ADDENDUM
MATERIALS
REVISED STAFF REPORT

To: Fairbanks North Star Borough Planning Commission

From: Stacy Wasinger, Planner III

Date: April 24, 2018
April 24, 2018 Planning Commission Meeting

Subject: CU2018-012: A request by Ainley International Memorial Fund LLC for conditional use approval of a natural resource extraction use (gravel extraction pit) in the Light Industrial with Special Limitations (LI-SL), Groundwater Damage Protection (GWP) overlay, and Waterways Protection (WP) overlay zone on Tract B, North Star II Subdivision (located north of Old Richardson Highway, south of Blanket Boulevard, and south of Richardson Highway).

EXECUTIVE SUMMARY

The applicant has requested a conditional use permit to develop a natural resource extraction use, specifically a gravel extraction pit, in the Light Industrial with Special Limitations (LI-SL), Groundwater Damage Protection (GWP) overlay, and Waterways Protection (WP) overlay zone. The proposed conditional use is on a portion of a larger existing 132.985 acre Tract B. The portion of Tract B zoned LI-SL is approximately 40.6 acres. The proposed conditional use is a gravel extraction pit on 10 acres in the initial phase, with a possibility of up to 21 acres developed, dependent on the depth and quality of the material as the gravel pit is developed. The extraction method is dragline equipment, and extraction is proposed to be primarily during a construction season from April through October, with potential stockpiling of gravel for use during winter months. A 20 year time frame is proposed, resulting in an expected pond depth of 45 feet. A 25 foot buffer is proposed to be maintained from Beaver Springs Creek and property lines. The primary access proposed is currently a private driveway across the property and the adjacent parcel to the east, intersecting with Buzby Road. Proposed hours of operation are 7 am to 8 pm. A water truck is proposed to be on site during extraction and operations for dust control. Please see "Key Issues" below for further discussion.

Key Issues:
Transportation facilities, access, and traffic:
The proposed conditional use is expected to generate up to 50 vehicles (100 trip ends) during peak construction season. Much of this traffic is expected to be related to heavy commercial truck traffic, as dump trucks transport excavated gravel off-site. The proposed access route is currently a private driveway to Buzby Road. Buzby Road is a major collector road maintained by ADOT & PF. Any driveway at that intersection would likely need to be constructed to commercial standards based on the change of intensity with the proposed conditional use. Blanket Boulevard is a minor collector road maintained by the City of North Pole and is not proposed to be used for truck traffic associated with the conditional use.

There is a current subdivision application for the property that would dedicate proposed Psalms Boulevard as a public ROW from Buzby Road to the conditional use but neither a preliminary nor final plat have been approved. Psalms Boulevard is proposed to be a collector road that would ultimately be maintained by the City of North Pole; a Development Agreement between the owner and the City of North Pole considers road maintenance, if the subdivision is finalized and the road dedicated. Prior
to dedication of Psalms Boulevard, the access is a private driveway across the applicant’s property, and there are limited public health, safety, and welfare impacts to the degradation of a private driveway that is not being used by the public. If Psalms Boulevard is dedicated to the public and being used as access by the public, there is likely to be greater public health, safety, and welfare concerns, including degradation to a potentially unmaintained public roadway. This is even more concerning if Psalms Boulevard is the only legal access to the parcels proposed to be platted in the area. Community Planning recommends a condition regarding maintenance for Psalms Boulevard if it is dedicated as a public ROW but not yet maintained by the City of North Pole. Appendix F of the Development Agreement requires certain maintenance by the developer unit such time that the City of North Pole assumes maintenance responsibility. This will ensure the public road is adequate for the traffic generated by the conditional use from the time Psalms Boulevard is dedicated as ROW to the time the City takes over maintenance. With the conditions imposed, the private driveway, proposed Psalms Boulevard, and existing Buzby Road are adequate to handle the heavy commercial truck traffic associated with this conditional use.

Buffers:
A 25 foot vegetative buffer from Beaver Springs Creek coincides with the Waterways Protection Designation (WP) overlay zone on the subject property. Recommendations from Alaska DNR and US Fish and Wildlife publications supports a larger combined primary and secondary vegetative buffer from the waterway due to potential impacts of runoff and development near a waterbody. Staff recommends a 66 foot vegetative buffer, consisting of a 33 foot primary and 33 foot secondary area. This 66 recommended. The applicant’s proposed 25 foot buffer will also serve as a buffer from the adjacent residential zones and help mitigate noise and dust impacts to the surrounding properties.

Noise and dust:
Noise and dust are expected with the operation of a gravel pit. Hours of operation, buffers, and dust mitigation will help mitigate these concerns. The proposed hours of operation from 7 am to 8 pm are compatible with the surrounding zoning; extended hours may not be compatible due to noise and dust impacts. A condition is proposed to limit the hours of operation from 7 am to 8 pm. A vegetative buffer from residential zones would serve to help mitigate visual and auditory impacts of the use.

Length of conditional use operations:
The applicant has a stated end date of operations of September 1, 2038 and a maximum pond depth of 45 feet. Due to the nature of the impacts of the proposed conditional use, a 20 year time frame is too long to ensure the use is appropriate to the area. The adjacent area is zoned to be developed residentially and growth is expected in the area. A 5 year (construction season) sunset limitation to the conditional use permit is consistent with other high impact conditional use permits. Staff recommends an expiration date for the conditional use permit of November 1, 2022. The property owner could apply for subsequent renewals, allowing the Planning Commission to review and ensure the use continues to be compatible with the area.

Comprehensive Plan compliance:
The comprehensive plan area designation for the subject parcel is “Mixed Commercial/Residential/Office”. The subject area was rezoned with special limitations in January 2018. The special limitations on the LI zone limit the industrial uses but allow the option to apply for a conditional use for resource extraction. With conditions, the proposed use of the LI-SL area as a gravel pit is consistent with Comprehensive Plan Land Use Goal 4, Strategy 10, Action B.

Staff Recommendation: The Department of Community Planning recommends APPROVAL of the conditional use request with six (6) seven (7) conditions and three (3) Findings of Fact in support of approval. With conditions as recommended, the staff analysis finds that the proposed gravel
extraction pit will meet the intent and purpose of Title 18 and of other ordinances and state statutes, will have adequate public services, and will protect public health, safety and welfare.

I. GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Property Information</th>
</tr>
</thead>
</table>
| Applicant             | Ainley International Memorial Fund LLC  
|                       | PO Box 56881  
|                       | North Pole, AK 99705 |
| Property Owner        | Same |
| PAN                   | 0622620 |
| Lot Size              | A portion of existing larger Tract B.  
|                       | - Tract B is 132.985 acres  
|                       | - LI-SL zone is 40.6 acres  
|                       | - 10 to 21 acres in LI-SL zone proposed to be used for gravel extraction |
| Existing zoning       | Tract B includes: Light Industrial with Special Limitations (LI-SL), Multiple-Family Residential (MF), and Two-Family Residential (TF), Groundwater Damage Protection (GWP) overlay, and Waterways Protection (WP) overlay zone |
| Existing land use     | Vacant |
| Flood zone            | X; and X: Protected by Levee |
| Comprehensive plan    | Mixed Commercial/Residential/Office |
| Code Violations       | None known |

<table>
<thead>
<tr>
<th>Adjacent Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>East</td>
</tr>
<tr>
<td>West</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Adjacent Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>East</td>
</tr>
<tr>
<td>West</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
</tr>
<tr>
<td>Sewage</td>
</tr>
<tr>
<td>Emergency Fire Response</td>
</tr>
<tr>
<td>Energy</td>
</tr>
<tr>
<td>Police</td>
</tr>
</tbody>
</table>

<p>| Transportation        |</p>
<table>
<thead>
<tr>
<th>Access Road</th>
<th>Private driveway to Buzby Road; if the proposed platting action is finalized and Psalms Boulevard is dedicated then access would be via Psalms Boulevard to Buzby</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Type</td>
<td>Collector</td>
</tr>
<tr>
<td>Maintenance Authority</td>
<td>AKDOT &amp; PF maintains Buzby Road. If Psalms Boulevard is dedicated, the road would be required to be constructed to Title 17 standards and the developer would be the maintenance authority until a percentage of the residential lots are sold, then the road will be constructed by the developer to City standards before the City of North Pole will take over maintenance of that road.</td>
</tr>
</tbody>
</table>
| Traffic Count | Buzby Road: 1,700 to 1,800 trips per day  
N/A for the driveway and the proposed Psalms Boulevard |
| Estimated Existing Trips from Property | N/A, property is currently vacant |
| Estimated New Trips | Applicant estimates up to 50 vehicles (0-100 trip ends) per day during peak season |

**Agency Comments**

<table>
<thead>
<tr>
<th>City of North Pole</th>
<th>Concerns with the use of proposed Psalms Blvd due to potential damage by heavy truck traffic on a road not built for that type of vehicle; maintenance agreement with City is being redrafted to incorporate changes regarding truck traffic and the gravel pit use if the road is dedicated</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADOT &amp; PF</td>
<td>Driveway permit application is required to review the change of use/intensity and the impacts at the intersection with Buzby; the intersection will likely be required to meet a commercial driveway standard</td>
</tr>
<tr>
<td>ADF&amp;G</td>
<td>Consider buffers and design for future pond if it is to be reclaimed for recreational use</td>
</tr>
</tbody>
</table>

**Meets CUP Approval Criteria**

| Conforms to the intent and purpose (Title 18, other ordinances and state statutes) | Yes, with conditions |
| Has adequate public services (water, sewage, energy, transportation, etc.) | Yes, with conditions |
| Protects public health, safety and welfare | Yes, with conditions |

**II. ZONING AND DEVELOPMENT HISTORY**

The subject parcel was zoned Unrestricted Use (UU) with the adoption of Ordinance No. 67-34 on March 28, 1968. The subject property was rezoned from UU to General Agriculture (GA) and Outdoor Recreational (OR) with the adoption of Ordinance No. 71-24 on September 9, 1971. It was rezoned again from GA/OR to Business I (BSI), Multiple Residential I (R3-I), General Residential (R2), and Outdoor Recreation (OR) with the adoption of Ordinance No. 86-051 on July 24, 1986.

With the adoption of Ordinance No. 88-010 on April 19, 1988, the zoning districts were changed and property was rezoned as follows:

- Business I (BSI) zoned property became General Commercial (GC)
- Multiple Residential I (R3-I) zoned property became Multiple-Family Residential (MF)
- General Residential (R2) zoned property became Two-Family Residential (TF)
- Outdoor Recreation (OR) zoned property remained Outdoor Recreation (OR)

Ordinance No. 2006-052, adopted on September 14, 2006, established a 50 foot Waterways Setback Designation (WS) overlay from Beaver Springs Creek, replacing the OR zone on the subject property. The portion of Tract B proposed to be utilized as a gravel extraction pit was rezoned to Light Industrial with Special Limitations and a 25 foot Waterways Protection Designation overlay (LI-SL/WP) with the adoption of Ordinance No. 2018-01 on January 25, 2018. The special limitations restricted most of the potential LI uses on the property but natural resource extraction remained a conditional use (Exhibit 1).

The subject parcel was previously one large parcel known as Tax Lot 1515. Tax Lot 1515 was subdivided with the recording of the plat for the North Star II Subdivision on August 26, 2010. This plat created Tract A at 2.403 acres, Tract B at 132.985 acres, and Tract C at 3.481 acres (Exhibit 2). The proposed conditional use is for a gravel extraction pit on a portion of Tract B, which is currently vacant. The subject parcel is proposed to be subdivided (Exhibit 3). The proposed subdivision would create Tract G at approximately 40.6 acres, which would contain the LI-SL zone and the proposed conditional use gravel extraction pit.

III. PROPOSED USE AND PROJECT INFO

The applicant proposes to utilize approximately 10 acres of land initially on the south portion of Tract B (proposed Tract G in the concurrent platting application) to create a gravel extraction pit and stockpile area (Figure 1). Based on the initial yield and quality of the gravel in those 10 acres, the proposed phase 2 would expand the extraction area to a maximum of 21 acres total. Ainley International Memorial Fund LLC owns the Tract A-1 adjacent to the east except for the City of North Pole well. The Alaska Railroad Corporation owns the property adjacent to the west and south and Golden Valley Electric Association owns the property adjacent to the south. The property to the northwest corner and the neighborhood to the north are comprised of private owners (see Exhibit 4 for a reference aerial photo/map).

