing path.

Input from the materials sections after completion of investigative drilling resulted in an alternative typical section for the lower section of the project which widened the roadway about its existing centerline, realigned the existing pedestrian facility and filled/removed the existing ditch between the roadway and path.

A grade raise was suggested but slope flattening will be used to push water further from the structural section of the road.

Moving the path closer to the road will also increase the opportunity for effective water management between the path and right-of-way.

Currently McGrath Road continues on a steep and curved alignment to the Old Steese Highway, and another connection to the Old Steese Highway, along McGrath Road Wye exists. During the safety analysis for this project, it was proposed that McGrath Road terminate at McGrath Road Wye, and McGrath Road Wye would be the only connection to the Old Steese Highway. The roadway geometrics for McGrath Road Wye are less steep, and improved intersection sight distance can be provided by utilizing this route. The property adjacent to this section of roadway is undeveloped, as is the portion of McGrath Road that will be terminated. No property will be cut off from access to McGrath Road with this alternative.

**PREFERRED DESIGN ALTERNATIVE**

The preferred alternative for the lower section of the project is a 28 foot total top width consisting of two 11 foot lanes with 3 foot shoulders for the lower portion and construction of a separated pedestrian facility to replace the existing detached path. This widens the road symmetrically about the existing centerline for the majority of the project in as suggested in the projects geotechnical report. The upper portion of the project will be brought to a consistent 24 foot paved total top width consisting of two 11 foot lanes with one foot paved shoulders.

McGrath Road will be terminated at McGrath Road Wye, and McGrath Road Wye will be improved to have consistent top width matching the upper portion of McGrath Road and the intersection with the Old Steese Highway will be realigned slightly to improve sight distance.

**3R ANALYSIS**

Not applicable. This is a reconstruction project.

**TRAFFIC ANALYSIS**


A traffic analysis was not performed. Shoulders were added to both protect the travelled way pavement edge from raveling and to provide a space for cyclists choosing to use the roadway. The functional classification for McGrath Road is urban major collector, and traffic is anticipated to increase at a rate of 1.25% per year. Traffic values are:

<table>
<thead>
<tr>
<th>McGrath Road</th>
<th>Base 2012</th>
<th>Predicted 2025</th>
<th>Predicted 2045</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADT (2Way)</td>
<td>2150</td>
<td>2530</td>
<td>3240</td>
</tr>
<tr>
<td>DHV (11.4%)</td>
<td>245</td>
<td>290</td>
<td>370</td>
</tr>
</tbody>
</table>

HORIZONTAL/VERTICAL ALIGNMENT

The horizontal alignment between Farmers Loop Road and Willow Grouse will be shifted to the east where necessary to create clearance from the separated pedestrian path and existing compound curves will be removed. From Willow Grouse to the intersection with the Old Steese the alignment will be straightened to the extent practical and compound curves removed while remaining within the existing ROW.

McGrath Road currently intersects the Old Steese at two points. The existing primary access point will be closed and the portion of the road known as the “Wye” will become the only access point for the roadway. Minor horizontal realignment within the existing right of way will be necessary at McGrath Road’s intersection with the Old Steese to create a skew angle closer to 90 degrees at the intersection formerly known as the “Wye” with McGrath Road.

The vertical alignment throughout the project will primarily remain as existing with only minor grade adjustments anticipated. Abandoning McGrath Road from the McGrath Road Wye intersection east will remove an 11% grade leading into a substandard radius curve from the project.

TYPICAL SECTION(S)

The proposed typical section is a paved two-lane two-way roadway:

- 11 foot driving lanes
- 3 foot shoulders from BOP to Willow Grouse Road
- 1 foot shoulder from Willow Grouse Road to EOP and McGrath Wye
- 2% crowned cross slope
- Separated 11 foot pedestrian facility project left from BOP to Willow Grouse Road
- Variable foreslopes throughout project.

The proposed typical sections are shown in Figure 2.
McGrath Road Typical Sections
PAVEMENT DESIGN

Pavement design calculations for a 15-year design life were performed using the AFPD program and manual. Heavy vehicles consisted of 4.5% of total traffic volume with equivalent single-axle loads of 206,132. The pavement structure for the upper segment satisfies the requirements of the mechanistic design method and DOT&PF’s stabilized base policy.

The two proposed lower section pavement structures will consist of an insulated section and an un-insulated section dependent on subsurface conditions.

The insulated section will consist of:
- 2 inches of asphalt concrete
- 3 inches of Asphalt Treated Base (ATB)
- 8 inches of Subbase, Grading “F”
- 24 inches of Selected Material, Type “A”
- 8 inches of Subbase, Grading “F”
- 4 inches of insulation board
- Two 12 inch layers of Subbase Type “F” separated by Type 1 geotextile reinforcement fabric with Type 1 fabric placed at the excavation bottom

The un-insulated section will consist of:
- 2 inches of asphalt concrete
- 3 inches of ATB
- 8 inches of Subbase, Grading “F”
- 36 inches of Selected Material, Type “A”
- Two 12 inch layers of Subbase, Grading “F” separated by Type 1 geotextile reinforcement fabric with Type 1 fabric placed at the excavation bottom

Contingent of the granting of a stabilized base policy waiver, the upper segment section will consist of:
- 2 inches of asphalt concrete
- 6 inches of aggregate base course, grading D-1

PRELIMINARY BRIDGE LAYOUT

Not applicable. There are no bridges within the project limits.

RIGHT-OF-WAY REQUIREMENTS

The acquisition of minor additional right of way will be required from FNSB parcels TL-1322, TL-2429, TL-2412, TL-2410 and TL-2525.

Temporary Construction Permits will be obtained for driveway reconstruction as needed.
MAINTENANCE CONSIDERATIONS

McGrath Road is currently maintained by DOT&PF. Overall this project is anticipated to reduce maintenance costs. Maintenance will be affected by the following:

- Road reconstruction will reduce the patching/leveling efforts required to keep the surface drivable.
- Drainage improvement and slope flattening will help protect the embankment from water damage reducing maintenance effort.
- Construction of shoulders will reduce pavement spalling in the driving lanes reducing maintenance effort.
- Increased width will result in increased lane miles for snow plowing, however this added cost is anticipated to be balanced out by the improvements to the structural section and drainage, resulting in a net decrease in maintenance costs.
- Moving the primary entrance and removing the duplicate access point will result in fewer lane miles needing maintenance.

MATERIAL SOURCES

Material sources for this project will be contractor furnished; sufficient material in quantity and quality are available from private sources in the area.

UTILITY RELOCATION & COORDINATION

Multiple utilities cross and run longitudinally along much of the project. Utility conflicts requiring relocation or adjustment include:

- Relocation of multiple utility poles.
- Relocation of buried communication cable and relocation or adjustment of telephone pedestals.

New locations and elevations of utilities will be coordinated with the proposed roadway improvements. Utility relocations may require the creation of a public utility easement and temporary constructions easements.

No betterment of utilities is anticipated.

ACCESS CONTROL FEATURES

McGrath Road is not a controlled access facility. Common access is controlled by the driveway permit process.

PEDESTRIAN/BICYCLE (ADA) PROVISIONS

A separated pedestrian/bicycle facility is present from McGrath Road’s intersection with Farmers Loop Road to the intersection of Willow Grouse Road. The existing pedestrian facility
is being reconfigured to provide a consistent offset to improve maintainability and provide a more consistent user experience.

The shoulders of McGrath Road are being widened to varying degrees throughout the complete corridor.

In accordance with the Public Rights-of-Way Accessibility Guidelines (as directed by Section 5.1.1 of the Bike Book) the grade of the separated multi-use path will not exceed the general grade of the adjacent McGrath Road. The path is contained within the highway right-of-way.

SAFETY IMPROVEMENTS

Safety improvements include:
- Rehabilitation of the road will remove heave and frost damage which will improve the driving surface.
- A continuous wider shoulder will provide more area for pedestrians and bicyclists to safely utilize the road.
- Guardrail will be replaced with compliant barrier and end terminals.
- Removal of existing compound curves.
- Creating a consistent 5 foot separation between the path and roadway.
- Road foreslopes will be reconstructed removing several areas of significant over-steepening caused by ATV’s driving in the ditch between the roadway and multi-use path.
- Removal of the duplicate access point will remove a section of 11% grade leading into a substandard radius curve.

INTELLIGENT TRANSPORTATION SYSTEM FEATURES

Not applicable. There are no intelligent transportation system features within the project limits and none will be constructed.

DRAINAGE

The primary drainage pattern is southeast flowing off the hillside to the flats at its base and Isabella Creek which passes through Farmers Loop Road in culverts. Mean annual precipitation is 10.53 inches. The crowned roadway and separated multi-use path will shed water to both sides of the road and path, into ditches designed to convey the water down gradient through cross culverts and approach culverts. Poor functioning drainage in combination with foundation movement from geological and thermal processes has resulted in water being trapped in places on the ditch on the north side of the path embankment resulting in pooling. Drainage improvements include:
- Cleaning existing culverts
- Ditch reconditioning
- Culvert replacement
- Additional culvert installation
Post construction of drainage improvements, “Best Management Practices” (BMPs) will be implemented to reduce the potential for erosion of soil and other contaminants from storm water from entering waters of the United States. BMP’s will consist of:

- Permanent seeding

**SOIL CONDITIONS**

McGrath Road is located in the Yukon-Tanana Upland physiographic section of Alaska. The terrain consists of low mountains, plateaus and highland with summits from 1,000 to 5,000 feet above sea level.

McGrath Road generally consists of 0.1 to 1.0-feet of asphalt concrete over 3 feet of rounded alluvial fill mixed with sand and silt underlain by wind-blown loess with moisture content between 22 and 42%. Frozen soils were intercepted in several test holes.

McGrath Road multi-use path generally consists of 0.1 to 0.3- feet of asphalt concrete over 2 to 5 feet of well graded alluvial gravel with sand underlain by very loose loess. Groundwater was intercepted perched on seasonal frost and beneath the seasonal frost layers.

McGrath Road is located in the Continental Climatic Zone of Alaska. The climate is characterized by large daily and annual temperature variation, in addition to low precipitation, cloudiness and humidity.

The project area experiences an average of 13917 heating degree days and 58 cooling degree days for a 65 degree base temperature.

**EROSION AND SEDIMENT CONTROL**

The project will include an Erosion and Sediment Control Plan (ESCP). This plan will describe BMPs that may be used during construction and serve as a guide for SWPPP development.

The primary potential for erosion occurs where shoulders are widened, mailbox turnouts are constructed and new culverts installed. Embankment slopes will not be constructed steeper than 2:1. Slopes will be seeded to provide temporary and permanent erosion protection.

Perimeter control, inlet/outlet control at culverts, soil stabilization, construction scheduling and other measures as described in the ESCP will be used as appropriate to prevent or retain storm water runoff.

**ENVIRONMENTAL COMMITMENTS**

**PERMITS**- The following permits will be required:

- United States Army Corps of Engineers, section 404

**WETLANDS**- Mitigation for temporary and permanent impacts will be accomplished by in lieu fee payments.
There are no additional environmental commitments beyond compliance with permits and the contract for this project.

**WORK ZONE TRAFFIC CONTROL**

This project is not considered significant for traffic control per DOT&PF’s Policy and Procedure 05.05.015. Single lane through traffic will be maintained through the work zone, practical alternate routes will be maintained. Complete road closures are not anticipated.

**VALUE ENGINEERING**

This federally funded project does not meet the criteria for a Value Engineering (VE) analysis; McGrath Road is not a National Highway System route nor does the total cost exceed $50M.

**COST ESTIMATE**

The estimated costs for this project are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
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<tbody>
<tr>
<td>Design</td>
<td>$709,541.00</td>
</tr>
<tr>
<td>Utilities</td>
<td>$250,000.00</td>
</tr>
<tr>
<td>Right of Way</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Construction</td>
<td>$5,600,000.00</td>
</tr>
<tr>
<td>(Includes 15% Engineering)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Cost of Project</strong></td>
<td><strong>$7,059,541.00</strong></td>
</tr>
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</table>
APPENDIX A

DESIGN CRITERIA
AND
DESIGN DESIGNATION
## ALASKA DOT&PF PRECONSTRUCTION MANUAL
### Chapter 11 - Design
### PROJECT DESIGN CRITERIA

<table>
<thead>
<tr>
<th><strong>Project Name:</strong></th>
<th>McGrath Road Upgrade (Milepoint 0 to 1.073)</th>
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<tbody>
<tr>
<td><strong>Project Number:</strong></td>
<td>Z62838000/002300</td>
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<tr>
<td><strong>Functional Classification:</strong></td>
<td>Urban Major Collector</td>
</tr>
<tr>
<td><strong>Design Year:</strong></td>
<td>2040</td>
</tr>
<tr>
<td><strong>Design Year ADT:</strong></td>
<td>Present ADT: 595</td>
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<tr>
<td><strong>Design Vehicle:</strong></td>
<td>WB-40</td>
</tr>
<tr>
<td><strong>Directional Split:</strong></td>
<td>60-40</td>
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<tr>
<td><strong>Equivalent Axle Loading:</strong></td>
<td>74,850</td>
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<td><strong>Terrain:</strong></td>
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<td><strong>Width of Shoulders:</strong></td>
<td>Outside: 1-ft, Inside: 0-ft</td>
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<tr>
<td><strong>Cross Slope:</strong></td>
<td>2%</td>
</tr>
<tr>
<td><strong>Superelevation Rate:</strong></td>
<td>6% MAX</td>
</tr>
<tr>
<td><strong>Minimum Radius of Curvature:</strong></td>
<td>80-ft #</td>
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<tr>
<td><strong>Min. K Value for Vert. Curves:</strong></td>
<td>Sag: 49, Crest: 29</td>
</tr>
<tr>
<td><strong>Stopping Sight Distance:</strong></td>
<td>250-ft</td>
</tr>
<tr>
<td><strong>Lateral Offset to Obstruction:</strong></td>
<td>1.5-ft</td>
</tr>
<tr>
<td><strong>Bridge Width:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Bridge Structural Capacity:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Passing Sight Distance:</strong></td>
<td>550-ft</td>
</tr>
<tr>
<td><strong>Surface Treatment:</strong></td>
<td>T/W: Asphalt, Shoulder: Asphalt, Backslope: Vary (.25:1-10:1)</td>
</tr>
<tr>
<td><strong>Degree of Access Control:</strong></td>
<td>Driveway/Entrance regulations</td>
</tr>
<tr>
<td><strong>Median Treatment:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Illumination:</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Curb Use and Type:</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Bicycle Provisions:</strong></td>
<td>Lane/Shoulder</td>
</tr>
<tr>
<td><strong>Pedestrian Provisions:</strong></td>
<td>Lane/Shoulder</td>
</tr>
<tr>
<td><strong>Misc. Criteria:</strong></td>
<td>None</td>
</tr>
</tbody>
</table>

Shaded criteria are commonly referred to as the FWHA 13 controlling criteria. For NHS routes only, these criteria must meet the minimums established in the Green Book (AASHTO A Policy on Geometric Design of Highways and Streets). For all other routes, these criteria must meet the minimums established in the Alaska Highway Preconstruction Manual. Otherwise, a Design Exception must be approved.