The applicant has proposed a 20 year timeframe for operation of the gravel pit, with a termination date for gravel extraction operations of September 1, 2038 with an expected maximum pit depth of 45 feet. The operation of the gravel pit is expected to be seasonal, with a proposed primary construction season of April through October. Proposed hours of operation are 7 am to 8 pm, daily. A maximum of 2 to 3 employees is expected during construction season to run the equipment and trucks, with fewer or no employees on-site during winter months. Equipment on site will include a dragline, dump trucks, screening plant, and crusher. A generator would be used for any power needs. The extraction method is proposed to be “traditional dragline”, which includes utilizing a dragline excavator to extract material. The extracted material would then be processed on-site, utilizing a crusher. The gravel is proposed to be sold commercially. The gravel would subsequently either be moved off-site using dump trucks or potentially stockpiled on-site for subsequent commercial sales during the winter. A gate would be installed at the access point off of the private driveway at the access point to the gravel pit for security purposes (see Figure 1). The application materials state “[t]he minimum vegetative buffer area will remain 25’ from the top bank of the creek if the gravel pit needs to be moved closer than the site plan shows.” The site plan locates potential wetlands in the northwestern portion of Proposed Tract G. The application materials state that the gravel extraction use will not impact the wetlands. Any future excavation or fill in wetlands requires permits from the US Army Corp of Engineers. The site plan also shows a 25 foot buffer from the adjacent residentially zoned property and the Alaska
Railroad property to the southwest. On-site lighting is not proposed, other than lighting associated with the vehicles in operation on site. A water truck is proposed to be on-site for dust mitigation as needed. The site and the access driveway to Buzby Road are proposed to be watered “first thing in the morning and then periodically through the day when the roadbed starts to dry and create dust.” Noise is expected during the operating hours of the use. Adequate space is available on-site for any vehicles to park and maneuver for the proposed conditional use.

Figure 1: Site Plan
(Source: Site plan by applicant, annotations by Community Planning staff for illustrative purposes.)

To utilize the site for natural resource extraction in the LI zone requires a conditional use permit (FNSBC18.72.020(B)(6)). A natural resource extraction use is listed as “on tracts of land not less than five acres in size, including equipment and buildings or structures for screening, crushing, mixing, washing, storage or office purposes.” The proposed conditional use meets the intent of this use in the LI zone and is permitted with the special limitations. The adjacent properties are all zoned TF, MF, RR, or GC.

The proposed site is currently vacant. Tract B has access to Blanket Boulevard and to Buzby Road across property owned in common. Blanket Boulevard is not proposed to be the primary access to the site, or for any truck traffic. The primary access to the gravel pit conditional use proposed by the applicant is currently a private driveway east to Buzby Road. Buzby Road is a major collector road maintained by ADOT & PF; this road is adequate for the traffic generated by
the conditional use, but ADOT & PF requests to review the intersection at Buzby Road for the change in use/intensity with the establishment of the conditional use. Pursuant to ADOT & PF comments, the driveway at this intersection would need to be permitted and likely constructed to commercial standards in order to serve the proposed conditional use. The property has access to Blanket Boulevard to the north, but Blanket Boulevard is not proposed to be used for heavy truck traffic associated with the conditional use.

There is a proposed platting action on this property that would create Tract G (Exhibit 3). It would also require the dedication and construction of Psalms Boulevard in the approximate location of the existing driveway. Psalms Boulevard would then become the access to the proposed conditional use. This platting action has not yet been approved, but if the plat is approved and recorded, Psalms Boulevard is proposed to be dedicated as a public ROW and ultimately maintained by the City of North Pole under a Development Agreement between the property owner and the City. There was a previous Development Agreement with a version of the proposed subdivision which is being re-negotiated to include more detail regarding the use of Psalms Boulevard by heavy truck traffic associated with the proposed conditional use due to concerns expressed by the City of North Pole. Lots 1 through 45 are proposed to be created in 7 phases. The dedication of Psalms Boulevard would be required by Title 17 with the initial phase, but would only require construction to Title 17 standards to the extent of each phase as it is completed. The applicant and the City have tentatively agreed that maintenance of Psalms Boulevard will remain the applicant’s responsibility until such time that 80% of the proposed residential lots along Psalms Boulevard (lots 1-45 in Exhibit 3) are sold. At that time, it is expected that Psalms Boulevard will be constructed to the City of North Pole standard for the type of road and heavy truck traffic will be limited to 3 trucks per hour. This will limit the overall truck traffic to 39 trucks (78 trip ends) per day, based on a maximum of 3 trucks per hour during each of the proposed hours of operation from 7 am to 8 pm. Truck traffic would also be expected to be less than this if there are reduced hours.

Prior to proposed dedication of Psalms Boulevard, the access is a private driveway across the applicant’s property, and there is limited public health, safety, and welfare impacts to the degradation of a private driveway. A concurrent platting action proposes to dedicate Psalms Boulevard as a public ROW. If Psalms Boulevard is dedicated to the public and being used as access by the public, there is a greater public health, safety, and welfare concern associated with the deterioration due to heavy truck traffic on an unmaintained city street and public roadway. It has been proven that heavy truck traffic does have impacts on a gravel roadway, particularly if not maintained. Appendix F of the Development Agreement between the City of North Pole and the developer requires certain maintenance by the developer unit such time that the City of North Pole assumes maintenance responsibility. Community Planning recommends a condition regarding maintenance if Psalms Boulevard is dedicated but not yet maintained by the City of North Pole. This maintenance condition will ensure the road is adequate for the traffic generated by the conditional use from the time Psalms Boulevard is dedicated to the time the City takes over maintenance.

The proposed use will not require any septic or additional water supply beyond what is required for dust control and operations. The applicant proposes to have a water truck on-site for dust control as needed. The site and the access driveway to Buzby Road are proposed to be watered “first thing in the morning and then periodically through the day when the roadbed starts to dry

---

and create dust.” The applicant states that environmental conditions, such as precipitation and weather, will impact how often dust mitigation is needed.

The application materials show that outdoor lighting will comply with FNSBC 18.96.140, which states that “Lighting, glare and general illumination shall not be directed towards residentially zoned properties other than that property from which the lighting, glare and general illumination originates.” Lights will be associated with the vehicles on-site and will not be illuminated outside of the hours of operation.

**Figure 2** shows the zoning of the surrounding area (**Exhibit 5**). There is TF and MF zoning on the north, east, and west sides of the subject property, RA-5 to the west, and GC, HI, and RR to the south and east.

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

![](image)

**Figure 3** shows the current land use of parcels in the surrounding area, based on the FNSB Assessor primary use designations (**Exhibit 6**). The properties directly adjacent to the subject property are vacant. The surrounding area is predominantly residential in use, with some vacant parcels.
The only residentially developed property directly adjacent to the area proposed to be used for the gravel pit is TL-1507 to the northwest, across Beaver Springs Creek. This parcel is over 500 feet from the area proposed to be a gravel pit. The applicant states that this parcel is currently unoccupied and the FNSB Assessor records note that the mobile home on the property has been boarded up and vacant since 2011. Residential uses are present to the north and east, but not adjacent to the LI-SL zoning.

IV. APPLICABLE APPROVAL CRITERIA
Conditional Uses are governed by FNSBC18.104.050(C) (Exhibit 7).

V. Public Notice
There were 118 dear property owner notices mailed out (Exhibit 8) and staff received one inquiry about this conditional use.

VI. Agency Comments
The FNSB Department of Community Planning contacted following agencies for comments:

a. City of North Pole
b. Alaska Department of Transportation and Public Facilities (ADOT&PF)
c. FNSB Floodplain Management
d. FNSB Emergency Operations/Addressing
The City of North Pole returned written comments expressing concerns about the maintenance of the proposed Psalms Boulevard to accommodate the heavy truck traffic associated with the proposed conditional use. The application materials state that the applicant and the City have agreed to modify the development agreement, leaving maintenance responsibility with the developer until such time that 80% of the 45 proposed residential lots are sold along Psalms Boulevard. At that time, the road would be completed and constructed to City of North Pole standards and the City would take over maintenance. ADOT & PF has submitted comments regarding the need for a permit for the intersection at Buzby Road. This driveway would likely need to be constructed to commercial standards based on the change of intensity at that intersection with the proposed conditional use. This would apply to any access onto Buzby Road, whether it is a private driveway or public ROW. Additional staff analysis of the conditional use criteria follows below. All written comments are included in the “Agency Comments” section following this report (Exhibit 9).

VII. STAFF ANALYSIS

A. Zoning and Comprehensive Plan Designation

Natural resource extraction uses are permitted by conditional use in the LI zone (FNSBC18.72.020(B)(6)). The portion of the property proposed to be utilized as a gravel pit was rezoned in January 2018 to LI with special limitations. The special limitations on the property limit the light industrial type uses on the property but do still permit a natural resource extraction gravel pit by conditional use. The LI zone is “intended to provide for light manufacturing, fabricating, assembly, disassembly, processing and treatment activities in an urban or suburban environment. This district’s uses are intended to be conducted in a manner not detrimental to the rest of the community by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, fire, or explosive hazards, or glare or heat.” The LI zone permits those uses allowed in the GC zone except residential and schools, light manufacturing, lumberyards, etc. However, the special limitations on this property eliminate most of the permitted and conditional industrial uses except:

FNSB 18.72.020, Use Regulations:

A. Permitted Uses
   1. Any permitted use in the LC, GC and CBD districts except residential dwelling units not otherwise permitted in this district and school buildings

   21. Mobile home or permanent home to be used as a dwelling unit by the owner or by a watchman, caretaker, manager and family when located on the premises where they are employed in such a capacity
B. Conditional Uses

2. Dormitories and other dwelling units, including mobile homes, placed on the premises to be used by individuals employed in the industrial use of the premises

6. Natural resource extraction on tracts of land not less than five acres in size, including equipment and buildings or structures for screening, crushing, mixing, washing, storage or office purposes

The LI zone has minimum required setbacks of 20 feet from front property lines and 15 feet from side and rear property lines adjacent to RA through MFO zones. With a sight obscuring fence at least 6 feet in height, the side and rear yard setbacks can be reduced to 10 feet.

The comprehensive plan area designation for the subject parcel is “Mixed Commercial/Residential/Office” from the 2010 North Pole Land Use Plan (Exhibit 10). ‘Mixed Commercial/Residential/Office’ is defined as “area to provide a combination of commercial, high density residential or office uses. Upper floor residential above retail or office uses is encouraged.” The subject area was rezoned with special limitations in January 2018. The special limitations on the LI zone limit the uses predominately to those that are permitted in the GC zone while also allowing the property owner the option to apply for a conditional use for resource extraction. These limitations make the LI zone consistent with the ‘Mixed Commercial/Residential/Office’ land use designation. The adjacent residential zone would require a 15 foot side and rear yard setback in the LI/SL zoned area. Although it is not a specifically listed as a commercial/residential/office type use in the North Pole Land Use Plan, the gravel pit will help serve in the development of the future subdivision and the community by providing material to help build roads for future housing, including housing to serve anticipated military-related growth. The gravel pit will also ultimately result in the creation of a pond that could serve as an amenity to future residents. This conditional use permit process could include additional limitations and conditions that make it more compatible with the surrounding land uses and zoning, such as limiting the hours of operation, length of operations, and requiring larger and/or additional buffers. Adequate water and sewer facilities exist for this use.

The proposed conditional use is also compatible with Land Use Goal 4, Strategy 10, Action B, which states:

**Goal 4:** To enhance development opportunities while minimizing land use conflicts

**Strategy 10:** Attract and support development that is compatible with and enhances existing land use.

**Action B:** Develop a pattern of compatible land uses and either separate, transition, or buffer incompatible land uses... Where Borough permitting is required for the extraction of sand, gravel, peat, placer and hard rock mining, the following guidelines should be used:

- Surrounding properties are not adversely damaged.
- Excessive dust does not materially affect surrounding properties.
- Hours of operation, lights, and noise levels are compatible with surrounding uses.
- Truck traffic, where possible, is routed so as to minimize impact to surrounding sensitive neighborhoods.
- Sites are restored by the property owner for long-term reuse consistent with the Comprehensive Plan on a case-by-case basis.
- Water quality and quantity are either not diminished or they are mitigated.
Of these specific considerations, all are either addressed by the applicant’s proposed operation of the gravel pit or can be addressed with conditions. Detailed analysis of each point is addressed in Section C below.

**Figure 4: Vegetative Buffer**
(Source: Site plan by applicant, annotations by Community Planning staff for illustrative purposes.)

The applicant has proposed a minimum 25 foot buffer from Beaver Springs Creek. Alaska DNR recommends a 100 foot building setback and vegetative buffer from anadromous waterways on state land. Although the subject parcel is not state land and Beaver Springs Creek is not currently designated as anadromous, this recommendation can serve as a guide for riparian buffers. There are no structures proposed for this conditional use. However, the nature of the proposed gravel pit will create potential impacts such as water and sediment runoff that could impact the quality of the creek and this recommendation provides a guide for what type of riparian buffer might be appropriate. Another publication, “General Recommendations for Riparian Management Zones in Interior Alaska” recommends a minimum of 26 feet up to 82 feet or more of undisturbed vegetated buffer from anadromous waterways, with additional secondary buffering.