Design Criteria marked with a "#" do not meet minimums and must have a Design Exception(s) and/or Design Waiver(s) approved. See the Design Study Report for Design Exception/Design Waiver approval(s) and approved design criteria values.
# ALASKA DOT&PF PRECONSTRUCTION MANUAL

## Chapter 11 - Design

## PROJECT DESIGN CRITERIA

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>McGrath Road Upgrade (Milpoint 1.073 to 2.867)</th>
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</thead>
<tbody>
<tr>
<td>New Construction/Reconstruction</td>
<td>[ ] 3R  [ ] PM  [ ] Other:</td>
</tr>
<tr>
<td>Project Number:</td>
<td>Z6283800000002300  [ ] NHS  [ ] Non NHS:</td>
</tr>
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<td>Functional Classification:</td>
<td>Urban Major Collector</td>
</tr>
<tr>
<td>Design Year:</td>
<td>2040  Present ADT: 2150</td>
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<tr>
<td>Design Year ADT:</td>
<td>3045  Mid Design Period ADT: 2560</td>
</tr>
<tr>
<td>DHV:</td>
<td>11.40%  Directional Split: 60-40</td>
</tr>
<tr>
<td>Percent Trucks:</td>
<td>4.00%  Equivalent Axle Loading: 206,000</td>
</tr>
<tr>
<td>Pavement Design Year:</td>
<td>2040  Design Vehicle: WB-40</td>
</tr>
<tr>
<td>Terrain:</td>
<td>Level  Number of Roadways: 1</td>
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<tr>
<td>Design Speed:</td>
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<td>Width of Traveled Way:</td>
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</tr>
<tr>
<td>Width of Shoulders:</td>
<td>Outside: 3-ft Inside: 0-ft</td>
</tr>
<tr>
<td>Cross Slope:</td>
<td>2%</td>
</tr>
<tr>
<td>Superelevation Rate:</td>
<td>6% MAX</td>
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<tr>
<td>Minimum Radius of Curvature:</td>
<td>340-ft</td>
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<tr>
<td>Maximum Allowable Grade:</td>
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<tr>
<td>Minimum Allowable Grade:</td>
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<td>Stopping Sight Distance:</td>
<td>250-ft</td>
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<tr>
<td>Lateral Offset to Obstruction:</td>
<td>1.5-ft</td>
</tr>
<tr>
<td>Vertical Clearance:</td>
<td>20' 6&quot; (utilities)</td>
</tr>
<tr>
<td>Bridge Width:</td>
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</tr>
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<td>Bridge Structural Capacity:</td>
<td>N/A</td>
</tr>
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<td>Passing Sight Distance:</td>
<td>550-ft</td>
</tr>
<tr>
<td>Surface Treatment:</td>
<td>T/W: Asphalt  Shoulders: Asphalt</td>
</tr>
<tr>
<td>Degree of Access Control:</td>
<td>Driveway /Entrance regulations</td>
</tr>
<tr>
<td>Median Treatment:</td>
<td>N/A</td>
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<td>Illumination:</td>
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<td>Curb Usage and Type:</td>
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<tr>
<td>Bicycle Provisions:</td>
<td>Separated path/ Shoulder</td>
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<tr>
<td>Pedestrian Provisions:</td>
<td>Separated path/ Shoulder</td>
</tr>
<tr>
<td>Misc. Criteria:</td>
<td>None</td>
</tr>
</tbody>
</table>

Shaded criteria are commonly referred to as the FHWA 13 controlling criteria. For NHS routes only, these criteria must meet the minimums established in the Green Book (AASHTO A Policy on Geometric Design of Highways and Streets). For all other routes, these criteria must meet the minimums established in the Alaska Highway Preconstruction Manual. Otherwise a Design Exception must be approved.

*Design Criteria marked with a "#" do not meet minimums and must have a Design Exception(s) and/or Design Waiver(s) approved. See the Design Study Report for Design Exception/Design Waiver approval(s) and approved design criteria values.*
## Station Name: McGrath Rd Noth of Frog Pond

**Combined Data**

|       | 0:00 | 1:00 | 2:00 | 3:00 | 4:00 | 5:00 | 6:00 | 7:00 | 8:00 | 9:00 | 10:00 | 11:00 | 12:00 | 13:00 | 14:00 | 15:00 | 16:00 | 17:00 | 18:00 | 19:00 | 20:00 | 21:00 | 22:00 | 23:00 | Total |
|-------|------|------|------|------|------|------|------|------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Fri 23 | 10   | 3    | 1    | 1    | 6    | 21   | 35   | 19   | 26   | 17   | 18    | 27    | 22    | 29    | 49    | 43    | 84    | 54    | 37    | 35    | 30    | 30    | 22    | 623   |
| Sat 24 | 16   | 14   | 6    | 8    | 2    | 0    | 13   | 8    | 19   | 27   | 24    | 28    | 46    | 38    | 40    | 50    | 42    | 44    | 38    | 38    | 29    | 32    | 23    | 22    | 607   |
| Sun 25 | 8    | 7    | 7    | 1    | 5    | 7    | 9    | 11   | 21   | 39   | 34    | 38    | 50    | 58    | 35    | 42    | 48    | 62    | 47    | 42    | 33    | 30    | 17    | 7     | 658   |
| Mon 26 | 4    | 3    | 2    | 0    | 3    | 10   | 20   | 37   | 24   | 17   | 23    | 19    | 36    | 24    | 25    | 34    | 38    | 51    | 49    | 40    | 53    | 28    | 17    | 3     | 560   |
| Tue 27 | 3    | 2    | 6    | 1    | 9    | 9    | 18   | 31   | 20   | 30   | 33    | 22    | 29    | 24    | 23    | 29    | 40    | 53    | 53    | 43    | 40    | 26    | 9     | 6     | 559   |
| Wed 28 | 9    | 5    | 4    | 0    | 4    | 10   | 22   | 27   | 26   | 23   | 20    | 33    | 25    | 22    | 18    | 30    | 43    | 76    | 52    | 48    | 41    | 17    | 17    | 8     | 580   |
| Thu 29 | 6    | 1    | 3    | 3    | 3    | 7    | 16   | 34   | 22   | 29   | 22    | 28    | 24    | 26    | 37    | 46    | 46    | 67    | 34    | 41    | 36    | 20    | 18    | 8     | 577   |

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<th></th>
<th>Percentage</th>
<th>Hour Totals</th>
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<td>56</td>
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<tr>
<td>Sat 24</td>
<td>0.84%</td>
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<tr>
<td>Sun 25</td>
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<td>33</td>
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<tr>
<td>Mon 26</td>
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<td>14</td>
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<tr>
<td>Tue 27</td>
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<tr>
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<td>76</td>
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<tr>
<td></td>
<td>100.00%</td>
<td>4164</td>
</tr>
</tbody>
</table>
TO: Ryan F. Anderson, P.E.,
Preconstruction Engineer
Northern Region

FROM: Judy Chapman
Planning Chief
Northern Region

DATE: December 16, 2013

FILE NO: I:\Traffic Data\DESIGN\2013\McGrath_62838.doc

TELEPHONE NO: 451-5150

SUBJECT: McGrath Rd Upgrade
62838/0002300
Design Designation

Please approve the attached updated design designation by signing the endorsement below which enables your staff to proceed.

Included in this package is raw volume data obtained from a special data request during the 2013 field season along McGrath Rd.

Any questions should be directed to Jennifer Anderson at 451-2257.

Ryan F. Anderson, P.E., Preconstruction Engineer

JCA/sgv

cc: Sarah Schacher, P.E., Engineering Manager, Northern Region
Jennifer Anderson, Traffic Data Manager, Northern Region

Attachment

<p>| Please circulate and return to |
| Traffic Data &amp; Forecasting Manager |
| Planning Manager (outside FNSB) |
| Planning Chief |
| Fairbanks Area Planner (FNSB) |
| Traffic &amp; Safety |
| Any changes, additions, or questions, |
| Please write on this sheet |</p>
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MEMORANDUM

TO: Judy Chapman  
Planning Chief  
Northern Region

THRU: Ryan F. Anderson, P.E.  
Preconstruction Engineer  
Northern Region

FROM: Sarah Schacher, P.E.  
Engineering Manager  
Northern Region

State of Alaska
Department of Transportation & Public Facilities
Northern Region Design and Engineering Services

DATE: November 20, 2013

FILE NO: \V:\Hwy\6048100\PS\E21DPR\DesignDesignationMemo-11-20-13

PHONE NO: 907-451-5129
FAX NO: 907-451-5126

SUBJECT: McGrath Road Upgrade  
62838/0002300  
Design Designation Request

Please provide a Design Designation for the subject project.

☐ Present AADT
☐ Design Year AADT (2045)
☐ Mid-Design Period AADT (2025)
☐ Design Hourly Volume
☐ Directional Split
☐ Percent Trucks
☐ Design Functional Classification
☐ Intersection Turning Movement Counts at:
☐ Other (Specify)

The project is scheduled for construction in 2018.

Please complete the attached Traffic Data Request Form.

Attachment: as stated

"Keep Alaska Moving through service and infrastructure."
**Traffic Data Request Form**

Alaska Department of Transportation & Public Facilities

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**Lane Configuration Sketch:**
(Designer: Provide sketch of lane layout. Number each lane and show directions.)

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Data Provided By: Scott Voelcker

Provider's Signature: [Signature]

Date Provided: 1/19/13

Figure 6-1. Traffic Data Request (TDR) Form
# Highway Log Report

**CDS Route:** 151400 Mcgrath Road * Fbks NSB (Internal Dup # 0)  
**Milepoint:** 0.000 to 2.867  
**General Direction:** Southwest

### Features Selected:
- [ ] Cross Streets  
- [ ] Mileposts  
- [ ] Bridges/Culverts  
- [x] Railroad Crossings  
- [ ] Buildings/Landmarks

### Attributes Selected

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**December 09, 2013**

http://www.dot.state.ak.us/hdpapp/download/RouteLog.html?jobId=10574  
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PF5 - SELECTION  PP10-NEXT STATION
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**PF1 - INQUIRY**  **PF2 - HELP**  **PF3 - QUIT**  **PF4 - TDS MENU**

**PF5 - SELECTION**  **PF10 - NEXT STATION**
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**Total:** 965

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**Percentages**
- Fri: 1.34%
- Sat: 0.84%
- Sun: 0.79%
- Mon: 0.34%
- Tue: 0.65%
- Wed: 1.18%
- Thu: 2.85%
- Fri 23 All Lanes: 4.39%
- Sat 24 All Lanes: 3.63%
- Sun 25 All Lanes: 4.56%
- Mon 26 All Lanes: 4.15%
- Tue 27 All Lanes: 4.47%
- Wed 28 All Lanes: 5.69%
- Thu 29 All Lanes: 5.14%
- Total: 6.72%

**Hour Totals**
- 0:00: 56
- 1:00: 35
- 2:00: 33
- 3:00: 14
- 4:00: 27
- 5:00: 49
- 6:00: 119
- 7:00: 183
- 8:00: 151
- 9:00: 191
- 10:00: 173
- 11:00: 186
- 12:00: 237
- 13:00: 214
- 14:00: 107
- 15:00: 280
- 16:00: 299
- 17:00: 427
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- 19:00: 289
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- Total: 4164
**Computations**

For: McGrath Rd. Design Designation

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ADT from short term count on McGrath N of Farmers Loop Rd. 1.25% growth rate used

- 13 yr factor: 1.17
- 53 yr factor: 1.51

DIV: 1.4%
- 2025: 290
- 2045: 370

Directional Split: 60-40

% Trucks 40' Class count from Skyline Rd used as base

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Sheet: 1 of 1 Sheets: 1
APPENDIX B

ENVIRONMENTAL DOCUMENT
(only include the signature page of the FONSI or ROD)
VII. Environmental Documentation Approval

3. For 6004 projects: The project meets the criteria of the DOT&PF Programmatic Approval 2 authorized in the November 6, 2012 “CE Directive – Delegation of Approval Authority for Certain CEs under 6004 MOU”. If yes, the CE may be approved by the Regional Environmental. If no, the CE may be approved by a Statewide NEPA Manager.

☐  ☒  ☐

4. For non-assigned projects: The project meets the criteria of the April 13, 2012 “Programmatic Categorical Exclusion for Use on Federal-Aid Highway Projects in Alaska” between FHWA and DOT&PF. If yes, the CE may be approved by the Regional Environmental Manager. If no, the CE may be approved by FHWA Area Engineer.

☐  ☐  ☐

VIII. Environmental Documentation Approval Signatures

Prepared by:  
[Sign] Environmental Impact Analyst 
[Print Name] Environmental Impact Analyst 

Reviewed by:  
[Sign] Engineering Manager 
[Print Name] Engineering Manager 

Approved by:  
[Sign] Regional Environmental Manager 
[Print Name] Regional Environmental Manager 

Assigned CE
Approved by:  
[Sign] DOT&PF Statewide NEPA Manager 
[Print Name] DOT&PF Statewide NEPA Manager 

Non-Assigned CE
Approved by:  
[Sign] FHWA Area Engineer 
[Print Name] FHWA Area Engineer
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APPENDIX D

PRELIMINARY PLAN AND PROFILE SHEETS
APPENDIX E

DESIGN EXCEPTIONS AND DESIGN WAIVERS
ALASKA DOT&PF PRECONSTRUCTION
DESIGN EXCEPTION/DESIGN WAIVER FORM

Type of Request: (select one or both)

☐ Design Exception (FHWA controlling design criteria only)
☐ Design Waiver (all other design criteria)

PROJECT INFORMATION:

Project Name: McGrath Road Upgrade
Project Number: Z628380000/002300
☐ NHS  ☑ Non NHS

Functional Classification: Urban Major Collector
Design Year: 2040
Present ADT: 595 vpd
Design Year ADT: 811 vpd
Mid Design Period ADT: 717 vpd
DHV: 11.4%
Directional Split: 60-40
Percent Trucks: 4
Equivalent Axle Loading: 74,850
Pavement Design Year: 2033
Design Vehicle: WB-40
Terrain: Mountainous
Number of Roadways: 1
Design Speed: 35
Posted Speed: 35
Operational Speed: 35

* If requesting a design exception for design speed, use the recommended not reduced design speed here. Further, any design which uses a design speed below the posted or regulatory speed limit should not be approved (Source: FHWA Supplement, Section 8. b. Application of Design Standards, Uniform Federal Accessibility Standards, and Bridges located here: http://www.fhwa.dot.gov/design/0625sup.cfm ). FHWA also recommends evaluating specific geometric element(s) and treating those as design exceptions instead of design speed.
**PROJECT INFORMATION:**

It is required that a location map, as a minimum, be provided with your package. It is highly recommended that other exhibits be provided to support your request. Exhibits may include typical sections, geometric details, correspondence from other sections, agency correspondence, etc.

1. *Design Exception requested for the following design criteria. Mark the criteria to be discussed:*

   - [ ] Design Speed
   - [ ] Lane Width
   - [ ] Shoulder Width
   - [ ] Cross Slope
   - [ ] Superelevation Rate
   - [x] Horizontal Alignment (minimum radius of curvature)
   - [ ] Vertical Alignment (minimum sag and/or crest K values)
   - [ ] Grade (minimum and/or maximum allowable grades)
   - [ ] Stopping Sight Distance
   - [ ] Lateral Offset to Obstruction
   - [ ] Vertical Clearance
   - [ ] Bridge Width
   - [ ] Bridge Structural Capacity

These 13 design criteria are commonly referred to as the *FHWA 13 controlling criteria*. For NHS routes only, these criteria must meet the minimums established in the Green Book (*AASHTO A Policy on Geometric Design of Highways and Streets*). For all other routes, these criteria must meet the minimums established in the *Alaska Highway Preconstruction Manual*. Otherwise a Design Exception must be approved.

*Design Waiver requested for the following design criteria.*

   - [ ] Other

   **Explain:**

Design Waivers are required for any design criteria, other than the *FHWA 13 controlling criteria*, which do not meet the minimums established in the *Alaska Highway Preconstruction Manual*.

2. *Provide a synopsis of the project scope (including purpose and need), the situation you are encountering, and the problem you are attempting to mitigate.*
This project will upgrade McGrath Road between Farmers Loop Road and the Old Steese Highway. Improvements for this portion of the project will include a consistent roadway and shoulder width and removal or minimization of compound curve severity where feasible. The project was initiated to reduce maintenance costs through improved pavement structure and improve safety where possible for bicycles and pedestrians. The existing road is narrow with no shoulder. There is an existing separated bicycle/pedestrian path along the southern portion of the corridor. The northern section has substantially less traffic volume due to decreased residential development. The pavement is worn and past its useful service life.

The northern portion of McGrath Road has sub-standard vertical and horizontal curves currently. Upgrading these deficiencies to new construction standards would result in significant impacts including probable relocation of property owners adjacent to the road.

3. Provide a concise written description of the proposed Design Exception(s)/Design Waiver(s). It is required to be specific in stating which design standard(s) is being requested to be excepted or waived and the location (either the entire project length or a station range). State the standard and proposed values of the design criteria exception/waiver citing AASHTO, Department, or other standards. Include the date of the design standard references cited. Whenever possible, reference AASHTO guidelines to support your design decisions.

A horizontal alignment design exception is proposed between station 105+00 and the EOP at the intersection with the Old Steese Highway. The AASHTO curve minimum radius for 6% superelevation rate is 340 feet. A design exception for a minimum radius of 80 feet is requested. The existing as-built best fit alignment contains a double compound curve with a 44 foot radius, this curve will be redesigned from a double compound curve to a curve with a minimum radius of 80 feet. There are three horizontal curves within the station range that have less than design minimum radius curves. These curves are located around Sta. 126+50, 150+00, 162+50. The current design proposes to generally maintain the existing alignment for this portion of the project.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Standard1</th>
<th>Proposed</th>
<th>Location (entire project or station range)</th>
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<td>PI Sta. 126+50</td>
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<td>PI Sta. 150+00</td>
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<tr>
<td>Horizontal Alignment</td>
<td>Curve min radius 340-ft</td>
<td>Curve min radius 80-ft</td>
<td>PI Sta. 162+50</td>
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</table>

1AASHTO, 2011 A Policy on Geometric Design of Highways and Streets
4. **Discuss the terrain in the area of the project and the proposed Design Exception(s)/Design Waiver(s).**

The terrain in the project area varies from rolling to mountainous. The terrain in the area of the proposed design exceptions is mountainous. These design exceptions are dependent on terrain as the roadway in this section is primarily a hillside cut with very limited existing right of way. See attached typical section for a graphic representation of these conditions.

5. **Discuss the traffic characteristics in the area of the project and the proposed Design Exception(s)/Design Waiver(s).**

Traffic in the area is a mix of commercial and local commuters. Design features for this project are based on a 35 mph design speed.

6. **Discuss the crash history of the project and the proposed Design Exception(s)/Design Waiver(s). State if any anomalies are present within the project limits.**

From 2006 to 2010 a total of 2 crashes occurred within the area of the proposed design exceptions. These crashes consisted of one ditch and one run off the road. The crashes consisted of one property damage only and one minor injury. Unsafe speed is listed as a factor in both crashes and it does not appear that roadway geometry contributed. The crash rate is 1.73 crashes per million vehicle miles traveled. By comparison, the crash rate for the southern portion of McGrath Road, where alignment geometry meets new construction standards, is 2.16 crashes per million vehicle miles traveled. There do not appear to be any anomalies present within the project limits.

7. **Discuss the degree to which a standard is being reduced, whether the exception/waiver will affect other standards, and are there any additional features being introduced, e.g., signing or delineation that would mitigate the deviation and the proposed Design Exception(s)/Design Waiver(s). Also, discuss if multiple Design Exceptions/Waivers are being requested in the same segment and if they will influence each other.**

The standard minimum radius for 6% superelevation with a 35 mph design speed is 340 feet. The northern portion of McGrath Road currently is substandard for horizontal alignment, and the proposed project will be an improvement over the existing geometry even with the proposed design exceptions. The design exceptions proposed are to best match the existing geometry where constrained by right-of-way and will not result in an inconsistent driving experience for this local collector.

The curve at PI Sta. 126+50 will be constructed with a radius of 280 feet which will allow roadway geometry improvement over the existing reverse curve into a 3 radius compound curve containing a 120 foot minimum radius while still remaining within the existing right of way.
The proposed minimum radius for PI Sta. 150+00 is 80 feet as part of an existing compound curve. The existing curve is a 3 radius compound curve with a minimum radius of 44-ft. The curve will be simplified to a curve with a minimum radius of 85-ft.

The current intersection of the Old Steese and McGrath Road has a 52 degree approach angle. In accordance with AASHTO intersection design guidance construction of an 80 foot radius curve (PI Sta. 162+50) will allow realignment of the approach to an 87 degree approach angle with no right-of-way impacts. This curve is in an approach to a stop condition. A stop ahead sign in addition to curve warning signs will be evaluated for warrants during detailed design.

Curve warning signs will be installed throughout the project to warn drivers of the reduced standards and bring the road corridor into compliance with current MUTCD signing standards.

8. Explain why the proposed Design Exception(s)/Design Waiver(s) is needed. (Provide supporting information as to why the minimum design criteria cannot be met. Substantiate reasons with facts, historical data, cost estimates, etc.)

The proposed design exceptions are needed to prevent the project excavation limits from extending beyond the existing right-of-way and onto approximately 22 private landowners. Right-of-way impacts associated with a major realignment necessary to meet new construction standards range from minor strip acquisitions to probable complete relocation of adjacent landowners. See the attached documents for a “test” realignment that features 340 foot minimum radius curves and the resultant catch lines and a spreadsheet itemizing additional project costs associated with construction of an alignment with no design exceptions.

9. Discuss the cost of the project and the proposed Design Exception(s)/Design Waiver(s). Provide information that reflects the cost with and without the Design Exception(s)/Design Waiver(s). Attach detailed cost estimates.

Meeting minimum design criteria would increase project costs by approximately $940,000 not including the cost of property necessary for the new right-of-way. These additional project costs also do not account for any costs associated with project delays caused by the need for significant additional right-of-way and property boundary survey necessitated by roadway realignment.
# Project Cost Summary

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<th>To Standards</th>
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<td>$5,600,000.00</td>
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Proposed Designer/Consultant: [Signature]  Date: 3-2-2017

Endorsed Engineering Manager: [Signature]  Date: 3/7/2017

Approved Preconstruction Engineer: [Signature]  Date: 3/8/2017

Concur – FHWA: ____________________________  Date: __________

FHWA concurrence required for high profile projects only.
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<th>ITEM</th>
<th>DESCRIPTION</th>
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Total Project Cost W/ Contingency, CE, and ICAP: $5,600,000.00

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Total Project Cost W/ Contingency, CE, and ICAP: $6,536,137.50
RE: HP2017-005 McGrath Road Upgrade

Dear Property Owner:

The Fairbanks North Star Borough Planning Commission will hold a public hearing Tuesday, July 18th, 2017, at 6:30 p.m. or after in the Juanita Helms Administrative Center, Assembly Chambers, 907 Terminal Street, Fairbanks, Alaska on the following item:

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

This hearing is to ensure consistency between the transportation project and the FNSB Regional Comprehensive Plan. You are encouraged to speak at this public hearing and/or submit written comments. Testimony is limited to three minutes per person at the public hearing. Written comments should be submitted prior to the meeting using the space below, or email your comments to planning@fnsb.us referring to request HP2017-005. Contact Donald Galligan at 459-1272 if you have questions. The staff recommendation on this request can be found at www.fnsb.us/Boards/Pages/Planning-Commission.aspx five days before the hearing.

Christine Nelson, Director
Department of Community Planning

Property Owner: Patrick G. Young, Betty L. Young

Legal description of property owned:
Lot, Block and Subdivision: Tract 3 Hillside Acres - Parcel Account #0236438

Comments: In favor of McGrath Road Upgrade. It is long past due.

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.
RE: HP2017-005 McGrath Road Upgrade

Dear Property Owner:

The Fairbanks North Star Borough Planning Commission will hold a public hearing Tuesday, July 18th, 2017, at 6:30 p.m. or after in the Juanita Helms Administrative Center, Assembly Chambers, 907 Terminal Street, Fairbanks, Alaska on the following item:

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

This hearing is to ensure consistency between the transportation project and the FNSB Regional Comprehensive Plan. You are encouraged to speak at this public hearing and/or submit written comments. Testimony is limited to three minutes per person at the public hearing. Written comments should be submitted prior to the meeting using the space below, or email your comments to planning@fnsb.us referring to request HP2017-005. Contact Donald Galligan at 459-1272 if you have questions. The staff recommendation on this request can be found at www.fnsb.us/Boards/Pages/Planning-Commission.aspx five days before the hearing.

Christine Nelson, Director
Department of Community Planning

Property Owner: JOSEPH C KURBER, REBECCA L H KURBER, 118 MT. VIEW DR.

Legal description of property owned:
Lot, Block and Subdivision: SUNNY HILLS TERR 05 01A-1 (0654102)

Comments: I wholeheartedly support this effort, as does my wife. McGrath is a very dangerous road, especially w/ all the bikers/joggers/pedestrians. Also, the intersection w/ Old Steese would greatly benefit from the proposed change by improving visibility and reducing confusion. Please consider a bike path along the entire length of McGrath, although I know there are ROW issues.
RE: HP2017-005 McGrath Road Upgrade

Dear Property Owner:

The Fairbanks North Star Borough Planning Commission will hold a public hearing Tuesday, July 18th, 2017, at 6:30 p.m. or after in the Juanita Helms Administrative Center, Assembly Chambers, 907 Terminal Street, Fairbanks, Alaska on the following item:

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

This hearing is to ensure consistency between the transportation project and the FNSB Regional Comprehensive Plan. You are encouraged to speak at this public hearing and/or submit written comments. Testimony is limited to three minutes per person at the public hearing. Written comments should be submitted prior to the meeting using the space below, or email your comments to planning@fnsb.us referring to request HP2017-005. Contact Donald Galligan at 459-1272 if you have questions. The staff recommendation on this request can be found at www.fnsb.us/Boards/Pages/Planning-Commission.aspx five days before the hearing.

Christine Nelson, Director
Department of Community Planning

Property Owner: Clemens M. & Connie J. Clooten

Legal description of property owned:
Lot 6, Lot 1, Out of Tl 2414 Sec 24 T1N R1W

Comments: We wholeheartedly approve this proposal to make McGrath Road safer for all users. Thank you!