---

2 Alaska Forest Resources & Practices Act: AS 41.17. Division of Forestry, Department of Natural Resources. Reprinted May, 2013
with limited disturbance, depending on the type of waterbody and development\(^3\). The 25 foot buffer does not meet the minimum recommendation for private land adjacent to water bodies where fish are living of 33 feet of primary and 33 feet of secondary buffer. A primary buffer area is mostly undisturbed with no natural vegetation to be removed and the secondary buffer area allows for a maximum of 50% of natural vegetation to be removed. Without an additional buffer, the 25 feet would not be sufficient to meet this recommendation. Although the creek is not designated as anadromous, this standard can also serve as a guide. Staff recommends a condition increasing the required vegetated buffer to 66 feet, 33 feet of primary and 33 feet of secondary buffer, from Beaver Springs Creek, as well as the adjacent residential zoning to the north, east, and south of the subject parcel (see Figure 4). Although a portion of the adjacent residential zoning to the east is not directly next to Beaver Springs Creek, a consistent buffer area would provide certainty for development. Inconsistent buffers may be confusing and harder to maintain. The additional buffer would serve to protect the stream and water quality, and the 25 foot buffer would also help to mitigate dust and noise impacts on adjacent properties.

Additionally, potential wetlands have been identified on the site plan. If the US Army Corp of Engineers designates wetlands, permits may be required from the Army Corp for any future disturbance. The conditional use is not proposed to impact the wetlands as shown on the site plan. A condition is recommended that the applicant obtain a Jurisdictional Determination from the US Army Crop of Engineers for this property to determine the extent of any wetlands on the property.

With conditions, the transportation facilities proposed to be utilized are sufficient for the proposed conditional use. Much of the surrounding properties are either residential in use or vacant but zoned residentially. Routing heavy truck traffic on the existing dedicated and constructed Blanket Boulevard through the established residential neighborhood to the north would have adverse impacts to that area and should not be permitted. The applicant proposes access to Buzby Road as the access for truck traffic. The City of North Pole has commented that the development agreement concerning maintenance of Psalms Boulevard is being rewritten to address usage by gravel pit truck traffic. In summary, if the public ROW is dedicated through the platting process, it will be required at each phase to be built to FNSB Title 17 standards. Appendix F of the Development Agreement between the City of North Pole and the developer requires certain maintenance by the developer until such time that the City of North Pole assumes maintenance responsibility. While it is under the Title 17 standard, the developer would retain maintenance responsibility for Psalms Boulevard until such time that 80% of the proposed residential lots along Psalms Boulevard are sold. At that time, the developer would construct Psalms Boulevard to City standards, including paving the roadway, and the City would take over maintenance; truck traffic would then be limited to 3 trucks per hour. ADOT & PF did not express concern regarding Buzby Road, but did note that they would need to review the intersection of any access onto Buzby Road, whether it is a private driveway or a public ROW, for a change in use/intensity. That intersection would likely need to be constructed to a commercial driveway standard.

**B. Transportation Facilities\(^4\)**

*Circulation and Transportation*

The proposed conditional use is expected to be a seasonal gravel pit operation, with the primary construction season of April through October. The site is currently vacant. Adequate space is

---

\(^3\) General Recommendations for Riparian Management Zones in Interior Alaska. US Fish and Wildlife.

\(^4\) Sections of this staff report involving transportation related reviews include comments and feedback from Donald Galligan, Transportation Planner and Kellen Spillman, Deputy Director of Community Planning.
available on site for any vehicles to park. The applicant states that an average of 20 vehicles and up to 50 vehicles (40 to 100 trip ends) could be expected in ingress and egress the site, per day during peak construction season. Trip generation rates are not available from the Institute of Transportation Engineers Manual for this type of use, but the applicant’s estimates were provided for analysis and accepted by staff. The proposed primary access is currently a private driveway across the applicant’s directly adjacent property east to Buzby Road. Buzby Road is a major collector road and is maintained by ADOT & PF. ADOT & PF did not express concerns regarding Buzby Road, but did submit comments regarding the need for a permit for the intersection at Buzby Road. This driveway intersection would likely need to be constructed to commercial standards based on the change of intensity at that intersection with the proposed conditional use. This would apply to any access onto Buzby Road, whether it is a private driveway or a public ROW. The property also has access to Blanket Boulevard to the north, a minor collector road maintained by the City of North Pole. Blanket Boulevard is not proposed to be utilized for heavy truck traffic associated with the proposed conditional use. Use of Blanket Boulevard for heavy truck traffic through the established residential neighborhood has not been evaluated by staff for this conditional use because it is not the proposed access for such traffic. If the operations change to include use of Blanket Boulevard for heavy truck traffic, further analysis would be required and the conditional use criteria may not be met as this would be considered a “material change”, requiring an amendment.

Figure 5: Photos of Existing Driveway

Psalms Boulevard, as a public roadway, does not currently exist, but rather an existing constructed driveway approximately 24 feet wide (Figure 5). A platting action is proposed for the subject property that would create Tract G and Psalms Boulevard as access to the proposed conditional use (Exhibit 3). An extension of Blanket Boulevard south to an intersection with Psalms Boulevard will also be dedicated as public ROW. The existing Blanket Boulevard and the Blanket Boulevard extension are not proposed to be used as access for heavy truck traffic associated with the proposed conditional use. Staff has not evaluated the impact of the conditional use on Blanket Boulevard because it is not the proposed access to the gravel pit. If the access changes, further analysis would be required and the CUP would need to be modified. A condition is recommended to prohibit use of Blanket Boulevard for heavy truck traffic, as it is a local type roadway leading through a residentially zoned and developed area. Neither a
preliminary nor final plat have been approved. If the plat is approved, Psalms Boulevard, when
dedicated and constructed, is proposed to be a collector type road that would ultimately be
maintained by the City of North Pole. Lots 1 through 45 of Brookside Subdivision are proposed to
be created in 7 phases. The dedication of Psalms Boulevard would be required by Title 17 with
the initial phase, but would only require construction to Title 17 standards as each phase is
finalized and recorded. The City of North Pole included comments that the development
agreement from September 2017 is being rewritten to address truck traffic related to the gravel pit
use. The draft revised development agreement, attached as Exhibit 13, clarifies the use and
maintenance of both proposed Psalms Boulevard and Blanket Boulevard extension. Psalms
Boulevard is intended to be dedicated as public ROW during the platting process. The revised
development agreement will leave maintenance responsibility with the developer until such time
that 80% (36 lots) of the proposed residential lots 1-45 are sold. At that time, the developer is
expected to construct the road to City standards, including paving the roadway, and the City will
then take over maintenance. The agreement will also limit heavy truck traffic thereafter to 3 trucks
per hour. Based on the proposed hours of operation from 7 am to 8 pm, this would result in a
maximum of 3 trucks per hour for 13 hours, or 39 trips (78 trip ends) per day. This number is not
aggregated for the total number of daily trips, and so should be reduced if the hours of operation
are shorter, or if there are less than 3 trips per hour.

Title 17 (Subdivision Code) requires dedication of access roads through the platting process so
that no lot is without legal access to the property and for the purpose of providing sufficient
dedication of right-of-way to the public. The Subdivision Code also requires road construction to
an appropriate standard based on the number of lots to be served, length and function of the road
and compliance with the adopted Comprehensive Road Plan (Exhibit 12). A phased subdivision
would not have to construct the entire road within the dedicated ROW until such time that lots take
primary access off that roadway. Before the final plat for each phase is recorded and any lots can
be sold, the road would have to be constructed to Title 17 standards to the extent of that phase.
The applicant may also apply for a variance to these standards, which may or may not be
approved by the Platting Board. One likely variance associated with the proposed plat is to Title
17 road construction standards for the surface course of the roadway. Title 17 standards do not
explicitly require the surface course to be paved but FNSBC 17.08.050(B) states “Whenever the
requirements of this title differ from the requirements of any other laws, ordinances, or lawfully
adopted regulations, the most restrictive or that imposing the highest standard shall govern.”
FNSBC 17.08.050(C) further states “At a minimum, improvements shall be designed and
constructed to the standards set forth in this title except that the platting board may accept
alternate standards approved or adopted by the city in which the property is located.” Because
proposed Psalms Boulevard is within the City of North Pole limits, which has higher standards
than those required by Title 17, the road will ultimately be required to be paved. The required
surface course in Title 17 standards is intended to be durable for traffic without paving and is not
suitable to be paved. City of North Pole standards allow for a surface course that may not be as
durable if unpaved but is suitable for being paved as required for a minor collector road. If Title 17
surface course is used, rather than the City of North Pole’s standard, it would be required to be
completely removed and replaced before paving. A variance to Title 17 standards to allow
suitable surface course may be appropriate through the platting process to avoid building the road
to FNSB standards and then having to reconstruct the entire surface course prior to paving.

Prior to dedication of Psalms Boulevard, access is via a private driveway across the applicant’s
property, and there are limited public health, safety, and welfare impacts to the degradation of a
private driveway. The public does not have legal access to this private driveway and the only
user would be the property owner or gravel pit operator. The City of North Pole included
comments that the developer’s agreement from September 2017 is being rewritten to address
truck traffic related to the gravel pit use. Psalms Boulevard is intended to be dedicated as a public ROW during the platting process. The revised development agreement will leave maintenance responsibility with the developer until such time that 80% (36 lots) of the proposed residential lots 1-45 are sold (draft Development Agreement attached as Exhibit 13). At that time, the developer is expected to construct the road to City standards, including paving the roadway, and the City will then take over maintenance. Before Psalms Boulevard is dedicated as public ROW, it is not a public road so it is not subject to road standards. After the road is constructed to City standards and the City takes over maintenance, the facility is presumed to be adequate. Therefore, the primary concern of adequacy of transportation facilities for the proposed conditional use is during the time period after Psalms Boulevard is dedicated and until the City takes over maintenance. Heavy truck traffic impacts the integrity and condition of the roadway. It has been proven that heavy truck traffic does have impacts on a gravel roadway, particularly if not adequately maintained. The safety of property owners whose access is via Psalms Boulevard, and of the traveling public, will be impacted by an unmaintained road utilized by heavy truck traffic. If Psalms Boulevard is dedicated to the public and being used as access by the public, there is likely to be greater public health, safety, and welfare concerns, including degradation to an unmaintained public roadway.

Gravel roads that primarily serve commercial or industrial uses that generate a significant amount of truck traffic often require different design and maintenance considerations due to the size and weight of vehicles using these roadways. The truck traffic anticipated on Psalms Boulevard is expected to be solely due to this conditional use except any vehicles related to residential construction activity as none of the other property along proposed Psalms Boulevard is zoned to permit industrial uses. Maintenance of this roadway will be necessary to ensure that the roadway is adequate for the conditional use. Typically a gravel road is maintained by grading and adding gravel as needed. The grading ensures a smooth driving surface and the ability to drain water off of the road surface. Standing water on the surface of a roadway can significantly damage the surface and subgrade, having a negative effect on the entire road prism. Vehicle size, weight, and the amount of the truck traffic do dictate the amount of maintenance required on a gravel road. Additionally, unlike certain gravel roads maintained by agencies, there will not be axle weight restrictions for Psalms Boulevard during the ‘breakup’ season. Therefore, with the daily impact of the projected heavy truck traffic, this road will need regular maintenance to ensure its traveled surface remains passable and in a serviceable state long-term.

If this conditional use is approved without a condition requiring maintenance of Psalms Boulevard after it is dedicated as a public ROW but before the City is responsible for maintenance, it is possible the facility would no longer meet the standard of providing “adequate existing transportation facilities.” Appendix F of the Development Agreement between the City of North Pole and the developer requires certain maintenance by the developer until such time that the City of North Pole assumes maintenance responsibility. The City does not propose to take over maintenance until 80% of the residential lots are sold along the roadway, meaning that up to 36 lots could be developed residentially while the developer and/or gravel pit operator is still responsible for maintaining the road. During this time period, the roadway will likely degrade due to heavy truck traffic if not adequately maintained. If dedication does not occur and access

---

7 U.S. Department of Transportation Federal Highway Administration. Gravel Roads: Construction & Maintenance Guide, August 2015. (see Exhibit 11)
remains a private driveway, this will not have significant public health, safety, and welfare impacts because the public is not relying on this road for access. Once the roadways is dedicated as a public ROW, the public has access to and is relying on the road as their only access for residential use of the platted lots.

The existing access as a driveway is sufficient without maintenance because it is not a public ROW. Once it is dedicated as a public ROW through the platting process, it is no longer sufficient without maintenance. The draft development agreement between the property owner and the City of North Pole requires maintenance of City streets by the developer prior to the City accepting the roads (Exhibit 13). However, this agreement is not part of the conditional use permit and is not enforceable by the borough as it pertains to the proposed conditional use. Title 17 requires that the road be constructed to FNSB standards to the edge of each phase before the final plat for that phase is recorded. This will result in portions of the dedicated public ROW being constructed before lots are sold for that phase. If the conditional use is only considering the adequacy of the private driveway and not the proposed future public ROW, the use should be discontinued upon dedication of Psalms Boulevard if no maintenance is to be required. As a public road through a residential area, the site access for the gravel pit would no longer be considered an adequate transportation facility if not maintained. Psalms Boulevard would be adequate for the conditional use if it is regularly maintained by snow plowing, grading, and adding gravel as needed, when the gravel extraction use is in operation. Appendix F of the Development Agreement between the City of North Pole and the developer requires certain maintenance by the developer unit such time that the City of North Pole assumes maintenance responsibility. Because there will be residential uses on the roadway after it is dedicated as a public ROW, a condition is recommended that the road shall be maintained during all seasons as a two lane accessible roadway from the gravel pit to Buzby Road while the gravel pit remains in operation. This condition is crafted broadly to allow the applicant the maximum flexibility in pursuing road maintenance options. Because Psalms Boulevard will be a public ROW maintained by the developer, this condition ensures that it will be maintained to a standard so that other vehicles will be able to use the road even with the wear created by heavy truck traffic. With the proposed conditions regarding road construction and maintenance, the facility will have adequate transportation facilities.