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq, and this document may be subject to public disclosure under state law.
RE: HP2017-005 McGrath Road Upgrade

Dear Property Owner:

The Fairbanks North Star Borough Planning Commission will hold a public hearing Tuesday, July 18th, 2017, at 6:30 p.m. or after in the Juanita Helms Administrative Center, Assembly Chambers, 907 Terminal Street, Fairbanks, Alaska on the following item:

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

This hearing is to ensure consistency between the transportation project and the FNSB Regional Comprehensive Plan. You are encouraged to speak at this public hearing and/or submit written comments. Testimony is limited to three minutes per person at the public hearing. Written comments should be submitted prior to the meeting using the space below, or email your comments to planning@fnsb.us referring to request HP2017-005. Contact Donald Galligan at 459-1272 if you have questions. The staff recommendation on this request can be found at www.fnsb.us/Boards/Pages/Planning-Commission.aspx five days before the hearing.

Christine Nelson, Director
Department of Community Planning

Property Owner: __________________________

Legal description of property owned:
Lot, Block and Subdivision: __________________________

Comments: [Handwritten: West McGrath Road is way overdue for a major upgrade ☺]
RE: HP2017-005 McGrath Road Upgrade

Dear Property Owner:

The Fairbanks North Star Borough Planning Commission will hold a public hearing Tuesday, July 18th, 2017, at 6:30 p.m. or after in the Juanita Helms Administrative Center, Assembly Chambers, 907 Terminal Street, Fairbanks, Alaska on the following item:

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

This hearing is to ensure consistency between the transportation project and the FNSB Regional Comprehensive Plan. You are encouraged to speak at this public hearing and/or submit written comments. Testimony is limited to three minutes per person at the public hearing. Written comments should be submitted prior to the meeting using the space below, or email your comments to planning@fnsb.us referring to request HP2017-005. Contact Donald Galligan at 459-1272 if you have questions. The staff recommendation on this request can be found at www.fnsb.us/Boards/Pages/Planning-Commission.aspx five days before the hearing.

Christine Nelson, Director
Department of Community Planning

Property Owner: Michael McGill

Legal description of property owned: Lot 15 Block B Sun Valley Estates 1st Addn.

Comments: I’m excited to see this go forward. I have lived here since ’83 and had more close calls than I care to think of because of no shoulders, narrow lanes, and steep banks.

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq, and this document may be subject to public disclosure under state law.
RE: HP2017-005 McGrath Road Upgrade

Dear Property Owner:

The Fairbanks North Star Borough Planning Commission will hold a public hearing Tuesday, July 18th, 2017, at 6:30 p.m. or after in the Juanita Helms Administrative Center, Assembly Chambers, 907 Terminal Street, Fairbanks, Alaska on the following item:

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

This hearing is to ensure consistency between the transportation project and the FNSB Regional Comprehensive Plan. You are encouraged to speak at this public hearing and/or submit written comments. Testimony is limited to three minutes per person at the public hearing. Written comments should be submitted prior to the meeting using the space below, or email your comments to planning@fnsb.us referring to request HP2017-005. Contact Donald Galligan at 459-1272 if you have questions. The staff recommendation on this request can be found at www.fnsb.us/Boards/Pages/Planning-Commission.aspx five days before the hearing.

Christine Nelson, Director
Department of Community Planning

Property Owner: Bruce & Joyce Delbridge

Legal description of property owned: 401 A Martin Dr.
Lot, Block and Subdivision: McGrath 2D

Comments: We are absolutely in favor of this project.

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

From: Mary Bork
Sent: Tuesday, June 27, 2017 7:23 AM
To: Donald Galligan
Cc: Nicole Nordstrand; Kellen Spillman
Subject: FW: HP2017-005

Don,

Find below a comment concerning HP2017-005 for the Planning Commission public hearing of July 18th.

Thank you,

Mary Bork, Admin. Asst. IV
FNSB Dept. of Community Planning
mabork@fnsb.us
907-459-1259

From: Eric Schneider [mailto:ericschneider77@yahoo.com]
Sent: Monday, June 26, 2017 6:23 PM
To: Webmail Planning
Subject: HP2017-005

Sir/Ma'am--

Re: McGrath Road changes.

I am tentatively opposed to the closure of the north leg of the "Y" on McGrath Road where it intersects North Old Steese Road. I am a >10 year resident of N. Old Steese Hwy, and now Teresa Turnaround. I use that stretch of road for running (exercise), biking (exercise and commuting), to access St Raphael Catholic Church, to access Fox, and occasionally to access Hagelbarger Rd (and points beyond).

If the road is to be closed there, I urge that adequate non-motorized access to that right of way, as well as the right of way (also permanently closed to vehicles) connecting McGrath to Broadview Drive, be maintained/improved for pedestrians and bicyclists.

Me and my family frequently walk or bike to St Raphael Church from our current Teresa Turnaround home, and the added (approx) 0.2 miles for walking--especially by forcing us onto N. Old Steese via the south "Y" of McGrath--will push us to drive more and walk
less. We actually made the move to Teresa Turnaround in part for the more pedestrian friendly aspects of this part of town, and have appreciated walking and biking more than we did while living on N. Old Steese, where traffic frequently drives too fast for the narrow conditions. I am concerned that this road closure will be a net negative for me and my family.

I understand that there might be plans to improving the biking and pedestrian aspects of upper McGrath, but it is not clear to me that that extends to our area, so I cannot comment on these at this time. It does appear that any extension of the bike path would end at N Old Steese Hwy (if there is any extension of the bike path planned).

Thank you.

Eric Schneider
90 Teresa Turnaround
Fairbanks, AK 99712

907-987-6043 (cell)
The FNSB scoping comments for McGrath, please include.

Thanks,

Kellen Spillman
FNSB Community Planning

Good afternoon Robert,

Please see FNSB Comments below:

Planning – This project is not in a Flood Zone A and a FNSB Title 15 flood permit will not be required. It is important to note that there is a Flood Zone A approximately 90 feet south east from the McGrath Road Farmers Loop Road intersection.

At this point it appears the project is consistent with the FNSB Comprehensive Plan and relevant ordinances. A more detailed proposal of the project will be needed to initiate the local planning authority approval process.

The area of the project is all within the “Urban Areas” designation of the comprehensive plan with much of the area designated as “Preferred Residential”. Given the very general information provided, it appears this project will support Goal 1, Strategy 3, Action A (Make the Borough more pedestrian-friendly in urban and suburban areas and safer in rural and remote areas,) and Goal 1, Strategy 1 (Encourage location, design and maintenance of roads based on their functional and community needs) of the Transportation and Infrastructure of the FNSB Comprehensive Plan.

The entirety of McGrath Road is zoned residentially or agriculturally with varying residential zones including Rural Residential, Rural Estates, Rural Agriculture, and Multi-Family with a Mobile Home Subdivision Overlay. The various mobile home parks on McGrath Road contain approximately 179 densely developed units.

In 2014 the FNSB led a project to provide population projection to the FMATS travel demand model that projected population growth of areas of the FNSB, including the McGrath Road area. The projections displayed a growth rate in the area ranging from approximately 10% to 35%, and it is reasonable to assume that this area would continue to grow at the rate higher than the average FNSB growth rate. Currently there are approximately 150 – 200 vacant parcels that would access off of McGrath Road that could develop residentially in the future.

If there is no right-of-way acquisition required for this project, it appears that no zoning ordinances, associated with setbacks and/or lot sizes, will be violated. If the option is chosen that will require right-of-way acquisition a re-plat will
STAFF REPORT

RZ2017-006
DEPARTMENT OF COMMUNITY PLANNING
STAFF REPORT

RZ2017-006
July 18, 2017 Planning Commission Meeting

TO: Fairbanks North Star Borough Planning Commission
FROM: Stacy Wasinger, Planner III
DATE: July 7, 2017
RE: RZ2017-006: A request by Mark A. Nielsen to rezone Tax Lot 2801, T1N R2W, Section 28 from General Use 1 (GU-1) to Rural Estates 2 (RE-2) or other appropriate zone (located on the west side of McFadden Lane and south of Ester Dome Road).

I. EXECUTIVE SUMMARY

The Department of Community Planning recommends approval of the rezone from General Use 1 (GU-1) to Rural Estates 2 (RE-2) with six (6) Findings of Fact in support of approval. The Department recommends approval with RE-2 zone because it meets the Comprehensive Plan and conforms to public health, safety or welfare. Community Planning does not consider this rezone to RE-2 to be a spot zone or a reverse spot zone.

II. GENERAL INFORMATION

A. Purpose
To request a rezone of approximately 40 acres of vacant land from GU-1 to RE-2 or other appropriate zone

B. Location
West side of McFadden Lane and south of Ester Dome Road

C. PAN/Size
PAN: 0205150 Size: 40 acres

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

E. Proposed Zone
Rural Estates 2 (RE-2)

F. Existing Land Use
Vacant land

H. Surrounding Land Use/Zoning
North: Residential/GU-1
South: Industrial/GU-1
West: Industrial/GU-1
East: Vacant & Residential /RE-2 & GU-1
I. Zoning History
Unrestricted Use (UU) with the adoption of FNSB Ord. No. 67-34 on March 28, 1968.

UU to General Use 1 (GU-1) with Ord. No. 88-010, effective on April 25, 1988

J. Non-conforming Structures, Uses
None

K. Comprehensive Plan Designation
High Mineral Potential

L. Community Facilities
Water/sewer: Private (currently vacant)
Electricity: GVEA

M. Code Violations
None listed/known

N. Soils
Minto-Chatanika Complex, 7-12% slopes
Chatanika mucky silt loam, 7-12% slopes

O. Flood Zone
X: Protected by Levee (100%), (March 17, 2014 dFIRM)

P. Ownership
Mark A. Nielsen
1410 Ivans Alley
Fairbanks, AK 99709

Q. Applicant
Same

III. REZONE REQUEST DESCRIPTION

The subject parcel, Tax Lot 2801, T1N R2W, Section 28 is currently zoned General Use 1 (GU-1) (Figure 1). The adoption of Ordinance No. 67-34 on March 28, 1968 first established zoning on the subject parcel in the Unrestricted Use (UU) zone. The UU zone was rezoned to the GU-1 zone with the adoption of Ordinance No. 88-010 on April 19, 1988. The property owner has requested to rezone approximately 40 acres from GU-1 to Rural Estates 2 (RE-2). Much of the surrounding area is either vacant or developed residentially. Some of the property to the south and west is noted in Assessor land classifications as “industrial” or “mining” (Figure 2).

The parcel is currently vacant; a preliminary plat for Happy Creek Subdivision, Fourth Addition to subdivide the 40 acre parcel into 15 lots was approved by the FNSB Platting Board on October 15, 2014 (Exhibit 1). A final plat for this subdivision had not yet been submitted to FNSB Community Planning, but the Platting Board approved a two-year extension of the preliminary plat approval on November 16, 2016. A final plat for Phase I must be submitted to FNSB Community Planning by October 15, 2018 (Exhibit 2).

The purpose of the RE-2 zone is “for low density residential development and other compatible uses in areas where community sewer and water systems are unavailable [FNSBC 18.36.010].” All uses that are permitted in the RE-2 zone are already allowed under the current GU-1 zoning. The RE-2 zone would increase the minimum required lot size from 40,000 square feet in the GU-1 zone to 80,000 square feet. The approved
preliminary plat proposes 15 lots from the 40 acre parent parcel (Figure 3). All 15 lots meet the RE-2 minimum required lot size of 80,000 square feet. The GU-1 zone does not have minimum required setbacks and the RE-2 zone would establish a 35 foot front-yard setback and 25 foot side- and rear-yard setbacks.

The applicant has stated that the purpose of the rezone is to create a “less dense residential development” that does not allow the more intensive uses that are permitted in the GU-1 zone.

Figure 1: Zoning in the Surrounding Area
(Subject rezone parcel shown in Red)
Figure 2: Land Uses in the Surrounding Area
(Subject rezone parcel shown in Red)

Figure 3: Approved Preliminary Plat

<table>
<thead>
<tr>
<th>Color</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gray</td>
<td>Vacant</td>
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<tr>
<td>Yellow</td>
<td>Residential</td>
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<tr>
<td>Pink</td>
<td>Assembled (mining/industrial and vacant)</td>
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<tr>
<td>Red</td>
<td>Commercial</td>
</tr>
<tr>
<td>Green</td>
<td>Farm Use</td>
</tr>
</tbody>
</table>
IV. PUBLIC NOTICE & AGENCY COMMENTS

All public and agency comments are included in the “Agency Comments” and “Public Comments” sections following this report. Community Planning mailed 56 dear property owner notices and received two telephonic inquiries and one written comment about this rezone request. The FNSB Department of Community Planning contacted the following agencies for comments:

a. Alaska Department of Public Safety, State Fire Marshal’s Office
b. Alaska Department of Public Safety, State Troopers
c. Alaska Department of Transportation and Public Facilities (ADOT&PF)
d. Alaska Department of Environmental Conservation (ADEC)
e. Alaska Department of Natural Resources (ADNR)
f. Chena Goldstream Fire Service Area
g. Golden Valley Electric Association (GVEA)
h. United States Army Corps of Engineers

V. STAFF ANALYSIS - FNSBC Section 18.104.020 (C)

(1) The proposed rezone conforms to the comprehensive plan.

The Comprehensive plan attributes the ‘High Mineral Potential’ land category to the subject parcel (Figure 4). It is defined as “areas in the RURAL and OUTSKIRT areas that have been identified as having a high potential for mineral deposits. The priority land use in these areas is mining. Land uses incompatible with mining are discouraged.”

The applicant states that mining exploration did occur on the western half of the subject parcel “with little or no actual production… Little or no mining development or farming has occurred for 60 years. This rezone conforms to the Borough’s goals and strategies by promoting land development for residential subdivisions.” The applicant also states that the property “is bordered by unoccupied mining leases.” Based on information provided by the applicant, it appears that although the Comprehensive Plan designates this parcel as having high mineral potential with a primary use of mining, the specific circumstances of the parcel do not indicate that mining has or will take place on this property in the near future.
The subject parcels are adjacent to existing RE-2 zoning to the east (see Figure 1). These adjacent parcels are predominantly vacant or developed with residential land uses (see Figure 2). Some mining or other intensive uses may be developed in the future on the surrounding GU-1 zoned parcels.

The subject parcel does not have access to community water and sewer. The ‘Rural Area’ land use designation “includes nine distinct land categories, including military land, rural settlement, remote settlement, high mineral potential land, agricultural land, forest, and wildlife resource area. These areas are intended for limited public improvement.” The current GU-1 zoning is intended for “rural areas where community sewer and water systems are unavailable” [FNSBC 18.84.010]. The proposed RE-2 zoning designation is intended for “low density residential development and other compatible uses in areas where community sewer and water systems are unavailable” [FNSBC 18.36.010]. In this context, both zones are compatible with the Comprehensive Plan designation. The GU-1 zone is less compatible with the ‘Rural Area’ designation overall because it allows very intensive land uses that are not resource related, such as retail commercial centers, gas stations, etc. The GU-1 zone does not reserve the land for mining purposes.

Community Planning supports the proposed residential zoning, RE-2, because it would allow for low-density residential uses which are intended by the applicant and are more...
compatible with the existing surrounding residential development. The proposed RE-2 zone would not allow most of the intensive uses that are currently allowed under the GU-1 zone [FNSBC 18.36]. All uses that are permitted in the RE-2 zone are already allowed under the existing GU-1 zoning.

Additionally, the proposed rezone to RE-2 would meet the following FNSB Comprehensive Plan goals:

**Land Use Goal 1** – To recognize that the foremost aspect of land use involving private property is the retention and maintenance of private property rights  
**Strategy 3** – To work to reduce to the fullest extent possible the natural conflict that develops between private property right and community needs and interests

The property owner has requested this rezone to promote the development of the parcel as a low-density residential subdivision. In this case, the RE-2 zone would help protect the private property rights of the current owner and of future owners, who would have the established RE-2 use and setback standards in place. The subject parcel's land use designation of “high mineral potential” may have benefit to the community, but the property owner has demonstrated that the land had not been developed for mining uses in the past 60 years. The applicant states that mining exploration did occur on the western half of the subject parcel “with little or no actual production... Little or no mining development or farming has occurred for 60 years.” Additionally, much of the surrounding area is developing residentially, and the property owner intends to develop the subject parcel as a low-density residential development.

**Land Use Goal 3** – To have a variety of land uses that fit the diverse needs of the community  
**Strategy 6** – Provide a variety of residential land use opportunities.

The subject parcel is intended to be developed as a low-density residential subdivision. Residential uses are already allowed in the GU-1 zone and the 40 acre parcel has received preliminary plat approval for a 15 lot subdivision. Although this low-density residential use is allowed under the existing GU-1 zone, the proposed RE-2 zone would provide setback and use restrictions to create certainty that the future development would be compatible with the intended low-density residential development.

**Environment Goal 3** – To protect natural systems  
**Strategy 7** – Consider land development toward areas where natural systems will be least adversely affected.

The approved preliminary plat shows that some of the subject parcel does contain jurisdictional wetlands regulated by the Army Corp of Engineers. Low-density residential development is more compatible with protecting these areas than the more intensive uses permitted in the GU-1 zone. Development on the subject parcel may be subject to permitting requirements from the Army Crop of Engineers.
(2) The proposed rezone conforms to the public health, safety and welfare.

Surrounding Zoning and Land Uses

This rezone request from GU-1 to RE-2 would align the zoning of the subject property with that of surrounding properties’ zoning and land uses. The subject property abuts RE-2 zoning to the east. The area is predominantly developed residentially or is currently vacant. This rezone application is to extend this existing RE-2 boundary to the 40 acre subject parcel.

The subject property is currently vacant and a preliminary plat has been approved by the Platting Board for 15 lots, all of which are greater than 80,000 square feet. No development is proposed with the rezone, aside from this platting action. The rezone request would allow for uses that are similar to those already occurring in the nearby area. The RE-2 zone would not allow any uses that are not already permitted in the existing GU-1 zone. The RE-2 zone would, however, limit the allowed uses to predominantly low-density residential uses. Some more intensive uses, such as schools, kennels, and professional offices, would become conditional uses under the RE-2 zone but are permitted without any permits in the GU-1 zone. Additionally, the RE-2 would establish 35 foot front-yard and 25 foot side- and rear-yard setbacks; no setbacks are currently required in the GU-1 zone. The establishment of setbacks will help in potential fire separation of buildings. Therefore, Community Planning believes that this rezone request conforms to the public health, safety and welfare because this request will expand the existing adjacent RE-2 boundary and allow for compatible low-density residential uses which are already developed in the surrounding area. The RE-2 zone would also limit more intensive uses on the property that are currently permitted by either making them conditional uses or not permitted.

Traffic and Trip Generation

Rezoning from GU-1 to RE-2 is not expected to have any increased impact on the trip generation potential for the parcel involved. The uses associated with GU-1 are more intensive and numerous than the uses allowed in RE-2. All uses that are allowed in the RE-2 zone are already permitted in the existing GU-1 zone. The proposed rezone would limit the permitted uses and make several more intensive uses that are permitted outright in the GU-1 zone, such as schools, animal and veterinary hospitals, and kennels, conditional uses.

The parcel is currently vacant. It is always possible that a higher intensity trip generating use could be approved in either zone, like a church, but the GU-1 zone would not require a zoning permit for this use while the RE-2 zone would. More intensive uses, such as a school or professional office, would require a conditional use permit in the RE-2 zone and would be analyzed for transportation impacts with those applications while they would not require permits at all under the GU-1 zone. Because all of the uses allowed under the proposed zone are already allowed under the current zone, it is the opinion of staff that this rezone would not have any impact on trip generating potential.

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1 This section of this staff report includes input from Donald Galligan, FNSB Transportation Planner after a review of the application materials with FNSB Planner Stacy Wasinger.
Non-conforming Lot Size, Structure and Uses

The proposed RE-2 zone does not make any of the existing lots, structures or uses within
the proposed rezone boundary nonconforming because the subject parcel is currently
vacant. The approved preliminary plat includes 15 lots that all meet or exceed the RE-2
minimum required lot size of 80,000 square feet.

(3) Spot Zone Analysis

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.

The subject property is currently zoned GU-1 and is adjacent to RE-2 zoned property on the
east side. The adjacent existing RE-2 zone is comprised of approximately 60 acres. This
rezone request would expand the existing boundary of the RE-2 zone to include the subject
parcel, increasing the RE-2 zoned area to approximately 100 acres. The subject parcel is
also adjacent to GU-1 zoned parcels on all sides. The adjacent existing GU-1 zone is
extensive, comprised of millions of acres. Therefore, this rezone would not constitute a
reverse spot zone because it does not leave small GU-1 zoned parcels as remainder.
Community Planning does not find this rezone request to be a spot zone because of the
following reasons:

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

The Comprehensive Plan land use category, ‘High Mineral Potential’ envisions areas where
public improvements are limited. The current zoning, GU-1, is intended for areas where
community sewer and water systems are not available [FNSBC 18.84.010] and allows many
intensive uses without permits. The proposed RE-2 zone would restrict the permitted uses to
predominantly low-density residential uses where community water and sewer is not
available [FNSBC 18.36]. Although the ‘High Mineral Potential’ land use category does not
specifically include low-density residential development as a desired use, this parcel has not
been developed for mining in the last 60 years. The applicant states that mining exploration
did occur on the western half of the subject parcel “with little or no actual production… Little
or no mining development or farming has occurred for 60 years.” The existing GU-1 zone
also allows low-density residential development and does not specifically reserve land for
mining purposes. The proposed rezone to RE-2 would limit the more intensive uses
currently allowed with the GU-1 zone but both allow residential uses. The subject parcel
has already received preliminary plat approval for a 15 lot subdivision.

Additionally, the proposed RE-2 zone promotes FNSB Comprehensive Plan goals Land Use
(ii) The benefits and detriments of the amendment to the owners, adjacent landowners, and community;

Benefit to the Property Owner

The RE-2 zone benefits the property owner because it would allow for a low-density residential subdivision development that does not permit the more intensive uses that may not be compatible with this type of development.

Benefit to the Adjacent Landowner

The current GU-1 zoning allows a variety of more intensive land uses that may not be compatible with the existing RE-2 zoned land to the east or the GU-1 parcels currently developed residentially. The existing GU-1 zone also allows low-density residential development and does not specifically reserve land for mining purposes. The applicant states that mining exploration did occur on the western half of the subject parcel “with little or no actual production… Little or no mining development or farming has occurred for 60 years.” The subject parcel may not be particularly productive for mining and is not intended by the property owner to be used for mining purposes. The remaining thousands of acres zoned GU-1 would still be available for mining.

The proposed RE-2 zone will have benefits for the surrounding residentially zoned and residentially developed properties because it will limit the allowed uses on the parcel and establish setback requirements. The RE-2 zone would provide more certainty to the surrounding properties that the subject parcel will not be developed with use that is incompatible with low-density residential development, such as a large-scale commercial development. Additionally, some more intensive uses, such as schools and kennels, would become conditional uses and include a public hearing process in which interested persons could testify and detrimental impacts could be mitigated. The establishment of setbacks will help provide space for privacy and fire separation of buildings on adjacent properties.

Benefit to the Community

RE-2 zoned land provides opportunity for low-density residential development. The borough and community benefits from a variety of residential land use types by providing choice to the residents. Although the proposed rezone to RE-2 would not allow mining development on the subject property, which may have benefit to the community as a whole, the community does also benefit from the dedicated residentially zoned land. In this case, because the property has had some mining exploration in the past but produced “little or no actual production” and has not been developed for mining in the last 60 years, it is staff’s opinion that the RE-2 zone is suitable for the proposed development of the parcel and the low-density residential development will benefit the community.

(iii) The size of the area rezoned.

The total area of the proposed rezone boundary is approximately 40 acres. The case law does not give an exact size for making a spot zone determination and size of the property is not the only factor in the spot zone determination. The case law provides guidance that parcels over 13 acres are almost always found valid, but this is not determinative. The
adjacent existing RE-2 zone is approximately 60 acres, which would create a total area of approximately 100 acres zoned RE-2.

VI. RECOMMENDATION

Based on the staff analysis above, the Department of Community Planning recommends APPROVAL of the rezone from GU-1 to RE-2.

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 of the rezone from GU-1 to RE-2:

1. The FNSB Regional Comprehensive plan assigns ‘High Mineral Potential’ land use category to the subject property. This designation envisions area that has limited public improvements.
   a. Although the land use designation does not specifically mention low-density residential uses as compatible, the applicant states that mining exploration did occur on the western half of the subject parcel “with little or no actual production... Little or no mining development or farming has occurred for 60 years.” The subject property has preliminary plat approval for a 15 lot subdivision and the owner intends to develop it as low-density residential. The current GU-1 zoning allows residential uses. Additionally, many of the surrounding properties are developed residentially.
   b. The GU-1 zone does not preserve the parcel for mining purposes and allows low-density residential development. The GU-1 zone allows many more intensive uses and all uses permitted in the RE-2 zone are already permitted on the subject parcel in the GU-1 zone. As stated in the application materials, the property owner intends this property to be developed as low-density residential and does not foresee mining activity on the subject parcel; the property has not been productive as mining land in the last 60 years. As such, the RE-2 zone is more compatible with the proposed use of the subject parcel by the property owner.

2. The current GU-1 zone is no longer appropriate for the subject property because surrounding properties are developed predominantly residentially or vacant. There are unoccupied mining leases in the surrounding area, but the subject parcel is not intended to be developed for mining uses.

3. The proposed RE-2 zone is consistent with FNSB Comprehensive Plan goals:
   a. Land Use Goal 1, Strategy 3; to work to reduce to the fullest extent possible the natural conflict that develops between private property right and community needs and interests.
   b. Land Use Goal 3, Strategy 6; to provide a variety of residential land use opportunities.
   c. Environment Goal 3, Strategy 7; to consider land development toward areas where natural systems will be least adversely affected.
4. The proposed RE-2 zone does not make any of the existing or proposed lots, structures or uses within the proposed rezone boundary nonconforming because the 15 lots proposed by the approved preliminary plat meet the RE-2 minimum required lot size of 80,000 square feet and the subject property is currently vacant.

5. The proposed RE-2 zone conforms to the public health, safety or welfare because:
   a. It is compatible with the existing surrounding land uses and will not allow the more intensive uses that are currently permitted in the GU-1 zone. Because all uses that are allowed in the RE-2 zone are already permitted in the GU-1 zone on the subject property, the rezone to RE-2 would not increase or detrimentally impact traffic.
   b. The RE-2 zone establishes a 35 foot front-yard and 25 foot side- and rear-yard setbacks. These setbacks will help provide fire separation between buildings on adjacent properties and allow additional privacy for each lot.

6. The rezone is not a spot zone because:
   a. It is consistent with the FNSB Comprehensive Plan goals Land Use Goal 1, Strategy 3, Land Use Goal 3, Strategy 6, and Environment Goal 3, Strategy 7. Although low-density residential development is not specifically indicated by the ‘High Mineral Potential’ land use designation, the applicant states that mining exploration did occur on the western half of the subject parcel “with little or no actual production… Little or no mining development or farming has occurred for 60 years.” The existing GU-1 zone does not reserve the subject parcel for mining and allows the subject property to be developed for low-density residential uses. A preliminary plat for a 15 lot subdivision has already been approved for the subject parcel.
   b. (1) The RE-2 zone benefits the property owner because it would allow for low-density residential development of the property with restrictions that do not allow more intensive uses currently allowed in the GU-1 zone; (2) The proposed RE-2 zone will have benefits for the surrounding residentially developed and vacant properties because it limits potential future uses to predominantly residential and establishes setbacks; (3) The proposed RE-2 zone would have benefits for the community because it would provide additional variety of housing options.
   c. The total area of the proposed rezone boundary is approximately 40 acres. The subject parcel is adjacent to existing RE-2 zoning to the east. This rezone extends this existing RE-2 boundary and creates an RE-2 zoned area of approximately 100 acres. This rezone would not constitute a reverse spot zone because it does not leave GU-1 parcels as small remainder.