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

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

**Purpose of FNSBC Title 18:** The purpose of Title 18 is “to implement the Fairbanks North Star Borough comprehensive plan” (FNSBC 18.12.020). The comprehensive plan designation for the subject parcel is “Mixed Commercial/Residential/Office” from the 2010 North Pole Land Use Plan. ‘Mixed Commercial/Residential/Office’ is defined as “area to provide a combination of commercial, high density residential or office uses. Upper floor residential above retail or office uses is encouraged.” The subject area was rezoned with special limitations in January 2018. The special limitations on the LI zone limit the uses predominately to those that are permitted in the GC zone while also allowing the property owner the option to apply for a conditional use for resource extraction. The limitations make the LI zone consistent with the ‘Mixed Commercial/Residential/Office’ land use designation. The adjacent residential zone would require a 15 foot side and rear yard setback in the LI/SL zoned area. Although a gravel pit is not specifically listed as a commercial/residential/office type use in the North Pole Land Use Plan, the gravel pit will help serve in the development of the future subdivision and community by providing material to help build roads for future housing, including housing to serve anticipated military-
related growth. This conditional use permit process could include additional limitations and conditions that make it more compatible with the surrounding land uses and zoning, such as limited hours of operation, length of operation, and expanded and/or additional buffers. The adjacent residential zone would require a 15 foot side and rear yard setback in the LI/SL zoned area. Adequate water and sewer facilities exist for this use.

The proposed conditional use is also consistent with Land Use Goal 4, Strategy 10, Action B, which states:

**Goal 4:** To enhance development opportunities while minimizing land use conflicts

**Strategy 10:** Attract and support development that is compatible with and enhances existing land use.

**Action B:** Develop a pattern of compatible land uses and either separate, transition, or buffer incompatible land uses… Where Borough permitting is required for the extraction of sand, gravel, peat, placer and hard rock mining, the following guidelines should be used:

- Surrounding properties are not adversely damaged.

A 66 foot vegetative buffer, consisting of 33 feet of primary, undisturbed area and 33 feet of secondary buffer, would provide adequate space to mitigate any potential damage to adjacent private property because the use would not be operational near property lines (Figure 4). A primary buffer area is mostly undisturbed with no natural vegetation to be removed and the secondary buffer area allows for a maximum of 50% of natural vegetation to be removed. The damage that heavy truck traffic could do to proposed Psalms Boulevard is a concern based on the City of North Pole’s comments about the type, timing, and amount of maintenance needed. Appendix F of the Development Agreement between the City of North Pole and the developer requires certain maintenance by the developer unit such time that the City of North Pole assumes maintenance responsibility. Staff recommends a condition that Psalms Boulevard, if it is dedicated as a public ROW, be maintained with regular snowplowing and grading in the time between dedication and road construction through the platting process and when the City of North Pole takes over maintenance responsibility.

- Excessive dust does not materially affect surrounding properties.

The applicant proposes to control dust associated with the use by keeping a water truck on site and utilizing it as needed. The site and the access driveway to Buzby Road are proposed to be watered “first thing in the morning and then periodically through the day when the roadbed starts to dry and create dust.” The applicant states that environmental conditions, such as precipitation and weather, will impact how often dust mitigation is needed. A 25 66 foot vegetative buffer, consisting of 33 feet of primary, undisturbed area and 33 feet of secondary buffer, would also help contain the dust and mitigate impacts on adjacent residentially zoned property.

- Hours of operation, lights, and noise levels are compatible with surrounding uses.

The applicant has proposed hours of operation from 7 am to 8 pm, which staff considers to be compatible with surrounding residential uses. Longer hours may not be compatible due to noise in the evening that would impact the quiet and enjoyment of residences and properties. A condition is recommended to limit the hours of operation to 7 am to 8 pm. With these hours of operation and a 25 66 foot vegetative buffer, consisting of 33 feet of primary, undisturbed area and 33 feet of secondary buffer, noise and light impacts will be mitigated. Although a
portion of the adjacent residential zoning is not directly next to Beaver Springs Creek, a consistent buffer area would provide certainty for development. Inconsistent buffers may be confusing and harder to maintain.

- **Truck traffic, where possible, is routed so as to minimize impact to surrounding sensitive neighborhoods.**

No truck traffic is proposed to be routed on Blanket Boulevard through the established residential neighborhood to the north of the proposed conditional use. This impact was not analyzed and any change to operations that include such access would require further analysis. Staff recommends a condition prohibiting use of Blanket Boulevard by truck traffic associated with the conditional use. The use of the existing private driveway will not have impacts on other property owners because it is not available for public access. If Psalms Boulevard is dedicated through the platting process and used as a public ROW, there would likely be impacts on the future residential development and use of the area, especially as it is expected to grow in the next 5 to 10 years. If the area begins to develop as a denser residential neighborhood as it is zoned to do, the land use conflicts between the neighborhood and heavy truck traffic interaction will increase. Staff recommends a condition that would sunset any gravel pit conditional use after a 5 year construction season period with an opportunity to request an extension. Other high impact conditional use approvals, including the former gravel pit on the adjacent property to the east and a landfill on Canaday Road, have had similar sunset dates. Particularly in largely undeveloped areas, this would allow the opportunity to reevaluate the compatibility of this use and whether it is still appropriate in this location as the neighborhood develops. The Planning Commission would have the opportunity to determine if the use continues to meet the conditional use criteria and protects the public health, safety, and welfare.

- **Sites are restored by the property owner for long-term reuse consistent with the Comprehensive Plan on a case-by-case basis.**

In both the previous rezone application and the conditional use application, there has been mention that the pond that will result from the gravel extraction pit will be used as an amenity for future residential development. ADF&G has provided comments with suggestions for future development of such a pond. If the conditional use is to be approved, staff recommends a condition that the gravel pit owner or operator work with DEC and ADF&G to meet regulations for any reclamation of the pond for future recreational use.

- **Water quality and quantity are either not diminished or they are mitigated.**

A 66 foot vegetative buffer, consisting of 33 feet of primary, undisturbed area and 33 feet of secondary buffer, from Beaver Springs Creek will help mitigate any sedimentary or other runoff that may affect water quality, as analyzed in the previous sections. The property is within the GWP overlay zone, but that zone is primarily intended to protect structures built below natural grade from groundwater flooding. The proposed conditional use will not include any structures below natural grade.

With conditions as recommended, the proposed conditions use will meet the purpose of Title 18. Appropriate conditions will help mitigate impacts and increase compatibility for most of these considerations.
Intent of FNSBC Title 18: The intent of Title 18 is “to protect private property rights, to promote the public health, safety and general welfare of the residents of the borough, and safety from fire and to promote the efficient distribution of water, sewage, schools, parks and other public requirements; to provide safe traffic flow on the public streets; to promote economic development and the growth of private enterprise; and to divide the borough into districts (FNSBC 18.12.020).”

This conditional use proposal is to utilize 10 to 21 acres of the 40.6 acres zoned LI-SL as a gravel extraction pit. The LI-SL zone allows a variety of commercial uses, and the special limitations permits natural resource extraction by conditional use. The public notification, public hearing procedures and approval criteria for conditional uses help protect the property rights of the surrounding property owners.

Dust and noise concerns can be mitigated with conditions, specifically hours of operation and a minimum 25 66 foot vegetative buffer, consisting of 33 feet of primary, undisturbed area and 33 feet of secondary buffer, from Beaver Springs Creek and adjacent residentially zoned property. Sedimentary and other potential water runoff could be mitigated with the 66 foot vegetative buffer and will not discharge into Beaver Spring Creek or on to neighboring properties.

The proposed conditional use is expected, as described in the application materials, to generate up to 50 vehicles (100 trip ends) per day during peak construction season. The vast majority of this traffic will be heavy commercial truck traffic, as dump trucks transport excavated gravel off-site. The current primary access is a private driveway across the applicant’s adjacent property to the east to Buzby Road. Buzby Road is a major collector road maintained by ADOT & PF; Buzby Road is adequate for the traffic generated, but ADOT & PF expects to review the intersection at Buzby Road for the change in use/intensity. The intersection will likely be required to be constructed to a commercial standard by ADOT & PF permitting whether the intersection at Buzby Road is a private driveway or a public ROW. A proposed platting action would dedicate Psalms Boulevard, which would be a collector road through a residential area and will ultimately be maintained by the City of North Pole. With the platting action, construction of Psalms Boulevard to Title 17 standards will be required as lots are created that take primary access off this dedicated public ROW. Pursuant to proposed modifications to the development agreement with the City, the developer will retain maintenance responsibility for Psalms Boulevard until such time as 80% (36 lots) of the proposed residential lots 1-45 are sold. At that time, the road is expected to be constructed to City standards and the City will take over maintenance. Trucks will be limited to 3 per hour thereafter. Appendix F of the Development Agreement between the City of North Pole and the developer requires certain maintenance by the developer unit such time that the City of North Pole assumes maintenance responsibility. Staff recommends a condition regarding the maintenance of Psalms Boulevard for the period of time after it is dedicated as public ROW and until it is brought up to City construction standards and the City assumes maintenance responsibility.

The application material and the narrative for this proposal demonstrate that it meets the intent of Title 18 because the public process for a conditional use helps protect property rights. With the conditions imposed, impacts and concerns are mitigated and the proposed conditional use promotes the public health, safety and general welfare of the residents of the borough.

Alaska State Statute and Other Ordinances: The site is required to meet local, state, or federal requirements. Applicable agencies had an opportunity to review the application materials and comments were received from the City of North Pole, ADOT & PF, and ADF&G. Those comments have been included in this report and conditions proposed to mitigate any concerns.
(2) Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use;

The applicant has demonstrated that the proposed conditional use has adequate power supply using a generator; the area is also within the GVEA service area. The use will have a water truck on site for dust mitigation or any water needs. A greater water supply or a septic system are not needed for the proposed conditional use. Community water and sewer are present in the area. If in the future a septic system is installed for any reason, it would be required to meet applicable ADEC standards.

The proposed conditional use is expected, as described in the application materials, to generate up to 50 vehicles (100 trip ends) per day during peak construction season. The vast majority of this traffic will be heavy commercial truck traffic, as dump trucks transport excavated gravel off-site. The current primary access is a private driveway across the applicant’s adjacent property to the east to Buzby Road. Buzby Road is a major collector road maintained by ADOT & PF; Buzby Road is adequate for the traffic generated, but ADOT & PF expects to review the intersection at Buzby Road for the change in use/intensity. The intersection will likely be required to be constructed to a commercial standard by ADOT & PF permitting whether the intersection at Buzby Road is a private driveway or a public ROW. A proposed platting action would dedicate Psalms Boulevard, which would be a collector road through a residential area and will ultimately be maintained by the City of North Pole. With the platting action, construction of Psalms Boulevard to Title 17 standards will be required as lots are created that take primary access off this dedicated public ROW. Pursuant to proposed modifications to the development agreement with the City, the developer will retain maintenance responsibility for Psalms Boulevard until such time as 80% (36 lots) of the proposed residential lots 1-45 are sold. At that time, the road is expected to be constructed to City standards and the City will take over maintenance. Trucks will be limited to 3 per hour thereafter. Appendix F of the Development Agreement between the City of North Pole and the developer requires certain maintenance by the developer unit such time that the City of North Pole assumes maintenance responsibility. Staff recommends a condition regarding the maintenance of Psalms Boulevard for the period of time after it is dedicated as public ROW and until it is brought up to City construction standards and the City assumes maintenance responsibility. Adequate space is available on-site for any vehicles to park and to maneuver on-site.

Prior to dedication of Psalms Boulevard, the site is access by a private driveway for the applicant. There are limited public health, safety, and welfare impacts to the degradation of a private driveway. The public is not reliant on this driveway for legal access to lots. Before Psalms Boulevard is dedicated as ROW, it is not a public road so it is not subject to road standards. After the road is constructed to City standards and the City takes over maintenance, the facility is presumed to be adequate. Title 17 requires dedication of access roads through the platting process so that no lot is without legal access to the property and for the purpose of providing sufficient right-of-way dedication to the public. Platting also requires road construction to an appropriate standard based on the number of lots to be served, length of the road and compliance with the adopted Comprehensive Road Plan (Exhibit 12). Therefore, the primary concern of adequacy of transportation facilities for the proposed conditional use is during the time period after Psalms Boulevard is dedicated and until the City takes over maintenance. Heavy truck traffic impacts the safety and integrity of the roadway. It has been proven that heavy truck traffic does have impacts on a gravel roadway, particularly if not adequately maintained. The safety of property owners whose access is via Psalms Boulevard, and of the traveling public, will be impacted by an unmaintained road utilized by heavy truck traffic. If Psalms Boulevard is
dedicated to the public and being used as access by the public, there is likely to be greater public health, safety, and welfare concerns, including degradation to an unmaintained public roadway. Appendix F of the Development Agreement between the City of North Pole and the developer requires certain maintenance by the developer unit such time that the City of North Pole assumes maintenance responsibility. Because there will be residential uses on the roadway after it is dedicated as a public ROW, a condition is recommended that the road shall be maintained during all seasons as a two lane accessible roadway from the gravel pit to Buzby Road while the gravel pit remains in operation. This condition is crafted broadly to allow the applicant the maximum flexibility in pursuing road maintenance options. Because Psalms Boulevard will be a public ROW maintained by the developer, this condition ensures that it will be maintained to a standard so that other vehicles will be able to use the road even with the wear created by heavy truck traffic.

Blanket Boulevard is a minor collector road maintained by the City of North Pole. The Blanket Boulevard extension proposed with the platting action and the existing Blanket Boulevard are not proposed to be used as access for heavy truck traffic associated with the proposed conditional use. Staff has not evaluated the impact of the conditional use on Blanket Boulevard because it is not the proposed access to the gravel pit. If the access changes, further analysis would be required and the CUP would need to be modified. A condition is recommended to prohibit use of Blanket Boulevard for heavy truck traffic related to the conditional use.

The proposed conditional use is in the City of North Pole jurisdiction for other services. Waste materials are not expected to be generated by this use that cannot be moved off-site to the appropriate landfill with the dump trucks on-site.

With the conditions imposed, the application mitigates the impacts and concerns and has adequate facilities for the proposed conditional use.

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

With the recommended conditions imposed, the application promotes the public health, safety and general welfare of the residents of the borough and does not create fire hazards.

Dust created by the proposed conditional use will be mitigated with dust control and a vegetative buffer. A water truck will be on-site for daily dust mitigation and as needed. The site and the access driveway to Buzby Road are proposed to be watered “first thing in the morning and then periodically through the day when the roadbed starts to dry and create dust.” The applicant states that environmental conditions, such as precipitation and weather, will impact how often dust mitigation is needed.

Sedimentary and other water runoff will be mitigated with a vegetative buffer, which will allow infiltration of water. Stormwater runoff is expected to be absorbed on-site and will not discharge on to neighboring properties with a larger buffer. Staff recommends that this buffer be increased along Beaver Springs Creek from the proposed 25 feet in the application to 66 feet of vegetative buffer, consisting of 33 feet of primary, undisturbed area and 33 feet of secondary buffer. This vegetation will also help buffer for dust impacts to Beaver Springs Creek and the residentially zoned property to the south, west, and east.

Noise is only anticipated during the proposed hours of operation from the use of extraction equipment, vehicles, and the generator. The applicant has indicated that lights will only be
associated with the equipment and vehicles. The size of the site, the recommended 66 foot buffer, and hours of operation from 7 am to 8 pm are expected to help mitigate visual and auditory impacts of the use. The surrounding properties are predominantly vacant, but are zoned residentially and could be developed. The property is not in a flood zone but appears to contain wetlands from FNSB GIS maps based on the national wetlands inventory. The potential wetlands are not proposed to be affected by this application. Staff recommends a condition that the applicant work with the Army Corp of Engineers to obtain and comply with any required Jurisdictional Wetlands Determination and permits.

The proposed conditional use is expected, as described in the application materials, to generate up to 50 vehicles (100 trip ends) per day during peak construction season. The vast majority of this traffic will be heavy commercial truck traffic, as dump trucks transport excavated gravel off-site. The current primary access is a private driveway across the applicant’s adjacent property to the east to Buzby Road. Buzby Road is a major collector road maintained by ADOT & PF; Buzby Road is adequate for the traffic generated, but ADOT & PF expects to review the intersection at Buzby Road for the change in use/intensity. The intersection will likely be required to be constructed to a commercial standard by ADOT & PF permitting whether the intersection at Buzby Road is a private driveway or a public ROW. A proposed platting action would dedicate Psalms Boulevard, which would be a collector road through a residential area and will ultimately be maintained by the City of North Pole. With the platting action, construction of Psalms Boulevard to Title 17 standards will be required as lots are created that take primary access off this dedicated public ROW. Pursuant to proposed modifications to the development agreement with the City, the developer will retain maintenance responsibility for Psalms Boulevard until such time as 80% (36 lots) of the proposed residential lots 1-45 are sold. At that time, the road is expected to be constructed to City standards and the City will take over maintenance. Trucks will be limited to 3 per hour thereafter. Appendix F of the Development Agreement between the City of North Pole and the developer requires certain maintenance by the developer unit such time that the City of North Pole assumes maintenance responsibility. Staff recommends a condition regarding the maintenance of Psalms Boulevard for the period of time after it is dedicated as public ROW and until it is brought up to City construction standards and the City assumes maintenance responsibility. Adequate space is available on-site for any vehicles to park and to maneuver on-site.

The proposed conditional use is within the City of North Pole jurisdiction for other services. Waste materials are not expected to be generated by this use that cannot be moved off-site to the appropriate landfill with the dump trucks on-site.

Because this conditional use approval is for a particular use in a specific location on the subject property, a change in the site plan, expansion, or operational characteristics may result in increased impacts or trigger a public health, safety and welfare concern which have not been analyzed as part of this conditional use permit. Therefore, Community Planning staff recommends a condition of approval requiring the applicant and/or gravel pit operator to file updated documents if any modifications are made to the site plan, proposed equipment, or operations of the gravel extraction use with Community Planning to ensure compliance with the Planning Commission approved site plan and conditions. If modifications are made in the final site design plans, an amendment to the conditional use permit may be required.
VIII. RECOMMENDATION

Based on the staff analysis, the Department of Community Planning recommends APPROVAL of the conditional use permit request for a natural resource extraction (gravel extraction pit) on a portion of Tract B, North Star II Subdivision with six (6) seven (7) conditions.

IX. CONDITIONS

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

   a. The applicant or holder of this conditional use permit shall obtain any required permit from Alaska Department of Transportation and Public Facilities and shall comply with all recommendations and/or requirements resulting from the permit. The intersection of the driveway/Psalms Boulevard at Buzby Road shall be constructed to the standard determined by ADOT & PF.

   b. The applicant or holder of this conditional use permit shall obtain any required Jurisdictional Wetlands Determination and/or permit from the US Army Corps of Engineers and shall comply with all recommendations and/or requirements resulting from the review and permit.

   c. The applicant or holder of this conditional use permit shall obtain any required permit from Alaska Department of Environmental Conservation and shall comply with all recommendations and/or requirements resulting from the permit.

   d. The applicant or holder of this conditional use permit shall obtain any required permit from Alaska Department of Natural Resources and shall comply with all recommendations and/or requirements resulting from the permit.

2. This conditional use permit for natural resource extraction shall expire on November 1, 2022. A subsequent application could be made to renew the conditional use permit.

3. Hours of operation shall be limited to the hours of 7 am through 8 pm.

4. Existing vegetation shall not be removed in the primary buffer area within 33 feet from the ordinary high water mark of Beaver Springs Creek or a property line abutting any residential zone and the area 25 feet from all other property lines. No more than 50% of existing vegetation shall be removed in the secondary buffer area from 33 feet to 66 feet from the ordinary high water mark of Beaver Springs Creek or a property line abutting any residential zone.

5. Blanket Boulevard shall not be utilized by truck traffic associated with the conditional use.

6. Psalms Boulevard, if dedicated as ROW, shall be maintained during all seasons as a two lane accessible roadway from the gravel extraction site to Buzby Road while the gravel pit remains in operation, by providing snow plowing, grading, and adding gravel as needed. This condition shall be valid from the time Psalms Boulevard is dedicated as a public ROW until the City of North Pole takes over maintenance of the road.
7. If any modifications are made to the site plan, proposed equipment, or operational characteristics of the gravel extraction use, the applicant or holder of this conditional use permit shall submit revised documents to the FNSB Community Planning Department. If modifications are made to the conditional use, an amendment to the Conditional Use Permit may be required pursuant to FNSBC 18.104.050(D).

X. FINDINGS OF FACT

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

1. The proposed conditional use will conform to the intent and purpose of Title 18 and of other ordinances and state statutes because it is consistent with the Comprehensive Plan.

   a. The conditional use is consistent with the *Mixed Commercial/Office/Residential* designation. The special limitations on the LI zone make the LI zone compatible with the ‘Mixed Commercial/Residential/Office’ land use designation because they limit the uses predominately to those that are permitted in the GC zone while also allowing the property owner the option to apply for a conditional use for resource extraction. Although a gravel pit is not a specifically listed use in this designation, it will help serve the future subdivision and community by providing commercially available material to help build roads for future housing, including housing to serve anticipated expansions. Additional limitations and conditions make the proposed use more compatible with the surrounding land uses and zoning, such as hours of operation, length of use, and additional buffers.

   b. The purpose of Title 18 is met because the gravel pit use with conditions supports Land Use Goal 4, Strategy 10, Action B of the FNSB Regional Comprehensive Plan to “Develop a pattern of compatible land uses and either separate, transition, or buffer incompatible land uses… Where Borough permitting is required for the extraction of sand, gravel, peat, placer and hard rock mining, the following guidelines should be used” and conditions address the specific criteria.

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

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

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

   a. The subject site does not require a septic system. The conditional use will be served with hauled water as needed.

   b. A generator provides adequate energy source. The site is also within the GVEA service area if required.

   c. The site is served by the City of North Pole for public services.

   d. The proposed conditional use is expected to generate up to 50 vehicles (100 trip ends) per day during peak construction season. Most of this traffic will be heavy commercial truck traffic, as dump trucks transport excavated gravel off-site. The current primary access is a private driveway across the applicant’s adjacent property to the east to
Buzby Road. Buzby Road is a major collector road maintained by ADOT & PF; Buzby Road is adequate for the traffic generated, but ADOT & PF expects to review the intersection at Buzby Road for the change in use/intensity. The intersection will likely be required to be constructed to a commercial standard by ADOT & PF permitting whether the intersection at Buzby Road is a private driveway or a public ROW. A proposed platting action would dedicate Psalms Boulevard, which would be a collector road through a residential area and will ultimately be maintained by the City of North Pole. With the platting action, construction of Psalms Boulevard to Title 17 standards will be required as lots are created that take primary access off this dedicated public ROW. Pursuant to proposed modifications to the development agreement with the City, the developer will retain maintenance responsibility for Psalms Boulevard until such time as 80% (36 lots) of the proposed residential lots 1-45 are sold. At that time, the road is expected to be constructed to City standards and the City will take over maintenance. Trucks will be limited to 3 per hour thereafter. Appendix F of the Development Agreement between the City of North Pole and the developer requires certain maintenance by the developer unit such time that the City of North Pole assumes maintenance responsibility. Staff recommends a condition regarding the maintenance of Psalms Boulevard for the period of time after it is dedicated as public ROW and until it is brought up to City construction standards and the City assumes maintenance responsibility—Adequate space is available on-site for any vehicles to park and to maneuver on-site.

3. With the conditions imposed, the conditional use will protect public health, safety, and welfare because of adverse impacts are mitigated.
   a. Conditions regarding vegetative buffers and hours of operation, as well as a sunset date on the gravel pit operation make the use compatible with the existing adjacent land uses for noise, dust, and lighting impacts.
   b. No off-site stormwater runoff is expected as a result of the conditional use. Sedimentary and other runoff is expected to be absorbed on-site if the recommended condition requiring a 66 foot buffer is imposed from residential zones and Beaver Springs Creek and 25 foot buffer from other property lines. It will not discharge on to neighboring properties.
   c. Dust is mitigated with on-site water trucks and a 66 foot vegetated buffer.
   d. Lighting is not directed at any residentially zoned parcel.
   e. The conditional use does not create any fire hazards.
   f. With the conditions imposed, the private driveway, proposed Psalms Boulevard, and existing Buzby Road are adequate to handle the commercial heavy truck traffic associated with this conditional use.