DRAFT PLANNING COMMISSION MOTION:

I move to recommend approval of the rezone of Tax Lot 2801, T1N R2W, Section 28 from General Use 1 (GU-1) to Rural Estates 2 (RE-2) or other appropriate zone, and adopt the staff report and six (6) Findings of Fact in support of the recommendation of approval.
October 16, 2014

RCH Surveys, Ltd
326 Driveway Street, Suite 102
Fairbanks, AK 99701

Re: SD002-15 Happy Creek Subdivision Fourth Addition

Dear Richard,

At its regular meeting on October 15, 2014 the Platting Board of the Fairbanks North Star Borough considered your request on behalf of Mark Nielson, to subdivide Tax Lot 2801, a total of 40 acres, in three phases into 15 lots ranging in size from 1.90 acres to 4.94 acres within the SE ¼ NE ¼ Section 28, T1N, R2W, FM (located on McFadden Lane).

The Board denied two variances, one from 17.60.160.B for the dedication of Saxon Avenue to the boundary of the subdivision, and one from 17.60.070.A.1 for upgrading McFadden Lane.

The Board gave preliminary approval to the request, subject to the following conditions:

1. The final plat for Phase I be submitted by October 15, 2016 and the final plat for the last phase be submitted by October 15, 2020.
2. GVEA and ACS review and comment on the final plat of each phase.
3. The flag staffs be widened to 40' or a rezone be approved for lot size that requires only 20' wide Type I flag stems prior to the final plat of Phase I.
4. McFadden Lane be upgraded to standards as recommended by FNSB Public Works from Ester Dome Road to the intersection with Saxon Avenue.
5. Saxon Avenue be dedicated to the western boundary of the subdivision.
6. Common driveway easements be reserved over the adjacent flag lots and the common driveways be constructed to pioneer road standards.
7. FNSB Public Works inspect and approve Saxon Avenue and the upgrades to McFadden Lane prior to final plat approval of Phase I.
8. FNSB Public Works inspect and approve the common driveways constructed within the adjacent flag lots prior to final plat approval of each applicable phase.
9. Approved ADOT&PF driveway permit be provided for upgraded access of McFadden Lane onto Ester Dome Road.
The developer is strongly encouraged to meet with Borough engineering staff to discuss the required improvements for the subdivision before beginning construction of the improvements. Interim inspections by a registered professional are required during road construction per 17.60.170.G. These inspections shall occur, at a minimum, at the sub-base, the base, and the surface course phases of construction. A report of the inspection findings must be included with the final plat submittal.

The final plat for the first phase must be prepared by a registered land surveyor and submitted to this office by October 15, 2016, and the final plat of the last phase by October 15, 2020 or the preliminary approval will become void.

If you have any question regarding this matter, please contact the Fairbanks North Star Borough Department of Community Planning at 809 Pioneer Road, 459-1260, or FAX 459-1254.

Sincerely,

Angela Parker,
Platting Officer

Enclosure to Addressee

c:
ADOT Planning
Pete Eagan, ADOT ROW
GVEA—Julie Karl
ACS—Michael Stanley
David Bredlie, FNSB Public Works Engineer
Kellen Spillman, FNSB Transportation Planner
November 18, 2016

Northland Surveying & Consulting LLC
326 Driveway Street, Suite 201
Fairbanks, AK 99701

Re: SD002-15 Happy Creek Subdivision 4th Addition

Dear Richard,

At its regular meeting on November 16, 2016 the Plating Board of the Fairbanks North Star Borough considered your request for a two year extension of the preliminary plat approval given October 15, 2014 to subdivide Tax Lot 2801, a total of 40 acres, into 15 lots in three phases within the SE ¼ NE ¼ Section 28, T1N, R2W, FM (located on McFadden Lane).

The Plating Board approved a two year extension to the original approved phasing schedule. The final plat for Phase I must be prepared by a registered land surveyor and submitted to this office by October 15, 2018, and the final plat for the last phase must be submitted by October 15, 2022 or the preliminary approval will become void.

If you have any question regarding this matter, please contact the Fairbanks North Star Borough Department of Community Planning at 907 Terminal Street, 459-1260.

Sincerely,

Angela Parker
Platting Officer

cc: Mark A. Nielsen, owner
Public Hearing sign posted June 8, 2017

Existing vegetation on site
RETURNED DPO COMMENTS

RZ2017-006
Dear Property Owner:

The Fairbanks North Star Borough Planning Commission is considering RZ2017-006, a request to rezone Tax Lot 2801, T1N R2W, Section 28 from General Use 1 (GU-1) to Rural Estates 2 (RE-2) (located on the west side of McFadden Lane and south of Ester Dome Road).

You are being notified as required by ordinance because your property is within 2,000 feet of the request. You may provide comments on this application by returning this notice, submitting other written comments prior to the meeting, or by testifying in person. A public hearing before the Planning Commission on this request will be held at or after 6:30 p.m. on Tuesday, July 18, 2017, at the Juanita Helms Administration Center, Assembly Chambers, 907 Terminal Street, Fairbanks.

For more information, please email planning@fnsb.us or contact Stacy Wasinger at 459-1260. The staff report to the commission will be available online at www.co.fairbanks.ak.us/Boards/Pages/Planning-Commission.aspx at least five days before the hearing.

Property Owner: Victoria + Chad Leshuk
Address or Lot/Block/Sub: Happy creek Block 1 Lot 5
Comments: We are in Support of the rezoning of Lot 2801, T1N R2W, Section 28 from (GU-1) to Rural Estates 2 (RE-2).

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

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.
PROPERTY DESCRIPTION: HAPPY CREEK, BLOCK: 01, LOT: 05
Leshuk Victoria Kohn
Leshuk Chad Allen
685 Viking Ct
Fairbanks, AK 99709 6179
WRITTEN AGENCY
COMMENTS

RZ2017-006
Stacy Wasinger

From: Jack Willard <jwillard@cgfr.com>
Sent: Wednesday, June 14, 2017 3:57 PM
To: Stacy Wasinger
Subject: RE: RZ2017-006 (PAN# 205150)

I have no comments. Thanks
Chief Willard

Stacy Wasinger

From: Stacy Wasinger [mailto:SWasinger@fnsb.us]
Sent: Wednesday, June 14, 2017 11:48 AM
To: Stacy Wasinger <SWasinger@fnsb.us>
Subject: RZ2017-006 (PAN# 205150)

Good afternoon,

The FNSB Department of Community Planning has received a request to rezone approximately 40 acres from General Use-1 (GU-1) to Rural Estates 2 (RE-2). The parcel included in this request is TL-2801, off of McFadden Lane, south of Ester Dome Road. Attached are the application and narrative, as well as a report containing basic information for the property. This application is currently scheduled for a public hearing before the Planning Commission on July 18, 2017.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. Please return any written comments by Friday, June 23, 2017. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

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

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
Please see attached No Comment letter.

Thanks,
Margaret

Good afternoon,

The FNSB Department of Community Planning has received a request to rezone approximately 40 acres from General Use-1 (GU-1) to Rural Estates 2 (RE-2). The parcel included in this request is TL-2801, off of McFadden Lane, south of Ester Dome Road. Attached are the application and narrative, as well as a report containing basic information for the property. This application is currently scheduled for a public hearing before the Planning Commission on July 18, 2017.

This information is being sent to you for review and comment, if any, because the property is potentially in your agency review area. Please return any written comments by Friday, June 23, 2017. If you have any questions, please don’t hesitate to contact me.

Thanks,
Stacy

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

Fairbanks North Star Borough
PO Box 71267 / 907 Terminal Street
Fairbanks, AK 99707-1267
June 19, 2017

Stacy Wasinger
Planner III
FNSB Department of Community Planning
msingh@fnsb.us

Type of Request: Rezone: RZ2017-006 - Nielson

Property Location: McFadden Lane, Fairbanks, Alaska: (SE1/4, NE1/4, Section 28, T1N, R2W, Fairbanks Meridian)

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

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

Thank you.

Sincerely,

Margaret L. Carpenter
Fairbanks Area Transportation Planner
(907) 451-2252

cc: George Stefan, FNSB

"Keep Alaska Moving through service and infrastructure."
APPLICATION MATERIAL
SUBMITTED ON

May 31, 2017
**Planning Commission Meeting**

**Fairbanks North Star Borough**
Department of Community Planning
809 Pioneer Road/P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 455-1260  Fax: (907) 459-1255
planning@fnst.us

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**REZONE APPLICATION**

**File No. R22017-006**

**REZONE WITH SPECIAL LIMITATIONS**

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**Applicant:**

- **Name:** Mark A. Nielsen
- **Mailing Address:** 1410 Ivans Alley, Fairbanks, Alaska
- **Phone:** 907 388-9269
- **E-mail:** nielsen@mosquitosnet.com

**Property Owner:**

- **Name:** Mark A. Nielsen
- **Mailing Address:** 1410 Ivans Alley, Fairbanks, Alaska
- **Phone:** 907 388-9269
- **E-mail:** nielsen@mosquitosnet.com

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**Property Information:**

- **Property Description:** Sec. NE 1/4, T28N, R02W
- **Street Address:** Minnesota Lane
- **Parcel Account Numbers (PAN):** TL 2801, 0205150
- **Existing Use:** Vacant Land
- **Existing Zone:** GU-1
- **Proposed Zone:** RE2

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

**APPLICANT SIGNATURE:** Mark A. Nielsen  DATE: May 21, 2017

**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).
Rezone GU1 to RE2
To reach Happy Creek subdivision, drive to 3.5 Mile Sheep Creek Road, turn left on Ester Dome Road and left on McFadden Lane. It is 40 eastern slope acres with spruce and birch. The roads and drive ways are designed to promote drainage, privacy and suitable foundation soil for building.

The existing zoning, GU1, allows for all types of development, including clusters of rental cabins, junk yards, and kennels. These uses are often noisy, not attractive and increase automotive and motorized vehicle traffic.

With a rezone to RE2 we are hoping for a less dense residential development, with fewer families on larger lots. We are close to the local trail system including the Equinox Marathon Trail, the Single Track, the Goldstream Sports Ski track and the Goldstream Valley Bike Trails. We believe that an affordable, well insulated house with a large garden is part of a sustainable future.

The FNSB Comprehensive Plan has designated this parcel for mining. Some mining exploration occurred on the western half of this parcel with little or no actual production. The eastern 10 acres of this of this parcel was cleared and planted in oats in the early Fifties to “prove up” on the McFadden Homestead. Little or no mining development or farming has occurred for 60 years. This rezone conforms to the Borough's goals and strategies by promoting land development for residential subdivisions.

Happy Creek Subdivision is bordered by unoccupied mining leases zoned GU1 and RE2, with low population density. Currently there are five nearby residences. The increase in population density would not affect public health and welfare any more than any other subdivision of similar density. Rezoning to a residential designation would minimally increase noise pollution. Local traffic would increase on McFadden Lane. Approval of the final platt requires that Saxon Avenue and McFadden Lane be widened to 24 feet. The McFadden approach to Ester Dome Road will be paved and appropriate signage installed.
Property Summary

back to Search Page

PAN 0205150

PROPERTY PHYSICAL DESCRIPTION
TL-2801 SECTION 28 T1N-R2W

PROPERTY CLASS
Vacant Land

BUSINESS

MOST RECENT MILLAGE RATE
15.6840

Status TAXABLE

ADDITIONAL INFORMATION
Building Details
View Property Location

FIRE SERVICE AREA
CHENA GOLDSSTREAM FIRE S A

LAND AREA
Parcel
1  40 Acres

OWNER

NAME
NEILSEN, MARK ARNOLD

INTEREST
OWNERSHIP

ADDRESS
No data returned

Documents
Documents are current as of 12-31-2016
The FNSB provides a link to view the recorded document at the State of Alaska Recorders Office through the instrument #. Current registered documents not showing may be seen at the State of Alaska Recorders Office Search page. 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
Quitclaim Deed
Deed of Trust

RECORD DATE
6/18/2012
4/15/2002

BOOK PAGE

INSTRUMENT #
2012-011369-0
2002-007197-0

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: 04/29/17 03:50 AM  AST)
Balance due figures are only valid until 04/14/2017, additional fees will be added at the close of business this day. 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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DEPOSIT / REFUND FORM
PUBLIC NOTICE SIGN DEPOSITS & EXPERT REVIEW DEPOSITS

DEPOSITS

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

Sign # □
(if required)

DATE Prepared: 5-31-17

Prepared By: B. Hamilton
Fairbanks North Star Borough

RECEIPT Number: 473527

PAID By: Cash □ CHECK □ # 6329

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

Name & Address on Check: Mark A. Nielsen

If cash name and address for refund: 1418 Lyons Alley
Fairbanks, AK 99709

388-9269

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 $ ______

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.
MEMORANDUM

TO: Fairbanks North Star Borough Planning Commission

THROUGH: D. Christine Nelson, Director
Department of Community Planning

FROM: Kellen Spillman, Deputy Director
Department of Community Planning

DATE: July 18, 2017

SUBJECT: ORDINANCE NO. 2017-46: An Ordinance Amending Chapter 4.32 FNSBC Regarding the Responsibilities of the Chena Riverfront Commission and FNSBC 18.104.010 Regarding Procedures for Rezonings, Conditional Uses, and Variances to Implement Chena Riverfront Commission Review for Properties Along the Chena River

Purpose and Intent

The attached ordinance was referred by the FNSB Assembly and sponsored by the FNSB Administration (Mayor Kassel) and Assembly Member Davies (Attachment A). This ordinance will officially broaden the Chena Riverfront Commission's Responsibilities outlined in FNSBC Title 4 to include general support/recommendations to property owners and organizations, recommendations to Community Planning Staff on conditional uses and variances, and recommendations to various entities on rezones, highway projects, and development of FNSB owned land.