DRAFT PLANNING COMMISSION MOTION:

I move to approve the Conditional Use Permit for a natural resource extraction (gravel extraction pit) in the Light Industrial with Special Limitations (LI-SL), Groundwater Damage Protection (GWP) overlay, and Waterways Protection (WP) overlay zone on Tract B, North Star II Subdivision with six (6) seven (7) conditions, and adopting the revised staff report as amended, and three (3) Findings of Fact in support of the approval.
DEVELOPMENT AGREEMENT

FOR THE

Brookside Park

By and Between the

CITY OF NORTH POLE, ALASKA

And

Ainley International Memorial Fund, LLC ("AIMF")
DBA: North Star Developers

2018
TABLE OF CONTENTS

Table of Contents.............................................................................................................................. Page 2

Development Agreement.................................................................................................................. Pages 3 - 10

Appendices:

Appendix 'A' – Legal Description................................................................. Page 11
Appendix 'B' – Public Improvements............................................................... Page 12-18
Appendix 'C' – Completion Schedule............................................................. Page 19-20
Appendix 'D' – Traffic control plan ................................................................. Page 21
Appendix 'E' – Storm water plan (if required) ............................................... Page 22
Appendix 'F' – Temporary Roadway Maintenance Agreement...... Page 23

Attachments:

Design and Construction Guidelines for the City of North Pole (“CONP”) 10 pages
Street and Drainage Systems

Drainage Plan - Proposed Brookside Park 8/15/17 (Psalms Blvd & Courts) 10 pages
Drainage Plan – Proposed Brookside Park 3/19/18 (Blanket Blvd & Courts) 7 pages
Typical Road Sections for Brookside Park (at dedication & CONP standards) 8 pages
Typical Walking Path Section – Blanket Blvd. and Psalms Blvd. 1 page
Proposed Preliminary Plat for Brookside Park 2 pages
Proposed Phasing for Brookside Park 1 page

Memorandum of Agreement “MOA”: City of North Pole Mayor or designee will solicit bids for a MOA for road plan review and inspection services, for each phase, beginning with phase two. After an agreement is reached between the City of North Pole, third party inspector/s and the Developer, the signed MOA will be part of this agreement.
THIS AGREEMENT, made this 16th day of April, 2018, between the CITY OF NORTH POLE, 125 Snowman Ln, North Pole, Alaska, 99705, a municipal corporation of the State of Alaska, hereinafter referred to as the "CITY", and North Star Developers, PO Box 56881, North Pole, Alaska 99705, their heirs and assigns, hereinafter referred to as the "DEVELOPER".

The CITY and the Developer, in consideration of their mutual covenants herein, make this agreement which solely concerns the public improvements which are to be constructed by the Developer for the City and conveyed to the City and private improvements to be owned and maintained by the Developer, if the Developer complies with this Agreement. The Developer will, in addition, comply with other City Codes, for example Building and Fire Codes.

SECTION 1. THE DEVELOPER:

1.05 The Developer shall design and install the proposed improvements as herein described, in conformance with the North Pole Code of Ordinances, Chapters 12, Streets sidewalks and public places, and all requirements and specifications of the Design and Construction Guidelines for the City of North Pole Street and Drainage System, or approved design as submitted in this agreement and approved by the City. Any variance to City standards shall be clearly identified and provide justification for the variance. See attachments for road utility construction variances. All documents are attached to this Agreement, incorporating them as part of the Agreement.

1.10 The Developer shall provide one hundred percent (100%) of the funding for the design and construction of all improvements required by this Agreement.

1.15 In addition, the Developer shall pay the City one hundred percent (100%) for all the associated expenses incurred by the City, including costs for preparation of this developer's agreement, and review, plan check, test, administration, and inspection of these improvements. City labor/administration costs are billed as a reimbursable cost through an agreement with an engineering firm of the City's choice. See attachments for MOA with Stantec Consulting Services, Inc. for plan review and inspection services of roads. The effective start date of the billings will be September 22, 2017. All these costs shall be paid promptly upon billing and by the 31st of December of the year in which they accrued and before acceptance of the improvements by the City. City billings are anticipated to be on a quarterly basis.

1.20 The Developer shall be responsible for the maintenance of all improvements covered by this agreement until acceptance tests are satisfactorily completed, written approval is given by the City and the council accepts ownership of the improvements.

1.25 Brookside Park is a multi-phased project consisting of over 200 acres, thus each stage will be carried out incrementally with the first phase, dedicating Blanket Blvd, and Psalms Blvd

1 CONP will ensure City labor, administration, and MOA costs/testing are consistent with similar area projects and endeavor to avoid duplication of Developer costs.
2 See Appendix C, Completion Schedule
from the terminus of the newly dedicated Blanket Blvd to Buzby to the City, providing minimum legal constructed access to newly created tracts. This initial phase will replat the two large parcels\(^5\) into \(^6\)tracts\(^7\). After the road surfaces are completed, to the agreed City standards and accepted by the City Council, their maintenance will be handed over to the City, until that time road maintenance will be the responsibility of the Developer.

In lieu of a performance bond, the developer shall provide and sign a Promissory Note secured by a Deed of Trust on a property, agreed to by the Mayor, in a form acceptable to and approved by the City Attorney, clear of all liens and encumbrances. The promissory note shall be equal to or greater than the estimated construction cost for completing the improvements plus City administration costs. No construction shall begin until a performance bond or deed of trust has been agreed to and approved by the City. The Developer is guaranteeing completion of the public improvements before the final plat is submitted to the Fairbanks North Star Borough to the satisfaction of the City. The City will release the note and deed of trust on said property only after the improvements are constructed and accepted by the City. Each phase will have a bond amount established and agreed on by the Mayor or designee. If the value of the land exceeds the required performance bond, additional land may be used in lieu of the performance bond.

The City will release the Deed of Trust upon satisfactory completion of the improvements and acceptance by City Council. The Developer may, with the Mayor’s consent, have the deed transferred to another parcel, or to replace it with a cash bond. In any instance, the developer agrees to maintain the security needed by the city.

1.3 The Developer shall submit to the City three (3) complete copies of all engineering reports, plans, specifications and materials lists including design assumptions and calculations. A deposit of $1,000 shall be paid for by the developer for the cost to the City for administrating the project that includes, but is not limited to, reviewing, plan checking, testing and inspecting. This deposit is not to be construed as an estimate and the Developer will be billed for actual costs associated with this project per Section 1.15. No work shall be permitted to begin until the overall engineering report for all improvements, public and non-public, and the final plans and specifications have been reviewed and approved in writing by the Mayor or Mayor’s designee.

The Developer shall submit, to the Mayor or Mayor’s designee, a proposed schedule. All proposed changes to approved engineering reports, plans, specifications and materials lists shall be submitted in a reasonable length of time prior to starting construction of the affected portion of the project. Construction of any changes shall not commence until approval is given in writing. Subsequent to approval, all changes will be incorporated into the As-built drawings. Submittal of additional materials after commencement of this agreement may incur additional charges that will be billed at the cost of the developer.

---

\(^3\) See attached Brookside Park plat showing phases. The cost to develop each phase will vary thus the land to be held, in lieu of bond, will be established according to the estimated cost to carry out street work for that specific phase.

\(^4\) The City has keys to gates to maintain their easements and utilities. The gates protect City assets and Developer investments from destruction and theft. The Developer may keep roads gated when not open to public and until maintenance is handed over to the City or until land beyond the gated area is sold.

\(^5\) See Appendix ‘A’ – Legal Description.

\(^6\) The schedule of completion is set forth in Appendix ‘C’.

\(^7\) The Trustees of the David Ainley Revocable Trust established a development plan which was approved by a Fairbanks District Court judge.
1.35 The Developer hereby agrees to grant to the City access to all portions of the property specified in Appendix ‘A’ or private easement, permit area, etc. which is necessary to accomplish any inspections, surveillance, testing, or any other work to be performed by the City. The actual work schedule will be provided to the City by the Developer. Any changes in the schedule require at least forty-eight (48) hours advance notification to the City. A minimum of seven (7) days written notice is required for any connections to the City's existing facilities.

1.40 All necessary permits, licenses and reservations or easements shall be acquired by the Developer. Drainage reservations or easements will be acquired in the name of the City of North Pole or in a manner that assigns the reservations or easements to the City of North Pole before acceptance of the improvements by the City. Such reservations or easements shall include permit(s) from appropriate governmental authorities to cover all improvements on government land or within their jurisdiction.

1.45 The Developer shall comply with all applicable statutes, ordinances, rules and regulations of federal, state and governmental agencies. Copies of all pertinent approval letters, permits, licenses and rights of way shall be transferred to the City upon acceptance of the public improvements by the City.

1.50 The Developer will also provide copies of proposed utility plans. Utility facilities will be located to the satisfaction of the City. Each utility is subject to a City right of way permit.

1.55 Permitting of City water and sewer utilities must satisfy the City Utility guidelines or approved design as submitted in this agreement and approved by the City. Any variance to City standards shall be clearly identified and provide justification for the variance with engineering documentation.

1.60 In lieu of a 1-year warranty bond, the developer shall provide and sign a Promissory Note secured by a Deed of Trust on a property, agreed to by the Mayor, in a form acceptable to and approved by the City Attorney, clear of all liens and encumbrances. The promissory note shall be equal to or greater than five percent (5%) of the construction cost for the completed improvements as established by the Mayor or Mayor’s designee, for the phase which the Developer desires the City to accept. The City will release the note and deed of trust on said property after a period of 1 year from acceptance of the improvements by the City if no warranty claims are outstanding. Should the Developer desire, with the Mayor’s consent, to have the deed transferred to another parcel, or to replace it with a cash bond, the developer agrees to maintain the security needed by the city.

The Mayor or Mayor’s designee shall not recommend acceptance of the public improvements by the City Council until all performance deficiencies have been corrected to his satisfaction and all outstanding liens or claims of laborers, materials suppliers, subcontractors, or others arising out of the performance of these improvements have been satisfied.

1.65 The Developer shall complete all improvements required by this Agreement according the schedule set forth in Appendix C. The Mayor or Mayor’s designee may at their discretion allow extensions for up to a total maximum of one (1) year. Acts of God, inclement weather, governmental regulations, labor disputes, fires, required extra work, or any delay totally beyond the control of the Developer may justify an extension of time. All time extensions requested by
the Developer shall be made to the City in writing on or before the tenth day following the day in which the alleged delay is said to have occurred. The City shall not be liable for costs incurred by these delays.

1.70 The Developer shall warranty the design, construction and materials utilized in all improvements outlined in this Agreement for one (1) year from the date of acceptance of the improvements by the City Council. The Developer shall remedy at his/her own expense any failure or defect in the work or any failure of any improvement to properly function which is due to design deficiencies, construction deficiencies, faulty materials or workmanship.

1.75 Correction of the deficiencies shall be completed to the City's satisfaction within 30 days of written notification by the City. The warranty bond will be released upon satisfactory correction of all deficiencies of the City's year end warranty inspection if any security remains from default to warranty obligations. Emergency repairs may be completed by City forces and the cost shall be borne by the Developer.

1.80 The Developer shall hold the City harmless and defend the City from all claims arising out of, or incidental to the design, construction or operation by the Developer contemplated by terms of this Agreement by the Developer. The Developer shall not be liable for acts of the City. This section does not create any third-party rights and any immunity or defense the City is entitled to shall, to the fullest extent allowed by law, be available to the Developer in any suit brought by third parties which in any way involved the Development Agreement.

1.85 The Developer shall retain a qualified engineer, licensed by the State of Alaska, to design and review the construction of said improvements including approving any changes and modifications of the design. "As-Built" drawings stamped and signed by a professional engineer and professional land surveyor will be provided to and approved by the City prior to acceptance. It is understood and agreed said engineer and surveyor are agents of and solely responsible to the Developer and is in no sense whatsoever the agents of the City.

1.90 The Developer shall coordinate the design and construction with the adjacent and affected property owners. Seven (7) days’ notice shall be provided prior to commencement of construction to those impacted by this project.

1.95 The Developer shall convey the ownership of the public improvements, described in Appendix ‘B’, to the City of North Pole upon acceptance. The form of the conveyance shall be as approved by the City Attorney. Only these improvements, if accepted by the City, shall be maintained by the City.

SECTION 2. THE CITY:

2.10 The City shall review and approve (when acceptable) the submitted engineering reports, plans, specifications and materials lists prior to construction and inspection of the project. Final approval is required by Mayor or Mayor’s designee prior to Notice to Proceed.

2.20 This Agreement does not obligate the City to finance any portion of the public improvements nor accept, operate or maintain any public improvements not constructed or inspected to City standards or design agreed to in this document.
2.30 Upon acceptance of the public improvements by the City Council, the City will take over ownership and operation of the public improvements detailed in this Agreement. City maintenance of these improvements will not begin until this time. The final acceptance inspection by the City of the public improvements detailed in this agreement will be conducted by the Mayor or Mayor’s designee, and representatives from other government agencies and the City as appropriate.

SECTION 3. APPENDICES:

3.10 This Agreement shall include all appendices and attachments referenced and such are incorporated herein as though fully set out herein. This Agreement is composed of the Development Agreement, attachments, and the following appendices:

APPENDIX ‘A’ Legal Description
APPENDIX ‘B’ Public Improvements to be conveyed to the City
APPENDIX ‘C’ Completion Schedule
APPENDIX ‘D’ Traffic control plan
APPENDIX ‘E’ Storm water plan (if required)
APPENDIX ‘F’ Temporary Roadway Maintenance Agreement

SECTION 4. GENERAL:

4.10 This Agreement shall not diminish the requirements of the Fairbanks North Star Borough (FNSB) or non-city, governmental agencies.

4.20 If the Developer should fail to repair property or facilities owned by the City which were damaged by the Developer, or his/her agents, or if the Developer makes changes in construction covered by this Agreement without approval by the City, the City, after three (3) days written notice to the Developer, can make such repairs or remove such changes at the expense of the Developer.

4.30 If the City determines the construction of an improvement does not comply with the plans and specifications as approved by the City, the City shall issue a written notice to the Developer specifying the deficiencies and may stop all further construction involving the work found to be non-complying. This stop work order shall remain in effect until the Developer has made all necessary arrangements to remedy the non-compliance and to provide assurances such non-compliance shall not again occur. All damages, loss, expense incurred by any party as the result of a stop order imposed by the City shall not be the responsibility of the City.
4.40 The Mayor or Mayor’s designee may authorize representatives (hereafter referred to as the Representative) to inspect all work done and all materials furnished for all improvements specified in this Agreement. The Representative shall have authority to reject materials or work, but the Mayor or Mayor’s designee shall have final authority for deciding if the Developer’s work and materials are acceptable. The Representative is not authorized to revoke, alter, enlarge, relax, or release any requirements of the plans and specifications, nor to approve or accept any portion of the work, nor to issue instructions contrary to the Agreement, nor act as supervisor for the Developer. The presence or absence of the Representative does not relieve the Developer from his/her obligation to perform all contract requirements and work shall not be deemed acceptable just by the reason of the presence of the Representative.

In Witness Whereof, This Agreement is made and entered into on the day and year first written above:

Developer: Ainley International Memorial Fund, LLC, DBA: North Star Developers

Managers

By: ________________________ Date: ________________
   Gerald Koerner, General Manager

By: ________________________ Date: ________________
   Jess Garn, Assistant Manager

By: ________________________ Date: ________________
   Alan Corrick, Deputy Manager

Owner: City of North Pole

Approved By: __________________________ Attest: _____________________
   Bryce J. Ward, City Mayor                  Judy Binkley, City Clerk
   Date ________________

Approved as To Form: __________________________
   Zane Wilson, City Attorney
   Date ________________
City Acknowledgment

State of Alaska

Fourth Judicial District

THIS IS TO CERTIFY that on this _____ day of ________, 20__, before me, the undersigned, a NOTARY PUBLIC in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Bryce J. Ward, known to me to be the City Mayor of the City of North Pole, the municipal corporation named in the foregoing instrument, and that they signed the same under authority of said municipal corporation as the free and voluntary act and deed of said corporation.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal the day and year above written.

__________________________________
Notary Public in and for the State of Alaska
Commission Expires: __________________

Developer Acknowledgment #1

State of Alaska

Fourth Judicial District

THIS IS TO CERTIFY that on this _____ day of __________, 20__, before me, the undersigned, a NOTARY PUBLIC in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Gerald Koerner known to me to be the person named in and who executed the foregoing instrument, and that he signed the same as the free and voluntary act and deed of North Star Developers with full knowledge of its contents for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal the day and year above written.

____________________________________
NOTARY PUBLIC:
Commission Expires: __________________
Developer Acknowledgment #2

State of Alaska

) ss

Fourth Judicial District

) ss

THIS IS TO CERTIFY that on this _____ day of __________, 20__, before me, the undersigned, a NOTARY PUBLIC in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Jesse Garn known to me to be the person named in and who executed the foregoing instrument, and that he signed the same as the free and voluntary act and deed of North Star Developers with full knowledge of its contents for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal the day and year above written.

____________________________________
NOTARY PUBLIC:
Commission Expires: ________________

Developer Acknowledgment #3

State of Alaska

) ss

Fourth Judicial District

) ss

THIS IS TO CERTIFY that on this _____ day of __________, 20__, before me, the undersigned, a NOTARY PUBLIC in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Alan Corrick known to me to be the person named in and who executed the foregoing instrument, and that he signed the same as the free and voluntary act and deed of North Star Developers with full knowledge of its contents for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal the day and year above written.

____________________________________
NOTARY PUBLIC:
Commission Expires: ________________
APPENDIX ‘A’

THE PROPERTY: The land owned by the Developer which is the subject of this agreement for purposes of this project is described below;

NORTH STAR II, Tract “A-1”, according to Record of Survey recorded as Plat No. 2010-13, Fairbanks Meridian, Alaska, Fairbanks Recording District.

NORTH STAR II SUBDIVISON, Tract “B” and Tract “C”, according to plat 2010-81, Fairbanks Meridian, Alaska, Fairbanks Recording District.

NORTH STAR II SUBDIVISON, Tract C, according to plat 2010-81, Fairbanks Meridian, Alaska, Fairbanks Recording District.

Please see attached Proposed Preliminary Plat Brookside Park
APPENDIX 'B'

PUBLIC IMPROVEMENTS TO BE CONVEYED TO THE CITY

The public improvements to be designed, constructed by the Developer, and conveyed to the City with associated easements necessary to encompass, operate and maintain these improvements are as follows:

Mr. Ainley developed over 600 acres of land in North Pole. Those include: Beaver, Beaver East, Baker, Mission Homestead, North Star I and portions of other Subdivisions. North Star Developers continues to develop, divide and sell land with the current focus on over 200 acres in the southern portion of the City. The primary purpose of the Developer is to sell the remaining land and distribute proceeds to not-for-profit organizations that meet humanitarian, spiritual, food, lodging and other needs of mankind. The Trustees of the David Ainley Revocable Trust established a development plan which was approved by a Fairbanks District Court judge and this Developers Agreement includes portions of that plan. The Developer, with the continuing partnership of the City, desires to continue to establish new subdivisions that link to existing subdivisions. This is a continuation of the Master Plan adopted by Mr. Ainley back in the 1970's. The Developer desires to continue to enhance the community with better roads, walking paths, improvements and where practical, expansion to existing sewer and water infrastructure. The Developer will meet or exceed FNSB Title 17 road design standards. Attached are the three road configurations.

The following will be an overview of the phasing and construction timeframe for construction, maintenance and dedication of all roads. The Developer has chosen to develop land in a phased approach, of which is outlined in the attached preliminary plat phasing diagram for Brookside Park. The plat phasing plan as outlined in the attachments to this agreement provide the phasing for plating approval only and do not constitute the road construction phasing as agreed to by the City and the Developer for the purposes of construction of roads to City standards and eventual ownership and maintenance of developed road once accepted by the City.

Phase one of the Brookside replat requires dedication of Blanket Blvd and Psalms Blvd from Blanket Blvd to Buzby Road. All of Blanket shall be constructed to the minimum road base standard as outlined in this agreement. Psalms Blvd from Buzby Road to and including the temporary cul-de-sac at Glory Court, shall be constructed to the minimum road base standard as outlined in this agreement. The temporary Psalms Blvd west of the temporary cul-de-sac, at Glory Court, to the intersection of Blanket Blvd shall be to

---

8 The walking path, within each phase, starting with phase two, will be finalized prior to submission to City for acceptance of street/s in that phase. The path will meander within the Blanket Blvd median within top of ditch back-slopes to retain as much natural aesthetics as possible and meander within ROW of Psalms Blvd. between the edge of ROW and top of ditch back-slope. The path will be at minimum of 4" above median ground level with 5" compacted E-1. The path will be flush with intersecting roads and appropriate signage for vehicular traffic control installed.

9 Typical Road Sections for Brookside Park; R&M Engineering Consultants, Jim Wellman, RPE, CE-1752

10 FNSB 17.12.030.J.2 allows flexibility in carrying out phases. The FNSB will specify on the plat; The first phase shall be submitted by (date) and the last phase shall be submitted by (date).
the minimum road base standard at each platting phase as outlined in the Brookside replat. All other roads required to be platted and constructed by the standards set forth by the Fairbanks North Star Borough shall be done so at the time of each specified phase, to the minimum road base standard as agreed to for the road sections included in the phase, to include placement of required street signs. All roads will be inspected by the City's selected engineer during construction for base material and site conditions. Roads will not be required to be built beyond the minimum standard as required by the Fairbanks North Star Borough and specified as the road base standard in this agreement until specified lots are sold or further developed, at that time, as agreed to in this contract, the Developer shall complete the road to the standard outlined in this agreement to include all walking paths and street signage. A work plan shall be submitted to the City prior to construction of any road or paving, to ensure proper inspections can be completed. All roads dedicated this plat to include Clear Water Court and the Blanket Extension (see plat 2010-81 F.R.D.) shall be the maintenance responsibility of the Developer and shall have signs posted at the entrances to the development stating “City road maintenance ends” until the City accepts the road, at which time the signs shall be removed. The developer shall make all efforts to give a presentation to the City Council each spring on the progress made and expected construction schedule.

During each phase (1-7) of the land surrounding Psalms Blvd, the road sections required to be built by Fairbanks North Star Borough platting standards shall be done so to the minimum base standard as provide for within this agreement. The Developer will not be required to finish the roads to the City paved standard until 80% of lots 1-45 (in phase 1-7) are developed (sale of 36 of 45 lots). The Developer will be required to notify the City at the time 80% of the lots are sold, at which time the Developer will have 1 year from the closing of the 36th lot to have completed the paving and have City acceptance. At the time of acceptance of the roads by the City, non-local truck traffic on Psalms Blvd. from the gravel pit on Tract G shall be limited to three trucks per hour. If the Developer desires to pave Psalms Blvd prior to 80% of lots 1-45 being sold, then truck traffic on Psalms Blvd. from the gravel pit on Tract G shall be limited to three trucks per hour. However, if the Developer chooses to pave the portion of Psalms Blvd adjacent to Tract C prior to the sale of 80% of lots 1-45 the Developer and mayor or the mayor’s designee may agree to a modified road design to accommodate the heavy truck traffic from the gravel pit.

Development of phase 8: The sale of lots 1-4 will require the completion and paving of Blanket Blvd within the portions dedicated under plat (2010-81 F.R.D.) and Clear Water Court. The Developer will be required to notify the City at the time all these lots are sold, at which time the Developer will have 1 year from the real-estate closing of the last lot to have completed the paving and have City acceptance.

Development of Tract D and E: The sale of Tract D or E will require the completion and paving of Blanket Blvd, to include the portions of Blanket dedicated under plat (2010-81 F.R.D.) to approximately 150' north of High Water Creek. The Developer will be required to notify the City at the time Tracts D or E are sold, at which time the Developer will have 1 year from the real-estate closing of the Tracts of land to have completed the paving and have City acceptance.
Development of Tract F or A: The Sale of Tract F or A will require the completion and paving of Blanket Blvd. from the cross-over on Blanket Blvd. approximately 150’s north of High Water Creek to the intersection of Psalms Blvd. The Developer will be required to notify the City at the time Tract F or A are sold, at which time the Developer will have 1 year from the finalizing of the real-estate closing of the Tracts of land to have completed the paving and have City acceptance. In the event that Tract D or E have not been sold AND Psalms Blvd have not been completed with paving then the Developer may request to delay paving and finish until Psalms Blvd is paved OR until the remaining section of Blanket will be paved.

**Minor Collector - Psalms Blvd** construction began in 2008 to City road base standards at the time, with the City water line paralleling the street. This is an undivided single two-lane street, two-way configuration that will consist of two 12-foot lanes, separated five-foot minimum walking path and one foot shoulders with Developer to meet or exceed City standards of 18” classified fill, 4” crushed rock and 1.5” asphalt surface. The road center line will be offset to the north approximately 2.5 feet between lots 1 and 35 to better protect the existing city water line.

Psalms Blvd will maintain this consistent typical road section, except however, for the last 750’ of the eastern end of Psalms Blvd by Buzby Road where the ROW transitions from 60’ to 70’ in the vicinity of Lot 1 and the Beaver Spring Creek crossing and the roadway center line varies within the north side of ROW curve. This expanded ROW width area is intended to better accommodate future commercial traffic generated by Tract C and existing North Star II Buzby Plat No. 2013-26 F.R.D. Lot 6.

The full road ROW limits will be cleared. Walking path location will be determined with agreement of the Mayor or Mayor’s designee, the typical section for the walking path shall be provided for within the agreement. Psalms Blvd will have access/egress at Buzby Road and the southernmost end of Blanket Blvd. Temporary Cul-de-sac’s will have a 120’ ROW diameter, shall consist of a minimum 96 feet outside turning diameter with a minimum 11-foot lane width and it shall consist of the same road standards mentioned above and will also be cleared within ROW limits. The temporary cul-de-sacs will be removed by the Developer prior to conveyance to the City with the road surface/shoulder adjusted to meet Psalms Blvd standards. Psalms Blvd. is approximately 3,300 feet long.

**Variance requests are:**

- The Developer requests to maintain [FNSB Title 17 ROW standard of 60’, whereas the City standard is 80’](#).
  - Reasoning: A 60’ ROW is needed because of the existing Beaver Springs Pond boundaries, existing City water main and easement, PUE land constraints, and DEC separation requirements from City water line, pond and creeks. Expanding the ROW to the City 80’ ROW would damage the Developer’s ability to develop lots along the lake, which will negatively impact the Developers ability to carry out the residential project.

- The Developer requests to modify road shoulder to one foot with a separated five feet minimum walking path. The [FNSB Title 17 road standard](#) is two feet and City
standard is four feet, however both street designs are without separated walking path.

- Reasoning: For pedestrian protection and to reduce anticipated future maintenance issues due to destructive consequences of four-wheelers driving on wider shoulders (as witnessed in other popular corridors).

- The Developer requests to modify street shoulder material to one foot of crushed rock. The City standard material is minimum 1.5-inch asphalt pavement.
  