Background

The Chena Riverfront Commission often plays a vital role in several current planning related processes, including the review of rezones, conditional uses, variances, and highway projects with the purpose of implementing the Chena Riverfront Plan. A formal review process was attempted in 2013 when the Commission adopted rule #16 (Attachment B) to establish a review process for certain types of projects. Upon further review, it was deemed that the Commission was acting outside of their codified "Responsibilities" under Title 4 in reviewing and making recommendations on these development proposals.

Community Planning Staff and the Mayor's Office believes the Chena Riverfront Commission serves a very valuable role by providing their expertise in the review of development projects along the Chena River and it would be in the best interest of the community to officially add the review of projects to their list of responsibilities. The Chena Riverfront Commission has been involved throughout the drafting of Ordinance 2017-46, including two meetings of the Commission and one subcommittee developed exclusively to provide feedback to staff and the Mayor on the draft ordinance.
The ordinance, as drafted, would allow the Chena Riverfront Commission the opportunity to review and have the option of providing recommendations on defined projects that are within 150 feet of the ordinary high-water mark (OHM). Measuring 150 feet from OHM has a similar inclusion area as 200 feet of river centerline, as defined in the Commission’s previously adopted rule #16, but better represents a parcel or project’s proximity to the Chena River and does not vary by the width of the river.

As written, Ordinance 2017-46 would allow the Chena Riverfront Commission to make recommendations directly to Community Planning Staff on variance applications and conditional uses applications because these cases are procedurally “quasi-judicial”. For rezone applications and highway projects the proposed ordinance allows the Chena Riverfront Commission to make recommendations to Community Planning Staff, the Planning Commission, and/or directly to the FNSB Assembly. Additionally, this ordinance also gives the Chena Riverfront Commission the opportunity to make recommendations to FNSB Staff regarding the development of Borough-owned land within the 150 feet OHM of the Chena River.

The proposed ordinance also adds “in its discretion, consistent with the goals and objectives of the riverfront plan, support, assist, or provide recommendations to other organizations or property owners with riverfront development projects or activities” to the Commission’s responsibilities. This addition will allow the Commission to continue to write letters of support, advise property owners/organizations on best practices, and support other organizations regarding grants, all of which have been important aspects of this Commission’s actions in the past.

The proposed ordinance also amends the zoning code (Title 18) to require applications within the 150 feet of the Chena River to be submitted, to the Chena Riverfront Commission for review and recommendation.

When drafting this ordinance it was the intention of the FNSB Administration to allow for the Chena Riverfront Commission to have an opportunity to review relevant applications, but not to add any additional delay to application timelines. The proposed ordinance sets forth a 24-day review period on these applications, which is essentially the review period laid out in the Chena Riverfront Commission’s Rule #16. This review period fits within existing deadlines and would not result in any delayed applications beyond the existing deadlines.

This ordinance has also been referred to the Chena Riverfront Commission and the City of Fairbanks City Council for recommendations.

**Consistency with the FNSB Regional Comprehensive Plan**

Ordinance 2017-46 is consistent with FNSB Regional Comprehensive Plan, particularly the adopted Chena Riverfront Plan element. Below are several relevant areas from both the Regional Comprehensive Plan and the Chena Riverfront Plan:

- Support efforts to protect waterways, maintain the Chena River Plan and update it as necessary to accommodate growth and change. (Environment Section, Goal 3, Strategy 9, Action B FNSB Regional Comprehensive Plan)

- Evaluate and review public and private development projects in the context of how well the project meets the adopted goals and objectives of the Chena Riverfront Plan (Goal 1, Policy 3 Chena Riverfront Plan)
• Develop a review procedure for the Chena Riverfront Commission to review development in the river corridor in order to determine consistency with this Plan. (Goal 3, Policy 4 Chena Riverfront Plan)

• Support appropriate comprehensive planning and zoning to achieve development that is consistent with this plan. (Goal 5, Policy 2 Chena Riverfront Plan)

Because of the resultant broadening of the “responsibilities” of the Chena Riverfront Commission, including primarily reviewing proposals for consistency with the Chena Riverfront Plan, this proposed ordinance is consistent with the FNSB Comprehensive Plan and its elements (Chena Riverfront Plan). This broadening of the Commission’s responsibilities will ensure that projects are more consistent with the Chena Riverfront Plan and a “review procedure for the Chena Riverfront Commission to review development in the river corridor in order to determine consistency with this Plan” is specifically emphasized in the Plan, thus making this ordinance consistent with the FNSB Comprehensive Plan.

Analysis

This ordinance will codify many past practices of the Chena Riverfront Commission as the Commission has been reviewing highway projects, rezones, variances, and conditional uses for consistency with the Chena Riverfront Plan over the history of the Commission.

While the Commission has not yet made an official recommendation on the Ordinance No. 2017-46, the Commission has been very involved in different drafts of the ordinance and many of their suggestions were incorporated by the ordinance sponsors. Additionally, as emphasized above, a specific “review procedure” is consistent with the FNSB Comprehensive Plan.

Recommendation

FNSB Community Planning Staff recommends that the Planning Commission make a recommendation to approve Ordinance No. 2017-46.

Proposed Draft Motion:

I move that the Planning Commission recommend approval of Ordinance No. 2017-46 to the FNSB Assembly.

Attachments

Attachment A: ORDINANCE NO. 2017-46
Attachment B: CRFC Rule #16
MEMORANDUM

TO: Christine Nelson, Director
   Department of Community Planning

FROM: Nanci Ashford-Bingham, MMC
   Borough Clerk

DATE: June 23, 2017

SUBJECT: REFERRAL OF ORDINANCE NO. 2017-46 – RESPONSIBILITIES OF CHENA RIVERFRONT COMMISSION AND FNSBC 18.104.010

On June 22, 2017, the Fairbanks North Star Borough Assembly referred Ordinance No. 2017-46 sponsored by Mayor Kassel and Assemblymember Davies to both the Chena Riverfront Commission and Planning Commission for review and recommendation.

(Sponsors: Mayor Kassel And Assemblymember Davies)
-Referred to the Chena Riverfront Commission, Planning Commission and City Of Fairbanks with recommendation due by July 19, 2017

A recommendation is due back no later than July 19, 2017.

Please place this item on the next agenda for the Planning Commission and Chena Riverfront Commission and notify Mayor Kassel and Assemblymember Davies of the date and time of the meetings.

As a reminder all legislative hearings by a board or commission shall be conducted according to procedures outlined in FNSBC 4.04.150(D).

Should you have any questions, please contact me at 1401.

Cc: Jim Williams, Chief of Staff
FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2017-46

AN ORDINANCE AMENDING CHAPTER 4.32 FNSBC REGARDING THE RESPONSIBILITIES OF THE CHENA RIVERFRONT COMMISSION AND FNSBC 18.104.010 REGARDING PROCEDURES FOR REZONINGS, CONDITIONAL USES, AND VARIANCES TO IMPLEMENT CHENA RIVERFRONT COMMISSION REVIEW FOR PROPERTIES ALONG THE CHENA RIVER

WHEREAS, The review and recommendation of conditional uses, variances, rezones, and highway projects is not currently listed in the codified duties of the Chena Riverfront Commission; and

WHEREAS, The Chena Riverfront Commission is a joint City of Fairbanks and FNSB Commission that is charged with planning and fostering the development of riverfront property along the Chena River with an emphasis on the area from Fort Wainwright to the confluence of the Chena and Tanana Rivers; and

WHEREAS, The Chena Riverfront Commission "promotes the health and sustainability of the Chena River, the second, most productive young King Salmon (Chinook) stream in the Alaskan portion of the Yukon River"; and

WHEREAS, The Chena Riverfront Commission has adopted rules regarding the review of certain planning projects within close proximity of the Chena River; and

By: Karl W. Kassel, Mayor

John Davies

Referred to City of Fairbanks,
Chena Riverfront Commission,
and Planning Commission: June 22, 2017

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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Text to be deleted is [BRACKETED, CAPITALIZE]
WHEREAS, Adding the Chena Riverfront Commission to the review of conditional uses, variances, rezones, highway projects, and other projects within close proximity of the Chena River will ensure that these public and private projects are reviewed for consistency with the Chena Riverfront Plan; and

WHEREAS, The Chena Riverfront Commission has played an important role in past projects, such as Rezone 2012-003 Ice Alaska; and

WHEREAS, “There is a strong consensus in the borough that the Chena River is a very special attribute of Fairbanks that ought to be developed in a careful and thoughtful manner so as to enhance its natural beauty, provide for a wide range of uses, and maintained for the enjoyment of many generations of residents and visitors”; and

WHEREAS, “Properly done, this riverfront development will be immediately perceived as the product of a community that has pride in its heritage and culture, and the natural beauty of its setting.”

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. Classification. This ordinance is of a general and permanent nature and shall be codified.

Section 2. FNSBC 4.32.090, Responsibilities, is hereby amended to add the following subsection:
E. In its discretion, consistent with the goals and objectives of the riverfront plan, support, assist, or provide recommendations to other organizations or property owners with riverfront development projects or activities.
F. In its discretion, review proposed development of borough-owned land as well as requests for rezonings, conditional uses, variances and highway projects on parcels located within 150 feet of the ordinary high water mark of the Chena River for conformity with the land development guidelines set forth in this chapter and consistency with the riverfront plan and, within 24 days of the commission’s receipt of an application, may:

1. Make a recommendation to community planning department staff regarding requests for conditional uses and variances;
2. Make a recommendation to community planning department staff, the planning commission or the assembly regarding rezonings and highway projects;
3. Make a recommendation to borough staff regarding development of borough-owned land.

Section 3. FNSBC 18.104.010, General procedures for rezoning, conditional uses and variances, is hereby amended as follows:
A. Initiation. Applications for rezoning, conditional uses and variances shall be made and reviewed according to the following procedures:

1. The applicant shall complete and submit the application forms provided by the borough, along with the required processing fee, prior to the time and date established as the deadline for the planning commission meeting.

2. The department of community planning shall review the submitted request, and submit [THE] its recommendation and all other applicable information to the planning commission and borough assembly, as appropriate. The recommendation shall be based upon conformance to the comprehensive plan and other factors required to be considered by law [PUBLIC SAFETY].

3. Applications involving property within 150 feet of the ordinary high water mark of the Chena River shall first be submitted to the Chena Riverfront Commission for review and recommendation.
B. Hearings. The planning commission shall conduct public hearings on all proposed rezones and quasi-judicial hearings for conditional use permits and variance

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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requests unless specifically exempted under this title. Interested persons may testify and submit other admissible evidence for the planning commission's consideration at a quasi-judicial hearing. When the applicant is the borough the public may submit written comments and general public comment may be permitted. In its rezone deliberations the planning commission shall consider all oral and written statements from the applicant, the public and the department of community planning. Public testimony on rezones shall be relevant and related to the proposed land use.

C. Public Notification. Rezonings shall become effective only after a public hearing has been held at which all interested persons and/or citizens shall have an opportunity to be heard, and approval has been granted by the borough assembly. Conditional uses and variances shall become effective only after a quasi-judicial hearing has been held and approval granted by the planning commission.

1. Publication of Notice. Notice of the time and place of the public or quasi-judicial hearing shall be published at least 10 days prior to the date of the hearing in a newspaper with general circulation in the jurisdiction of the planning commission and borough assembly.

2. Mailing of Notice by the Department of Community Planning. Notice of the public or quasi-judicial hearing shall be mailed to all owners, as shown by the records of the borough assessor, of property in the area to be considered for a rezone, conditional use or variance. Notice shall be sent to owners of lots or land either within an area measured 1,000 feet in all directions from the boundaries of the area being considered if the request is of land within the incorporated areas of the cities of Fairbanks and North Pole, or within an area measured 2,000 feet in all directions from the boundaries of the area being considered if the request is of land outside of the incorporated areas of the cities of Fairbanks and North Pole. In either instance at least 10 owners of lots or land outside of the area being considered shall be notified by mail, whereby these distance requirements shall be increased.

3. Notice by Applicant. The applicant shall provide notice of the public or quasi-judicial hearing by posting the land subject to the application for a rezone,
conditional use or variance with notice clearly legible from each improved street adjacent to the land, or as determined by the community planning director or his designee. All posted notices shall be in the standardized form provided by the department of community planning and shall be posted at least 20 calendar days prior to the date of the public or quasi-judicial hearing and remain until final action has been taken on the matter. Twenty days before the public or quasi-judicial hearing, the applicant shall submit to the department of community planning a signed affidavit that the notice was posted as required by this subsection and photographs of all posted notices. If a site inspection is conducted, staff will note in the staff report the presence or absence of the posted notice. The applicant shall remove the sign within 10 days following the final public or quasi-judicial hearing.

D. Limitations. A proposed rezoning, conditional use or variance which has been denied by the planning commission and/or the borough assembly on a particular tract of land for a particular purpose cannot again be applied for within six months from the date of the denial, unless a new request is submitted that is determined to be substantially different from the original request ([I.E.]e.g., an application for a different but not necessarily a more restrictive zoning district, use, distance, area, etc.).

Section 4. Effective date. This ordinance shall be effective at 5:00 p.m. on the first borough business day following its adoption.

PASSED AND APPROVED THIS _____ DAY OF __________, 2017.

______________________________
Kathryn Dodge
Presiding Officer

ATTEST:

______________________________
Nanci Ashford-Bingham, MMC
Borough Clerk

APPROVED:

______________________________
Jill S. Dolan
Borough Attorney

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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PROCESS FOR PROJECT REVIEW

RULE 16. Step 1. This process applies to a rezone, variance, or conditional use in the designated area of concern along the Chena River, 200 feet from river centerline, as stated in the Chena Riverfront Plan (CRF Plan) as adopted by the Fairbanks North Star Borough Assembly and the City of Fairbanks. Upon receipt of an application or a request for an application within this corridor, the applicant will be given a copy of the Plan, as an official part of the Borough’s Comprehensive Plan, with a notice that their application will be reviewed with this CRF Plan in mind. A CRF "pocket" Plan Summary may be used when available. Day 1.

Step 2. As soon as the application is received (ideally within 3 days of application receipt), the Planning Department Clerk (or designated staff person) for the Chena Riverfront Commission (CRFC) will send an email alert to the CRFC’s members along with a copy of the full application and the applicable map. Day 3.

Step 3. Within two days of receipt of the project application email, any of the CRFC members may contact the CRFC Clerk to request that a working group meeting of interested commissioners, staff & liaisons be scheduled to discuss the project application. This working group meeting must occur ASAP to allow CRFC consideration without creating unnecessary delay of project review. The meeting requestor is urged to speak with the chair or vice chair prior to the working group meeting. Day 5.

Step 4. Upon receipt of this request, the CRFC Clerk will immediately submit public notice in accordance with proper procedures for the working group meeting, coordinating date & time with the chair or vice-chair, if feasible without delay. The CRFC Clerk will also send an email to all the CRFC members, with a subject heading that says "URGENT Notice of Chena River Project Application." The applicant shall be notified and invited to the working group meeting. Day 6.

Step 5. The CRFC working group will decide if a resolution for the full CRFC is desired, and if so, a CRFC meeting will be promptly scheduled. The CRFC Clerk will submit appropriate notice to the public and the CRFC, and a draft resolution will be prepared for consideration. Day 16.

Step 6. The Chena Riverfront Commission will meet to review the application and possibly adopt a resolution addressing the situation. If adopted, the complete resolution will be sent to the Planning Commission staff and requested to be included in the Planning Commission packet. The full resolution will also, as usual, be submitted by the mayors’ offices to the City Council and the Borough Assembly members. Day 27.

Step 7. If a resolution is adopted and the Planning Commission is notified of the CRFC position, one or two CRFC members may be appointed by the Chair to attend the appropriate Planning Commission meeting and be available to discuss the CRFC concerns. If the attending members do not deem the issues adequately addressed by the Planning Commission, he/she may request reconsideration of the Planning Commission, the applicant and/or the full CRFC. Day 30
NEW BUSINESS
**APPLICATION TO PLANNING COMMISSION**

**FOR PRE-HEARING DETERMINATION**

**Interested Person**

Fairbanks North Star Borough

Complete and return to Department of Community Planning or email to FNSBPC@fnsb.us

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### Your Information:

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### Case Information:

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I would like a pre-hearing determination that I meet the “interested person” standard to testify at the hearing.

Please check one:

- [ ] I am the [ ] Applicant or [ ] property owner in this case
- [ ] I received a “Dear Property Owner” letter about this case
- [ ] I did not receive a “Dear Property Owner” letter but I reside at a location that is within the hearing notification area (Attach an affidavit or other proof of residence)
- [ ] I did not receive a “Dear Property Owner” letter but believe I am an “interested person” (fill out the information requested below)
- [ ] I am the representative of one of the above parties (e.g., an attorney) (please indicate which category of party you represent ______________________________________)

### Request for Interested Person Determination:

*Per Fairbanks North Star Borough Code 18.04.010 “Interested persons means those individuals who are required in this title to be mailed specific notice of a quasi-judicial hearing or who provide an affidavit or other adequate proof that they reside within that hearing notification area or who timely apply to participate and prove that they possess a specific property interest that may be significantly affected by the proposed action in a way different than that of the general public. For purposes of oral testimony only, interested persons include, when the applicant is a public entity (including an agency, political subdivision or other component unit of the public entity), the citizens of that public entity.”*

Please explain, in detail, how your property interest is significantly affected by the action of the Planning Commission. You may use additional sheets or attach maps, photos, narratives, or other evidence in support of your claim.

**I possess the following specific property interest:**

**My property interest may be affected by the decision in this case in the following way(s):**

**My property interest is different than that of the general public because:**

By my signature below, I attest to the truth of the statements made on this form.

---

DATE:  SIGNATURE:

*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.*
This form is only for the type of pre-hearing determination listed. When you complete this form, it is important that you limit your comments to those directly relevant to the information sought for the type of determination. Any information provided in addition to that sought (including information regarding your argument about or position on the matter) will be redacted and will not be provided to the Planning Commission Chair for consideration in making the pre-hearing determination.

Decisions on the pre-hearing application will be noticed by email. If you do not have an email address, the Planning Commission Clerk will call you. You must provide a legible email address and/or phone number and you must check your email (including junk mail) or your voice mail for the Chair's determination. Deadlines will not be waived for your failure to check your email, voice mail, for your failure to answer your phone, because there is no way for the Clerk to leave a message, or because the contact information you provided was not legible.

PRE-HEARING DETERMINATION APPLICATION DEADLINE. All pre-hearing determination applications must be received by the Community Planning Department no later than 5 p.m. on the Monday one week prior to the hearing at which you wish to testify.

Example: if you wish to testify at a Tuesday Planning Commission meeting, you must submit your application no later than 5 p.m. on the Monday, seven (7) days prior to the day of the public hearing.

INTERESTED PERSONS DETERMINATION. The Planning Commission applies the definition of “Interested Person” found in FNSB Code 18.04.010. In order to determine interested person standing, the Chair will examine your application for:
- A specific property interest that you hold;
- How that property interest may be affected by the decision in the matter; and
- Whether your property interest may be affected in a way different than the general public.

The Chair shall make the interested person determination with reasonable promptness and the Planning Commission Clerk shall notify the person of the decision with reasonable promptness.

CONCURRENT APPLICATIONS. You may submit applications to testify by affidavit or by telephone at the same time. If you have a preference as to one form of testimony over the other, please indicate that preference on your applications. Otherwise, the Chair will review the application to testify telephonically first and only if that application is denied will the Chair review the application to testify by affidavit.

\[^1\] If a deadline falls on an FNSB-observed holiday, the deadline shall be the next business day unless otherwise set by the Planning Commission Chair in writing with notice given in advance.
# APPLICATION TO PLANNING COMMISSION
## FOR PRE-HEARING DETERMINATION

### Telephonic Testimony
Fairbanks North Star Borough

<table>
<thead>
<tr>
<th>907 Terminal Street</th>
<th>P.O. Box 71267</th>
<th>Fairbanks, Alaska 99707-1267</th>
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<tbody>
<tr>
<td>(907) 459-1260</td>
<td>FAX (907) 205-5169</td>
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Complete and return to Department of Community Planning or email to FNSBPC@fnsb.us

## Your Information:

<table>
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<tr>
<th>Name:</th>
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<tr>
<td>Physical Address:</td>
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<td>Phone Number:</td>
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## Case Information:

<table>
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<th>Case Number:</th>
<th>Hearing Date:</th>
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Please check one:

- [ ] I am the [ ] Applicant or [ ] property owner in this case
- [ ] I received a “Dear Property Owner” letter about this case
- [ ] I did not receive a “Dear Property Owner” letter but I reside at a location that is within the hearing notification area (Attach an affidavit or other proof of residence)
- [ ] I did not receive a “Dear Property Owner” letter but believe I am an “interested person” (attach Interested Person Determination Application)
- [ ] I am the representative of one of the above parties (e.g., an attorney) (please indicate which category of party you represent ____________________________)

## Request for Telephonic Testimony:

- [ ] I would like a pre-hearing determination that I can testify telephonically at the hearing because:
  - [ ] I will be outside of the Fairbanks North Star Borough on the date of the hearing (please indicate the nature and dates of your time away from the FNSB):
  
  - [ ] I have a disability that prevents me from attending (please indicate how your disability prevents you from attending the hearing):
  
  - [ ] Other “good cause” reason:

- [ ] I would like a pre-hearing determination that I can present a witness telephonically at the hearing because:

By my signature below, I attest to the truth of the statements made on this form and pursuant to FNSBC 4.04.150.A.1, I agree to pay any charges incurred by the FNSB related to my telephonic testimony.

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<th>DATE:</th>
<th>SIGNATURE:</th>
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For official use only:

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<th>Revd by:</th>
<th>Date:</th>
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Planning Commission Meeting 84 June 18, 2017
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**PRE-HEARING DETERMINATION APPLICATION DEADLINE.** All pre-hearing determination applications must be received by the Community Planning Department no later than 5 p.m. on the Monday one week prior to the hearing at which you wish to testify.

*Example: if you wish to testify at a Tuesday Planning Commission meeting, you must submit your application no later than 5 p.m. on the Monday, seven (7) days prior to the day of the public hearing.*

**TELEPHONIC TESTIMONY DETERMINATION.** The Chair may allow telephonic testimony if a party or interested person can demonstrate good cause. Generally, pre-planned travel outside of the FNSB or a disability preventing in-person testimony will qualify you or your witness for telephonic testimony. However, if the Chair determines that another party will be substantially prejudiced by the telephonic nature of the testimony, the Chair may require in-person testimony.

a. **ARRANGEMENTS.** If telephonic testimony is allowed by the Chair, the person submitting this request is responsible for making adequate arrangements to appear, including coordination with the Planning Commission Clerk for the telephonic testimony.

b. **ALL TELEPHONIC TESTIMONY MUST BE OFFERED FROM A LANDLINE PHONE.**

c. A hearing will not be postponed due to the person’s failure to make adequate arrangements for the testimony by telephone. A person offering testimony from a non-landline phone who cannot be clearly understood may be disconnected.

**CONCURRENT APPLICATIONS.** You may submit applications to testify by affidavit or by telephone at the same time. If you have a preference as to one form of testimony over the other, please indicate that preference on your applications. Otherwise, the Chair will review the application to testify telephonically first and only if that application is denied will the Chair review the application to testify by affidavit.

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APPLICATION TO PLANNING COMMISSION
FOR PRE-HEARING DETERMINATION
Testimony by Affidavit
Fairbanks North Star Borough

Complete and return to Department of Community Planning or email to FNSBPC@fnsb.us

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Please check one:

☐ I am the ☐ Applicant or ☐ property owner in this case

☐ I received a “Dear Property Owner” letter about this case

☐ I did not receive a “Dear Property Owner” letter but I reside at a location that is within the hearing notification area
   (Attach an affidavit or other proof of residence)

☐ I did not receive a “Dear Property Owner” letter but believe I am an “interested person” (attach Interested Person Determination Application)

☐ I am the representative of one of the above parties (e.g., an attorney) (please indicate which category of party you represent __________________________)

Request to Testify by Affidavit:
You must submit the affidavit containing your proposed testimony with this application. The affidavit will not be submitted as evidence until the Chair determines you are eligible to testify by affidavit. See the back side of this form for more information.

☐ I would like a pre-hearing determination that I can submit my testimony by sworn affidavit. (please submit your written testimony with this application)

☐ I would like a pre-hearing determination that I can present a witness’ testimony by sworn affidavit. (please submit witness’ written testimony with this application)

By my signature below, I attest to the truth of the statements made on this form:

DATE: __________________________ SIGNATURE: __________________________
This form is only for the type of pre-hearing determination listed. When you complete this form, it is important that you limit your comments to those directly relevant to the information sought for the type of determination. Any information provided in addition to that sought (including information regarding your argument about or position on the matter) will be redacted and will not be provided to the Planning Commission Chair for consideration in making the pre-hearing determination.

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Example: if you wish to testify at a Tuesday Planning Commission meeting, you must submit your application no later than 5 p.m. on the Monday, seven (7) days prior to the day of the public hearing.

TESTIMONY BY AFFIDAVIT DETERMINATION. The Chair may allow testimony by affidavit as follows:

- a. You must submit the affidavit containing your testimony at the time you submit the form applying to testify by affidavit. The affidavit will not be submitted to the Planning Commission or any party as evidence until the Chair determines that you will be allowed to testify by affidavit.
- b. The Planning Commission Clerk will send a copy of your affidavit to the parties (usually only the Applicant and Staff).
- c. Those parties may then submit relevant written questions to the Planning Commission Clerk.
- d. The Chair will determine whether the submitted questions are necessary and, if so, the Chair may either require you to testify in person or by telephone or the Chair may require you to answer the questions in a second affidavit.
  - i. If you fail to answer the questions in a second affidavit, the Chair may determine that all or part of your first affidavit will not be admitted for consideration by the Planning Commission.
  - ii. If the Chair determines that the submitted questions are not necessary, or if no questions are submitted, your affidavit will be accepted for Planning Commission consideration.

CONCURRENT APPLICATIONS. You may submit applications to testify by affidavit or by telephone at the same time. If you have a preference as to one form of testimony over the other, please indicate that preference on your application. Otherwise, the Chair will review the application to testify telephonically first and only if that application is denied will the Chair review the application to testify by affidavit.

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AFFIDAVIT
for testimony to the Fairbanks North Star Borough Planning Commission

STATE OF ALASKA )
) ss.
FOURTH JUDICIAL DISTRICT )

I, _____________________________________________________________, being duly sworn and under oath, depose and state that the following is true and based on my own personal knowledge:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
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Signature

(Print Name and Address of Affiant)

I hereby certify that on this __________ day of _____________________, 20____, before me, the undersigned Notary Public in and for the State of Alaska, personally appeared ____________________________, known to me to be that individual, and made his/her oath in due form of law that the matters and facts set forth in this Affidavit are true. In witness whereof, I hereunto set my hand and official seal.

Notary Public (signature)
Printed name: ______________________________________

My commission expires: ________________________________
FMATS
The Fairbanks Metropolitan Area Transportation System (FMATS) Technical Committee will meet on Wednesday, July 5, 2017 at 12PM in the City of Fairbanks Council Chambers, 2nd Floor City Hall, 800 Cushman Street, Fairbanks, AK. The public is welcome to attend.

Main Agenda Items Include:
- FMATS Bicycle and Pedestrian Advisory Committee Roles
- 2045 Metropolitan Transportation Plan Draft Goals and Objectives
- Transportation Infrastructure – Review of Policy Comments
- Letter to Legislature regarding Maintenance Funding
- FMATS Banking Request
- FMATS Landscape Policy
- MACS Fixed Route Service Reduction Update
- Vision Fairbanks Downtown Plan Ordinance

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