  - Reasoning: The Developer is proposing a two foot wider paved ‘traveled way’ that the FNSB Title 17 standard of 10 feet. That may be considered as adding one foot of paved shoulder to each side of the street to protect a minimum of 10 foot ‘traveled way’ plus adding an additional one foot of crushed rock shoulders to either side to further protect the edge of pavement. The one-foot crushed rock shoulders also extends some lateral support to the actual roadway structure provided by the gravel and crushed rock material layers.

- The Developer requests to modify typical road section for Psalms Blvd. to offset road center line to the north approximately 2.5 feet from the alignment of the ROW center line between lots 1 and 35.
  
  - Reasoning: The offset will better protect the existing city water line from reduced physical and thermal covering.

- The Developer requests to modify street shoulder to a variable of 2:1 maximum from 3:1 maximum.
  
  - Reasoning: Natural ground surfaces vary; however, ditch depths must accommodate the Drainage Plan. The steeper slope will better protect the city water line.

- The Developer requests to modify street requirements for Psalms Blvd. during the sale of lots from the FNSB Title 17 minimum 3” E-1 surface topping minimum 15” classified fill (base material) to 18” minimum classified material (CONP standard for gravel). The road will be brought up to CONP surfacing standards, as stated within this document, after 80% of lots 1-45 are sold.
  
  Reasoning: An E-1 surface initially makes a stronger top during the summer but during the spring and fall puts public at risk with increased frost action (Heaving). The E-1 surface will deteriorate because of ATV’s, cement, lumber, moving, and gravel trucks for house construction and export. Also, E-1 would have to be removed and replaced with minimum D-1 crushed rock prior to asphalt surfacing. E-1 ‘pounded’ into the base course can degrade the classified fill course making it more frost susceptible. After 80% of lots 1-45 are, sold export of gravel from Tract G will be limited to three outgoing trucks per hour on Psalms Blvd. The road will remain gated and off limits to public traffic to protect at the terminus of each phase.

Future sleeves for water lines crossing Psalms Blvd will be either insulated HDPE pipe with a size sufficient to pull both in/out going water pipes, or will be 10-12” culvert / pipe, large enough to pull insulated water service loop through. Sleeve ends will be protected with sealed capped and marked with locator. Please see attached Typical Road Section.
**Minor Collector – two-way traffic - Blanket Blvd.** was approved in 2006 and constructed in 2008 to City road base standards at the time, with the City sewer line paralleling a major portion of the street. This is a divided two-way configuration (for the most part except for periodic cross-over points and the southern end where the divided two-way configuration comes together before Beaver Springs Creek crossing) that will consist of two 12-foot lanes, a separated five feet minimum walking path, and one-foot shoulders with Developer to meet or exceed City standards of 18” classified fill, 4” crushed rock and 1.5” asphalt surface. Blanket Blvd. will have access/egress at the existing northern end of Blanket Blvd. and connect to Psalms Blvd. The exceptionally wide ROW is to accommodate undisturbed nature areas and for walking path between traffic lanes, away from traffic, as already exists on North Blanket Blvd. Walking path location will be determined with agreement of the Mayor or Mayor’s designee, the typical section for the walking path shall be provided within the agreement, Blanket Blvd. is approximately 2,500 feet long.

Variances requests are:

- The Developer requests to modify street requirements for Blanket Blvd. during the sale of lots from the FNSB Title 17 minimum 3” E-1 surface topping minimum 15” classified fill (base material) to 18” minimum classified material (CONP standard for gravel). The road will be brought up to CONP surface standards when required. The road will remain gated and off limits to public traffic to protect the road base until residential construction is occupied and then gates will be relocated beyond residential construction area.

  **Reasoning:** An E-1 surface initially makes a stronger top during the summer but during the spring and fall puts public at risk with increased frost action (Heaving). The E-1 surface will deteriorate because of ATV’s, cement, lumber, moving, and gravel trucks for house construction and export. Also, E-1 would have to be removed and replaced with minimum D-1 crushed rock prior to asphalt surfacing. E-1 ‘pounded’ into the base course can degrade the classified fill course making it more frost susceptible.

- The Developer requests flat ditches in the limited section between Clear Water Court and High-Water Creek.

  **Reasoning:** The existing soil types are relatively free draining and are expected to absorb the runoff. The runoff quantity was calculated based on a 10-year peak rainfall rate for one hour in North Pole, whereas the CONP standards only require the minimum acceptable drainage system design of a 5-year rate. Safety concerns for extra deep ditch depth if sloped. Culverts will be provided at all ditch crossings to permit equalization of flow in the ditches. The flat ditch is designed for both absorption and to overflow into High Water Creek.

- The Developer requests the two-way road vary within wide 11’100’ ROW.

  **Reasoning:** The existing road base center line does not follow exactly 25’ from edge of ROW and road must meander slightly away from existing city sewer lift stations and controls.

---

11 The Developer added 10’ of drainage easement both sides of the 100’ ROW to better accommodate snow removal and slight meandering of road.
• The Developer requests to modify street shoulder to a variable of 2:1 maximum from 3:1 maximum.
  o Reasoning: Natural ground surfaces vary; however, ditch depths must accommodate the Drainage Plan.
• Road ways shall be cleared for 15’ from center line of traveled way and be cleared not more than 2’ beyond edges of walking path.
  o Reasoning: The existing ROW is extra wide to retain as much natural aesthetics as possible and a meandering walking path similar to the existing path at the northern end of Blanket Blvd.

**Local Roads:** Glory Court, Selah Court, 12 Clear Water Court and permanent Cul-de-sacs. These are undivided single two-lane street in a two-way configuration that will consist of two 11-foot lanes with one-foot shoulders with Developer to meeting or exceeding City 12” classified fill and 4” crushed rock cap and 1.5” of asphalt surface. The full road ROW limits will be cleared. Cul-de-sac’s will have a 120’ ROW diameter, shall consist of a minimum 96 feet outside turning diameter with a minimum 11-foot lane width and it shall consist of the same road standards mentioned above. Cul-de-sac to be cleared within ROW limits except for a minimum of 15 foot and a maximum of a 20-foot radius, from the center point, which will retain natural growth, when possible. Approximate length of Glory Court is 350 feet, and Selah Court 400 feet. Clear Water Court is 675 feet.

Variance requests are:
• The Developer requests to increase ROW width to 50’, from FNSB Title 17 ROW standard of 40’ whereas City standard of is 60’.
  o Reasoning: These side streets serve less than 10 residential lots, are very short, and expect minimal traffic and wear.
• The Developer requests modify street shoulder to one foot.
  o Reasoning: These side streets serve less than 10 residential lots, are very short, and minimal pedestrian traffic is anticipated. Note: Reduced shoulders were recently approved for a high density residential district in the City.
• The Developer requests to modify street shoulder material to one foot of crushed rock.
  o Reasoning: The Developer is proposing a two foot wider paved ‘traveled way’ than the FNSB Title 17 standard of 10 feet. That may be considered as adding two feet of paved shoulder to each side of the street to protect a minimum of 10 foot ‘traveled way’. The one-foot crushed rock shoulders also extend some lateral support to the actual roadway structure provided by the gravel and crushed rock material layers.
• The Developer requests to modify street shoulder to a variable of 2:1 maximum from 3:1 maximum.
  o Reasoning: Natural ground surfaces vary; however, ditch depths must accommodate the Drainage Plan.
• The Developer requests to modify streets during the sale of lots from the FNSB Title 17 minimum 3” E-1 surface topping minimum 12” classified fill (base

---

12 Clear Water Court will be consistent 11-foot lanes with one-foot shoulder.
13 See FNSB Road Standard for Local 1 residential lots.
material) to 12” minimum classified material (CONP standard for gravel). The road will be brought up to CONP surfacing standards, as stated within this document, after 80% of lots 1-45 are sold. Or as specified for each specific phase. Reasoning: An E-1 surface initially makes a stronger top during the summer but during the spring and fall puts public at risk with increased frost action (Heaving). The E-1 surface will deteriorate because of ATV’s, cement, lumber, moving, and gravel trucks for house construction and export. Also, E-1 would have to be removed and replaced with minimum D-1 crushed rock prior to asphalt surfacing. E-1 ‘pounded’ into the base course can degrade the classified fill course making it more frost susceptible.

Permanent traffic signs will be installed at the intersections. These signs will include street name signs and applicable regulatory signs. Appropriate traffic markings will also be provided.

Soft spots: In the event that “soft spots” are discovered during roadway construction, the Developer will follow FNSB guidelines, as required, with additional excavation of 12-24 inches in the affected areas and application of a geotextile membrane where required, then filled and compacted with Classified Fill.

Definitions of material:
Classified Fill shall be known as Sub Base Grade B or clean pit run.
Crushed Rock Cap shall be known as D-1 material.
E-1 materials are silty gravel as defined by State of Alaska, DOT.
Brookside Park is a multi-phased project consisting of over 200 acres, thus each stage will be carried out incrementally with the first phase, dedicating Blanket Blvd, and Psalms Blvd from the terminus of the newly dedicated Blanket Blvd to Buzby to the City, providing minimum legal constructed access to newly created tracts.

Since this is a multi-phased project and no one can accurately predict the time table of residential lot sales, the below schedule is tentative beginning with phase 1. The improvements shall be designed and constructed according to the following schedule: Extensions to the timeline shall be agreed to in writing by the Mayor or Mayor’s designee and the Developer and shall be granted in no more than one-year increments.

1. Submit Preliminary Design Report, Plans and Specifications to the CONP for approval: **March 26, 2018**.

2. Final Design - provide a copy of proposed technical plans and specs for construction contractor bidders to the CONP for approval: **on or before June 1, 2018**

3. CONP and FNSB Assembly Approvals;
   a. FNSB Zoning: January 25, 2018
   b. FNSB Platting: May 16, 2018 **preliminary approval**
   c. US Army Corps of Engineers Wetland Permit: NA
   d. ADEC: NA

4. Pre-construction Conference with all key Developer representatives and contractors, City representatives and Utility representatives: **on or before June 1, 2018**

5. Notice to Proceed: **on or before June 19, 2018**

6. Public Improvement Construction Completion: (minimum road base standard)

   **Phase 1**: Psalms Blvd: Approximately 750 feet of road from Buzby Road to a temporary cul-de-sac at the intersection of Glory Court. Blanket Blvd: Approximately 2,500 feet of road from the intersection of Clear Water Street to intersection of Psalms Blvd.

   **Phase 2**: Glory Court: Approximately 350 feet of road and cul-de-sac to serve lots 1-7.

   **Phase 3**: Psalms Blvd: Approximately 1,000 feet of road from Glory Court intersection to lot 15 with temporary cul-de-sac at lot 15, to serve lots 8-15.

   **Phase 4**: Psalms Blvd: Sleeves for water pipes installed to serve lots 16-21.

   **Phase 5**: Psalms Blvd: Approximately 550 feet of road with temporary cul-de-sac at lot 24 to serve lots 21-24 and 32.
Phase 6: Psalms Blvd: Approximately 700 feet of road from lot 24 to intersection of Blanket Blvd. to serve lots 25-29 and lots 30 & 31.

Phase 7: Psalms Blvd and Selah Court: Approximately 1,400 feet of road from lot 33 with a cul-de-sac at lot 37 and Selah Court to serve lots 29-45.

Phase 8: Clear Water Court; Approximately 675 feet of road to serve lots 1-4.

Final Construction of all roads and paths to City standards as agreed to: No later than October 31st of 2034.

7. "As-Built" Drawings per CONP guidelines: Upon completion of surface paving or completion of improvements or no later than October 31, 2034.

8. Final AIMF Conveyance: No later than October 31, 2034.

9. Final CONP Acceptance payments, certificate of release, etc.: Estimated within one year of completion of improvements or no later than October 31, 2034.

*A detailed construction schedule will be provided prior to the Notice to Proceed for the current phase of construction, reviewed monthly, and updated as required.
APPENDIX ‘D’

TRAFFIC CONTROL PLAN

A traffic plan is not expected but if required as for shoulder work or construction at Buzby Road, traffic, a traffic control plan will be developed at the appropriate time, submitted for approval, and completed as agreed.
APPENDIX ‘E’

STORM WATER PERMIT

The area of disturbance is considered maintenance within minimal grading of existing gravel roads, compaction, placement of D1 material and paving. Please see attached Drainage Plans for proposed Brookside Park. It is the Developers responsibility to maintain compliance with all storm water requirements with applicable jurisdictions.
APPENDIX ‘F’

TEMPORARY ROADWAY MAINTENANCE AGREEMENT

Developer to maintain unimproved Blanket Blvd, Psalms Blvd, Clear Water Court, Glory Court, and Selah Court until accepted by the City of North Pole. Once accepted by the City of North Pole, the City of North Pole will take over maintenance.

Temporary road maintenance will include the following:

- Provide dust control when dusty, including watering as needed.
- Grade surface when rough, including grading, at minimum, once annually.
- Plow snow when snowfall accumulation hampers two wheel drive use, including plowing as soon as possible after a snow event of four inches or more, as well as general snow removal when needed.
- Repair road sections whenever repair is warranted, including reconstructing any subgrade failure or sub base deficiencies.
- Respond to public when complaints are received, including corrective action when needed.
- Brush removal from road right of way at least once every two years.